

Regular

~~RA~~ REFUNDED.
NOT RA.

Name Golden rule farms

Address PO Box 255
Christmas valley Oregon

Change in PO, PDA

Date Filed 02/06/2020

Initial notice date 02/18/2020

DPD issued date

PD issued date 4/14/2021

PD notice date 4/20/2021

Date of FO _____ Vol _____ Page _____

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream well

Trib. of Malheur Lake, Donner & Blitzen river basin

Use Irrigation County Harney

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# G-1593 Per # G-1463 Cert # 32394 PR Date 10/02/1959

App# G-12928 Per # G-12262 Cert # 91418 PR Date 05/21/1992

App# G-12926 Per # G-12938 Cert # 91644 PR Date 05/21/1992

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
2-6-2020	\$5,990.00	131880
2-6-2020	\$125.00	131881
3-2-2020	\$1761.41	132039
5-18-2021	\$410.00	135255
5-19-2021	\$230.00	135258
5-19-2021	\$810.00	135259

FEES REFUNDED		
Date	Amount	Receipt #
7/22/2020	\$1206 ³²	VP051256
10/18/2023	\$1040 ⁰⁰	VP056662
10/18/2023	\$410 ⁰⁰	VP056663

Assignments: _____

Irrigation District _____

Agent John Short - water right services LLC
Johnshort@usa.com

CWRE _____

CC's list Harney County Planning

- Oversized map - Location _____

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: 10/10/2023

FROM: Will Davidson,
Phone: 503-507-2749

SUBJECT: **TRANSFER FILE - Request for Refund of Protest Fee Due to Withdrawal of Application**

TRANSFER FILE #: T-13363

RECEIPT #: 135255

Please prepare payment in the amount of \$410.00, made payable to:

Name: Golden Rule Farms, Inc.
Address: P.O. Box 255
City: Christmas Valley, OR 97641

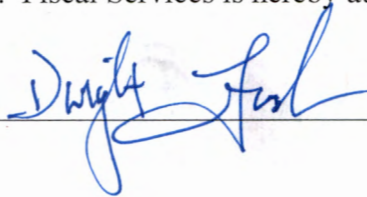
47235
0223

These funds are being paid or refunded as a result of (check one):

- Request for file to be Rejected/Withdrawn/Misfiled
- Excess fees were collected for application/PON
- Payment of PON
- Protest filing fee
- Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

10.12.23

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: 10/10/2023

FROM: Will Davidson,
Phone: 503-507-2749

SUBJECT: **TRANSFER FILE - Request for Refund of Protest and Request for Standing Fees Due to Withdrawal of Application**

TRANSFER FILE #: T-13363

RECEIPT #: 135258 & 135259

Please prepare payment in the amount of \$1,040.00, made payable to:

Name: WaterWatch of Oregon, Inc.
Address: 213 SW Ash, Suite 208
City: Portland, OR 97204

These funds are being paid or refunded as a result of (check one):

- Request for file to be Rejected/Withdrawn/Misfiled
- Excess fees were collected for application/PON
- Payment of PON
- Protest filing fee
- Other: Request for Standing Fee

47235
0223 - \$810⁰⁰
0234 - \$230⁰⁰

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

10.12.23



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

September 26, 2023

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

REFERENCE: Transfer Application T-13363

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. # 10 (via email)
Harney County Planning
John Short, Agent
Denise Montgomery, Scott D. Montgomery, Agent

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER WITHDRAWING
T-13363, Harney County)	A CHANGE IN POINTS OF APPROPRIATION
)	AND PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

GOLDEN RULE FARMS, INC.
PO BOX 55
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On February 6, 2020, GOLDEN RULE FARMS, INC. filed an application to change the points of appropriation and places of use under Certificates 32394, 91418, and 91644. The Department assigned the application number T-13363.
2. Notice of the application for transfer was published on February 18, 2020, pursuant to OAR 690-380-4000.
3. On October 3, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13363 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 3, 2020, for the applicant to respond.
4. On April 14, 2021, the Department issued a Preliminary Determination proposing to deny Transfer T-13363 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 20, 2021, and in the Burns Times-Herald newspaper on April 21 and 28, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. Two protests were filed in response to the notices.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

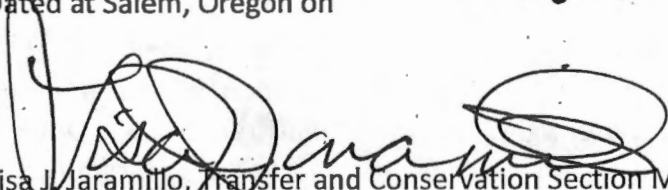
5. On August 24, 2023, the agent for the applicant requested via email that Transfer Application T-13363 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-13363 in the name of GOLDEN RULE FARMS, is withdrawn and of no further force or effect.

Dated at Salem, Oregon on

SEP 25 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing date: **SEP 26 2023**

DAVIS Arla L * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Thursday, August 24, 2023 2:59 PM
To: DAVIS Arla L * WRD
Cc: Tim Puckett; Langford, Shonee D.; Scott Montgomery (Scott@apeands.com); Howard, Elizabeth E.; DAVIDSON Will D * WRD
Subject: FW: Withdrawal T-13363 [IWOV-PDX.FID4532652]

Good Afternoon Arla,

Below please find below an email from Tim Puckett that I am forwarding to you on Tim's behalf. Tim is also copied on this email.

Thank you,
Lindsay

Lindsay Thane

Shareholder
Pronouns: she, her, hers
(503) 796-2059
lthane@schwabe.com

Schwabe

From: Tim Puckett <goldenrulefarms@gmail.com>
Sent: Thursday, August 24, 2023 12:32 PM
To: Thane, Lindsay M. <LThane@SCHWABE.com>
Subject: Withdrawal T-13363

To Whom it May Concern:

I am writing to request to withdraw my transfer application T-13363. I no longer wish to proceed with the transfer application T-13363 and would like to withdraw the application.

Thank you
Timothy P. Puckett

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DAVIS Arla L * WRD

From: DAVIDSON Will D * WRD
Sent: Monday, August 28, 2023 4:44 PM
To: DAVIS Arla L * WRD
Subject: RE: Withdrawal T-13363 [IWOV-PDX.FID4532652]

Hi Arla,

I've completed my review and talked with Dwight, and it is fine to proceed as we originally discussed – i.e. issuing an order recognizing that Golden Rule has withdraw its application based on the email we received and issuing final orders for T-13924, T-13925, and T-13926. When the order recognizing withdrawal of T-13363 is mailed out, please make sure that it goes to Lisa Brown at WaterWatch in addition to Golden Rule and Golden Rule's attorneys. I can get you WaterWatch's address if needed. Because I was able to get this figured out today and we are going to proceed as planned, I have not reached out to Lindsay Thane about needing more time to evaluate the proper course of action.

Thanks,

Will

From: DAVIDSON Will D * WRD
Sent: Monday, August 28, 2023 8:39 AM
To: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Subject: RE: Withdrawal T-13363 [IWOV-PDX.FID4532652]

Hi Arla,

I apologize for doing this after giving you the go-ahead last week, but I need to do some additional checking to make sure that we are doing everything we need to do to get application T-13363 withdrawn in the proper way, particularly since another party also filed protest. After doing some further review of the applicable statutes and rules, I am not sure that my initial conclusion that Golden Rule can just withdraw its application by sending an email is correct.

Would you please hold off on processing the withdrawal final order for T-13363 and the final orders for T-13924, T-13925, and T-13926 for the moment? I will let you know when I have determined what should happen next, and I will also update Lindsay Thane on what is going on. Feel free to give me a call if you would like to discuss.

Thanks,

Will

Will Davidson

Protest Program Coordinator
Oregon Water Resources Department
725 Summer St NE Suite A | Salem, OR 97301 | Work Cell: (503) 507-2749
Email: will.d.davidson@water.oregon.gov

From: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Sent: Thursday, August 24, 2023 3:03 PM
To: Thane, Lindsay M. <LThane@SCHWABE.com>
Cc: Tim Puckett <goldenrulefarms@gmail.com>; Langford, Shonee D. <SLangford@SCHWABE.com>; Scott Montgomery <Scott@apeands.com> <Scott@apeands.com>; Howard, Elizabeth E. <EHoward@SCHWABE.com>; DAVIDSON Will D * WRD <Will.D.DAVIDSON@water.oregon.gov>
Subject: RE: Withdrawal T-13363 [IWOV-PDX.FID4532652]

Hi Lindsay,

Thank you for your email. I will get the Withdrawal Final Order into Peer review and will work to get the Final Orders for T-13924, T-13925, and T-13926 out to Golden Rule next week. Please let me know if there are any questions.

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day.

Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Thursday, August 24, 2023 2:59 PM
To: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Cc: Tim Puckett <goldenrulefarms@gmail.com>; Langford, Shonee D. <SLangford@SCHWABE.com>; Scott Montgomery <Scott@apeands.com> <Scott@apeands.com>; Howard, Elizabeth E. <EHoward@SCHWABE.com>; DAVIDSON Will D * WRD <Will.D.DAVIDSON@water.oregon.gov>
Subject: FW: Withdrawal T-13363 [IWOV-PDX.FID4532652]

Good Afternoon Arla,

Below please find below an email from Tim Puckett that I am forwarding to you on Tim's behalf. Tim is also copied on this email.

Thank you,
Lindsay

Lindsay Thane

Shareholder

Pronouns: she, her, hers

(503) 796-2059

lthane@schwabe.com

Schwabe

From: Tim Puckett <goldenrulefarms@gmail.com>

Sent: Thursday, August 24, 2023 12:32 PM

To: Thane, Lindsay M. <LThane@SCHWABE.com>

Subject: Withdrawal T-13363

To Whom it May Concern:

I am writing to request to withdraw my transfer application T-13363. I no longer wish to proceed with the transfer application T-13363 and would like to withdraw the application.

Thank you

Timothy P. Puckett

NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Transfer Application T-13363 in the name of Golden Rule Farms, Inc.	PROTEST OF PRELIMINARY DETERMINATION PROPOSING DENIAL OF CHANGE IN POINTS OF APPROPRIATION AND PLACES OF USE
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Introduction

This protest is filed on behalf of Golden Rule Farms, Inc. (“Golden Rule”) pursuant to OAR 690-002-0030, OAR 690-380-4030 and ORS 540.520.

On February 6, 2020, Golden Rule filed an application to change points of appropriation and places of use under three water right certificates (“Application T-13363”). On April 14, 2021, the Oregon Water Resources Department (“OWRD” or “Department”) issued a Preliminary Determination proposing to deny Application T-13363.

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Background

Golden Rule proposes to change the points of appropriation (“POA”) under Certificates 32394, 91418, and 91644 to three new wells. The currently authorized wells and “FROM” lands are in the Briggs and South Sodhouse areas, in the Greater Harney Valley Groundwater Area of Concern (“GHVGAC”). The proposed new wells and “TO” lands are in Anderson Valley, which is outside the GHVGAC in an area that OWRD has previously included as part of the Steens Mountain sub-aquifer or region. Prior to filing Application T-13363, Golden Rule discussed the proposed transfer with OWRD and was told the transfer would likely be approved, because the source aquifer is connected between the “TO” and “FROM” areas. However, the Preliminary Determination now concludes that the points of appropriation would draw groundwater from a different aquifer (Findings 23, 25 and 29) and would result in injury to other existing water rights (Findings 24 and 30).

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For reasons described below, the Department erred in concluding that the proposed transfer would draw water from a different aquifer and injure other water rights. Application T-13363 must therefore be approved.

Request for Hearing and Elements of Protest

Golden Rule hereby requests a contested case hearing. The elements of a protest, as required by OAR 690-002-0030 and 690-380-4030, are addressed below.

Golden Rule notes that OAR 690-380-4030(3) requires an applicant who files a protest to provide an affidavit pursuant to OAR 690-380-4020(3) – but there is no such requirement in OAR 690-380-4020(3). That rule merely requires an applicant to pay for newspaper publication.

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1. Protestant's Name and Address

Golden Rule Farms Inc.
PO Box 255
Christmas Valley, OR 97641
(541) 576-2273

2. Name and Address of Other Persons Necessary to, or Having a Direct Interest In, the Proceeding

None

3. Facts Sufficient to Show the Protestant is Entitled to the Relief or Action Requested; Reasonably Ascertainable Issues and Arguments

For reasons that follow, the Department erred in concluding that the points of appropriation would draw groundwater from a different aquifer (Findings 23, 25 and 29) and would result in injury to other existing water rights (Findings 24 and 30). The Department must therefore approve T-13363.

A. The proposed transfer would not result in withdrawal of water from a different aquifer.

The Preliminary Determination concludes that the proposed transfer would result in withdrawal of water from a different aquifer, in violation of OAR 690-380-2110(2). This conclusion is based on the Department's Groundwater Transfer Review for T-13363, dated April 6, 2020 ("Groundwater Review"). Specifically, the Groundwater Review concludes that the proposed points of appropriation ("TO" wells) would not develop water from the same source aquifer as the existing authorized POAs ("FROM" wells), because the two areas are "sub-watersheds" within an "aquifer system" that do not share "a common recharge area." (p. 3). The Department is attempting to redefine the term "aquifer" for purposes of evaluating transfers within the GHVGAC and nearby areas – something that cannot be done without a rulemaking proceeding pursuant to OAR Chapter 690, Division 001, and OAR Chapter 137, Division 001.

A proposed POA must draw water from the "same aquifer" as the original POA. OAR 690-380-2110(2). The term "aquifer," in turn, is defined by rule as "a water-bearing body of naturally occurring earth materials that is sufficiently permeable to yield useable quantities of water to wells and/or springs." OAR 690-008-0001(1). Unlike the Groundwater Review, this rule does not describe "sub-watersheds" within an "aquifer system" as different source aquifers based on whether or not they share a common recharge area. Rather, an "aquifer" is simply "a water-bearing body" that yields "useable quantities of water." *Id.* According to the Groundwater Review, "the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system..." (p. 3). Golden Rule asserts that "a single groundwater flow system" is synonymous with "a water-bearing body," and is therefore a single "aquifer" for purposes of both OAR 690-008-0001(1) and OAR 690-380-2110(2).

It is the entire, regional aquifer that is the source at issue, and the Groundwater Review confirms that there is a single aquifer system encompassing the “FROM” wells and the “TO” wells in T-13363: “the proposed “TO” wells are part of the same groundwater flow system as the adjacent portions of the Malheur Lake basin, hydrographic Harney Basin, and GHVGAC.” (p. 4). Therefore, the correct conclusion is that the “TO” and “FROM” wells are in the same aquifer and the proposed transfer does not violate OAR 690-380-2110(2).

It is also notable that the Groundwater Review for T-13363 refers to Golden Rule’s groundwater application G-17592. That application has the same POAs as the proposed POAs in T-13363. The superseding Public Interest Review for Groundwater Application G-17592, dated October 10, 2019, states: “wells producing from alluvium or basalt in this area are not considered separate sources, as there is no documented evidence of hydraulic separation between these horizons. . . . [W]ells on this application shall be considered to produce from the greater regional flow system.” (p. 1). After noting that the proposed POAs are “between 0.5 and 2.5 miles from the Malheur Lake administrative basin and [GHVGAC] boundary” and share “similarities in the hydrogeologic setting,” the reviewer states that “evaluation of available water level data demonstrates that the surface water divide here does not serve as a groundwater divide, that the proposed wells are part of the same groundwater flow system as portions of the GHVGAC....” (p. 3). The Department denied Application G-17592 based in part on an allegation that the POAs would draw water from the same aquifer as other water rights within the GHVGAC. The Department’s review of Application G-17592 is evidence that it in fact believes that the proposed “TO” wells under T-13363 would draw from the same aquifer as the “FROM” wells. OWRD cannot have it both ways. Either the POAs draw from the same source or they do not.

It is also notable that OWRD has recently issued certificates for two Golden Rule transfers, namely T-12336 and T-12338. For each of these, OWRD recently approved the transfer of POAs and places of use from one side of Malheur Lake to the other – distances of over 12 miles for T-12336 and nearly 24 miles for T-12338. In doing so, OWRD deemed the old and new POAs to be within the same source aquifer that is at issue in T-13363. OWRD’s Groundwater Review and preliminary determination for T-13363 are a clear departure from its approval of these prior Golden Rule transfers.

The Department’s findings and conclusions regarding different source aquifers are based on erroneous interpretations of law; are inconsistent with agency rules, an officially stated agency position, and prior agency practice; and are not supported by substantial evidence in the record for T-13363. ORS 183.482.

B. The proposed transfer would not result in injury to other existing groundwater rights.

The Groundwater Review concludes that T-13363 is likely to result in an increase in interference with another groundwater right, but the findings in the Groundwater Review do not actually support that conclusion. In addition, even if there were support for that conclusion, a finding of increased interference is insufficient to make a finding of injury.

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A proposed transfer must not result in injury. OAR 690-380-4010. OWRD's rules define injury as "another, existing water right not receiving previously available water to which it is legally entitled." OAR 690-380-0100(3). In officially published interpretations and in contested cases, OWRD has explained that in the context of groundwater, injury means that a senior groundwater appropriator must experience "substantial or undue interference." See attached Exhibit A (OWRD Memo, dated April 17, 1997) and Exhibit B (OWRD Response to Interrogatories, dated January 16, 2020, Responses to Interrogatories No. 3 and 4). Substantial or undue interference means "the spreading of the cone of depression of a well to intersect . . . another well, or the reduction of the ground water gradient and flow as a result of pumping, which contributes to . . . [t]he ground water level being drawn down to the economic level of the senior appropriator(s); or [o]ne or more of the senior ground water appropriators being unable to obtain either the permitted or customary quantity of the ground water, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. . . ." OAR 690-008-0001(8)(b)-(c).

The Groundwater Review includes a vague comment that T-13363 would "result in an increase in interference with an entirely different group of groundwater rights in the vicinity of the proposed 'TO' wells." (p. 3). The comment lacks the specificity required to show the transfer would cause injury, as it fails to demonstrate that any other groundwater right would experience substantial or undue interference as defined in OAR 690-008-0001(8). Stated another way, an alleged "increase in interference" (which is not the applicable legal standard) does not amount to a finding of "substantial or undue interference."

The Groundwater Review also includes a finding that "junior groundwater rights in the Virginia Valley area have decline conditions that would be triggered earlier if the proposed transfer was approved." (p. 4). This finding is not supported by substantial evidence in the Groundwater Review or elsewhere in the record for T-13363. Nor does the potential triggering of decline conditions serve as a substitute for a proper injury analysis. Again, the Department is creating new standards out of whole cloth rather than applying well-defined and longstanding standards for determining injury in the groundwater context. To Golden Rule's knowledge, the Department made no effort to apply the correct injury standard to any of the other existing groundwater rights identified in Finding 24 of the Preliminary Determination, despite Golden Rule flagging this specific issue in a series of communications with OWRD.

The Department uses terms like "interfere with," "increase in interference," and "negatively impacted," to justify its conclusion that the transfer would injure other water rights. (see, e.g., Preliminary Determination, Findings 23 and 24). But the Groundwater Review and Preliminary Determination do not cite a single instance of "substantial or undue interference," as is required by law and longstanding agency practice.

Additionally, OWRD has not conducted the type of analysis of Anderson Valley that has been conducted within the GHVGAC to demonstrate the degree of connection with Virginia Valley. Hydrographs and geological data indicate that there is in fact a strong separation between Virginia Valley and Anderson Valley. There are, among other indicators, different geology (above and below ground), differences in water levels, significant differences in well depths and the depths at which pumps must be set, and differences in well responses from wells in each of these areas. The two areas are not joint or closely connected sub-watersheds within the

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regional aquifer, as OWRD would suggest. Anderson Valley is in a distinct sub-area from Virginia Valley – if OWRD is going to compare the potential effect of T-13363 on other water rights, it must account for these differences, in addition to conducting a true evaluation of injury.

In any event, the type of generalized declines the Groundwater Review indicates would occur do not equate to a finding of substantial or undue interference, i.e., injury, to other groundwater rights. A generalized decline is not the same as substantial or undue interference. General statements regarding water level declines suggest the Department did not carefully review available water level data, water rights, well logs, or the local geology in coming to its conclusion that T-13363 would cause injury to other specific water rights.

In addition to the above, the Groundwater Review seems to rely on its finding that the “TO” wells are within approximately 1 mile of the Malheur Lake administrative basin and the GHVGAC to support its conclusion of injury—arguing that the “TO” wells are part of the same groundwater flow system as the GHVGAC (again, note how this statement supports a finding that the “TO” wells would draw water from the same aquifer) (p. 4). This assertion is, standing alone, insufficient to support OWRD’s finding of injury.

Furthermore, only the Oregon Water Resources Commission (“Commission”) can adopt rules like those put in place for the GHVGAC, and such rules must be “based on substantial evidence in the record...to justify the imposition of restrictions.” ORS 537.525(9) and 537.780(2). The Commission has not adopted such rules for Anderson Valley. OWRD therefore cannot lawfully restrict groundwater uses in Anderson Valley based on generalized concerns about regional groundwater levels. The Commission did not include Anderson Valley in the GHVGAC despite the fact that it had ample opportunity to do so. Apparently the Department did not recommend to the Commission that it be included, or if it did the Commission chose not to.

The Groundwater Review’s remark about nearness to the GHVGAC indicates that OWRD is trying to find some mechanism to deny the transfer. But proximity to the GHVGAC is not a measure of whether a transfer can be approved. The Commission must enact rules that would authorize OWRD to deny transfers due to regional groundwater declines. ORS 537.780(2). To date, the Commission has not adopted rules restricting transfers in Anderson Valley, nor has it done so for GHVGAC. The fact that Anderson Valley is located *near* the GHVGAC is not a legitimate basis for denying the proposed transfer.

The Department’s findings and conclusions regarding different source aquifers are based on erroneous interpretations of law; are inconsistent with agency rules, an officially stated agency position, and prior agency practice; and are not supported by substantial evidence in the record for T-13363. ORS 183.482.

For all of the above reasons, the Department should issue a final order approving application T-13363.

4. Specific Relief or Action Requested

Golden Rule requests a timely contested case hearing and issuance of a final order approving Application T-13363. Golden Rule has sought to settle with OWRD, presenting a

5 – PROTEST OF PRELIMINARY DETERMINATION PROPOSING TO DENY TRANSFER APPLICATION T-13363 IN THE NAME OF GOLDEN RULE FARM, INC.

substantial offer that would have improved conditions in the regional aquifer. OWRD rejected that offer with no reason or explanation. Therefore, Golden Rule does not at this time anticipate that OWRD would engage in good faith settlement efforts. Should that change, Golden Rule is happy to entertain a settlement offer from OWRD.

5. Citation of Legal Authority or Basis for the Claim or Relief Asserted or Requested

Legal authority known to the Golden Rule at this time:

ORS 540.510, 540.520 and 540.530 relating to transfer applications.

OAR Chapter 690 Division 380 relating to transfer applications.

OAR Chapter 690 Division 002 relating to protests and contested case hearings.

OAR Chapter 690 Division 008 relating to statutory groundwater terms.

Specific legal authority cited elsewhere in this protest, including the exhibits provided herewith.

6. Protest Fee

Please see the attached check in the amount of \$410.00 payable to the Oregon Water Resources Department.

7. Proof of Service

Not applicable. Golden Rule is the sole applicant and holder of the water rights subject to transfer.

///

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CONCLUSION

For reasons described in this Protest, Golden Rule is entitled to a final order approving T-13363, and hereby requests a timely contested case hearing.

DATED: May 17, 2021.

SCHWABE WILLIAMSON and WYATT



Elizabeth E. Howard
ehoward@schwabe.com
Shonee D. Langford
slangford@schwabe.com
Schwabe, Williamson & Wyatt
1211 SW Fifth Ave., Suite 1900
Portland, OR 97204
Telephone: 503-796-2093
Facsimile: 503-796-2900
Of Attorneys for Protestant

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CERTIFICATE OF SERVICE

I certify that on May 17, 2021 my office sent by overnight delivery the original PROTEST OF PRELIMINARY DETERMINATION PROPOSING TO DENY TRANSFER APPLICATION T-13363 IN THE NAME OF GOLDEN RULE FARM, INC. to the Oregon Water Resources Department at 725 Summer St. NE, Suite A, Salem, Oregon 97301.

SCHWABE WILLIAMSON and WYATT



Elizabeth E. Howard
ehoward@schwabe.com
Schwabe, Williamson & Wyatt
1211 SW Fifth Ave., Suite 1900
Portland, OR 97204
Telephone: 503-796-2093
Facsimile: 503-796-2900
Of Attorneys for Protestant

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Exhibit A

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Water Resources Department

MEMO

April 17, 1997

TO GW

FROM

Fred

SUBJECT Injury Determination @ Transfer

When evaluating an application for transfer of a POA, we, of course, evaluate for injury with water rights already in existence in the vicinity of the proposed POA. As a practical matter, the injury test is one of the degree of interference. If the exercise of the transferred water right at the new POA will prevent an existing water right--whether senior or junior to the transferred right--from being satisfied injury has occurred. Thus, injury is similar to substantial interference, differing, however, on the issue of relative priority. Just as the finding of substantial interference depends upon the complainant's well fully developing the aquifer, the finding of injury depends upon the degree to which the transferred right would interfere with an existing right if the POA for that right fully developed the aquifer.

In evaluating transfers for injury, you must make a determination as to whether the degree of interference with an existing right would be substantial if the POA for that right fully developed--fully penetrated--the aquifer. The fact that an existing right may have to deepen their well after the transfer is complete does not constitute injury as long as after doing so the right can be satisfied.

A similar analysis of injury can apply to the issue of well construction. The definition of substantial interference requires that the complainant's well be reasonably efficient. It is not reasonable to prevent a proposed transfer due to finding of injury if the degree of interference prevents an existing right from being satisfied because the well for the existing right is too inefficient.

In evaluating transfers for injury, you must make a determination as to whether the degree of interference with an existing right would be substantial if the well for that right were reasonably efficient. The fact that an existing right may have to recondition their well to improve its efficiency after the transfer is complete does not constitute injury as long as after doing so the right can be satisfied.

Exhibit B**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS****STATE OF OREGON****for the****OREGON WATER RESOURCES DEPARTMENT**

In the Water Right Application G-18797 in the
name of KC Development Group LLC

**DEPARTMENT'S RESPONSE TO KCDG's
INTERROGATORIES**

OAH Reference No. 2019-OWRD-00029
Agency Case No.: G-18797

The Oregon Water Resources Department ("OWRD" or "Department") responds to Applicant KC Development Group LLC's ("KCDG") December 20, 2019 Interrogatories. The responses are based upon the best knowledge, information, and belief of the Department at this time. The Department reserves the right to make any further response if it appears that any omission or error has been made in connections with these responses or that more accurate information is or has become available. These responses are made without prejudice to the Department's right to use in later discovery or to present at hearing such evidence as may later be discovered or evaluated.

The Department objects to providing any information protected by the attorney/client privilege, work-product privilege, or any other privilege. By producing documents, the Department neither waives nor intends to waive, but instead expressly preserves the following objections:

1. All objections regarding admissibility, including but not limited to privilege, competency, relevancy, materiality, redundancy, vagueness and ambiguities; and
2. All rights to object in the future, on any appropriate ground, to any request for further document production or discovery requests.

These general objections are incorporated into the responses of the Department to each request. Without waiving these objections, the Department will produce relevant, non-privileged documents called for by the request, to the extent stated below.

INTERROGATORIES

INTERROGATORY NO. 1: Please explain whether the wells identified in the Protest draw water from the same aquifer as the KCDG Well DESC 59909, including the reason(s) for your answer.

RESPONSE: The Department objects to this request for an explanation of whether “the wells identified in the Protest” draw water from the same aquifer as DESC 59909 because it is overbroad, vague and ambiguous. Without waiving that objection, the Department avers that the wells identified as Well #2 and Well #3 in Exhibit 2 to the Protest and DESC 59909 draw groundwater from the Deschutes formation aquifer system.

INTERROGATORY NO. 2: Describe how OWRD has considered the comments received by OWRD regarding Application G-18797.

RESPONSE: The Department considered the comments received by OWRD regarding Application G-18797 in accordance with ORS 537.720-721 and OAR 690-310-0140 and OAR 690-310-150.

INTERROGATORY NO. 3: Describe how OWRD evaluates the potential for substantial interference with other groundwater rights by Application G-18797 and whether the Department has determined that there would (or would not) be substantial interference.

RESPONSE: No application for a proposed new groundwater use “shall be approved when the same will deprive those having prior rights of appropriation for a beneficial use of the amount of water to which they are lawfully entitled.” ORS 537.628(1). When an application for a new groundwater right “discloses the probability of wasteful use or undue interference with existing wells . . .the Water Resources Department may impose conditions or limitations in the permit to prevent the same or reject the same after hearing” or begin the process for declaring a critical groundwater area. ORS 537.629(1). “ ‘Substantial or Undue Interference’ means the spreading of the cone of depression of a

OWRD

well to intersect a surface water body or another well, or the reduction of the ground water gradient and flow as a result of pumping, which contributes to . . . [t]he ground water level being drawn down to the economic level of the senior appropriator(s); or [o]ne or more of the senior ground water appropriators being unable to obtain either the permitted or the customary quantity of ground water, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. However, in aquifers where flow is predominantly through fractures, full penetration may not be required as a condition of substantial or undue interference.” OAR 690-008-001(8)(b)-(c). The Department has not determined that Application G-18797 would cause substantial or undue interference with other wells.

INTERROGATORY NO. 4: What is OWRD’s definition of “injury” as applied to Application G-18797?

RESPONSE: Please see the response to interrogatory number 3.

INTERROGATORY NO. 5: Explain the data and information OWRD relies upon to determine that other water rights would not be injured by Application G-18797.

RESPONSE: Please see the response to interrogatory number 3 for an explanation of the Department’s evaluation of how a new groundwater right may affect existing rights. In making its evaluation, the Department draws on general principles of hydrogeology, knowledge of the target aquifer, information provided in the permit application regarding location of the well (point of appropriation), the target aquifer (source), and the rate, volume, and seasonality of the proposed use, and the well construction specifics of DESC 59909.

INTERROGATORY NO. 6: Explain whether the pumping capacity of a well is considered as part of OWRD’s determination regarding whether water is available in the amount requested for a proposed groundwater use (see Protest, p. 10).

RESPONSE: The Department objects to this request for an explanation of whether “pumping capacity is considered as part of OWRD’s determination regarding whether

water is available” because it is overbroad, vague and ambiguous. Without waiving that objection, the Department responds that it does not, as a rule, consider pumping capacity of a well in determining whether water is available. The Department avers, however, that the range and distribution of reported pumping capacities of a suite of wells completed in a particular aquifer may indicate the capacity of the resource in that aquifer.

INTERROGATORY NO. 7: Explain the data and information OWRD relies upon to determine water availability for Application G-18797.

RESPONSE: OAR 690-505 and 521 describe the process by which groundwater in the Deschutes Basin may be appropriated by mitigating the impact of the proposed use on hydraulically connected streamflow in designated reaches of the Deschutes Scenic Waterway. The Department found that mitigation in the amount of 60.34 acre feet satisfies the mitigation requirement under OAR-690-505. The data and information relied upon for the groundwater availability for the application is documented in the “Public Interest Review for Groundwater Applications” for the application.

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INTERROGATORY NO. 8: Explain why OWRD did not require that KCDG submit a reservoir permit application in addition to Application G-18797.

RESPONSE: The Department did not require that KCDG submit a reservoir permit in addition to application G-18797 because it determined the application was complete under ORS 537.620.

DATED this 16th day of January, 2020.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General



Mariel J. Combs, #004551
Senior Assistant Attorney General
Of Attorneys for Oregon Water Resources
Department

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MAY 13 2021

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CERTIFICATE OF SERVICE

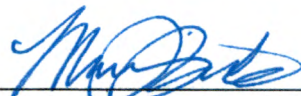
I hereby certify that on January 16, 2020, I served a full, true and correct copy of the DEPARTMENT'S RESPONSE TO KCDG's FIRST SET OF INTERROGATORIES upon the parties hereto as follows:

Elizabeth Howard
Kenneth Kataroff
Schwabe Williamson & Wyatt PC
1211 SW 5th Avenue, Suite 1900
Portland, OR 97204
ehoward@schwabe.com
kkataroff@schwabe.com

Janet E. Neuman
Tonkon Torp LLP
888 SW 5th Avenue, Suite 1600
Portland, OR 97204
janet.neuman@tonkon.com

Patricia E. McCarty
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1279
patricia.e.mccarty@state.or.us

DATED this 16th day of January 2020.



Mariel J. Combs, OSB #004551
Senior Assistant Attorney General
Natural Resources Section

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MAY 13 2020
OWRD

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135255**

INVOICE # _____

RECEIVED FROM: Schwabe, Williamson &
BY: Wyatt, P. C.

APPLICATION	
PERMIT	
TRANSFER	T-13363

CASH: CHECK:# **2394/10** OTHER: (IDENTIFY)

TOTAL REC'D \$ 410.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS **47235**

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

0223 OTHER (IDENTIFY) Protest Fees **\$410.00**

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____ **RECEIVED**
OBJ. CODE _____ VENDOR # _____ **OVER THE COUNTER**
DESCRIPTION _____ \$ _____

RECEIPT: **135255** DATED: **5-18-2021** BY: [Signature]

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135255**

INVOICE # _____

RECEIVED FROM: Schwebe, Williamson &
 BY: Wyatt, P.C.

APPLICATION	
PERMIT	
TRANSFER	<u>T-13363</u>

CASH: CHECK: # 239410 OTHER: (IDENTIFY)

TOTAL REC'D \$ 410.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 47235

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

0223 OTHER (IDENTIFY) Protest Fees \$410.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
 0210 MONITORING WELLS \$ _____ CARD # _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
 0231 HYDRO LICENSE FEE (FWWRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE **RECEIVED**
 OBJ. CODE _____ VENDOR # **OVER THE COUNTER**
 DESCRIPTION _____ \$ _____

RECEIPT: **135255** DATED: 5-18-2021 BY: [Signature]

OREGON - CLIENT ADVANCE

SCHWABE WILLIAMSON & WYATT, P.C.

Key Bank of Oregon Acct#71971020966

DATE: 05-17-21 PAYEE: OREGON WATER RESOURCES DEPARTMENT VENDOR #OWRRI CHECK #: 239410

VOUCHER #	INV. #	INV. DATE	MATTER NUMBER	INV. DESCRIPTION	AMT. PAID
1535106	PROTEST	05-17-21	135315-251156		410.00
RECEIVED MAY 18 2021 OWRD					
TOTAL					410.00

DATE: 05-17-21 PAYEE: OREGON WATER RESOURCES DEPARTMENT VENDOR #OWRRI CHECK #: 239410

VOUCHER #	INV. #	INV. DATE	MATTER NUMBER	INV. DESCRIPTION	AMT. PAID
1535106	PROTEST	05-17-21	135315-251156		410.00
TOTAL					410.00



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MAY 18 2021

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RECEIVED

MAY 18 2021

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Schwabe Williamson & Wyatt P.C.

1211 S.W. Fifth Ave. Portland, OR 97204-3795

Transaction Type: PROTEST

Fees Received: \$ 410.00

Cash

Check:

Check No. 23940

Name(s) on Check: SAME

Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

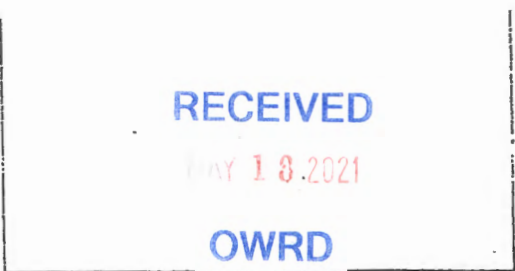
Submission received by: C. M. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt-Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



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MAY 18 2021
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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Schwabe Williamson & Wyatt P.C.
1211 S.W. Fifth Ave. Portland, OR 97204-3795

Transaction Type: PROTEST

Fees Received: \$ 410.00

Cash Check: Check No. 239410
Name(s) on Check: SAME
Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

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Sincerely,
OWRD Customer Service Staff

Submission received by: C. M. Middleton
(Name of OWRD staff)

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- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
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- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

May 17, 2021

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

VIA UPS OVERNIGHT DELIVERY

Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301-1271

RECEIVED

MAY 18 2021

RE: Protest of Proposed Final Order to Deny on Application T-13363
Our File No. 135315-251156

OWRD

Dear Sir or Madam:

Please find enclosed the Protest of Preliminary Determination Proposing Denial of Change in Points of Appropriation and Places of Use for Application T-13363 (with attached Exhibits A and B). This protest is being submitted on behalf of Golden Rule Farms Inc., the applicant.

I have also attached our check in the amount of \$410 for the protest fee.

Sincerely,



Elizabeth E. Howard

EEH:cw

Enclosures

cc: Client

PDX\135315\251156\EEH30860061.1

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135258**

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13363</u>

CASH: CHECK:# 14625 OTHER: (IDENTIFY) _____

TOTAL REC'D	\$ <u>230.00</u>
-------------	------------------

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
0243 I/S Lease	_____	0244 Muni Water Mgmt. Plan	_____
_____	_____	0245 Cons. Water	_____

4270 WRD OPERATING ACCT

MISCELLANEOUS		<u>47035</u>	
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	
0218	WELL DRILL CONSTRUCTOR	\$	0219
	LANDOWNER'S PERMIT		0220
<u>0234</u>	OTHER (IDENTIFY)	<u>Request for Standing</u>	<u>\$230.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)	_____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	_____	TITLE	_____
OBJ. CODE	_____	VENDOR #	_____
DESCRIPTION	_____		

**RECEIVED
OVER THE COUNTER**

RECEIPT: **135258**

DATED: Shilabaa BY: Mindy Cady

Distribution White Copy Customer Yellow Copy Fiscal Blue Copy File Red Copy Final

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135258**

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon, Inc.

APPLICATION	
PERMIT	
TRANSFER	<u>T-13363</u>

BY: _____

CASH: CHECK.# 4625 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 230.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

47235

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

EXAM FEE
\$ _____
\$ _____
\$ _____

0201 SURFACE WATER 0202 \$ _____
0203 GROUND WATER 0204 \$ _____
0205 TRANSFER \$ _____

WELL CONSTRUCTION

EXAM FEE
\$ _____

0218 WELL DRILL CONSTRUCTOR 0219 \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

0234 OTHER (IDENTIFY) Request for Standing \$ 230.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **135258**

DATED: Shalboan BY: Mandy Cadon

WATERWATCH OF OREGON, INC.

VENDOR NO: 3

NAME: Water Resources Department

CHECK DATE: 5/6/2021

14625

REFERENCE NUMBER	INVOICE DATE	GROSS AMOUNT	DISCOUNT TAKEN	NET AMOUNT PAID
T-13363	5/6/2021	230.00	0.00	230.00
TOTAL ►		230.00	0.00	230.00

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MAY 19 2021
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Waterwatch of Oregon

213 SW Ash Suite 208, Portland, OR 97204-2720

Transaction Type: Request for Standing

Fees Received: \$ 230.00

Cash Check: Check No. 14625

Name(s) on Check: SAME

Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: _____
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

RECEIVED

MAY 19 2021

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Oregon Water Resources Department

In the Matter of Transfer Application) REQUEST FOR STANDING OF
T-13363, Harney County (Golden Rule) WATERWATCH OF OREGON
Farms))

Pursuant to OAR 690-380-4030(1)(a) and OAR 690-380-0100(11), WaterWatch
of Oregon (WaterWatch) requests standing to participate in the above proceeding.

WaterWatch supports the Oregon Water Resource Department's preliminary
determination to deny T-13363.

In further support of this request, WaterWatch submits the following additional
information, without admitting that such further information is required for this standing
statement in a transfer matter.

I. Name, Address And Telephone Number Of Requester.

This request is submitted by Lisa Brown on behalf of WaterWatch of Oregon. The
address and phone number for both are: 213 SW Ash Street, Suite 208, Portland, OR
97204; phone 503-295-4039.

II. How the Requester Would Be Harmed If The Preliminary Determination Is
Modified.

WaterWatch is a non-profit corporation. WaterWatch has invested significant
time and money in preventing further over-allocation of groundwater, addressing existing
over-allocation of groundwater, advocating for equitable groundwater management,
advocating for financial resources and agency capacity to collect data about and
understand the groundwater resource, and ensuring that groundwater management meets
the standards in Oregon's water code, both across Oregon and specifically in the Harney
Basin where the proposed water use would occur. WaterWatch also advocates for
protection and restoration of groundwater dependent ecosystems that are affected by

groundwater allocation. WaterWatch has worked for more than five-years in a collaborative water planning process in the Harney Basin where efforts include identifying and developing tools and plans to address the significant over-allocation of groundwater in the basin. WaterWatch also has members who regularly enjoy groundwater dependent ecosystems and the fish, plants and wildlife they support, including in the Harney Basin. In addition, WaterWatch represents the public interest in protecting and restoring groundwater dependent ecosystems for the benefit of fish, plants, wildlife, recreation and scenery. WaterWatch also represents the public interest in sound water policy and in faithful implementation of that policy.

The interests of WaterWatch and its members as described above would be harmed if the preliminary determination is modified to allow the change in points of diversion and place of use requested in T-13363. Allowing the transfer would unlawfully increase known groundwater declines in the Virginia Valley area. Such declines would unlawfully increase impacts to domestic well and other exempt well users as well as impacting groundwater dependent ecosystems. Allowance of the transfer would not be supported by substantial evidence regarding the location of groundwater aquifers in the Harney Basin and would be contrary to the interests of WaterWatch and the public in ensuring that Oregon's relevant statutes and rules governing groundwater management are faithfully carried out. Allowing the transfer would frustrate the significant investments WaterWatch has made to address groundwater over-allocation and improve groundwater management across Oregon and in the Harney Basin specifically.

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VI. Filing Fee.

WaterWatch encloses a check for the filing fee stated in ORS 536.050(1)(n), even though that statute does not by its terms apply to transfer proceedings, and even though WaterWatch can find no statute or rule requiring a filing fee for a standing statement in a transfer proceeding. WaterWatch requests a full refund (or destruction of the check without cashing) if, in fact, no filing fee is required for this standing statement.

Dated: May 18, 2021

/S/ Lisa A. Brown

Lisa A. Brown, OSB #025240

Staff Attorney

WaterWatch of Oregon

213 SW Ash St., STE 208

Portland, OR 97204

Phone: 503.295.4039

Certificate of Filing and Service

I certify that on this date a copy of the foregoing Request for Standing was served or filed on the following by the method indicated:

APPLICANT AGENT:

ALL POINTS ENGINEERING AND SURVEY
DENISE MONTGOMERY
1528 SW DOVE RD.
TERREBONE, OR 97760

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

APPLICANT AGENT:

SCOTT MONTGOMERY
PO BOX 767
TERREBONNE, OR 97760

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

APPLICANT:

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

Applicant Attorney:

Elizabeth Howard
Schwabe Williamson & Wyatt PC
1211 SW 5th Ave Ste 1900
Portland OR 97204

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

Water Rights Services Division
Oregon Water Resources Department
725 Summer St. NE, STE A
Salem, OR 97301-1266
By FedEx

Dated: May 18, 2021

/S/ Lisa A. Brown

Lisa Brown
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
503.295.4039
lisa@waterwatch.org

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**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135259**

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-13363</u>

CASH: CHECK:# 14626 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 810.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 47235

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

EXAM FEE			RECORD FEE
\$	0201		\$
\$	0203		\$
\$	0205		

WELL CONSTRUCTION

EXAM FEE			LICENSE FEE
\$	0218		\$
		0219	\$
		0220	\$

0203 OTHER (IDENTIFY) Protest - non-applicant \$810.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **135259**

DATED: 5/16/02 BY: Mandy Carlson

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135259**

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon, Inc.

APPLICATION	
PERMIT	
TRANSFER	1-13363

BY: _____

CASH: CHECK: # **14626** OTHER: (IDENTIFY) _____

TOTAL REC'D \$ **810.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

47235

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ _____ 0202 RECORD FEE \$ _____
0203 GROUND WATER EXAM FEE \$ _____ 0204 RECORD FEE \$ _____
0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT 0220 LICENSE FEE \$ _____

0203 OTHER (IDENTIFY) Protest - non-applicant \$810.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **135259**

DATED: 5/19/02 BY: Mindy Carlsen

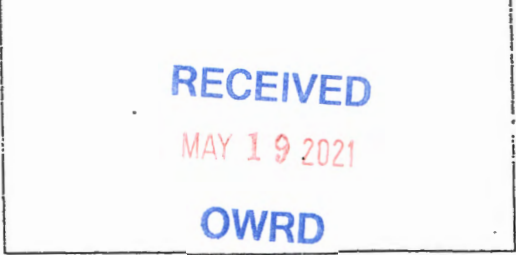
WATERWATCH OF OREGON, INC.VENDOR NO: **3**NAME: **Water Resources Department**CHECK DATE: **5/6/2021****14626**

REFERENCE NUMBER	INVOICE DATE	GROSS AMOUNT	DISCOUNT TAKEN	NET AMOUNT PAID
T-13363 PROTEST	5/6/2021	810.00	0.00	810.00
TOTAL ►		810.00	0.00	810.00

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Water Watcher of Oregon, INC

213 SW Ash Suite 208 Portland, OR 97204-2720

Transaction Type: Protot

Fees Received: \$ 810.⁰⁰

Cash

Check:

Check No. 14626

Name(s) on Check: SAME

Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: _____
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

**Oregon Water Resources Department
Water Rights Division**

In the Matter of Transfer Application T-13363, Harney County (Golden Rule Farms))))	PROTEST OF WATERWATCH OF OREGON
--	-------------	------------------------------------

I. Name, Address And Telephone Number Of Protestant

WaterWatch of Oregon
213 SW Ash Street, Suite 208
Portland, OR 97204
Phone: 503.295.4039
Fax: 503.295.2791
Contact: Lisa Brown, lisa@waterwatch.org

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II. Oregon Water Resources Department (OWRD) May Not Allow a Protest to Denial of a Transfer; However, Should OWRD, or a Judge, Allow Any Protests Against the Denial, This Protest Must Be Allowed.

The relevant statute and rule allow only for protests to be filed against *approval* of a transfer application, not against denial of transfer such as the preliminary determination (PD) to deny T-13363. There is no statute or rule allowing for a protest to be filed against a denial of a transfer. ORS 540.520(6) states that within the time allowed, “any person may file, jointly or severally, with the department, a protest *against approval* of the application.” (Emphasis added). Accordingly, OWRD’s rules governing transfers, OAR chapter 690, division 380, define “Protest” to mean “a written statement *expressing opposition to approval of a transfer application* and disagreement with a preliminary determination that is filed in response to the notice prescribed by ORS 540.520(5) and OAR 690-380-4020 and includes the fee prescribed in ORS 536.050.” OAR 690-380-0100(9) (emphasis added). The introduction to the definition section states that “[t]he definitions in this rule, along with the definitions in OAR 690-008-0001 and 690-300-0010, apply to the rules in OAR chapter 690, division 380. Where a term is defined in more than one rule, the definition in this rule applies.” (OAR 690-380-0100). Thus even

though there are protests against denials of other types of decisions (*e.g.* denial of a new water permit), there is no authority in statute or rule for OWRD to accept a protest against a denial of a transfer.

WaterWatch supports the denial of T-13363 and asserts OWRD may not accept a protest against the denial. WaterWatch files this protest out of an abundance of caution in order to preserve claims regarding additional grounds for denial not included in the PD. If a protest is accepted from the applicant or applicant-aligned interests seeking to overturn the denial, it must also accept WaterWatch's protest.

III. Interests Of WaterWatch of Oregon

WaterWatch of Oregon (WaterWatch) is a non-profit corporation. WaterWatch has invested significant time and money in preventing further over-allocation of groundwater, addressing existing over-allocation of groundwater, advocating for financial resources and agency capacity to collect data about and understand the groundwater resource, and ensuring that groundwater management meets the standards in Oregon's water code, both across Oregon and in the Harney Basin, where the proposed water use would occur, specifically. WaterWatch also advocates for protection and restoration of groundwater dependent ecosystems that are affected by groundwater allocation.

WaterWatch has worked for more than five-years in a collaborative water planning process in the Harney Basin where efforts include identifying and developing tools and plans to address the significant over-allocation of groundwater in the basin. WaterWatch also has members who regularly enjoy groundwater dependent ecosystems and the fish, plants and wildlife they support, including in the Harney Basin. In addition, WaterWatch represents the public interest in protecting and restoring groundwater dependent ecosystems for the benefit of fish, plants, wildlife, recreation and scenery. WaterWatch

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also represents the public interest in sound water policy and in faithful implementation of that policy.

IV. Approval of the Transfer Would Impair And Be Detrimental To WaterWatch's Interests

1. Approval of the transfer would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring that the state not issue transfers of rights that do not comply with statutory requirements and are not allowed to be transferred; and where the transfer would cause injury to other water users and enlargement in contravention of the Oregon water code.

2. Approval of the transfer would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring Oregon's water laws are properly implemented, groundwater is equitably management, and Oregon's water resources are managed fairly.

3. Approval of the transfer would impair and be detrimental to WaterWatch's interest and the public's interest in addressing over-allocation of groundwater and addressing declining groundwater levels across Oregon and in the Harney Basin and Virginia Valley areas specifically.

4. Approval of the transfer would impair and be detrimental to WaterWatch's interest and the public's interest in protecting groundwater dependent ecosystems from the effects of declining groundwater levels.

V. How Approval of the Transfer Would Be in Error And Deficient And How To Avoid/Correct The Errors And Deficiencies

WaterWatch supports the denial of the T-13363 and files this timely protest raising the following deficiencies in the PD for failure to correctly state the additional grounds for denial described below.

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A. *The PD is in error and deficient for reasons including, but not limited to, the following:*

1. The PD's conclusion that "[w]ater has been used in the last five years according to the terms and conditions of the right" is not supported by the required assessment, is incorrect and is not supported by any evidence.

The PD states that "[w]ater has been used in the last five years according to the terms and conditions of the right," but cites no facts, analysis or evidence in support. (PD, FOF # 27, p. 9), The bare statement is not an assessment which the PD was required to include. OAR 690-380-4010(2)(a).

Further, the application also does not contain evidence capable of demonstrating that water has been used in the last five year according to the terms and conditions of the right, or at all. Applicant has not met the requirement to submit "[e]vidence that the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or that the water right is not subject to forfeiture under ORS 540.610." ORS 540.520(2)(g); OAR 690-380-3000(12).

In fact, the transfer cannot be granted because the water proposed for transfer has not been used "over the past five years according to the terms and conditions of the owner's water right certificate" (ORS 540.520(1)(g)) for reasons including but not limited to the following:

- a) The applicant has failed to comply with the measurement and reporting condition on certificates 91418 and 91644 for five years.

Certificates 91418 and 91644 both include a measurement and reporting condition. According to the OWRD website, reports were filed for certificate 91418 only in years 2001, 2014 and 2020, which shows a pattern of violating the conditions of the water right including during the past five-years; further, the three filed reports all report that no water use in those years. For certificate 91644, according to the OWRD website,

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reports were only filed in 2005, 2014, and 2020, demonstrating a clear pattern of violating the conditions of the water right including during the past five-years; further, the reports show that water use occurred only in one of those years and only from one of the wells.

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Whether or not water use occurred, it was not made “according to the terms and conditions of the owner’s water right certificate[]” because the holder has failed to comply with its water measurement reporting condition in most of the relevant years, and thus the transfer cannot be issued. ORS 540.520(1)(g). This pattern of failure to comply with the water right conditions cannot be cured and makes the certificated ineligible for transfer. Further, per the terms of the certificates, OWRD should cancel the water rights for failure to comply with the conditions.

- b) There is no evidence of any water use in the last five years under certificates 91418.

According to the required water use reports, no water use occurred under certificate 91418 in the last five years, or ever, and thus is it not eligible for transfer.

- c) Issuance of certificates 914918 and 91644 do not show the requisite water use in accordance with the terms and conditions of the water rights.

The application cites issuance of certificates 91418 and 91644 as evidence that water use occurred over the past five years according to the terms and conditions of the owner’s water right certificate. However, the most recent “C” date for each, according to OWRD’s WRIS, was October 1, 2006 (established by extensions issued May 4, 2006). Thus the 2016 certificates, at most, establish only that WRD determined that the water was used consistent with the terms of the permit, including within the “C” date, prior to May 4, 2006. ORS 537.250(1); OAR 690-330-0010(1)(a). That does not provide the required evidence of use in the last five years. Further, to the extent issuance of

certificates is being used to establish that the water rights are eligible for transfer, WaterWatch asserts that OWRD's standards for issuance of the certificates was inadequate to meet the transfer standards.

To the extent the transfer application form is being used to claim that issuance of a certificate in the last five years provides evidence of water use in the last five years according to the terms of the water right, as required by the transfer statute, that is incorrect and the form does not conform to the statutory requirements for transfers.

2. Certificate 91418, and possibly certificate 91644, has been forfeited for non-use and should be cancelled.

Certificate 91418 has been forfeited for non-use and should be cancelled in accordance with ORS 540.610. Further, should the 2020 water use report for certificate 91644 be determined to be in error because no water was actually used, that certificate has also been forfeited for non-use and should be cancelled in accordance with ORS 540.610. In support, WaterWatch incorporates here the information provided in (1) above.

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3. There would be no feasible way to prevent enlargement if the transfer were issued.

The PD correctly requires that if the denial were reversed and certain conditions were met and the transfer were issued, use at the new points of appropriation would need to be limited to water available at the points of appropriation under the certificates that Golden Rule Farms seeks to transfer. (PD, p. 10 (#s 4-6)). However, there is no feasible way to do this and so even if other conditions for issuance were met, the transfer would need to be denied. Applicant has failed to report water use. No information is available that would show how much water is available at the well locations that applicant seeks to transfer. It may well be that the "from" wells are under-producing. There is no way to

prevent enlargement with this transfer and thus it may not be issued. OAR 690-380-5000(1)(c).

4. Reservation.

WaterWatch reserves the right to raise any additional issues and arguments not reasonably ascertainable on the currently available record.

B. *The errors and deficiencies should be corrected as follows:*

The errors and deficiencies identified above should be corrected by revising the PD to incorporate the additional grounds for denial.

VI. Citation Of Legal Authority

Applicable legal authorities, where known, are cited above.

VII. Proof of Service on Applicant and Identification of Parties That May Have a Direct Interest.

In accordance with OAR 690-380-4030(1) and OAR 690-002-0030(1)(c), WaterWatch provides the attached Certificate of Service upon “the person or persons whose rights or application are protested.” In accordance with OAR 690-380-4030(2), WaterWatch provides the following names and addresses of additional persons that may be “necessary to, or having a direct interest in, the proceeding[],” taken from the list of Interested Parties and Local Government in OWRD’s Water Rights Information System for T-13363:

INTERESTED PARTY:
BEN MCCANNA
60012 MCCANNA RD.
BURNS, OR 97720

INTERESTED PARTY:
LAURIE OCONNOR
PO BOX 471
HINES, OR 97738

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INTERESTED PARTY:
INDIAN HEAD CORP
ABRAHAM PUCKETT
PO BOX 1
CHRISTMAS VALLEY, OR 97641

INTERESTED PARTY:
GERRIT JAGER
PO BOX 3026
PRINCETON, OR 97721

INTERESTED PARTY:
KAREN STARBUCK
59741 ANDERSON VALLEY ROAD
PRINCETON, OR 97721

INTERESTED PARTY:
BARBARA CANNADY
PO BOX 3009
PRINCETON, OR 97721

LOCAL GOVERNMENT:
HARNEY COUNTY PLANNING DEPARTMENT
360 N. ALVORD
BURNS, OR 97720

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VII. Protest Fee

The required fee of \$810.00 is included with this protest.

VIII. Request For Hearing

WaterWatch requests a hearing.

Dated: May 18, 2021

S/ Lisa A. Brown
Lisa A. Brown, OSB #025240
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
lisa@waterwatch.org

Certificate of Service

I certify that on this date a copy of the foregoing protest was served on each of the following by the method indicated:

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APPLICANT AGENT:
ALL POINTS ENGINEERING AND SURVEY
DENISE MONTGOMERY
1528 SW DOVE RD.
TERREBONE, OR 97760

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

APPLICANT AGENT:
SCOTT MONTGOMERY
PO BOX 767
TERREBONNE, OR 97760

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

APPLICANT:
GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

Applicant Attorney:
Elizabeth Howard
Schwabe Williamson & Wyatt PC
1211 SW 5th Ave Ste 1900
Portland OR 97204

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

Water Rights Services Division
Oregon Water Resources Department
725 Summer St. NE, STE A
Salem, OR 97301-1266
By FedEx

Dated: May 18, 2021

S/ Lisa A. Brown
Lisa A. Brown, OSB #025240
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
lisa@waterwatch.org

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13363

Transfer Specialist: *Adela*

Transfer Type: Regular

PK5 (revised)

Applicant: GOLDEN RULE FARMS INC. PO BOX 255 CHRISTMAS VALLEY, OR 97641 Email: <i>No Email</i> Phone:	Agent: <input type="checkbox"/> N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: Phone:
Irrigation District: <input type="checkbox"/> N/A Email:	CWRE: <input type="checkbox"/> N/A Email:
Affected Local Gov'ts: <input type="checkbox"/> N/A Harney County Planning Department Email:	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email:
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email:	Receiving Landowner: <input type="checkbox"/> N/A Email:

*I think he is no longer working this file
 Scott Montgomery 2-20*

Water Rights Affected

Also: comments! All get email except McClann

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-1593	G-1463	32394	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	G-12928	G-12262	91418	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	G-12926	G-12938	91644	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: February 6, 2020	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 5990.00	WM District: 10	ODFW District: <i>2</i>
Initial Public Notice: February 18, 2020	WM Review sent: <input checked="" type="checkbox"/>	ODFW Review sent: <i>2</i>
Acknowledgement Letter Sent <input checked="" type="checkbox"/> <i>yes</i>	<i>Burns Times Herald</i>	GW Review sent: <input checked="" type="checkbox"/> <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input checked="" type="checkbox"/> N/A	
Newspaper quote requested: <i>3-13</i>	Request for news \$ sent: <input checked="" type="checkbox"/>	News \$ received: <input checked="" type="checkbox"/>
Request to publish sent: <input checked="" type="checkbox"/>	Affidavit of publication received: <i>6/13/21</i>	Last day of publication: <i>4/21/20</i>

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>9-11-2020</i> Initials: <i>PK5</i>	Date: <i>9/14/20</i> Initials: <i>PK5</i>	Date: _____ Initials: _____	Date: <i>9/24/20</i> Initials: <i>PK5</i>	Date: <i>10-2-</i> Initials: <i>PK5</i>	CW Sent: <i>10-3-2020</i>	N/A
PD	Date: <i>12-12-20</i> Initials: <i>PK5</i>	Date: <i>12-16-20</i> Initials: <i>PK5</i>	Date: <i>1-12-2021</i> Initials: <i>PK5</i>	Date: <i>3/8/21</i> Initials: <i>PK5</i>	Date: <i>3-12-21</i> Initials: <i>PK5</i>	Date: <i>4-10-21</i>	Date: <i>4/14/21</i>
FO	Date: <i>5-15-21</i> Initials: <i>B</i>	Date: <i>5/17/21</i> Initials: <i>CC</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: <i>9/25/2023</i>

Special Issues: *Denial*

Special Order Volume: Vol. _____ Pages _____

WITHDRAWN ARCA 9/12/23 | *Scott* 9/12/23 | *PK5* 9/20/23 | *Sis Box* 9/20/23 | *AdD* 9/20/23 | *TADC* 9/20/23 | *TO NP requested* 3/13 | *connected PD on* 4/16/21

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-13363

T-13363 filed by Golden Rule Farms Inc., PO Box 255, Christmas Valley, OR 97641, proposes a change in points of appropriation and change in place of use under Certificates 32394, 91418, and 91644. Certificate 32394 allows the use of 0.94 cubic feet per second (cfs) from a well in Sec. 1, T27S, R31E, WM, for irrigation in Sec. 1, T27S, R31E, WM. The applicant proposes to move the points of appropriation to Sects. 17 and 20, T27S, R34E, WM and to change the place of use to Sects. 18 and 19, T27S, R34E, WM. Certificate 91418 allows the use of 1.64 cfs from a well in Sec. 10, T27S, R32E, WM, for irrigation in Sects. 2, 3, 10, and 11, T27S, R32E, WM. The applicant proposes to move the points of appropriation to Sects. 17 and 20, T27S, R34E, WM and to change the place of use to Sec. 20, T27S, R34E, WM. Certificate 91644 allows the use of 4.43 cfs from two wells in Sec. 6, T27S, 32E, WM, for irrigation in Sects. 31 and 32, T26S, R32E, WM and in Sects. 1, 5, and 6, T27S, R32E, WM. The applicant proposes to move the points of appropriation to Sects. 17 and 20, T27S, R34E, WM and to change the place of use to Sects. 17, 18, 19 and 20, T27S, R34E, WM. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 04/28/2021. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Publish April 21 and 28, 2021

BURNS TIMES-HERALD
355 N. Broadway, Burns, Oregon 97720
AFFIDAVIT OF PUBLICATION

STATE OF OREGON ()
(S.S.

County of Harney

I Terri L. Smith, being first and duly sworn, depose and say that I am the Advertising Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times-Herald that the

Public Notice: T-13363

a printed copy of which is hereto annexed, was published in the said newspaper for

2 successive and consecutive weeks in the following issues:

Dates of Publication: April 21 & 28, 2021

Signed Terri L. Smith
By Terri L. Smith, Advertising Manager
The Burns Times-Herald

Subscribed and sworn before me this 28th day of April 2021.

Brenda Graham
Notary Public for Oregon

RECEIVED
MAY 03 2021
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No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 21

Clerk

Deputy

From the Office of _____

Attorney for _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

APRIL 14, 2021

GOLDEN RULE FARMS, INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-13363

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13363. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because of injury to groundwater users. The issues that we have identified could be resolved by one of the following alternatives:

- During the initial review of Transfer Application T-13363, the Department found that the proposed change in point of appropriation and the additional points of appropriation will cause injury to existing groundwater users. A list of those affected is included in your Preliminary Determination. A notarized copy of the Affidavit Consenting to Proposed Water Right Transfer (Consent to Injury), (enclosed with the draft Preliminary Determination), must be signed by all listed in the draft that Transfer Application T-13363 could injure.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. Describe how you will overcome the issues identified above and submit modifications or additional information as needed, or indicate whether you wish to protest a Preliminary Determination to deny the transfer.
2. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks.

You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive

1. your written response modifying the application to resolve the issues that we have identified or by requesting that we proceed with processing of the application
2. report of ownership information.

If we do not receive your response to withdraw the application or the items listed above by [insert 30 day due date here], a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at if I may be of assistance.

Sincerely,



Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13363
JR Johnson, District 10 Watermaster (*via e-mail*)
Elizabeth Howard, Attorney for the applicant (*via e-mail*)
Water Watch, commenter (*via email*)
Barbara Cannady, commenter (*via email*)
Karen Starbuck, commenter (*via email*)
Gerrit Jager, commenter (*via email*)
Abraham Puckett, commenter (*via email*)
Laurie K. Oconnor, commenter (*via email*)
Ben McCanna, commenter

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13363, Harney County)	PROPOSING DENIAL OF A CHANGE
)	IN POINTS OF APPROPRIATION AND
)	PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

GOLDEN RULE FARMS, INC.
PO BOX 55
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On February 6, 2020, GOLDEN RULE FARMS, INC. filed an application to change the points of appropriation and places of use under Certificates 32394, 91418, and 91644. The Department assigned the application number T-13363.
2. Notice of the application for transfer was published on February 18, 2020, pursuant to OAR 690-380-4000.
3. Timely comments were submitted to the Department in response to the notice. The issues raised by the comments focused primarily on concerns that:
 - a) The application fails to meet statutory requirements.
 - b) The applicant failed to comply with measurement and reporting conditions for Certificates 91418 and 91644.
 - c) There is no evidence of water use for Certificates 91418 and 91644.
 - d) The application form does not conform to the statutory requirements.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

- e) Injury must include domestic water users, including any exempt water users that could be impacted.
 - f) Rule OAR 690-008-001(8)(c) is unlawful, because it is contrary to ORS 537.525.
 - g) There are cones of depression in numerous areas in the GHVGAC (Greater Harney Valley Groundwater Area of Concern).
 - h) Water is severely over-allocated in the GHVGAC.
 - i) Some commenters do not agree with, nor support, the transfer.
4. Not all issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact #3, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:
- a) The water right proposed for transfer is a water use subject to transfer;
 - b) The portion of the water right proposed for transfer is not cancelled nor subject to forfeiture for non-use pursuant to ORS 540.610;
 - c) The water user is ready, willing and able to use the full amount of water allowed under the right;
 - d) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
 - e) The proposed transfer would not result in injury to other water rights.
5. On March 27, 2020, the applicant's agent sent revisions to the Department, removing two of the proposed wells from the transfer application and changing the place of use.
6. On May 4, 2020, the applicant's attorney contacted the Department in writing, expressing concern over the groundwater review and asserting that no enlargement nor injury would occur as a result of the transfer. The attorney requested that the Department address the stated concerns over the groundwater review before finalizing a draft preliminary determination. On June 4, 2020, the Department responded that it will follow the process laid out in OAR 690-380.
7. On October 3, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13363 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 3, 2020, for the applicant to respond. The applicant's agent responded that Golden Rule will not amend the application and will not provide notarized affidavits of consent from other groundwater users, but that they would supply the report of ownership and newspaper notice fees. The agent further expressed disagreement to items in the Draft Preliminary Determination.

8. On October 28, 2020, the attorney for the applicant contacted the Department in writing with submission of the report of ownership, and a request to extend the deadline to December 3, 2020, for submission of the Consents of Deeded Landowners. On October 29, the Department responded that the extension deadline fell within the required timeline.
9. On November 30, 2020, the attorney for the applicant contacted the Department in writing with a request for an additional extension for submission of the Consents of Deeded Landowners to December 17, 2020. On December 1, 2020, the Department granted the additional extension of time.
10. On December 11, 2020, the attorney for the applicant sent the Consents of Deeded Landowners to the Department.
11. The first right to be transferred is as follows:

Certificate: 32394 in the name of JOHN OR GEORGIA CROW (perfected under Permit G-1463)
Use: IRRIGATION of 75.53 ACRES
Priority Date: OCTOBER 2, 1959
Rate: 0.94 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL No. 1 a tributary of MALHEUR LAKE

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	31 E	WM	1	SW NE	1562 FEET SOUTH AND 21 FEET EAST FROM THE N1/4 CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	31 E	WM	1	NW NE	2	40.53
27 S	31 E	WM	1	SW NE		35.00
TOTAL						75.53

12. Transfer Application T-13363 proposes to move the authorized points of appropriation for Certificate 32394 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)
27 S	34 E	WM	17	SW NW	WELL 1 (HARN 52795) - 210 FEET EAST OF THE WEST ¼ CORNER OF SECTION 17	13.5 mi.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)
27 S	34 E	WM	20	SE NE	WELL 3 (HARN 52719) – 200 FEET NORTH AND 110 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 20	14.9 mi.
27 S	34 E	WM	20	NE NW	WELL 2 (HARN 52796) – 70 FEET SOUTH AND 1250 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 20	13.8 mi.

13. Transfer Application T-13363 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	34 E	WM	18	NW SE	31.70
27 S	34 E	WM	19	NE NE	12.50
27 S	34 E	WM	19	SE NE	31.33
TOTAL					75.53

14. The second right to be transferred is as follows:

Certificate: 91418 in the name of GOLDEN RULE FARMS INC. (perfected under Permit G-12262)
Use: IRRIGATION of 131.0 ACRES
Priority Date: MAY 21, 1992
Rate: 1.64 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL IN DONNER AND BLITZEN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	32 E	WM	10	NE NE	1255 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	2	SW SW	8.3
27 S	32 E	WM	3	SE SE	14.8
27 S	32 E	WM	10	NE NE	32.7
27 S	32 E	WM	10	SE NE	30.6
27 S	32 E	WM	10	NE SE	3.6
27 S	32 E	WM	11	NW NW	18.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	11	SW NW	19.7
27 S	32 E	WM	11	NW SW	2.5
TOTAL					131.0

15. Transfer Application T-13363 proposes to move the authorized points of appropriation for Certificate 91418 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)
27 S	34 E	WM	17	SW NW	WELL 1 (HARN 52795) - 210 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 17	9.1 mi.
27 S	34 E	WM	20	SE NE	WELL 3 (HARN 52719) - 200 FEET NORTH AND 110 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 20	10.2 mi.
27 S	34 E	WM	20	NE NW	WELL 2 (HARN 52796) - 70 FEET SOUTH AND 1250 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 20	9.4 mi.

16. Transfer Application T-13363 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	34 E	WM	20	SW NE	35.1
27 S	34 E	WM	20	SE NE	28.6
27 S	34 E	WM	20	SE NW	2.7
27 S	34 E	WM	20	NE SW	3.9
27 S	34 E	WM	20	NE SE	20.8
27 S	34 E	WM	20	NW SE	38.2
27 S	34 E	WM	20	SE SE	1.7
TOTAL					131.0

17. The third right to be transferred is as follows:

Certificate: 91644 in the name of GOLDEN RULE FARMS (perfected under Permit G-12938)

Use: IRRIGATION of 354.7 ACRES

Priority Date: MAY 21, 1992

Rate: 4.43 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: TWO WELLS IN THE DONNER AND BLITZEN RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	32 E	WM	6	NE NE	1	WELL 1 - 125 FEET SOUTH AND 915 FEET WEST FROM THE NE CORNER OF SECTION 6
27 S	32 E	WM	6	NE NW	3	WELL 2 - 1280 FEET SOUTH AND 1 FOOT WEST FROM THE N1/4 CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	32 E	WM	31	SE SW	3	2.2
26 S	32 E	WM	31	SE SW	13	37.8
26 S	32 E	WM	31	NE SE	11	16.4
26 S	32 E	WM	31	NE SE	1	1.6
26 S	32 E	WM	31	NW SE	10	22.6
26 S	32 E	WM	31	NW SE	2	0.2
26 S	32 E	WM	31	SW SE	2	18.2
26 S	32 E	WM	31	SW SE	12	16.8
26 S	32 E	WM	31	SE SE	1	24.7
26 S	32 E	WM	31	SE SE	11	4.2
26 S	32 E	WM	32	SW SW	1	6.69
26 S	32 E	WM	32	SW SW	2	33.31
27 S	31 E	WM	1	NE NE	1	38.3
27 S	32 E	WM	5	NE NW	4	17.2
27 S	32 E	WM	5	NW NW	5	21.8
27 S	32 E	WM	5	SE NW		5.2
27 S	32 E	WM	6	NE NE	1	4.0
27 S	32 E	WM	6	NW NE	2	16.6
27 S	32 E	WM	6	NE NW	3	38.7
27 S	32 E	WM	6	NW NW	4	28.2
TOTAL						354.7

18. Transfer Application T-13363 proposes to move the authorized points of appropriation for Certificate 91644 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)	
27 S	34 E	WM	17	SW NW	WELL 1 (HARN 52795) - 210 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 17	WELL #1	WELL #2
						12.4 mi.	12.7 mi.
27 S	34 E	WM	20	SE NE	WELL 3 (HARN 52719) - 200 FEET NORTH AND 110 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 20	13.6 mi.	13.8 mi.
27 S	34 E	WM	20	NE NW	WELL 2 (HARN 52796) - 70 FEET SOUTH AND 1250 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 20	13.0 mi.	13.6 mi.

19. Transfer Application T-13363 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	34 E	WM	17	SW NW	28.0
27 S	34 E	WM	17	NW SW	28.2
27 S	34 E	WM	17	SW SW	26.8
27 S	34 E	WM	18	SE NE	32.6
27 S	34 E	WM	18	NE SE	33.1
27 S	34 E	WM	18	NW SE	0.8
27 S	34 E	WM	18	SW SE	32.2
27 S	34 E	WM	18	SE SE	26.6
27 S	34 E	WM	19	NE NE	3.0
27 S	34 E	WM	20	SW NE	0.7
27 S	34 E	WM	20	SE NE	0.3
27 S	34 E	WM	20	NE NW	33.1
27 S	34 E	WM	20	NW NW	32.7
27 S	34 E	WM	20	SW NW	27.6
27 S	34 E	WM	20	SE NW	33.2
27 S	34 E	WM	20	NE SE	14.0
27 S	34 E	WM	20	NW SE	0.1
27 S	34 E	WM	20	SE SE	1.7
TOTAL					354.7

20. The Department conducts transfer reviews in accordance with statutes and rules (ORS 540.510 – 540.532 and OAR 690-380). In applying statutes and rules, the Department consistently relies upon best available information regarding each application and the Department’s understanding of the groundwater system at the time of transfer application review. The results of the groundwater technical review of Application T-13363 are different when compared to the review of previous reviews due to the evolution of our understanding of the groundwater system of the Harney Basin, which has been the topic of numerous public meetings over the past five years.
21. The Department determined that pumping in several areas of the Harney Basin exceeded natural recharge in about 2014 and presented this information to the Water Resources Commission in June 2015. At that time, the Department indicated its intention to begin a public process to engage with the community and revise the basin program rules to address responsible management of the area’s groundwater resource. Over the next year, the Department held a number of public open-house meetings, formed and met with a rules advisory committee in 6 meetings open to and well-attended by the public, and held 2 public hearings on the final proposed revisions to the basin rules (refer to February 2016 and April 2016 staff reports to the Commission for further details).
22. The revised basin rules, among other things, committed the Department to conduct a groundwater basin study designed to collect substantial data on the groundwater flow system of the basin (OAR 690-512-0020). The study was planned and is being conducted in coordination with a local Groundwater Study Advisory Committee (GSAC) jointly appointed by the Department and the Harney County Court. Over the course of the ongoing basin study, the Department has greatly expanded its groundwater monitoring network and in early 2019 began to analyze data collected over the past several years. All of the collected data that are being considered by the Department have been available to the public

via the Department's Groundwater Information System (GWIS) shortly after being collected.

Since March 2019, scientists from the Department and U.S. Geological Survey have shared data analysis interpretations and conclusions in public GSAC meetings and have provided near-final tables and figures to the GSAC for review and comment. A water table contour map of the basin is one of the near-final data products that have been shared in public meetings, and Department staff have announced at these and other public meetings that this information is being considered during the course of the Department's ongoing water right transaction reviews. The Harney Basin has not at this time been "divided up into subbasins" from the perspective of the groundwater system; this is a generalization based on the existing surface water system divisions used informally by the Department in an attempt to clearly communicate the concept of differing recharge areas and the groundwater flow paths. This more-detailed understanding of the basin hydrogeology is relatively new, but is the outcome of an ongoing groundwater basin study required by rule and has been presented in several public forums in draft form. The final study reports containing this and other study findings are planned to be completed by the end of the year 2020.

23. On April 6, 2020, the Department's Groundwater Section determined that the proposed change would interfere with other existing groundwater rights, resulting in injury to those rights. The proposed additional points of appropriation (wells) are located from approximately 9 miles to over 13 miles east of the currently authorized wells. The "FROM" wells are located in an area where regional groundwater flow is toward Malheur Lake, while the "TO" wells are located in an area where groundwater flow is toward the Malheur basin via Virginia Valley. Consequently, groundwater withdrawals at the proposed location will draw groundwater from a different aquifer, and therefore will result in an increase in interference with an entirely different group of groundwater rights in the vicinity of the proposed "TO" wells.

Additionally, the proposed additional points of appropriation are located in the Adobe Flat area adjacent to and up-gradient of the Virginia Valley area; an area within the Harney Basin that has documented year-to-year water level declines. The proposed use is expected to result in additional water level declines in the Virginia Valley area. Existing water rights in this area have permit decline conditions that will be triggered earlier if this transfer is approved. Existing groundwater users in this area will be negatively impacted by any increased authorized groundwater pumping, which will increase the rate of water level declines.

24. The proposed changes will interfere with other existing groundwater rights, resulting in injury to those rights. The injured water rights are listed as follows:

Certificate No.	Name on Certificate	Priority Date
12493	LINDA NEALE	5/21/1992
26370	C.L. WRIGHT	3/17/1954
61864	V DASH CATTLE CO.	7/8/1977
67719	LEE A. WALLACE	1/17/1979
82382	CONLEY MARSHALL	11/13/1979
82462	JOHN & KAREN STARBUCK	6/3/1981
84999	V BOX LAND AND LIVESTOCK	7/8/1977
86629	CAROLINE MANOCK AND RUTH PEVERLY	8/9/1979
61864	V DASH CATTLE CO.	7/8/1977
82369	CONNECTICUT GENERAL LIFE INSURANCE	11/20/1978
91366	GOLDEN RULE FARMS INC.	6/4/1979
91367	GOLDEN RULE FARMS INC.	12/18/2008
91448	GOLDEN RULE FARMS INC.	12/20/2012
93236	GOLDEN RULE FARMS INC.	9/27/2012
94869	SUSAN OPIE	2/28/2008

25. The use of a different aquifer could reduce the availability of ground water for existing water rights calling on that aquifer. As a result, there is not a basis for making an affirmative finding of no injury.
26. Without conditions to limit the quantity of water that may be appropriated at the proposed points of appropriation to that amount allowed at the existing, authorized points of appropriation, there is the potential for the water rights proposed for transfer to be enlarged as a result of Transfer T-13363. Therefore, conditions are necessary to ensure that the quantity of water diverted at the new points of appropriation do not exceed the quantity of water lawfully available at the original points of appropriation under each right.

Transfer Review Criteria (OAR 690-380-4010)

27. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
28. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13363.
29. Consistent with Findings of Fact Nos. 20, 21, 22, and 23, the proposed points of appropriation in Transfer Application T-13363 do not develop the same aquifer as the authorized points of appropriation and, therefore, do not meet the requirements outlined in OAR 690-380-2110(2).

30. As outlined in Findings of Fact Nos. 20, 21, 22, and 23, the proposed changes will result in injury to other existing groundwater rights.
31. In accordance with Finding of Fact No. 23, the proposed changes, as conditioned, will not result in enlargement of the water rights proposed for transfer.
32. All other application requirements are met.

Determination and Proposed Action

The change in points of appropriation and change in place of use proposed in Transfer Application T-13363 appear to be not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

*If Transfer Application T-13363 is modified to propose points of appropriation that develop the same aquifer as that of the authorized points of approved appropriation **and** all necessary notarized affidavits of consent to the transfer are submitted for existing groundwater rights injured as a result of this transfer, then Transfer Application T-13363 may be approved. If approved, the final order will include the following:*

1. *The change in points of appropriation and change in place of use proposed in Transfer Application T-13363 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 32394, 91418, and 91644, and any related decree.*
3. *Water right Certificates 32394, 91418, and 91644 are cancelled.*
4. *For Certificate 32394, the quantity of water diverted at the new points of appropriation, (Well 1, Well 2, and Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).*
5. *For Certificate 91418, the quantity of water diverted at the new points of appropriation, (Well 1, Well 2, and Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well).*
6. *For Certificate 91644, the quantity of water diverted at the new points of appropriation, (Well 1, Well 2, and Well 3), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well #1 and Well #2).*
7. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*

c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

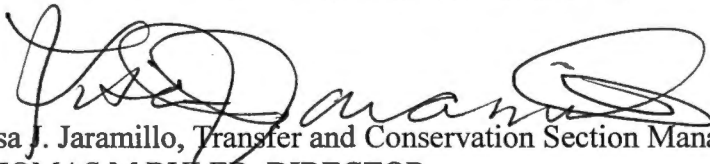
8. *Water shall be acquired from the same aquifer as the original points of appropriation.*

9. *The former places of use of the transferred rights shall no longer receive water under the rights.*

10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

11. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on APR 14 2021



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office. <http://legalassistance.law.af.mil>. **The Oregon Military Department does not have a toll free number.**

SMITH Tamera L * WRD

From: MCCARTY Patricia E * WRD
Sent: Thursday, March 04, 2021 1:43 PM
To: SMITH Tamera L * WRD
Subject: FW: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion (T-13363)

Hi Tamera,

Please put a copy of this email in the transfer file (paper or electronic, whichever you are doing now). Dwight will be letting Lisa know that if we are at the stage where we should be issuing the PD, then we should go ahead and do that.

Thanks!

Patricia McCarty

From: MCCARTY Patricia E * WRD
Sent: Thursday, March 4, 2021 1:39 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: Langford, Shonee D. <SLangford@SCHWABE.com>; Thane, Lindsay M. <LThane@SCHWABE.com>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Hi Elizabeth,

Thank you again for providing a written proposal that could be reviewed by all concerned. Unfortunately, WRD cannot accept the proposal.

Sincerely,

Patricia McCarty

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Thursday, February 11, 2021 2:08 PM
To: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Cc: Langford, Shonee D. <SLangford@SCHWABE.com>; Thane, Lindsay M. <LThane@SCHWABE.com>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Hi Patricia,

In anticipation of our phone call on March 1, Golden Rule is here providing OWRD with a proposal to resolve the protest of G-17592 and potential denial of T-13363. This is a substantial offer and a major concession for Golden Rule for the purposes of seeing this to a quick, final settlement and resolution for both of these matters. Please understand that for Golden Rule, time is of the essence, and so we wish to move quickly forward with settlement or immediately to a Final Order on T-13363 and a hearing on the protest for G-17592.

As I previously outlined in my June 25, 2020 email to you, Golden Rule submitted T-13363 as an alternative to G-17592. T-13363 proposes to withdraw water from only 3 wells instead of the 8 wells proposed in G-17592. T-13363 also proposes to irrigate approximately 50% less acres than G-17592. Further, T-13363 reduces the amount of water

appropriated within the GHVGAC because it transfers water rights from within the GHVGAC to outside the GHVGAC, in Anderson Valley. T-13363 was submitted following conversations between OWRD and Golden Rule, wherein the proposed transfer was suggested as a better option for irrigating Golden Rule's Anderson Valley farm than G-17592.

In order to resolve both its protest of the denial of G-17592 and the Department's potential denial of T-13363, Golden Rule will further modify T-13363 and reduce the number of acres irrigated under T-13363 from 561.23 acres to 511.23 acres – a decrease of 50 acres. A map indicating which acres would remain is attached (note this map is different than the current map/place of use description in T-13363 and the application/DPD would need to be modified to reflect these changes). As a condition of the approval of T-13363, Golden Rule would voluntarily cancel the 50 acres it is not transferring for the benefit of the GHVGAC and regional aquifer. With the current regulatory restrictions in place, that water would be protected from future appropriations. OWRD then could find that this reduction would eliminate potential impacts on other uses (whether those uses amount to substantial interference or not) and would provide a net benefit to the aquifer, as this would result in a gain of 150 acre-feet of water to the aquifer each year and a 0.625 cfs reduced rate of use, annually. The water that would remain in the aquifer has a May 21, 1992 priority date.

We understand that this proposal requires that the Department evaluate the Harney Basin aquifer as a whole, and not under OWRD's new subset aquifer approach discussed in the DPD for T-13363. However, we maintain that the Department's aquifer subset approach is not lawful absent new rulemaking or a change in law, nor is there precedent for this approach that we are aware of. Therefore, the Department could proceed to settlement in the way we propose under its existing statute and rules, in our estimation.

We recognize that the Department has not issued a Preliminary Determination for T-13363 and there is still a potential for third-party protests. Given the threat of protests and/or appeals, if we can reach agreement on settlement terms, Golden Rule would be willing to withdraw its protest of the Department's Final Order denying G-17592 contingent upon issuance of a Final Order approving (the modified) T-13363 that is no longer subject to protest or appeal.

If this proposal is rejected, please understand that we must use all the tools at our disposal to facilitate a timely resolution of G-17592 and T-13363. Toward that end, Golden Rule is prepared, if necessary, to file a mandamus action in circuit court requesting that the court order the Department to refer Golden Rule's protest of application G-17592 to OAH for a contested case hearing and, if necessary will do the same for T-13363. Golden Rule cannot wait another 2+ years to have its protest referred to OAH or its applications resolved, particularly when Golden Rule's groundwater application was initially filed in 2012 (nearly a decade ago!) and T-13363 was an effort to resolve that application based on conversations with OWRD that occurred approximately 2 years ago.

We are confident in our chances of success at a contested case hearing regarding G-17592 and, if necessary for T-13363. As discussed in our protest, the Department's Groundwater Review for G-17592 inadequately assessed the (lack of) impact of G-17592. The application requests appropriation of water in Anderson Valley, which is outside the GHVGAC and outside of Virginia Valley. Both the Malheur Lake area in the GHVGAC and Virginia Valley are distinct water bearing zones from Anderson Valley. This distinction is critical and as discussed in our protest, the proposed appropriation from Anderson Valley will not cause injury or enlargement. Therefore, the Department erred in denying G-17592. We have raised legal and similar technical issues with OWRD's DPD for T-13363 and are similarly confident in our ability to prevail in a contested case and appeals (if necessary) on that application. That said – we hope this settlement proposal will be sufficient to avoid such actions for both Golden Valley and the Department.

Please let us know if you are willing to discuss this settlement proposal further during our currently scheduled March 1 call, or if not, when we can expect a final order on T-13363 and can expect OWRD to refer the protest on G-17592 to the OAH.

We are hopeful that this substantial reduction and proposal to cancel valid, existing groundwater rights will be sufficient to get us to a settlement on these two application.

Thanks much, Elizabeth

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>

Sent: Thursday, January 14, 2021 2:51 PM

To: Howard, Elizabeth E. <EHoward@SCHWABE.com>

Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Staff will be meeting through Teams, as management has requested we do. That program does not allow video with people outside the department. There is a call-in number provided. We will be joining through our computers and when you call in we will "admit" you. We will all be on the line.

We are looking forward to receiving the proposal early enough to review it and determine if we still need to meet. Perhaps we can work through things before then.

The call-in info is:

+1 503-446-4951,,152229181# United States, Portland

Phone Conference ID: 152 229 181#

Sincerely,

Patricia McCarty

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>

Sent: Thursday, January 14, 2021 2:29 PM

To: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>

Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

That works. Thanks!

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Sent: Thursday, January 14, 2021 2:25 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Elizabeth,
How does March 1st at 9:30 – 10:00 work for you? If it does I'll send you call in details later.
Thanks,
Patricia McCarty

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, January 6, 2021 5:08 PM
To: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Cc: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Thanks Patricia – I'll work on an email explaining the proposal. In the meantime, can we please set a date for our virtual meeting so that we don't lose that time. If we are unable to make progress toward settlement next month, I do not want to further delay a referral of these matters to a contested case. Thanks much, Elizabeth

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt



From: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Sent: Wednesday, January 6, 2021 3:28 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Hi Elizabeth,
Sorry to be so long in responding. We did meet internally on this and while we can meet, virtually, we would like to do so after reviewing your proposed resolution to Golden Rule's protest of G-17592 and the PD on T-13363. Unfortunately, schedules are packed and we would prefer to review the proposal beforehand and then schedule a meeting only if necessary. Everyone has different availability over the next couple of months but we may be able to find a compatible time next month, with an narrowed agenda and enough lead time.

Thank you for your consideration. If you have questions, let me know and I'll get back to you when I can get the answers.

Sincerely,
Patricia McCarty

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Monday, December 14, 2020 2:39 PM
To: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; Timothy P. Puckett (goldenrulefarms@gmail.com) <goldenrulefarms@gmail.com>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Hi Patricia – I hope you are well!

I am writing to reengage the Department in this matter. The DPD was issued and we have (as of last week) provided the requested information, including a response to the request to modify the transfer that provides grounds for our disagreement with the proposed denial of the transfer application. My question for you (and Lisa, Dwight, and Justin) is whether the department is willing to schedule a meeting to discuss a potential resolution of Golden Rule's protest of the PFO denying application G-17592 and (if we are unable to resolve the proposed denial) the forthcoming protest of the proposed denial of the application for T-13363? I look forward to your response.

Best, Elizabeth

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Sent: Thursday, July 23, 2020 10:30 AM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Subject: RE: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Hi Elizabeth,
I've checked in with staff on this request and we think a meeting on these applications is best scheduled after the preliminary determination on T-13363 is issued. We think that once that's done we'll have a better indication of fruitful topics for discussion.

Sincerely,
Patricia McCarty

From: Howard, Elizabeth E. [mailto:EHoward@SCHWABE.com]
Sent: Thursday, June 25, 2020 10:52 AM
To: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Cc: Thane, Lindsay M. <LThane@SCHWABE.com>
Subject: Golden Rule Farms: Groundwater Application Proposed Settlement Discussion

Hi Patricia,

I am reaching out with regards to Golden Rule Farms' protest on the PFO denying application G-17592 and application for T-13363 to request a call with Department staff about the relationship of these two matters.

As a brief overview, G-17592 proposes to use 8 wells to irrigate 952 acres at a rate of 15.9 cfs. (Golden Rule Farms revised G-17592 to decrease its initial application by approximately 75% - the application was initially 30 wells to irrigate 4180.96 acres at a rate of 80.2 cfs.) When Golden Rule received OWRD's proposed final order proposing to deny G-17592, it quickly sought to implement other alternatives it had been considering (and had previously discussed with OWRD) to supply irrigation to its farm. This led Golden Rule to file transfer application T-13363.

All of the 561.23 acres that are the proposed place of use in T-13363 are within the proposed place of use for application G-17592. T-13363 proposes to use water from 3 wells at a rate of 7.01 cfs. Therefore, T-13363 is approximately 50% less than G-17592.

While we realize there may be further discussion needed on whether T-13363 will impact groundwater uses within the GHVGAC, it does clearly reduce the amount of water that is appropriated from within the GHVGAC because it transfers water rights from within the GHVGAC to outside the GHVGAC, in Anderson Valley.

While the Department has recently declined any further discussion of T-13363, Golden Rule would like to have a call to ensure that the various staff within the Department are aware of the purpose of the transfer as it relates to settling its protest of OWRD's proposed final order of G-17592. For example, Golden Rule has contemplated that it would be willing to dismiss its protest and not further pursue G-17592, thus further limiting the amount of water used to irrigate its Anderson Valley property and the total amount of water that would be used in regional aquifer should Golden Rule prevail in its protest.

We look forward to hearing from you. Please let us know if there is a date that would work well for the Department to have a call.

Elizabeth & Lindsay

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt



Lindsay M. Thane
Associate
Direct: 503-796-2059

lthane@schwabe.com

Schwabe Williamson & Wyatt

Please visit our COVID-19 Resource page

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SMITH Tamera L * WRD

From: JARAMILLO Lisa J * WRD
Sent: Thursday, December 17, 2020 2:50 PM
To: SMITH Tamera L * WRD; DAVIS Arla L * WRD
Cc: STARNES Patrick K * WRD
Subject: RE: Direction/Update on Harney files...

Okay, thank you Tamera. I apologize. I was mixed up; thanks for clarifying. 😊

So.... In that case, we will proceed with issuance of a PD to deny due to injury and not the same source as soon as you get it back from Peer Review.

Thanks again... sorry for the mix up.
-Lisa

[Lisa J. Jaramillo](#)

Transfer and Conservation Section Manager
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Thursday, December 17, 2020 9:49 AM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>
Cc: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: RE: Direction/Update on Harney files...

Good morning Lisa,

I believe there is some confusion regarding T-13363. Elizabeth Howard sent a letter stating she would **NOT** send Affidavits of Consent to Injury, dated October 21, 2020. Elizabeth did request two extensions for sending in Consent of Deeded Landowners, which were received on December 12, 2020, (please see attached).

Yes, we changed the wording in some of the findings. Email and PD attached. We also added a memo regarding the FOF wording in the DPD to the file.

Currently, the PD is in peer review...

Thank you for your follow up and hard work on this file.

Best, Tamera

From: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Sent: Thursday, December 17, 2020 9:26 AM
To: DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>; SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>

Cc: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>

Subject: Direction/Update on Harney files...

Hi Arla and Tamera,

You both have a Harney (GHVGAC) Transfer/Permit Amendment that has been the subject of much conversation and coordination, and they were also discussed at the Protest Meeting this morning. Here's the current direction for each:

- **Tamera – T-13363 (Golden Rule Farms)** – A DPD was issued (denial due to injury and not same source). Elizabeth Howard submitted a letter disagreeing with our determination, but did provide affidavits of consent. She is asking for a meeting to resolve issue prior to issuance of PD. Per discussion at the Protest Meeting this morning, we will proceed with normal processing and move forward to issuance of PD to deny to not same source, but you'll want to be sure to make note of the following with some new Findings of Fact:
 - Receipt of affidavits of consent. Assuming we received all the necessary consents and they are from the appropriate parties, you would want to identify that the "injury" issue has been resolved.
 - Also, we were going to correct the inadvertent inclusion of some particular language in the DPD by making a FOF in the PD to address it. I believe I sent you an email about it, but if you can't find it let me know and I'll try to track it down. It had something to do with the same source FOFs. (Please reach out to me if this is not ringing a bell. 😊)
- **Arla – T-12359 (Andy Root)** – internal discussions are continuing. Another meeting with the Director's Office, GW and FSD is scheduled to occur next month (January 2021). This coordination meeting needs to occur before we move forward with processing for T-12359. So, please continue to hold on this for now.

Thanks..... please let me know if you have any questions at all.

-Lisa

[Lisa J. Jaramillo](#)

Transfer and Conservation Section Manager

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

December 11, 2020

Elizabeth E. Howard
Admitted in Oregon, Washington and
North Dakota
T: 503-796-2093
C: 503-312-8765
ehoward@schwabe.com

FIRST CLASS MAIL & ELECTRONIC MAIL

Tamera Smith
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Application for Water Right Transfer T-13363 / Notarized Consents from Deeded
Landowner
Our File No.: 135315-251156

Dear Tamera:

Enclosed are two notarized Consents of Deeded Landowner for Transfer Application T-13363.

Our office previously provided a response to the draft Preliminary Determination on October 21, 2020. We also provided a sort report providing a report of land ownership for lands to which the water rights to be transferred are appurtenant (the "FROM" lands) by email, dated October 28, 2020. The enclosed consents are from the landowner(s) listed in the sort report.

We also wanted to confirm that you have permission to publish notice of the transfer application and to charge our Schwabe account for the costs. If, however, the Department is still open to discussing the transfer application DPD in the larger context of a settlement related to the protest of the PFO denying application G-17592, please let us know, as it may make sense to hold on publication until we complete those discussions.

Thank you, and happy holidays.

Sincerely,



Elizabeth E. Howard

EEH:cw
Enclosures

PDX\135315\251156\EEH\29667742.1

RECEIVED

DEC 14 2020

OWRD

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



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

RECEIVED

DEC 14 2020

OWRD

State of Oregon)
County of Lake)ss)

We Fred H. Briggs and Donna M. Nicholl in my/our capacity as Co-Trustees of the Betty R.

Briggs Testamentary Trust u/w/d 01/18/08,
PO Box 582, Lakeview, OR 97630 ✓
mailing address PO Box 255, Christmas Valley, OR 97641-0255,

telephone number _____, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 32394, 91418, and 91644

described in a Transfer Application (T-13363) submitted by Golden Rule Farms, Inc.,

(transfer number, if known)

on the property in tax lot number(s) 26S32S000001500, 27S31E000000300, 27S32E000000200,
27S32E000000400, 27S32E060000100, Section 31, 32 (T26S, R32E), 1 (T27S, R31E), 2, 3, 4,
5, 6, 10 and 11 (T27S, R32E), Township 26 and 27

South, Range 31 and 32 East, W.M., located at 36625 Sodhouse Lane, Princeton, OR 97721.
(site address)

Fred Briggs

12/03/20

Signature of Affiant

Date

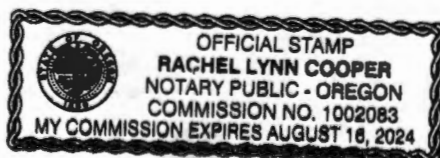
Donna M. Nicholl

12/03/20

Signature of Affiant

Date

Subscribed and Sworn to before me this 03 day of December, 2020.



Rachel Cooper
Notary Public for Oregon

Expires: 08/16/2024

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



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

RECEIVED
DEC 14 2020
OWRD

State of Oregon)
)ss
County of Lake)

I Fred H. Briggs in my/our capacity as individual,
mailing address PO Box 582, Lakeview, OR 97630 IC
~~PO Box 255, Christmas Valley, OR 97641-0255~~

telephone number _____, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 32394, 91418, and 91644
described in a Transfer Application (T-13363) submitted by Golden Rule Farms, Inc.,
(transfer number, if known)

on the property in tax lot number(s) 26S32S000001500, 27S31E000000300, 27S32E000000200,
27S32E000000400, 27S32E060000100, Section 31, 32 (T26S, R32E), 1 (T27S, R31E), 2, 3, 4,
5, 6, 10 and 11 (T27S, R32E), Township 26 and 27

South, Range 31 and 32 East, W.M., located at 36625 Sodhouse Lane, Princeton, OR 97721
(site address)

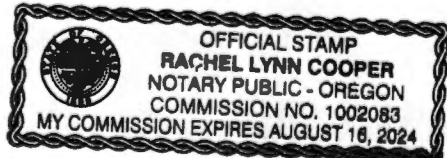
Fred Briggs
Signature of Affiant

12/03/20
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 03 day of December, ²⁰²⁰~~201~~.



Rachel Cooper
Notary Public for Oregon

My commission expires 08/16/24.

SMITH Tamera L * WRD

From: Weckel, Chris <CWeckel@SCHWABE.com>
Sent: Monday, November 30, 2020 10:10 AM
To: SMITH Tamera L * WRD; Howard, Elizabeth E.
Cc: Langford, Shonee D.; JARAMILLO Lisa J * WRD; 'Scott Montgomery (scott@APEandS.com)'; 'Timothy P. Puckett (goldenrulefarms@gmail.com)'; STARNES Patrick K * WRD
Subject: RE: T-13363 Draft Preliminary Determination

Follow Up Flag: Follow up
Flag Status: Completed

Tamera,

Good morning. This is a request for an additional extension to provide the notarized consents to transfer requested by your October 3, 2020 cover letter pertaining to T-13363. Mr. Puckett is still recovering and because of the statewide restrictions put in place has not been able to make connections to have the consents notarized. We request an additional 14 days (from December 3, 2020) to December 17, 2020 to submit the consents to you. Please let me know if this is acceptable.

This is sent on behalf of Elizabeth Howard.

Thank you.

Chris Weckel

Legal Secretary to Elizabeth Howard, Noah Jarrett, and Jay Waldron
503-796-3770
cweckel@schwabe.com

Schwabe Williamson & Wyatt

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Thursday, October 29, 2020 10:21 AM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: Weckel, Chris <CWeckel@SCHWABE.com>; Langford, Shonee D. <SLangford@SCHWABE.com>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; Scott Montgomery (scott@APEandS.com) <scott@APEandS.com>; Timothy P. Puckett (goldenrulefarms@gmail.com) <goldenrulefarms@gmail.com>; STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: RE: T-13363 Draft Preliminary Determination

Good morning Elizabeth,

Your request for extension falls well within the time parameters for the Department receiving the Consent of Deeded Landowner for the Briggs portion of the FROM lands. I hope that Mr. Puckett's health improves in a speedy fashion and that he is able to go home soon.

Thank you for letting me know.

Kindest regards,
Tamera

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, October 28, 2020 10:32 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Cc: Weckel, Chris <CWeckel@SCHWABE.com>; Langford, Shonee D. <SLangford@SCHWABE.com>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; Scott Montgomery (scott@APEandS.com) <scott@APEandS.com>; Timothy P. Puckett (goldenrulefarms@gmail.com) <goldenrulefarms@gmail.com>
Subject: RE: T-13363 Draft Preliminary Determination

Tamera,

Good morning. I am writing to request an extension for the deadline to provide the notarized consents to transfer requested by your October 3, 2020 cover letter pertaining to T-13363. On behalf of the applicant, Golden Rule Farm, our office obtained the requisite land ownership report (item no. 3), which is attached. It confirmed that ownership of the "from lands" is in Fred Briggs and the Betty R. Briggs Testamentary Trust. Mr. Puckett is the owner of Golden Rule Farms and had made plans to meet with the Briggs and obtain the necessary notarized consents this week. However, we learned this morning that Mr. Puckett has contracted the COVID-19 and is hospitalized for treatment for an unknown period of time. Mr. Puckett is the only person who has the ability to meet with the Briggs, explain this process, and obtain their consents. Under these circumstances, we are asking for an extension to **December 3, 2020** to obtain and provide the Department with the required consents.

Please let us know if the Department will agree to this extension.

By way of a further update, Mr. John Short is no longer acting as Mr. Puckett and Golden Rule Farm's agent. Mr. Scott Montgomery is now acting as Mr. Puckett and Golden Rule's agent along with our offices, and he is copied here toward that end.

Thanks for your attention to these matters, Tamera. It is much appreciated. Best, Elizabeth

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>

Sent: Saturday, October 3, 2020 2:11 PM

To: John Short <johnshort@usa.com>; Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: Lisa Brown <lisa@waterwatch.org>; Barbara <barbara@fizzleflat.com>; patyjag@gmail.com; laurieoc53@gmail.com; pucketand <son@gmail.com>; karenjstarbuck@hotmail.com
Subject: T-13363 Draft Preliminary Determination

Good afternoon John, Elizabeth, and commenters for transfer application T-13363,

Please see the attached DPD and letter, with enclosures. Those commenters who did not include email addresses for correspondence on this matter will receive a copy via USPS.

Kindest regards,

Tamera Smith, Transfer Caseworker



Thank you for contacting the Water Resources Department. I am currently teleworking in an effort to maintain services, while encouraging Oregonians to stay home, stay healthy, and save lives by reducing the spread of COVID 19. I will be checking email and voicemails Monday through Friday, and I will respond to your request as soon as possible.

Please note that due to the COVID-19, our operations are subject to change. Please visit our website at www.oregon.gov/owrd for updates on our operations.

We appreciate your understanding as we work to protect the health of Oregonians while also providing services.

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SMITH Tamera L * WRD

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, October 28, 2020 10:32 AM
To: SMITH Tamera L * WRD
Cc: Weckel, Chris; Langford, Shonee D.; JARAMILLO Lisa J * WRD; Scott Montgomery (scott@APEandS.com); Timothy P. Puckett (goldenrulefarms@gmail.com)
Subject: RE: T-13363 Draft Preliminary Determination
Attachments: SORT Report.pdf; Maps.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>

Sent: Saturday, October 3, 2020 2:11 PM

To: John Short <johnshort@usa.com>; Howard, Elizabeth E. <EHoward@SCHWABE.com>

Cc: Lisa Brown <lisa@waterwatch.org>; Barbara <barbara@fizzleflat.com>; patyjag@gmail.com; laurieoc53@gmail.com;

puckettand <son@gmail.com>; karenjstarbuck@hotmail.com

Subject: T-13363 Draft Preliminary Determination

Good afternoon John, Elizabeth, and commenters for transfer application T-13363,

Please see the attached DPD and letter, with enclosures. Those commenters who did not include email addresses for correspondence on this matter will receive a copy via USPS.

Kindest regards,

Tamera Smith, Transfer Caseworker



Thank you for contacting the Water Resources Department. I am currently teleworking in an effort to maintain services, while encouraging Oregonians to stay home, stay healthy, and save lives by reducing the spread of COVID 19. I will be checking email and voicemails Monday through Friday, and I will respond to your request as soon as possible.

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October 21, 2020

Elizabeth E. Howard
Admitted in Oregon, Washington and
North Dakota
T: 503-796-2093
C: 503-312-8765
ehoward@schwabe.com

VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV)

Tamera L. Smith
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301

RE: Golden Rule Farms, Inc. – Transfer Application T-13363
Our File No. 135315-251156

Dear Tamera:

This office represents Golden Rule Farms, Inc. (“Golden Rule”) in connection with transfer application T-13363. On October 3, 2020, the Water Resources Department (“Department”) issued a draft preliminary determination (“DPD”) proposing to deny T-13363.

Regarding items listed in the October 3, 2020 DPD cover letter, Golden Rule:

- Will not amend its application;
- Will not provide notarized affidavits of consent from other groundwater users;
- Will submit the required ownership report by the deadline provided in the DPD cover letter; and
- Will pay the cost of newspaper publication.

The Department’s determinations are incorrect and are not supported by substantial evidence in the record. Golden Rule therefore intends to protest the forthcoming Preliminary Determination should the Department determine not to revise its DPD and approve the transfer application.

Golden Rule disagrees with the DPD for the following reasons:

1. **Same Source.** The Department erroneously determined that the “TO” wells will draw water from a “different source” than the “FROM” wells (see, e.g., Findings 19, 21, 25). Golden Rule disagrees with all related findings and conclusions, including those memorialized in the underlying Groundwater Review, dated April 6, 2020 (“Groundwater Review”), for reasons described in the attached letter from Elizabeth Howard to caseworker Tamera Smith, dated May 4, 2020 (“May 2020 letter”). No statute, rule or other legal authority supports the Department’s

division of a single aquifer system into multiple “sources” for transfer purposes, nor is there substantial evidence in the record to support such a division.

The Department’s source determination contradicts information presented by the U.S. Geological Survey on December 12, 2019, as depicted in the attached slides showing groundwater contours and flow direction in the vicinity of the “FROM” and “TO” wells. The slides indicate that groundwater moves in a more or less clockwise direction from the “FROM” wells to Malheur Lake and the Virginia Valley area. Assuming for the sake of argument that the USGS slides are accurate, the “FROM” wells take water from the same source aquifer as the “TO” wells, and groundwater flow from either location makes its way to Virginia Valley (whether directly or via Malheur Lake). The USGS slides therefore do not support the Department’s assertion that the “FROM” and “TO” wells take water from different source aquifers. Notably, these slides are based on the information developed by the same USGS team and study that OWRD relies upon to propose to deny the transfer application.

2. **No Injury.** The Department erroneously determined that the proposed changes would result in injury to other existing water rights (see, e.g., Findings 19, 20, 21, 26). Golden Rule disagrees with all related findings and conclusions for reasons described in the attached May 2020 letter. Among other things, the Department failed to apply the correct standard for determining injury to other groundwater users, which is the well-defined “substantial interference” standard set forth in OAR 690-008-0001(8)(b)-(c). The determination of “substantial interference” is an objective standard that requires the Department to undertake a specific evaluation of available data. The Department’s Groundwater Review does not even mention the substantial interference standard, let alone apply it. Instead, the reviewer indicates that the proposed changes would “likely result in an increase in interference with another ground water right” (pp. 3-4).

Despite the fact that the Groundwater Review makes no mention of the substantial interference standard, the DPD finds in two places that the proposed changes would “interfere substantially” with other existing groundwater rights (Findings 19, 20). But this nod to the appropriate standard carries no weight, because the Department fails to provide any analysis or supporting evidence to demonstrate substantial interference. Rather, it perpetuates the error in the Groundwater Review by describing the alleged impact in terms that have no basis in statute or rule. See, e.g., Finding 19 (describing the alleged impact as an “increase in interference” that could trigger other groundwater users’ permit decline conditions earlier). Also, aside from water rights held by Golden Rule, the only other right listed in Finding 20 that includes water level decline conditions is Certificate 94689 (which the DPD erroneously lists as Certificate 94869). The Department failed to specifically analyze the potential for substantial interference with that right or any other right listed in Finding 20.

3. **Other Errors.** Golden Rule asks the Department to correct the following additional errors in the DPD:

a. In DPD Finding 7, the Measured Distances for the Authorized Point of Appropriation should be 1562 Feet South and 21 Feet East from the N1/4 Corner of Section 1.

Tamera L. Smith
October 21, 2020
Page 3

b. In DPD Findings 25, 26 and 27, the cross-referenced findings appear to be incorrect and should be revised before issuance of the Preliminary Determination.


c. The DPD cover letter suggests that refusal to provide the requested application amendments and/or affidavits of consent may result in issuance of Preliminary Determination "denying the application as incomplete." That would not be a lawful basis for denying the application.

d. The DPD cover letter also suggests that there are only two options for proceeding with the application: (i) amending the application and providing affidavits of consent; or (ii) withdrawing the application. Golden Rule also has the option of proceeding to a Preliminary Determination without amending the application or providing affidavits of consent, and that is what Golden Rule has chosen to do.

Please note that we are aware the Department is currently taking the stance that it will not refer protests to the Office of Administrative Hearings ("OAH") for hearing. Should the Department be unwilling to settle this matter expeditiously or refuse to refer this matter to OAH in a timely manner, please be advised that we may initiate a mandamus action against the Department for refusing to provide statutorily required due process in this matter.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.

A handwritten signature in blue ink, appearing to read 'Elizabeth E. Howard', with a long horizontal line extending to the right.

Elizabeth E. Howard

EEH/cw
Enclosures

PDX\135315\251156\EEH\29243640.1

May 4, 2020

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

**VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV) AND FIRST
CLASS MAIL**

Oregon Water Resources Department
Attn: Tamera Smith
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Groundwater Review for Transfer T-13363
Our File No.: 135315-251156

Dear Tamera:

As you know, our office represents Golden Rule Farms Inc. (hereafter “Golden Rule Farms” or “Golden Rule”). This letter is being submitted on its behalf with regard to the Groundwater Review for Transfer Application T-13363.

Golden Rule Farms is very concerned with the Oregon Water Resources Department’s (“OWRD”) April 6, 2020 Groundwater Transfer Review for Transfer Application T-13363 (hereafter “GR”). The GR contains generalized remarks that fail to consider readily available data and that do not make the legally required analyses regarding injury. These remarks threaten to lead to a draft Preliminary Determination proposing to deny the transfer application. Golden Rule Farms submitted Transfer Application T-13363, which requests a change in the place of use and a change in point of appropriation (“POA”) to three new wells under water right certificates 32394, 91418, and 91644 (with the old wells being no longer intended for use under these certificates). The “from” lands are in the Briggs and South Sodhouse areas, in the Greater Harney Valley Groundwater Area of Concern (“GHVGAC”). The “to” lands are in Anderson Valley, which is outside the GHVGAC but is an area that OWRD has previously included as part of the Steens Mountain sub-aquifer or region. Golden Rule discussed a transfer of certificated water rights from the “from” lands to the Anderson Valley area last year, and OWRD indicated that this transfer would likely be approved because the water source is connected between these areas.

The GR erroneously concluded that T-13363 will result in enlargement and injury. This letter is intended to highlight where readily available data that would have a material effect on the GR’s conclusions was not considered and to highlight other deficiencies in the GR. Golden Rule Farms urges OWRD to revise the GR in light of these concerns and to determine that the transfer should be approved.

- A. T-13363 does not cause enlargement because water is not withdrawn from a different aquifer than the existing POAs.**

The GR concludes that the proposed POAs will not develop water from the same aquifer (source) as the existing authorized POAs, but this conclusion is in direct conflict with OWRD's finding that the POAs are in the same aquifer. GR, p. 3. The GR's contrary conclusion is based on an unlawful evaluation of the source as a sub-area of the aquifer rather than the regional aquifer. OWRD's evaluation is contrary to law, and is an unlawful mechanism by which to make an enlargement finding.

For clarification, the law requires OWRD to deny a transfer that results in enlargement. 690-380-4010(2)(c). A new transfer POA must draw water from the *same aquifer* as the original POA to avoid enlargement. OAR 690-380-2110(2) ("A change in point of appropriation under a water right or certificate of registration modification is restricted to the *same aquifer*") (emphasis added). Sub-areas within an aquifer are not relevant to this consideration. The question that OWRD must answer is whether the proposed new POAs draw from the same aquifer. If they do, then the transfer does not cause enlargement.

Here, the GR states that "the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system . . ." However, the GR then goes on to discuss "sub-watersheds water within the aquifer system" that it claims are "sourced from a common recharge area, and can therefore be considered a single source." GR, p. 3. And, then goes on to suggest that because the FROM and TO wells are located in different sub-watersheds, the new use would not be from the same "source," resulting in enlargement.

This analysis is incorrect. It is the entire, regional aquifer that is the source at issue for an enlargement analysis. The GR confirms that there is a single aquifer system encompassing the "FROM" wells and the "TO" wells in T-13363. Therefore, the correct conclusion is that the "TO" and "FROM" wells are in the same aquifer and no enlargement will result from this transfer.

It is notable that the GR references groundwater application G-17952. That application has the same POAs as the new POAs proposed by T-13363. The groundwater review for G-17952 states "wells producing from alluvium or basalt in this area are not considered separate sources, as there is no documented evidence of hydraulic separation between these horizons. . . . [W]ells on this application shall be considered to produce from the greater regional flow system." (See October 10, 2019 groundwater re-review for Application G-17952). This analysis was used to deny the groundwater application because of the allegation that the POAs would draw from the same aquifer as other water rights within the GHVGAC. This groundwater review is evidence that OWRD in fact believes the transfer POAs would draw from the same regional aquifer and source as the ground water certificates 32394, 91418, and 91644. OWRD can't have it both ways, either the POAs draw from the same source or they do not.

B. General declines do not equate to injury.

The GR concludes that T-13363 is likely to result in an increase in interference with another groundwater right, but the GR's comments do not actually support that conclusion. In addition, even if there were support for this conclusion, a finding of increased interference is insufficient to make a finding of injury.

A proposed transfer may not be approved if it will result in injury. OAR 690-380-4010. OWRD's rules define injury as "another, existing water right not receiving previously available water to which it is legally entitled." OAR 690-380-0100(3). In officially published interpretations and cases, OWRD has explained that in the context of groundwater, injury means that a senior groundwater appropriator must experience "substantial or undue interference." Substantial or undue interference means "the spreading of the cone of depression of a well to intersect . . . another well, or the reduction of the ground water gradient and flow as a result of pumping, which contributes to . . . [t]he ground water level being drawn down to the economic level of the senior appropriator(s); or [o]ne or more of the senior ground water appropriators being unable to obtain either the permitted or customary quantity of the ground water, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. . . ." OAR 690-008-001(8)(b)-(c).

The GR makes a vague comment that T-13363 will cause increased interference with a "group of groundwater rights in the vicinity of the proposed 'TO' wells." GR, p. 3. The comment lacks the specificity required to show the transfer would cause injury – it does not mention the groundwater rights by number or the general location of the "group of groundwater rights." It does not demonstrate that any groundwater right would experience substantial or undue interference.

Later, the GR includes a comment that "junior groundwater rights in the Virginia Valley area have decline conditions that would be triggered earlier if the proposed transfer was approved." GR, p. 4. It appears it is water rights in the Virginia Valley that the GR is concerned will be impacted by T-13363. However, the comment about triggering decline conditions – which appears to be the GR's surrogate for injury – is unsupported by the GR. OWRD has not evaluated any water right in Virginia Valley or how they would be impacted by the transfer.

Additionally, OWRD has not conducted the type of analysis of Anderson Valley that has been conducted within the GHVGAC to support its belief that these areas are as connected as OWRD would have us believe. Indeed, hydrographs and geological data indicate that there is in fact a strong separation between Virginia Valley and Anderson Valley. There are, among other indicators, different geology (above and below ground), differences in water levels, significant differences in well depths and the depths at which pumps must be set, and differences in well responses from wells in each of these area. The two areas are not joint or closely connected sub-watersheds within the regional aquifer, as OWRD would suggest. Anderson Valley is in a distinct sub-area from Virginia Valley – if OWRD is going to compare the potential effect of T-13363 on other water rights, it must account for these differences, in addition to conducting a true evaluation of injury.

In any case, the type of generalized declines the GR indicates would occur do not equate to a finding of substantial or undue interference, i.e., injury, to other groundwater rights. A generalized decline is not the same as substantial or undue interference. The generalized statements indicate that the GR did not look at available water level data, water rights, well logs, or the local geology in coming to its conclusion that T-13363 will cause injury.

In addition to the above, the GR seems to rely on its remark that the “TO” wells are within approximately 1 mile of the Malheur Lake administrative basin and the GHVGAC to draw its conclusion of injury—arguing that the “TO” wells are part of the same groundwater flow system as the GHVGAC (again, note how this statement supports a finding that the transfer would not cause enlargement). GR, p. 4. This assertion is irrelevant to OWRD’s evaluation of this transfer.

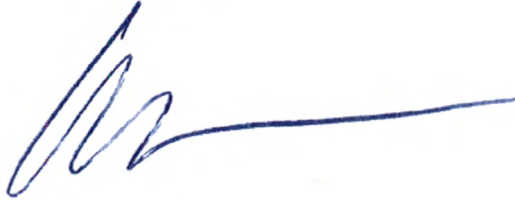
Furthermore, ORS 537.525(9) is clear that it is only an action of the Oregon Water Resources Commission (“Commission”) that can adopt rules like those put in place for the GHVGAC for Anderson Valley. Only with the adoption of such rules can OWRD lawfully restrict groundwater uses on the basis of concerns about regional groundwater levels. The Commission has not undertaken a rule making process to restrict groundwater uses within Anderson Valley despite the fact that OWRD had ample opportunity to include Anderson Valley in the GHVGAC. Indeed, Anderson Valley is located within the USGS Study Area of which the GHVGAC is a part. But, Anderson Valley was not subject to the GHVGAC rules.

The GR remark about nearness to the GHVGAC indicates that OWRD is trying to find some mechanism to deny the transfer. But, nearness to the GHVGAC is not a measure of whether a transfer can be approved. Furthermore, the Commission must enact rules that would provide OWRD with the legal means to deny a transfer. Until then, the fact that Anderson Valley is located *near* the GHVGAC is not a grounds to make a negative finding in the GR.

For all and each of these reasons, Golden Rule Farms requests that OWRD re-do the GR. Golden Rule further request that OWRD make findings and assessments based on the rules and actual data. We think that once it does so OWRD will not find enlargement or injury.

Oregon Water Resources Department
May 4, 2020
Page 5

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a long horizontal line.

Elizabeth E. Howard

EEH:cw

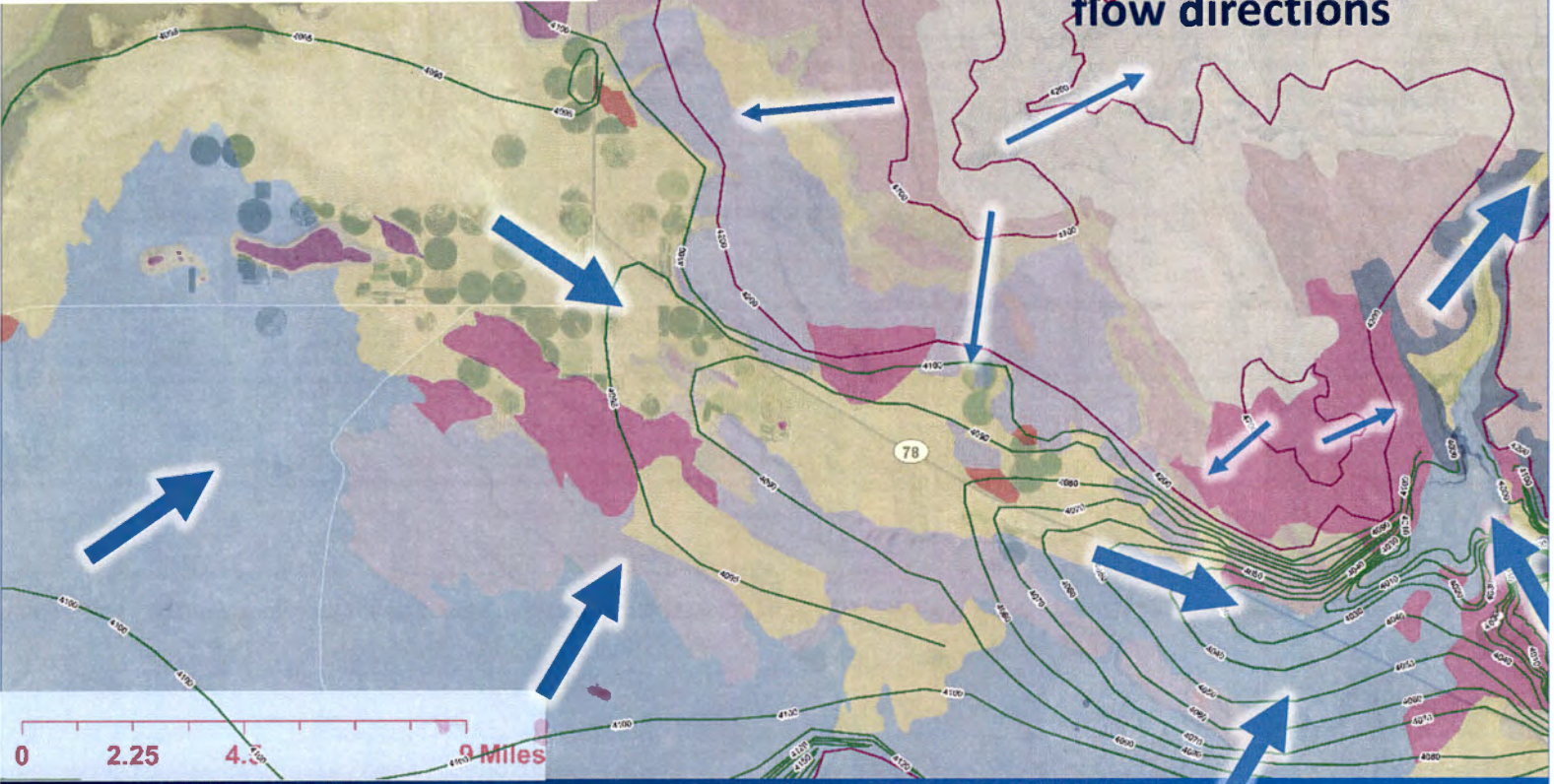
cc: Justin T. Iverson

PDX\135315\251156\LTH\27871495.2

Virginia Valley

Background colors represent generalized geology
Purple lines are water-table contours; interval 500 ft
Green lines are water-table contours; interval 10 ft

General groundwater flow directions

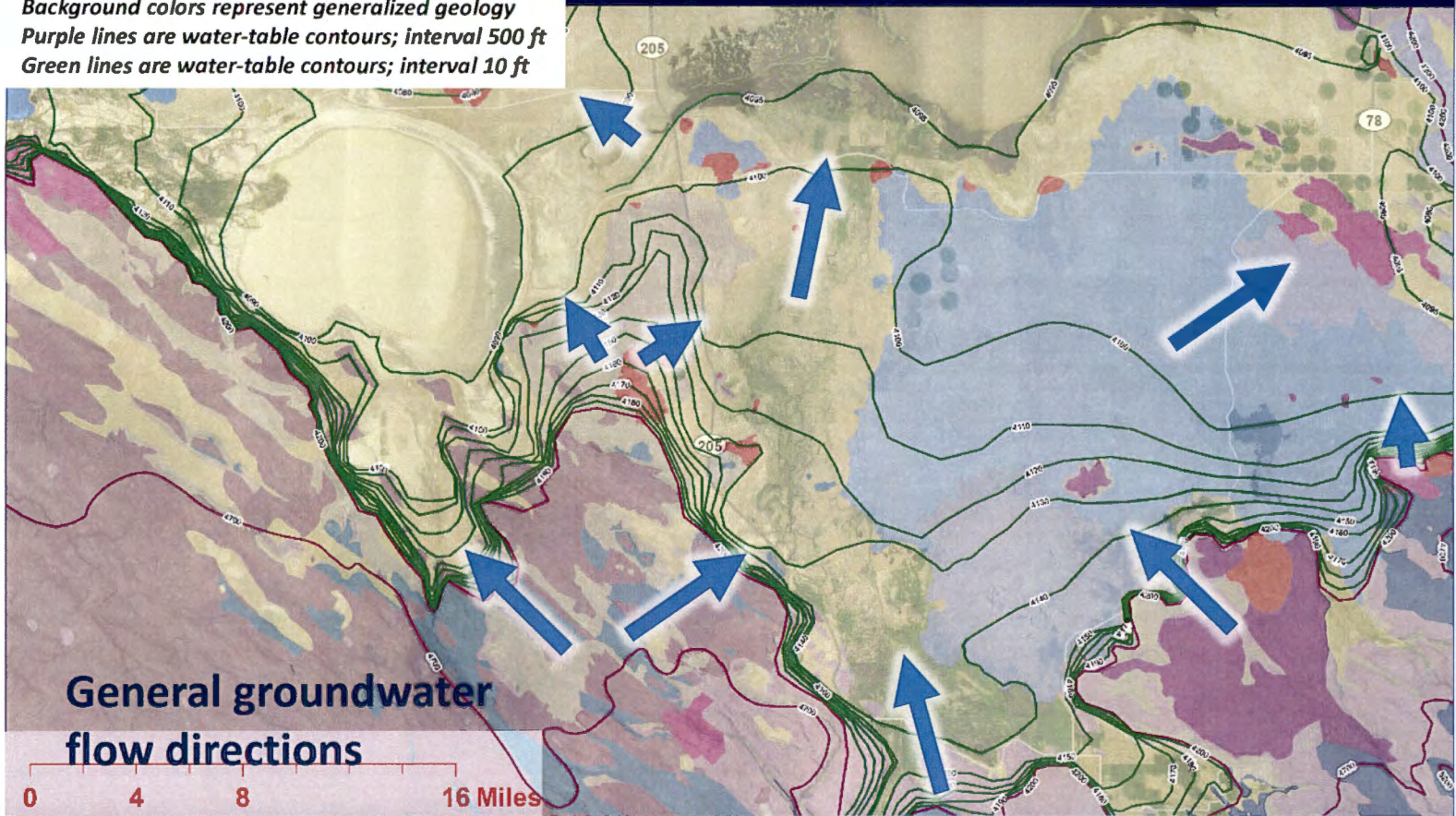


Preliminary Information—Subject to Revision. Not for Citation or Distribution.

Generalized Geologic Map of the Harney Basin, Oregon
(Boschmann, in prep.)

Donner und Blitzen floodplain

Background colors represent generalized geology
Purple lines are water-table contours; interval 500 ft
Green lines are water-table contours; interval 10 ft



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Generalized Geologic Map of the Harney Basin, Oregon
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SMITH Tamera L * WRD

From: Weckel, Chris <CWeckel@SCHWABE.com>
Sent: Friday, December 11, 2020 2:21 PM
To: SMITH Tamera L * WRD
Cc: Howard, Elizabeth E.; Langford, Shonee D.; 'goldenrulefarms@gmail.com'
Subject: Consents (T-13363)
Attachments: LT Tamera Smith re Golden Rule Consents with letter.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Tamera,

Please find attached Elizabeth Howard's letter regarding the two consents enclosed. We have mailed the original consents to your office by first class mail. Please let us know if you have any questions.

My best,
Chris

Chris Weckel

Legal Secretary to Elizabeth Howard, Noah Jarrett, Jay Waldron, and Audrey Davis
503-796-3770
cweckel@schwabe.com

Schwabe Williamson & Wyatt



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December 11, 2020

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

FIRST CLASS MAIL & ELECTRONIC MAIL

Tamera Smith
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Application for Water Right Transfer T-13363 / Notarized Consents from Deeded
Landowner
Our File No.: 135315-251156

Dear Tamera:

Enclosed are two notarized Consents of Deeded Landowner for Transfer Application T-13363.

Our office previously provided a response to the draft Preliminary Determination on October 21, 2020. We also provided a sort report providing a report of land ownership for lands to which the water rights to be transferred are appurtenant (the "FROM" lands) by email, dated October 28, 2020. The enclosed consents are from the landowner(s) listed in the sort report.

We also wanted to confirm that you have permission to publish notice of the transfer application and to charge our Schwabe account for the costs. If, however, the Department is still open to discussing the transfer application DPD in the larger context of a settlement related to the protest of the PFO denying application G-17592, please let us know, as it may make sense to hold on publication until we complete those discussions.

Thank you, and happy holidays.

Sincerely,



Elizabeth E. Howard

EEH:cw
Enclosures

PDX\135315\251156\EEH\29667742.1

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



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

State of Oregon)
)ss
County of Lake)

We Fred H. Briggs and Donna M. Nicholl in my/our capacity as Co-Trustees of the Betty R.

Briggs Testamentary Trust u/w/d 01/18/08,

PO Box 582, Lakeview, OR 97630 ✓
mailing address PO Box 255, Christmas Valley, OR 97641-0255,

telephone number _____, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 32394, 91418, and 91644

described in a Transfer Application (T-13363) submitted by Golden Rule Farms, Inc.,

(transfer number, if known)

on the property in tax lot number(s) 26S32S000001500, 27S31E000000300, 27S32E000000200,
27S32E000000400, 27S32E060000100, Section 31, 32 (T26S, R32E), 1 (T27S, R31E), 2, 3, 4,
5, 6, 10 and 11 (T27S, R32E), Township 26 and 27

South, Range 31 and 32 East, W.M., located at 36625 Sodhouse Lane, Princeton, OR 97721.
(site address)

Fred Briggs

Signature of Affiant

12/03/20

Date

Donna M. Nicholl

Signature of Affiant

12/03/20

Date

Subscribed and Sworn to before me this 03 day of December, 2020.



Rachel Cooper
Notary Public for Oregon

Expires: 08/16/2024

Application for Water Right Transfer

Consent by Deeded Landowner



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

State of Oregon)
County of Lake)ss
)

I Fred H. Briggs in my/our capacity as individual,
mailing address PO Box 582, Lakeview, OR 97630 K
~~PO Box 255, Christmas Valley, OR 97641-0255~~

telephone number _____, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 32394, 91418, and 91644
described in a Transfer Application (T-13363) submitted by Golden Rule Farms, Inc.,
(transfer number, if known)

on the property in tax lot number(s) 26S32S000001500, 27S31E000000300, 27S32E000000200,
27S32E000000400, 27S32E060000100, Section 31, 32 (T26S, R32E), 1 (T27S, R31E), 2, 3, 4,
5, 6, 10 and 11 (T27S, R32E), Township 26 and 27

South, Range 31 and 32 East, W.M., located at 36625 Sodhouse Lane, Princeton, OR 97721
(site address)

Fred Briggs

Signature of Affiant

12/03/20

Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 03 day of December, ²⁰²⁰~~201~~.



Rachel Cooper
Notary Public for Oregon

My commission expires 08/16/24.

Memo

File: Transfer Application T-13363 Golden Rule Farms

Date: November 4, 2020

Author: Tamera Smith, caseworker



Based upon information provided by Elizabeth Howard on October 21, 2020, on behalf of the applicant in response to the DPD issued on October 3, 2020, the Department determined it inadvertently used some incorrect terminology, as follows:

- In FOF #19, the DPD included the statement, "...Consequently, groundwater withdrawals at the proposed location will draw groundwater from a different source, and therefore will result in an increase in interference..."
Instead, it should have stated: "...Consequently, groundwater withdrawals at the proposed location will draw groundwater from a different ~~source~~ aquifer, then therefore will result in an increase in interference..." in order to be consistent with OAR 690-380-2110(2).
- In FOFs #19 & #20, the DPD included the term "interfere substantially" when it should have simply stated "interfere".

The errors will be corrected as part of the Final Order.

SMITH Tamera L * WRD

From: SMITH Tamera L * WRD
Sent: Thursday, October 29, 2020 10:21 AM
To: Howard, Elizabeth E.
Cc: Weckel, Chris; Langford, Shonee D.; JARAMILLO Lisa J * WRD; Scott Montgomery (scott@APEandS.com); Timothy P. Puckett (goldenrulefarms@gmail.com); STARNES Patrick K * WRD
Subject: RE: T-13363 Draft Preliminary Determination

Good morning Elizabeth,

Your request for extension falls well within the time parameters for the Department receiving the Consent of Deeded Landowner for the Briggs portion of the FROM lands. I hope that Mr. Puckett's health improves in a speedy fashion and that he is able to go home soon.

Thank you for letting me know.

Kindest regards,
Tamera

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, October 28, 2020 10:32 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Cc: Weckel, Chris <CWeckel@SCHWABE.com>; Langford, Shonee D. <SLangford@SCHWABE.com>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; Scott Montgomery (scott@APEandS.com) <scott@APEandS.com>; Timothy P. Puckett (goldenrulefarms@gmail.com) <goldenrulefarms@gmail.com>
Subject: RE: T-13363 Draft Preliminary Determination

Tamera,

Good morning. I am writing to request an extension for the deadline to provide the notarized consents to transfer requested by your October 3, 2020 cover letter pertaining to T-13363. On behalf of the applicant, Golden Rule Farm, our office obtained the requisite land ownership report (item no. 3), which is attached. It confirmed that ownership of the "from lands" is in Fred Briggs and the Betty R. Briggs Testamentary Trust. Mr. Puckett is the owner of Golden Rule Farms and had made plans to meet with the Briggs and obtain the necessary notarized consents this week. However, we learned this morning that Mr. Puckett has contracted the COVID-19 and is hospitalized for treatment for an unknown period of time. Mr. Puckett is the only person who has the ability to meet with the Briggs, explain this process, and obtain their consents. Under these circumstances, we are asking for an extension to **December 3, 2020** to obtain and provide the Department with the required consents.

Please let us know if the Department will agree to this extension.

By way of a further update, Mr. John Short is no longer acting as Mr. Puckett and Golden Rule Farm's agent. Mr. Scott Montgomery is now acting as Mr. Puckett and Golden Rule's agent along with our offices, and he is copied here toward that end.

Thanks for your attention to these matters, Tamera. It is much appreciated. Best, Elizabeth

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>

Sent: Saturday, October 3, 2020 2:11 PM

To: John Short <johnshort@usa.com>; Howard, Elizabeth E. <EHoward@SCHWABE.com>

Cc: Lisa Brown <lisa@waterwatch.org>; Barbara <barbara@fizzleflat.com>; patyjag@gmail.com; laurieoc53@gmail.com; puckettand@son@gmail.com; karenjstarbuck@hotmail.com

Subject: T-13363 Draft Preliminary Determination

Good afternoon John, Elizabeth, and commenters for transfer application T-13363,

Please see the attached DPD and letter, with enclosures. Those commenters who did not include email addresses for correspondence on this matter will receive a copy via USPS.

Kindest regards,

Tamera Smith, Transfer Caseworker



Thank you for contacting the Water Resources Department. I am currently teleworking in an effort to maintain services, while encouraging Oregonians to stay home, stay healthy, and save lives by reducing the spread of COVID 19. I will be checking email and voicemails Monday through Friday, and I will respond to your request as soon as possible.

Please note that due to the COVID-19, our operations are subject to change. Please visit our website at www.oregon.gov/owrd for updates on our operations.

We appreciate your understanding as we work to protect the health of Oregonians while also providing services.

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SMITH Tamera L * WRD

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Monday, May 04, 2020 2:18 PM
To: SMITH Tamera L * WRD
Cc: IVERSON Justin T * WRD; 'John Short'; Langford, Shonee D.; Timothy P. Puckett (goldenrulefarms@gmail.com); Weckel, Chris; JARAMILLO Lisa J * WRD
Subject: T-13363: Golden Rule Farms, Groundwater Review Letter
Attachments: LT OWRD re concerns GWR for T-13363.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

Please see attached letter, which we request be added to the file for T-13363. We are requesting that these issues also be addressed before a draft PD is finalized and sent to Mr. Puckett for review.

Thank you for your consideration of this request and these issues.

Best, Elizabeth

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt



NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

May 4, 2020

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

**VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV) AND FIRST
CLASS MAIL**

Oregon Water Resources Department
Attn: Tamera Smith
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Groundwater Review for Transfer T-13363
Our File No.: 135315-251156

Dear Tamera:

As you know, our office represents Golden Rule Farms Inc. (hereafter “Golden Rule Farms” or “Golden Rule”). This letter is being submitted on its behalf with regard to the Groundwater Review for Transfer Application T-13363.

Golden Rule Farms is very concerned with the Oregon Water Resources Department’s (“OWRD”) April 6, 2020 Groundwater Transfer Review for Transfer Application T-13363 (hereafter “GR”). The GR contains generalized remarks that fail to consider readily available data and that do not make the legally required analyses regarding injury. These remarks threaten to lead to a draft Preliminary Determination proposing to deny the transfer application. Golden Rule Farms submitted Transfer Application T-13363, which requests a change in the place of use and a change in point of appropriation (“POA”) to three new wells under water right certificates 32394, 91418, and 91644 (with the old wells being no longer intended for use under these certificates). The “from” lands are in the Briggs and South Sodhouse areas, in the Greater Harney Valley Groundwater Area of Concern (“GHVGAC”). The “to” lands are in Anderson Valley, which is outside the GHVGAC but is an area that OWRD has previously included as part of the Steens Mountain sub-aquifer or region. Golden Rule discussed a transfer of certificated water rights from the “from” lands to the Anderson Valley area last year, and OWRD indicated that this transfer would likely be approved because the water source is connected between these areas.

The GR erroneously concluded that T-13363 will result in enlargement and injury. This letter is intended to highlight where readily available data that would have a material effect on the GR’s conclusions was not considered and to highlight other deficiencies in the GR. Golden Rule Farms urges OWRD to revise the GR in light of these concerns and to determine that the transfer should be approved.

- A. T-13363 does not cause enlargement because water is not withdrawn from a different aquifer than the existing POAs.**

The GR concludes that the proposed POAs will not develop water from the same aquifer (source) as the existing authorized POAs, but this conclusion is in direct conflict with OWRD's finding that the POAs are in the same aquifer. GR, p. 3. The GR's contrary conclusion is based on an unlawful evaluation of the source as a sub-area of the aquifer rather than the regional aquifer. OWRD's evaluation is contrary to law, and is an unlawful mechanism by which to make an enlargement finding.

For clarification, the law requires OWRD to deny a transfer that results in enlargement. 690-380-4010(2)(c). A new transfer POA must draw water from the *same aquifer* as the original POA to avoid enlargement. OAR 690-380-2110(2) ("A change in point of appropriation under a water right or certificate of registration modification is restricted to the *same aquifer*") (emphasis added). Sub-areas within an aquifer are not relevant to this consideration. The question that OWRD must answer is whether the proposed new POAs draw from the same aquifer. If they do, then the transfer does not cause enlargement.

Here, the GR states that "the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system . . ." However, the GR then goes on to discuss "sub-watersheds water within the aquifer system" that it claims are "sourced from a common recharge area, and can therefore be considered a single source." GR, p. 3. And, then goes on to suggest that because the FROM and TO wells are located in different sub-watersheds, the new use would not be from the same "source," resulting in enlargement.

This analysis is incorrect. It is the entire, regional aquifer that is the source at issue for an enlargement analysis. The GR confirms that there is a single aquifer system encompassing the "FROM" wells and the "TO" wells in T-13363. Therefore, the correct conclusion is that the "TO" and "FROM" wells are in the same aquifer and no enlargement will result from this transfer.

It is notable that the GR references groundwater application G-17952. That application has the same POAs as the new POAs proposed by T-13363. The groundwater review for G-17952 states "wells producing from alluvium or basalt in this area are not considered separate sources, as there is no documented evidence of hydraulic separation between these horizons. . . . [W]ells on this application shall be considered to produce from the greater regional flow system." (See October 10, 2019 groundwater re-review for Application G-17952). This analysis was used to deny the groundwater application because of the allegation that the POAs would draw from the same aquifer as other water rights within the GHVGAC. This groundwater review is evidence that OWRD in fact believes the transfer POAs would draw from the same regional aquifer and source as the ground water certificates 32394, 91418, and 91644. OWRD can't have it both ways, either the POAs draw from the same source or they do not.

B. General declines do not equate to injury.

The GR concludes that T-13363 is likely to result in an increase in interference with another groundwater right, but the GR's comments do not actually support that conclusion. In addition, even if there were support for this conclusion, a finding of increased interference is insufficient to make a finding of injury.

A proposed transfer may not be approved if it will result in injury. OAR 690-380-4010. OWRD's rules define injury as "another, existing water right not receiving previously available water to which it is legally entitled." OAR 690-380-0100(3). In officially published interpretations and cases, OWRD has explained that in the context of groundwater, injury means that a senior groundwater appropriator must experience "substantial or undue interference." Substantial or undue interference means "the spreading of the cone of depression of a well to intersect . . . another well, or the reduction of the ground water gradient and flow as a result of pumping, which contributes to . . . [t]he ground water level being drawn down to the economic level of the senior appropriator(s); or [o]ne or more of the senior ground water appropriators being unable to obtain either the permitted or customary quantity of the ground water, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. . . ." OAR 690-008-001(8)(b)-(c).

The GR makes a vague comment that T-13363 will cause increased interference with a "group of groundwater rights in the vicinity of the proposed 'TO' wells." GR, p. 3. The comment lacks the specificity required to show the transfer would cause injury – it does not mention the groundwater rights by number or the general location of the "group of groundwater rights." It does not demonstrate that any groundwater right would experience substantial or undue interference.

Later, the GR includes a comment that "junior groundwater rights in the Virginia Valley area have decline conditions that would be triggered earlier if the proposed transfer was approved." GR, p. 4. It appears it is water rights in the Virginia Valley that the GR is concerned will be impacted by T-13363. However, the comment about triggering decline conditions – which appears to be the GR's surrogate for injury – is unsupported by the GR. OWRD has not evaluated any water right in Virginia Valley or how they would be impacted by the transfer.

Additionally, OWRD has not conducted the type of analysis of Anderson Valley that has been conducted within the GHVGAC to support its belief that these areas are as connected as OWRD would have us believe. Indeed, hydrographs and geological data indicate that there is in fact a strong separation between Virginia Valley and Anderson Valley. There are, among other indicators, different geology (above and below ground), differences in water levels, significant differences in well depths and the depths at which pumps must be set, and differences in well responses from wells in each of these area. The two areas are not joint or closely connected sub-watersheds within the regional aquifer, as OWRD would suggest. Anderson Valley is in a distinct sub-area from Virginia Valley – if OWRD is going to compare the potential effect of T-13363 on other water rights, it must account for these differences, in addition to conducting a true evaluation of injury.

In any case, the type of generalized declines the GR indicates would occur do not equate to a finding of substantial or undue interference, i.e., injury, to other groundwater rights. A generalized decline is not the same as substantial or undue interference. The generalized statements indicate that the GR did not look at available water level data, water rights, well logs, or the local geology in coming to its conclusion that T-13363 will cause injury.

In addition to the above, the GR seems to rely on its remark that the “TO” wells are within approximately 1 mile of the Malheur Lake administrative basin and the GHVGAC to draw its conclusion of injury—arguing that the “TO” wells are part of the same groundwater flow system as the GHVGAC (again, note how this statement supports a finding that the transfer would not cause enlargement). GR, p. 4. This assertion is irrelevant to OWRD’s evaluation of this transfer.

Furthermore, ORS 537.525(9) is clear that it is only an action of the Oregon Water Resources Commission (“Commission”) that can adopt rules like those put in place for the GHVGAC for Anderson Valley. Only with the adoption of such rules can OWRD lawfully restrict groundwater uses on the basis of concerns about regional groundwater levels. The Commission has not undertaken a rule making process to restrict groundwater uses within Anderson Valley despite the fact that OWRD had ample opportunity to include Anderson Valley in the GHVGAC. Indeed, Anderson Valley is located within the USGS Study Area of which the GHVGAC is a part. But, Anderson Valley was not subject to the GHVGAC rules.

The GR remark about nearness to the GHVGAC indicates that OWRD is trying to find some mechanism to deny the transfer. But, nearness to the GHVGAC is not a measure of whether a transfer can be approved. Furthermore, the Commission must enact rules that would provide OWRD with the legal means to deny a transfer. Until then, the fact that Anderson Valley is located *near* the GHVGAC is not a grounds to make a negative finding in the GR.

For all and each of these reasons, Golden Rule Farms requests that OWRD re-do the GR. Golden Rule further request that OWRD make findings and assessments based on the rules and actual data. We think that once it does so OWRD will not find enlargement or injury.

Oregon Water Resources Department
May 4, 2020
Page 5

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a long horizontal line.

Elizabeth E. Howard

EEH:cw

cc: Justin T. Iverson

PDX\135315\251156\LTH\27871495.2

October 21, 2020

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV)

Tamera L. Smith
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301

RE: Golden Rule Farms, Inc. – Transfer Application T-13363
Our File No. 135315-251156

Dear Tamera:

This office represents Golden Rule Farms, Inc. (“Golden Rule”) in connection with transfer application T-13363. On October 3, 2020, the Water Resources Department (“Department”) issued a draft preliminary determination (“DPD”) proposing to deny T-13363.

Regarding items listed in the October 3, 2020 DPD cover letter, Golden Rule:

- Will not amend its application;
- Will not provide notarized affidavits of consent from other groundwater users;
- Will submit the required ownership report by the deadline provided in the DPD cover letter; and
- Will pay the cost of newspaper publication.

The Department’s determinations are incorrect and are not supported by substantial evidence in the record. Golden Rule therefore intends to protest the forthcoming Preliminary Determination should the Department determine not to revise its DPD and approve the transfer application.

Golden Rule disagrees with the DPD for the following reasons:

1. **Same Source.** The Department erroneously determined that the “TO” wells will draw water from a “different source” than the “FROM” wells (see, e.g., Findings 19, 21, 25). Golden Rule disagrees with all related findings and conclusions, including those memorialized in the underlying Groundwater Review, dated April 6, 2020 (“Groundwater Review”), for reasons described in the attached letter from Elizabeth Howard to caseworker Tamera Smith, dated May 4, 2020 (“May 2020 letter”). No statute, rule or other legal authority supports the Department’s

division of a single aquifer system into multiple “sources” for transfer purposes, nor is there substantial evidence in the record to support such a division.

The Department’s source determination contradicts information presented by the U.S. Geological Survey on December 12, 2019, as depicted in the attached slides showing groundwater contours and flow direction in the vicinity of the “FROM” and “TO” wells. The slides indicate that groundwater moves in a more or less clockwise direction from the “FROM” wells to Malheur Lake and the Virginia Valley area. Assuming for the sake of argument that the USGS slides are accurate, the “FROM” wells take water from the same source aquifer as the “TO” wells, and groundwater flow from either location makes its way to Virginia Valley (whether directly or via Malheur Lake). The USGS slides therefore do not support the Department’s assertion that the “FROM” and “TO” wells take water from different source aquifers. Notably, these slides are based on the information developed by the same USGS team and study that OWRD relies upon to propose to deny the transfer application.

2. **No Injury.** The Department erroneously determined that the proposed changes would result in injury to other existing water rights (see, e.g., Findings 19, 20, 21, 26). Golden Rule disagrees with all related findings and conclusions for reasons described in the attached May 2020 letter. Among other things, the Department failed to apply the correct standard for determining injury to other groundwater users, which is the well-defined “substantial interference” standard set forth in OAR 690-008-0001(8)(b)-(c). The determination of “substantial interference” is an objective standard that requires the Department to undertake a specific evaluation of available data. The Department’s Groundwater Review does not even mention the substantial interference standard, let alone apply it. Instead, the reviewer indicates that the proposed changes would “likely result in an increase in interference with another ground water right” (pp. 3-4).

Despite the fact that the Groundwater Review makes no mention of the substantial interference standard, the DPD finds in two places that the proposed changes would “interfere substantially” with other existing groundwater rights (Findings 19, 20). But this nod to the appropriate standard carries no weight, because the Department fails to provide any analysis or supporting evidence to demonstrate substantial interference. Rather, it perpetuates the error in the Groundwater Review by describing the alleged impact in terms that have no basis in statute or rule. See, e.g., Finding 19 (describing the alleged impact as an “increase in interference” that could trigger other groundwater users’ permit decline conditions earlier). Also, aside from water rights held by Golden Rule, the only other right listed in Finding 20 that includes water level decline conditions is Certificate 94689 (which the DPD erroneously lists as Certificate 94869). The Department failed to specifically analyze the potential for substantial interference with that right or any other right listed in Finding 20.

3. **Other Errors.** Golden Rule asks the Department to correct the following additional errors in the DPD:

a. In DPD Finding 7, the Measured Distances for the Authorized Point of Appropriation should be 1562 Feet South and 21 Feet East from the N1/4 Corner of Section 1.

Tamera L. Smith
October 21, 2020
Page 3

b. In DPD Findings 25, 26 and 27, the cross-referenced findings appear to be incorrect and should be revised before issuance of the Preliminary Determination.

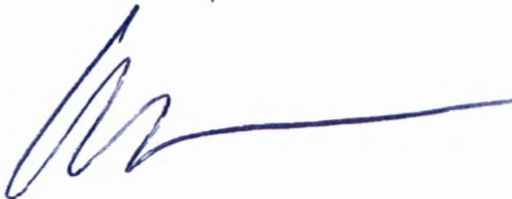
c. The DPD cover letter suggests that refusal to provide the requested application amendments and/or affidavits of consent may result in issuance of Preliminary Determination “denying the application as incomplete.” That would not be a lawful basis for denying the application.

d. The DPD cover letter also suggests that there are only two options for proceeding with the application: (i) amending the application and providing affidavits of consent; or (ii) withdrawing the application. Golden Rule also has the option of proceeding to a Preliminary Determination without amending the application or providing affidavits of consent, and that is what Golden Rule has chosen to do.

Please note that we are aware the Department is currently taking the stance that it will not refer protests to the Office of Administrative Hearings (“OAH”) for hearing. Should the Department be unwilling to settle this matter expeditiously or refuse to refer this matter to OAH in a timely manner, please be advised that we may initiate a mandamus action against the Department for refusing to provide statutorily required due process in this matter.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.

A handwritten signature in blue ink, appearing to read 'EEH', followed by a long horizontal line extending to the right.

Elizabeth E. Howard

EEH/cw
Enclosures

PDX\135315\251156\EEH\29243640.1

SMITH Tamera L * WRD

From: Weckel, Chris <CWeckel@SCHWABE.com>
Sent: Wednesday, October 21, 2020 2:52 PM
To: SMITH Tamera L * WRD
Cc: Howard, Elizabeth E.; Langford, Shonee D.
Subject: Golden Rule Farms, Inc. - Transfer Application T-13363
Attachments: LT Tamera Smith regarding DPD 10212020.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Smith,

Please find attached Elizabeth Howard's letter regarding the above transfer application and the draft Preliminary Determination. A copy of the letter is also being mailed to you by first class mail.

Chris

Chris Weckel
Legal Secretary to Elizabeth Howard, Noah Jarrett, and Jay Waldron
503-796-3770
cweckel@schwabe.com

Schwabe Williamson & Wyatt

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October 21, 2020

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV)

Tamera L. Smith
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301

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Tamera L. Smith
October 21, 2020
Page 3

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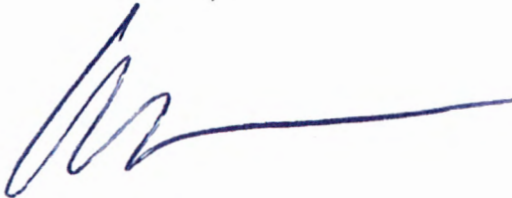
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Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.

A handwritten signature in blue ink, appearing to read 'Elizabeth E. Howard', with a long horizontal line extending to the right.

Elizabeth E. Howard

EEH/cw
Enclosures

PDX\135315\251156\EEH\29243640.1

May 4, 2020

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

**VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV) AND FIRST
CLASS MAIL**

Oregon Water Resources Department
Attn: Tamera Smith
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Groundwater Review for Transfer T-13363
Our File No.: 135315-251156

Dear Tamera:

As you know, our office represents Golden Rule Farms Inc. (hereafter “Golden Rule Farms” or “Golden Rule”). This letter is being submitted on its behalf with regard to the Groundwater Review for Transfer Application T-13363.

Golden Rule Farms is very concerned with the Oregon Water Resources Department’s (“OWRD”) April 6, 2020 Groundwater Transfer Review for Transfer Application T-13363 (hereafter “GR”). The GR contains generalized remarks that fail to consider readily available data and that do not make the legally required analyses regarding injury. These remarks threaten to lead to a draft Preliminary Determination proposing to deny the transfer application. Golden Rule Farms submitted Transfer Application T-13363, which requests a change in the place of use and a change in point of appropriation (“POA”) to three new wells under water right certificates 32394, 91418, and 91644 (with the old wells being no longer intended for use under these certificates). The “from” lands are in the Briggs and South Sodhouse areas, in the Greater Harney Valley Groundwater Area of Concern (“GHVGAC”). The “to” lands are in Anderson Valley, which is outside the GHVGAC but is an area that OWRD has previously included as part of the Steens Mountain sub-aquifer or region. Golden Rule discussed a transfer of certificated water rights from the “from” lands to the Anderson Valley area last year, and OWRD indicated that this transfer would likely be approved because the water source is connected between these areas.

The GR erroneously concluded that T-13363 will result in enlargement and injury. This letter is intended to highlight where readily available data that would have a material effect on the GR’s conclusions was not considered and to highlight other deficiencies in the GR. Golden Rule Farms urges OWRD to revise the GR in light of these concerns and to determine that the transfer should be approved.

A. T-13363 does not cause enlargement because water is not withdrawn from a different aquifer than the existing POAs.

The GR concludes that the proposed POAs will not develop water from the same aquifer (source) as the existing authorized POAs, but this conclusion is in direct conflict with OWRD's finding that the POAs are in the same aquifer. GR, p. 3. The GR's contrary conclusion is based on an unlawful evaluation of the source as a sub-area of the aquifer rather than the regional aquifer. OWRD's evaluation is contrary to law, and is an unlawful mechanism by which to make an enlargement finding.

For clarification, the law requires OWRD to deny a transfer that results in enlargement. 690-380-4010(2)(c). A new transfer POA must draw water from the *same aquifer* as the original POA to avoid enlargement. OAR 690-380-2110(2) ("A change in point of appropriation under a water right or certificate of registration modification is restricted to the *same aquifer*") (emphasis added). Sub-areas within an aquifer are not relevant to this consideration. The question that OWRD must answer is whether the proposed new POAs draw from the same aquifer. If they do, then the transfer does not cause enlargement.

Here, the GR states that "the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system . . ." However, the GR then goes on to discuss "sub-watersheds water within the aquifer system" that it claims are "sourced from a common recharge area, and can therefore be considered a single source." GR, p. 3. And, then goes on to suggest that because the FROM and TO wells are located in different sub-watersheds, the new use would not be from the same "source," resulting in enlargement.

This analysis is incorrect. It is the entire, regional aquifer that is the source at issue for an enlargement analysis. The GR confirms that there is a single aquifer system encompassing the "FROM" wells and the "TO" wells in T-13363. Therefore, the correct conclusion is that the "TO" and "FROM" wells are in the same aquifer and no enlargement will result from this transfer.

It is notable that the GR references groundwater application G-17952. That application has the same POAs as the new POAs proposed by T-13363. The groundwater review for G-17952 states "wells producing from alluvium or basalt in this area are not considered separate sources, as there is no documented evidence of hydraulic separation between these horizons. . . . [W]ells on this application shall be considered to produce from the greater regional flow system." (See October 10, 2019 groundwater re-review for Application G-17952). This analysis was used to deny the groundwater application because of the allegation that the POAs would draw from the same aquifer as other water rights within the GHVGAC. This groundwater review is evidence that OWRD in fact believes the transfer POAs would draw from the same regional aquifer and source as the ground water certificates 32394, 91418, and 91644. OWRD can't have it both ways, either the POAs draw from the same source or they do not.

B. General declines do not equate to injury.

The GR concludes that T-13363 is likely to result in an increase in interference with another groundwater right, but the GR's comments do not actually support that conclusion. In addition, even if there were support for this conclusion, a finding of increased interference is insufficient to make a finding of injury.

A proposed transfer may not be approved if it will result in injury. OAR 690-380-4010. OWRD's rules define injury as "another, existing water right not receiving previously available water to which it is legally entitled." OAR 690-380-0100(3). In officially published interpretations and cases, OWRD has explained that in the context of groundwater, injury means that a senior groundwater appropriator must experience "substantial or undue interference." Substantial or undue interference means "the spreading of the cone of depression of a well to intersect . . . another well, or the reduction of the ground water gradient and flow as a result of pumping, which contributes to . . . [t]he ground water level being drawn down to the economic level of the senior appropriator(s); or [o]ne or more of the senior ground water appropriators being unable to obtain either the permitted or customary quantity of the ground water, whichever is less, from a reasonably efficient well that fully penetrates the aquifer where the aquifer is relatively uniformly permeable. . . ." OAR 690-008-001(8)(b)-(c).

The GR makes a vague comment that T-13363 will cause increased interference with a "group of groundwater rights in the vicinity of the proposed 'TO' wells." GR, p. 3. The comment lacks the specificity required to show the transfer would cause injury – it does not mention the groundwater rights by number or the general location of the "group of groundwater rights." It does not demonstrate that any groundwater right would experience substantial or undue interference.

Later, the GR includes a comment that "junior groundwater rights in the Virginia Valley area have decline conditions that would be triggered earlier if the proposed transfer was approved." GR, p. 4. It appears it is water rights in the Virginia Valley that the GR is concerned will be impacted by T-13363. However, the comment about triggering decline conditions – which appears to be the GR's surrogate for injury – is unsupported by the GR. OWRD has not evaluated any water right in Virginia Valley or how they would be impacted by the transfer.

Additionally, OWRD has not conducted the type of analysis of Anderson Valley that has been conducted within the GHVGAC to support its belief that these areas are as connected as OWRD would have us believe. Indeed, hydrographs and geological data indicate that there is in fact a strong separation between Virginia Valley and Anderson Valley. There are, among other indicators, different geology (above and below ground), differences in water levels, significant differences in well depths and the depths at which pumps must be set, and differences in well responses from wells in each of these area. The two areas are not joint or closely connected sub-watersheds within the regional aquifer, as OWRD would suggest. Anderson Valley is in a distinct sub-area from Virginia Valley – if OWRD is going to compare the potential effect of T-13363 on other water rights, it must account for these differences, in addition to conducting a true evaluation of injury.

In any case, the type of generalized declines the GR indicates would occur do not equate to a finding of substantial or undue interference, i.e., injury, to other groundwater rights. A generalized decline is not the same as substantial or undue interference. The generalized statements indicate that the GR did not look at available water level data, water rights, well logs, or the local geology in coming to its conclusion that T-13363 will cause injury.

In addition to the above, the GR seems to rely on its remark that the “TO” wells are within approximately 1 mile of the Malheur Lake administrative basin and the GHVGAC to draw its conclusion of injury—arguing that the “TO” wells are part of the same groundwater flow system as the GHVGAC (again, note how this statement supports a finding that the transfer would not cause enlargement). GR, p. 4. This assertion is irrelevant to OWRD’s evaluation of this transfer.

Furthermore, ORS 537.525(9) is clear that it is only an action of the Oregon Water Resources Commission (“Commission”) that can adopt rules like those put in place for the GHVGAC for Anderson Valley. Only with the adoption of such rules can OWRD lawfully restrict groundwater uses on the basis of concerns about regional groundwater levels. The Commission has not undertaken a rule making process to restrict groundwater uses within Anderson Valley despite the fact that OWRD had ample opportunity to include Anderson Valley in the GHVGAC. Indeed, Anderson Valley is located within the USGS Study Area of which the GHVGAC is a part. But, Anderson Valley was not subject to the GHVGAC rules.

The GR remark about nearness to the GHVGAC indicates that OWRD is trying to find some mechanism to deny the transfer. But, nearness to the GHVGAC is not a measure of whether a transfer can be approved. Furthermore, the Commission must enact rules that would provide OWRD with the legal means to deny a transfer. Until then, the fact that Anderson Valley is located *near* the GHVGAC is not a grounds to make a negative finding in the GR.

For all and each of these reasons, Golden Rule Farms requests that OWRD re-do the GR. Golden Rule further request that OWRD make findings and assessments based on the rules and actual data. We think that once it does so OWRD will not find enlargement or injury.

Oregon Water Resources Department
May 4, 2020
Page 5

Sincerely,

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Elizabeth E. Howard

EEH:cw

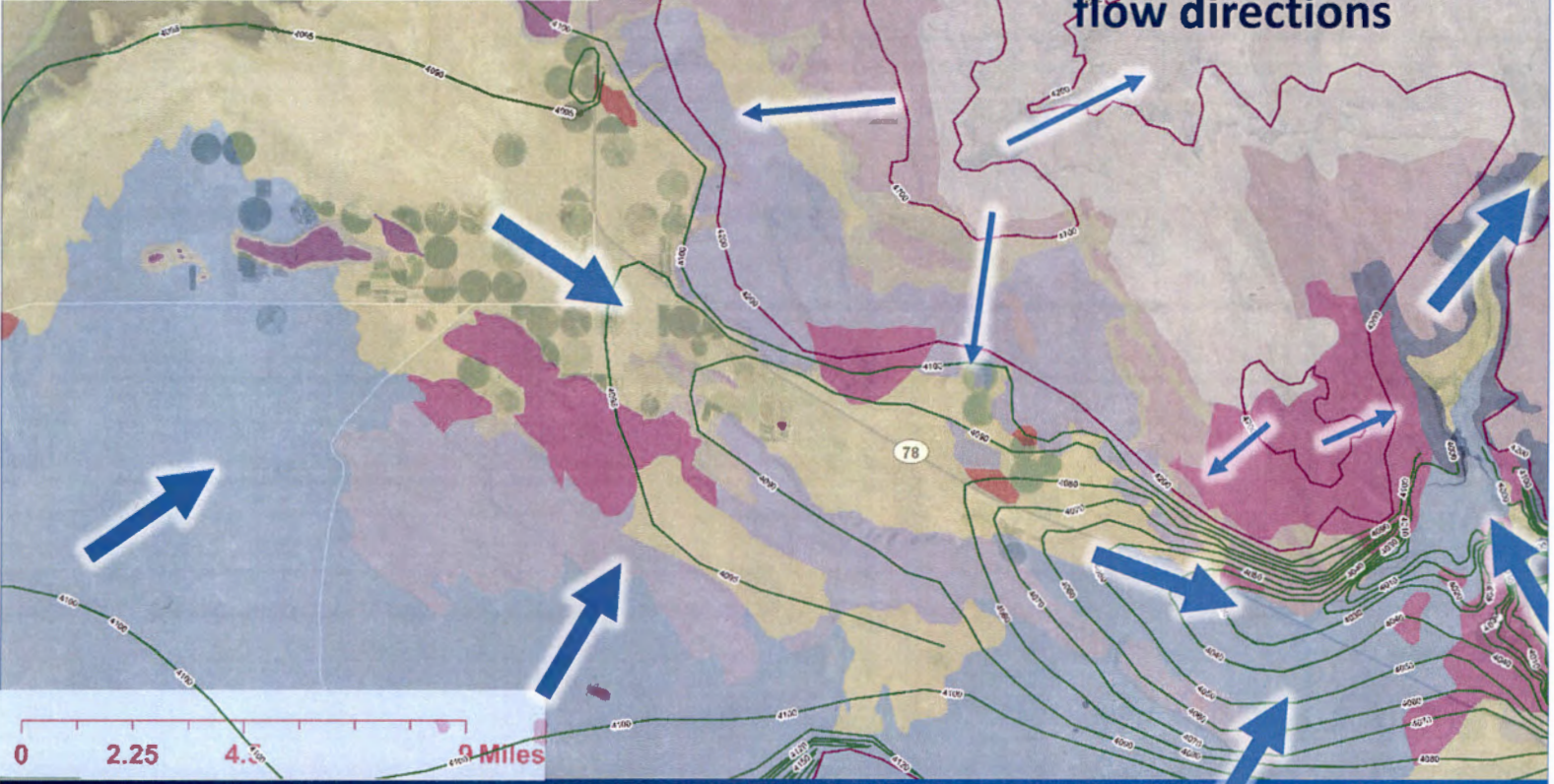
cc: Justin T. Iverson

PDX\135315\251156\LTH\27871495.2

Virginia Valley

Background colors represent generalized geology
Purple lines are water-table contours; interval 500 ft
Green lines are water-table contours; interval 10 ft

General groundwater flow directions

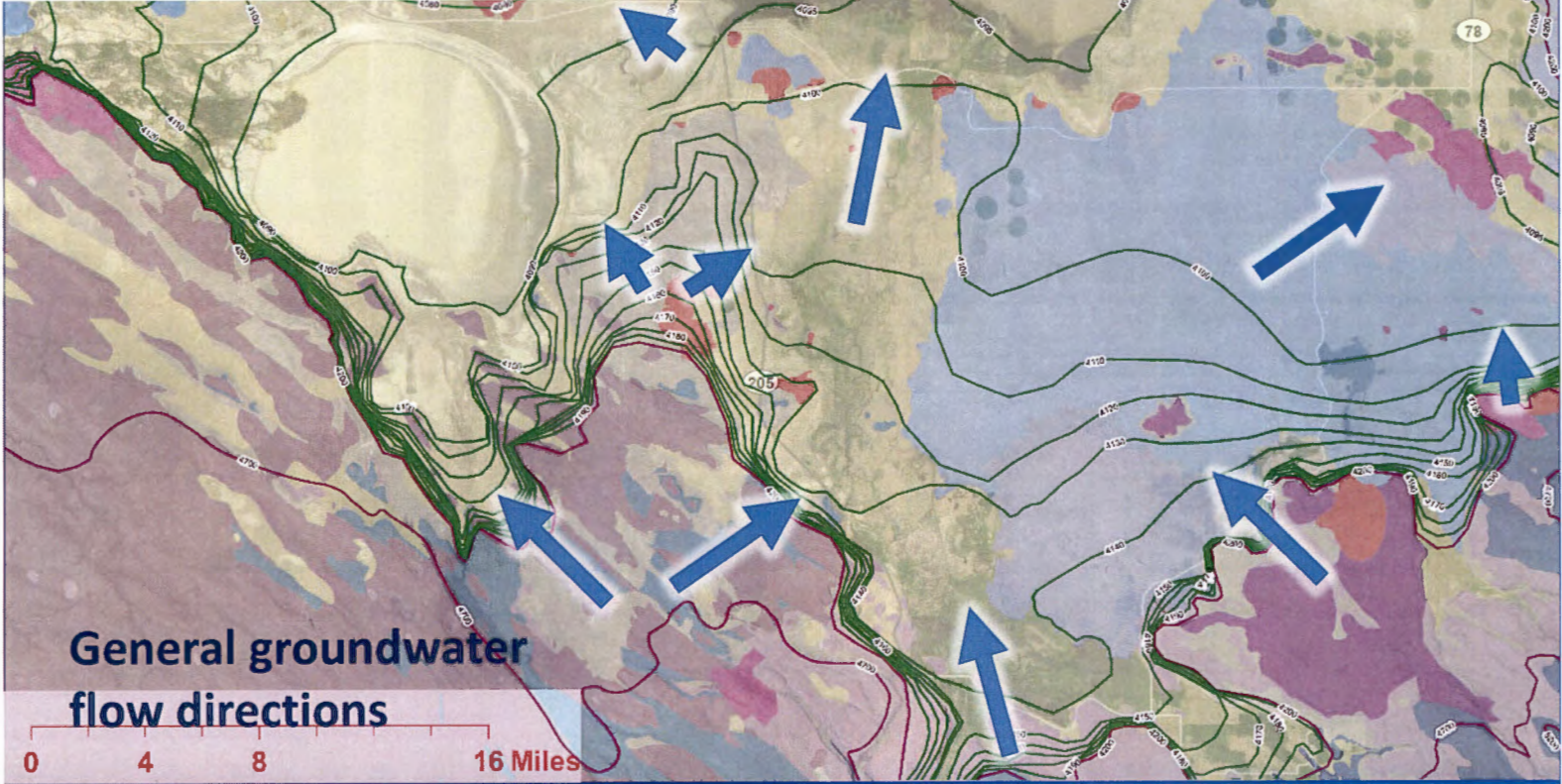


Preliminary Information—Subject to Revision. Not for Citation or Distribution.

Generalized Geologic Map of the Harney Basin, Oregon
(Boschmann, in prep.)

Donner und Blitzen floodplain

Background colors represent generalized geology
Purple lines are water-table contours; interval 500 ft
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OCT 23 2020

OWRD

Elizabeth E. Howard
Admitted in Oregon, Washington and
North Dakota
T: 503-796-2093
C: 503-312-8765
ehoward@schwabe.com

October 21, 2020

VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV)

Tamera L. Smith
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301

RE: Golden Rule Farms, Inc. – Transfer Application T-13363
Our File No. 135315-251156

Dear Tamera:

This office represents Golden Rule Farms, Inc. (“Golden Rule”) in connection with transfer application T-13363. On October 3, 2020, the Water Resources Department (“Department”) issued a draft preliminary determination (“DPD”) proposing to deny T-13363.

Regarding items listed in the October 3, 2020 DPD cover letter, Golden Rule:

- Will not amend its application;
- Will not provide notarized affidavits of consent from other groundwater users;
- Will submit the required ownership report by the deadline provided in the DPD cover letter; and
- Will pay the cost of newspaper publication.

The Department’s determinations are incorrect and are not supported by substantial evidence in the record. Golden Rule therefore intends to protest the forthcoming Preliminary Determination should the Department determine not to revise its DPD and approve the transfer application.

Golden Rule disagrees with the DPD for the following reasons:

1. **Same Source.** The Department erroneously determined that the “TO” wells will draw water from a “different source” than the “FROM” wells (see, e.g., Findings 19, 21, 25). Golden Rule disagrees with all related findings and conclusions, including those memorialized in the underlying Groundwater Review, dated April 6, 2020 (“Groundwater Review”), for reasons described in the attached letter from Elizabeth Howard to caseworker Tamera Smith, dated May 4, 2020 (“May 2020 letter”). No statute, rule or other legal authority supports the Department’s

Tamera L. Smith
October 21, 2020
Page 2

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division of a single aquifer system into multiple “sources” for transfer purposes, nor is there substantial evidence in the record to support such a division.

The Department’s source determination contradicts information presented by the U.S. Geological Survey on December 12, 2019, as depicted in the attached slides showing groundwater contours and flow direction in the vicinity of the “FROM” and “TO” wells. The slides indicate that groundwater moves in a more or less clockwise direction from the “FROM” wells to Malheur Lake and the Virginia Valley area. Assuming for the sake of argument that the USGS slides are accurate, the “FROM” wells take water from the same source aquifer as the “TO” wells, and groundwater flow from either location makes its way to Virginia Valley (whether directly or via Malheur Lake). The USGS slides therefore do not support the Department’s assertion that the “FROM” and “TO” wells take water from different source aquifers. Notably, these slides are based on the information developed by the same USGS team and study that OWRD relies upon to propose to deny the transfer application.

2. **No Injury.** The Department erroneously determined that the proposed changes would result in injury to other existing water rights (see, e.g., Findings 19, 20, 21, 26). Golden Rule disagrees with all related findings and conclusions for reasons described in the attached May 2020 letter. Among other things, the Department failed to apply the correct standard for determining injury to other groundwater users, which is the well-defined “substantial interference” standard set forth in OAR 690-008-0001(8)(b)-(c). The determination of “substantial interference” is an objective standard that requires the Department to undertake a specific evaluation of available data. The Department’s Groundwater Review does not even mention the substantial interference standard, let alone apply it. Instead, the reviewer indicates that the proposed changes would “likely result in an increase in interference with another ground water right” (pp. 3-4).

Despite the fact that the Groundwater Review makes no mention of the substantial interference standard, the DPD finds in two places that the proposed changes would “interfere substantially” with other existing groundwater rights (Findings 19, 20). But this nod to the appropriate standard carries no weight, because the Department fails to provide any analysis or supporting evidence to demonstrate substantial interference. Rather, it perpetuates the error in the Groundwater Review by describing the alleged impact in terms that have no basis in statute or rule. See, e.g., Finding 19 (describing the alleged impact as an “increase in interference” that could trigger other groundwater users’ permit decline conditions earlier). Also, aside from water rights held by Golden Rule, the only other right listed in Finding 20 that includes water level decline conditions is Certificate 94689 (which the DPD erroneously lists as Certificate 94869). The Department failed to specifically analyze the potential for substantial interference with that right or any other right listed in Finding 20.

3. **Other Errors.** Golden Rule asks the Department to correct the following additional errors in the DPD:

a. In DPD Finding 7, the Measured Distances for the Authorized Point of Appropriation should be 1562 Feet South and 21 Feet East from the N1/4 Corner of Section 1.

Tamera L. Smith
October 21, 2020
Page 3

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OCT 23 2020
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b. In DPD Findings 25, 26 and 27, the cross-referenced findings appear to be incorrect and should be revised before issuance of the Preliminary Determination.

c. The DPD cover letter suggests that refusal to provide the requested application amendments and/or affidavits of consent may result in issuance of Preliminary Determination “denying the application as incomplete.” That would not be a lawful basis for denying the application.

d. The DPD cover letter also suggests that there are only two options for proceeding with the application: (i) amending the application and providing affidavits of consent; or (ii) withdrawing the application. Golden Rule also has the option of proceeding to a Preliminary Determination without amending the application or providing affidavits of consent, and that is what Golden Rule has chosen to do.

Please note that we are aware the Department is currently taking the stance that it will not refer protests to the Office of Administrative Hearings (“OAH”) for hearing. Should the Department be unwilling to settle this matter expeditiously or refuse to refer this matter to OAH in a timely manner, please be advised that we may initiate a mandamus action against the Department for refusing to provide statutorily required due process in this matter.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.



Elizabeth E. Howard

EEH/cw
Enclosures

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May 4, 2020

Elizabeth E. Howard
Admitted in Oregon, Washington and
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T: 503-796-2093
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ehoward@schwabe.com

**VIA E-MAIL (TAMERA.L.SMITH@OREGON.GOV) AND FIRST
CLASS MAIL**

Oregon Water Resources Department
Attn: Tamera Smith
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Groundwater Review for Transfer T-13363
Our File No.: 135315-251156

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- A. T-13363 does not cause enlargement because water is not withdrawn from a different aquifer than the existing POAs.**

Oregon Water Resources Department
May 4, 2020
Page 2

The GR concludes that the proposed POAs will not develop water from the same aquifer (source) as the existing authorized POAs, but this conclusion is in direct conflict with OWRD's finding that the POAs are in the same aquifer. GR, p. 3. The GR's contrary conclusion is based on an unlawful evaluation of the source as a sub-area of the aquifer rather than the regional aquifer. OWRD's evaluation is contrary to law, and is an unlawful mechanism by which to make an enlargement finding.

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Furthermore, ORS 537.525(9) is clear that it is only an action of the Oregon Water Resources Commission (“Commission”) that can adopt rules like those put in place for the GHVGAC for Anderson Valley. Only with the adoption of such rules can OWRD lawfully restrict groundwater uses on the basis of concerns about regional groundwater levels. The Commission has not undertaken a rule making process to restrict groundwater uses within Anderson Valley despite the fact that OWRD had ample opportunity to include Anderson Valley in the GHVGAC. Indeed, Anderson Valley is located within the USGS Study Area of which the GHVGAC is a part. But, Anderson Valley was not subject to the GHVGAC rules.

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Oregon Water Resources Department
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Sincerely,

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Elizabeth E. Howard

EEH:cw

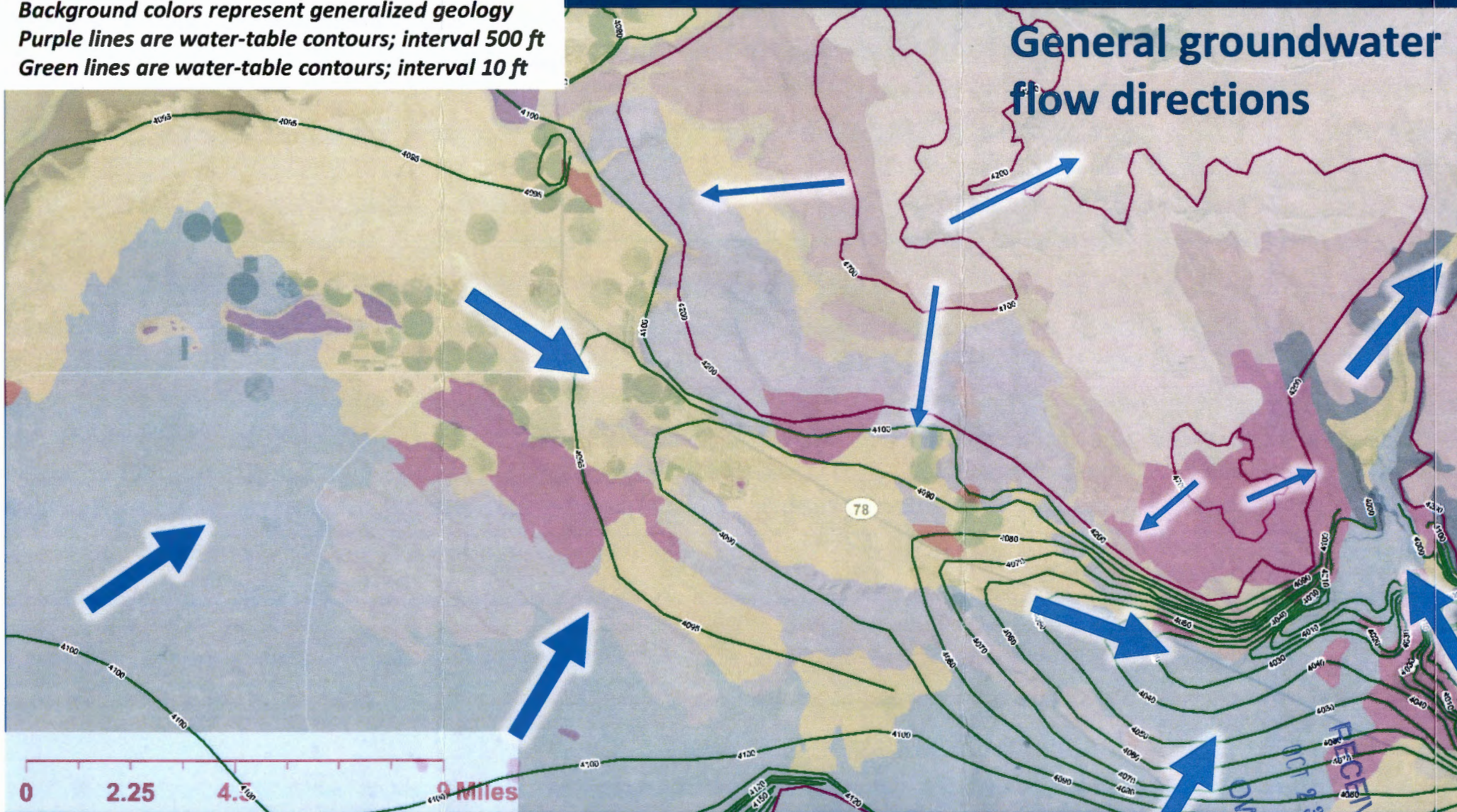
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Virginia Valley

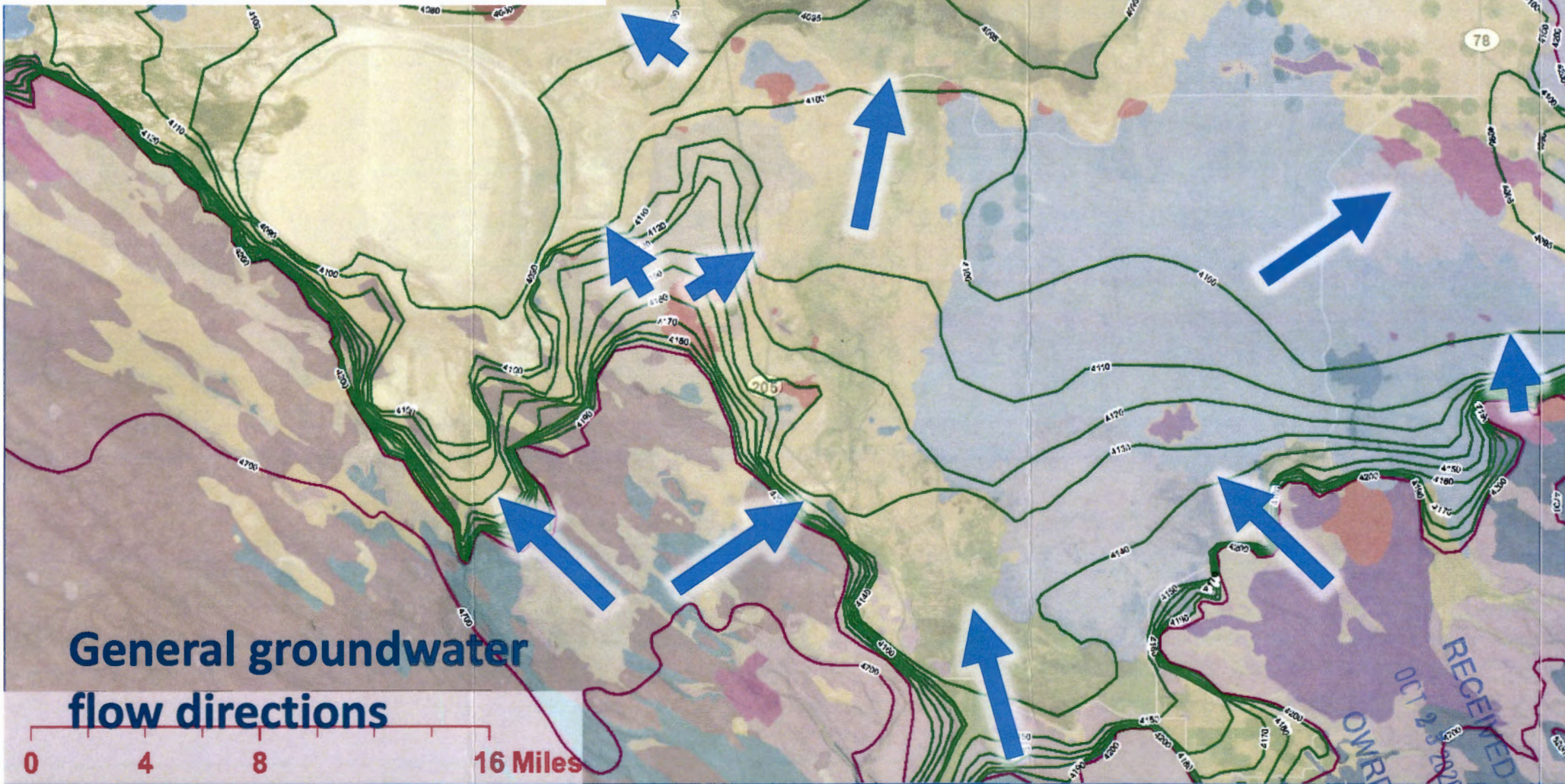
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General groundwater flow directions



Donner und Blitzen floodplain

Background colors represent generalized geology
Purple lines are water-table contours; interval 500 ft
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SMITH Tamera L * WRD

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, October 28, 2020 10:32 AM
To: SMITH Tamera L * WRD
Cc: Weckel, Chris; Langford, Shonee D.; JARAMILLO Lisa J * WRD; Scott Montgomery (scott@APEandS.com); Timothy P. Puckett (goldenrulefarms@gmail.com)
Subject: RE: T-13363 Draft Preliminary Determination
Attachments: SORT Report.pdf; Maps.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Tamera,

Good morning. I am writing to request an extension for the deadline to provide the notarized consents to transfer requested by your October 3, 2020 cover letter pertaining to T-13363. On behalf of the applicant, Golden Rule Farm, our office obtained the requisite land ownership report (item no. 3), which is attached. It confirmed that ownership of the "from lands" is in Fred Briggs and the Betty R. Briggs Testamentary Trust. Mr. Puckett is the owner of Golden Rule Farms and had made plans to meet with the Briggs and obtain the necessary notarized consents this week. However, we learned this morning that Mr. Puckett has contracted the COVID-19 and is hospitalized for treatment for an unknown period of time. Mr. Puckett is the only person who has the ability to meet with the Briggs, explain this process, and obtain their consents. Under these circumstances, we are asking for an extension to **December 3, 2020** to obtain and provide the Department with the required consents.

Please let us know if the Department will agree to this extension.

By way of a further update, Mr. John Short is no longer acting as Mr. Puckett and Golden Rule Farm's agent. Mr. Scott Montgomery is now acting as Mr. Puckett and Golden Rule's agent along with our offices, and he is copied here toward that end.

Thanks for your attention to these matters, Tamera. It is much appreciated. Best, Elizabeth

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>

Sent: Saturday, October 3, 2020 2:11 PM

To: John Short <johnshort@usa.com>; Howard, Elizabeth E. <EHoward@SCHWABE.com>

Cc: Lisa Brown <lisa@waterwatch.org>; Barbara <barbara@fizzleflat.com>; patyjag@gmail.com; laurieoc53@gmail.com;



111 W Washington St., Burns, OR 97720
PHONE (541)573-2039 FAX (541)573-5844

STATUS OF RECORD TITLE

Nikos Klingenberg
Schwabe, Williamson & Wyatt
1211 SW 5th Ave., Ste. 1900
Portland, OR 97204

October 21, 2020
Title Number: 415117AM
Title Officer: Stan Falley
Fee: \$200.00

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

FRED H. BRIGGS, as to an undivided one-half interest and FRED H. BRIGGS and DONNA M. NICHOLL, Co-Trustees of the Betty R. Briggs Testamentary Trust U/T/D 1/18/08, as to an undivided one-half interest

and dated as of **October 1, 2020** at 7:30 a.m.

Said property is subject to the following on record matters:

1. [Taxes](#) assessed under Code No. 0420 Account No. 47411 [Map](#) No. 26S32S000001500
The 2020-2021 Taxes: \$2,657.91, plus interest, unpaid. (First one-third due November 15, 2020.)
2. Taxes assessed under Code No. 0420 Account No. 46358 Map No. 27S31E000000300
The 2020-2021 Taxes: \$192.84, plus interest, unpaid. (First one-third due November 15, 2020.)
3. Taxes assessed under Code No. 0420 Account No. 47415 Map No. 27S32E000000200
The 2020-2021 Taxes: \$565.82, plus interest, unpaid. (First one-third due November 15, 2020.)
4. Taxes assessed under Code No. 0420 Account No. 47417 Map No. 27S32E000000400
The 2020-2021 Taxes: \$707.55, plus interest, unpaid. (First one-third due November 15, 2020.)
5. Taxes assessed under Code No. 0420 Account No. 47494 Map No. 27s32E060000100
The 2020-2021 Taxes: \$480.10, plus interest, unpaid. (First one-third due November 15, 2020.)
6. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
7. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
8. A lease with certain terms, covenants, conditions and provisions set forth therein.
Lessor: Harney County, Oregon
Lessee: H.D. Meyer
Recorded: July 15, 1931
Book/Page : [Book "C" Page 321](#) Miscellaneous Records

9. A lease with certain terms, covenants, conditions and provisions set forth therein.
Lessor: Harney County, Oregon
Lessee: Loretta F. Meyer
Recorded: June 2, 1932
Book/Page.: [Book "C", Page 389](#) Miscellaneous Records
10. A lease with certain terms, covenants, conditions and provisions set forth therein.
Lessor: Harney County, Oregon
Lessee: Loretta F. Meyer
Recorded: July 2, 1936
Book/Page.: [Book "C" Page 491](#) Miscellaneous Records
11. A lease with certain terms, covenants, conditions and provisions set forth therein.
Lessor: Harney County, Oregon
Recorded: August 6, 1945
Book/Page.: [Book 42, Page 211](#) (Affects the SW1/4NW1/4, NW1/4SE1/4, Sec 2, Lot 1, SE1/4NE1/4, NE1/4SE1/4, SW1/4SE1/4, Sec. 3, NW1/4NE1/4, S1/2NE1/4, N1/2SE1/4, Sec. 10, SW1/4NW1/4, NW1/4SW1/4, Sec. 11, Twp. 27 S., R. 32 E., W.M.)
12. A lease with certain terms, covenants, conditions and provisions set forth therein.
Lessor: Charles Backus
Lessee: O.T. Atwood
Recorded: March 3, 1945
13. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: United States of America
Recorded: October 11, 1977
Book: [105, Page: 10](#) (Affects Lot 1, Sec. 6, Twp. 27 S., R. 32 E., W.M.)
14. An unrecorded Contract of Sale, including the terms and provisions thereof, providing for the sale of said land
Vendor: Fred H. Briggs, Fred H. Briggs and Donna M. Nicholl, Co-Trustees of the Betty R. Briggs Testamentary Trust U/W/D 1/18/08
Vendee: Golden Rule Farms, Inc., an Oregon Corporation
Disclosed by: Memorandum of Sale
Recorded: July 3, 2012
Instrument No.: [2012-0845](#)

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

N/A

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

File No. 415117AM

Land in Harney County, Oregon, as follows:

In Twp. 26 S., R. 32 E., W.M.: (South of Lake)

Sec. 31: Lots 1, 2, 3, 4, 10, 11, 12 and 13, SAVE & EXCEPT road right of way.

Sec. 32: Lots 1, now known as Lot 8, and 2, SAVE & EXCEPT road right of way.

In Twp. 27 S., R. 31 E., W.M.:

Sec. 1: Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SAVE & EXCEPT road right of way.

In Twp. 27 S., R. 32 E., W.M.:

Sec. 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 3: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 4: Lots 2, 3, 4, 5, 6, 7 and 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, SAVE & EXCEPT that portion conveyed to Harney County, Oregon, by deed recorded August 6, 1958, in Book 65, Page 274, Deed Records.

Sec. 5: Lots 1, 3, 4, 5, 9 and 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SAVE & EXCEPT that portion conveyed to Harney County, Oregon, by deed recorded August 6, 1958, in Book 65, Page 274, Deed Records.

Sec. 6: Lots 1, 2, 3, 4 and 5, SAVE & EXCEPT that portion conveyed to Harney County, Oregon, by deed recorded August 6,

Sec. 10: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 11: W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.



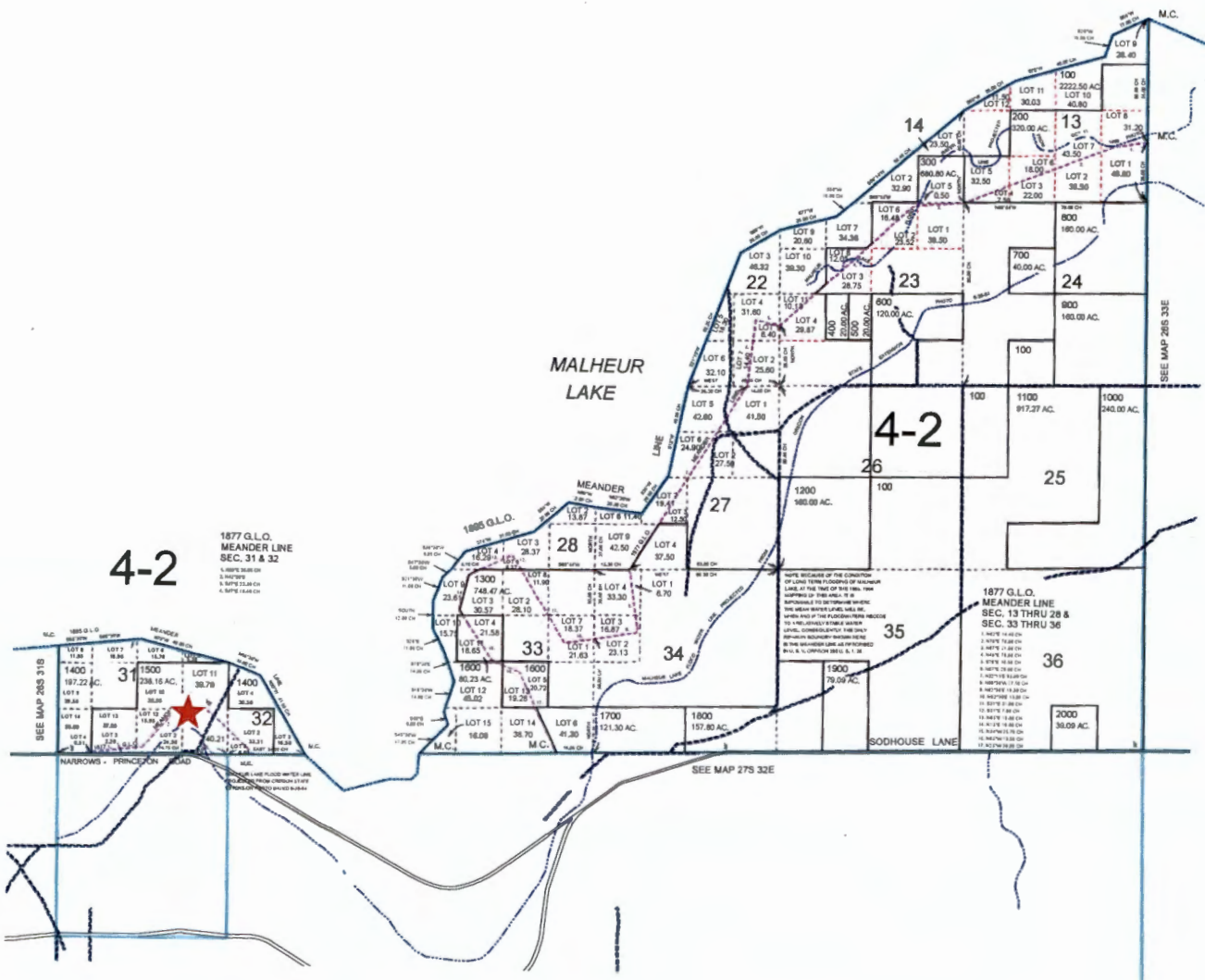
**COMPLIMENTS OF
AmeriTitle**

This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason or reliance thereon.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.26S. R.32E. W.M.
HARNEY COUNTY
1" = 2000'

26S32SE



PRINTED ON
12/17/2019

26S32SE



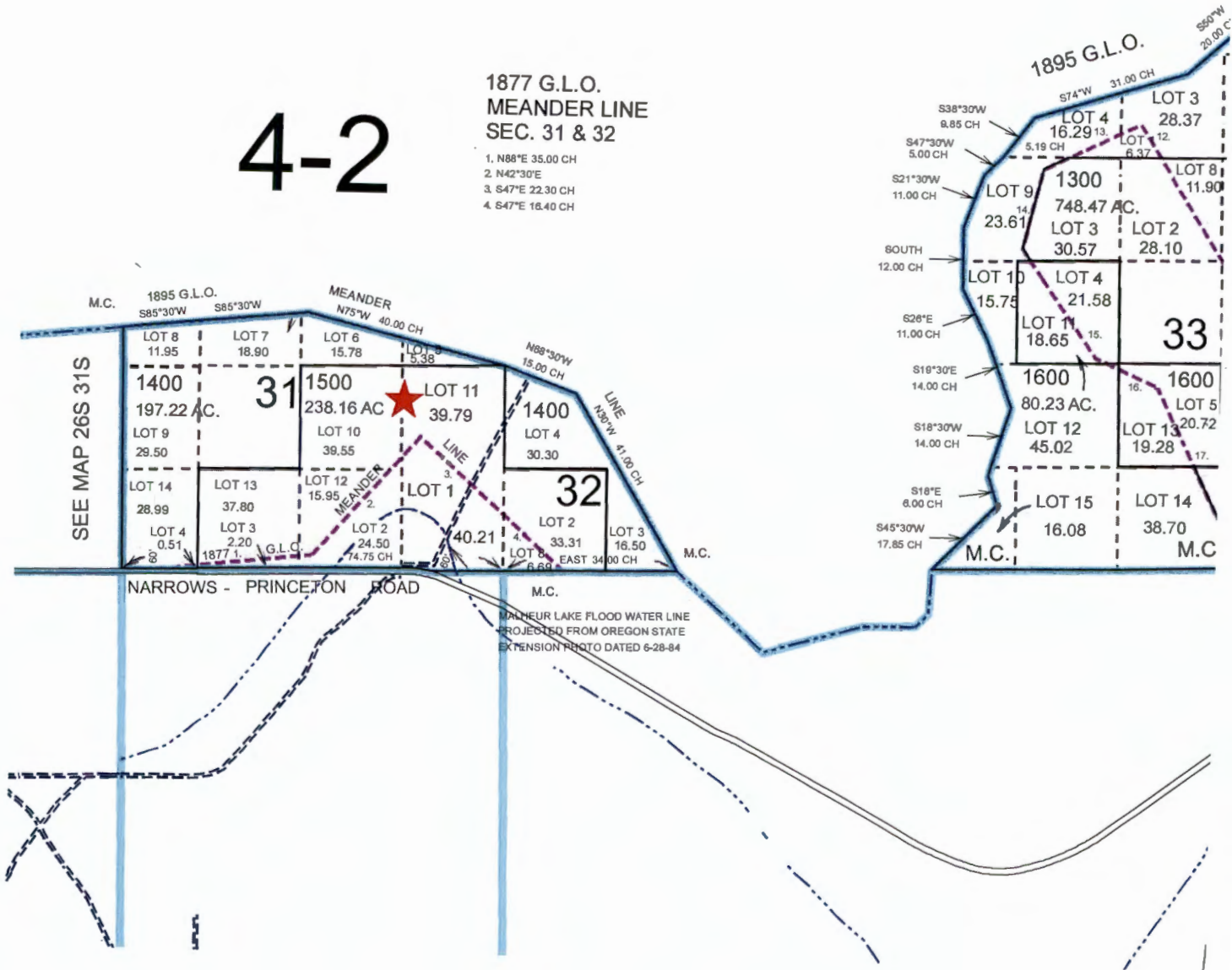
COMPLIMENTS OF
AmeriTitle

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4-2

1877 G.L.O. MEANDER LINE SEC. 31 & 32

1. N88°E 35.00 CH
2. N42°30'E
3. S47°E 22.30 CH
4. S47°E 18.40 CH





COMPLIMENTS OF
AmeriTitle

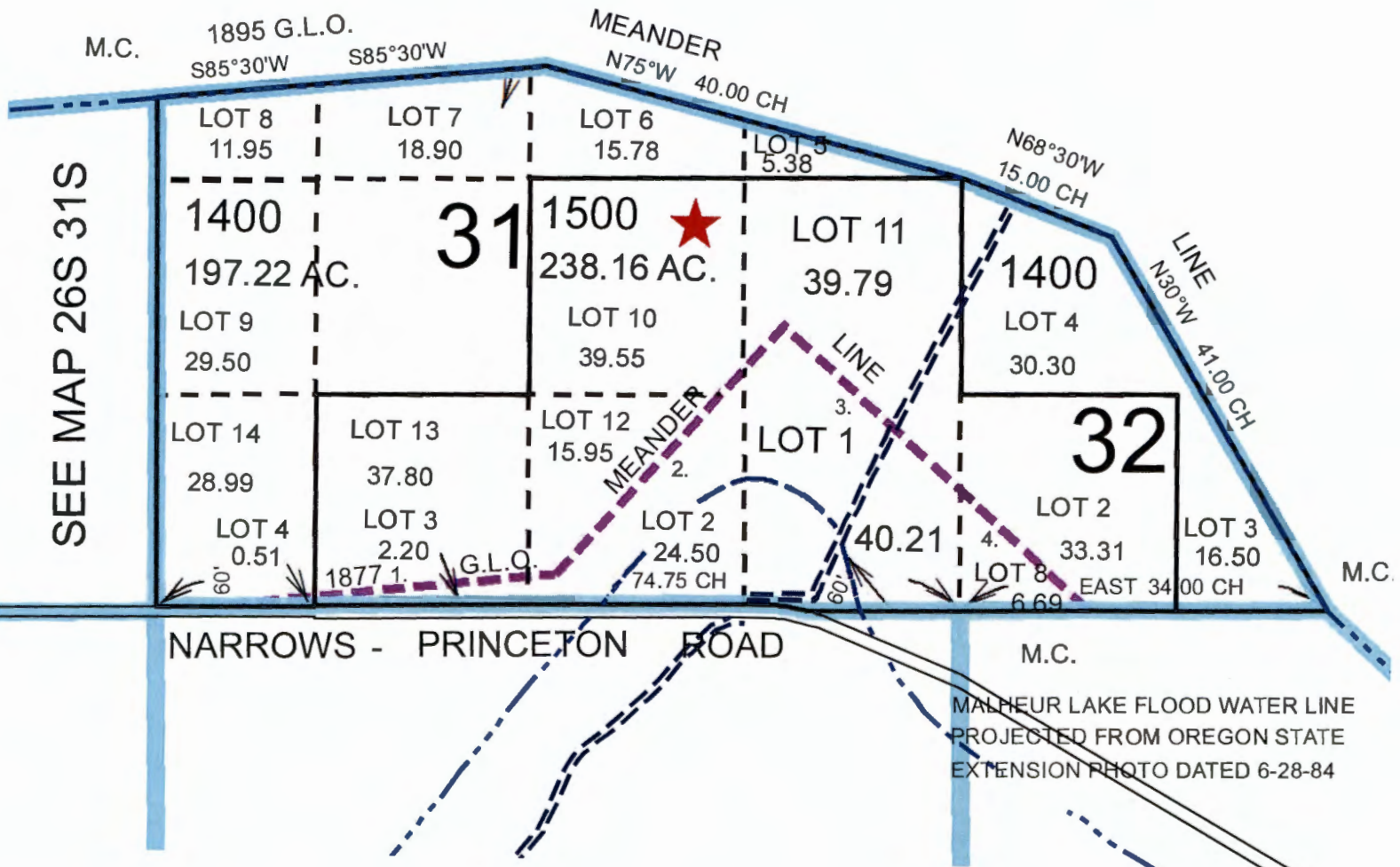
This sketch is furnished
for information purposes
only to assist in property
location with reference to
streets and other parcels.

No representation is
made as to accuracy and
the Company assumes no
liability for any loss
occurring by reason
or reliance thereon.

4-2

MEANDER LINE SEC. 31 & 32

1. N88°E 35.00 CH
2. N42°30'E
3. S47°E 22.30 CH
4. S47°E 16.40 CH



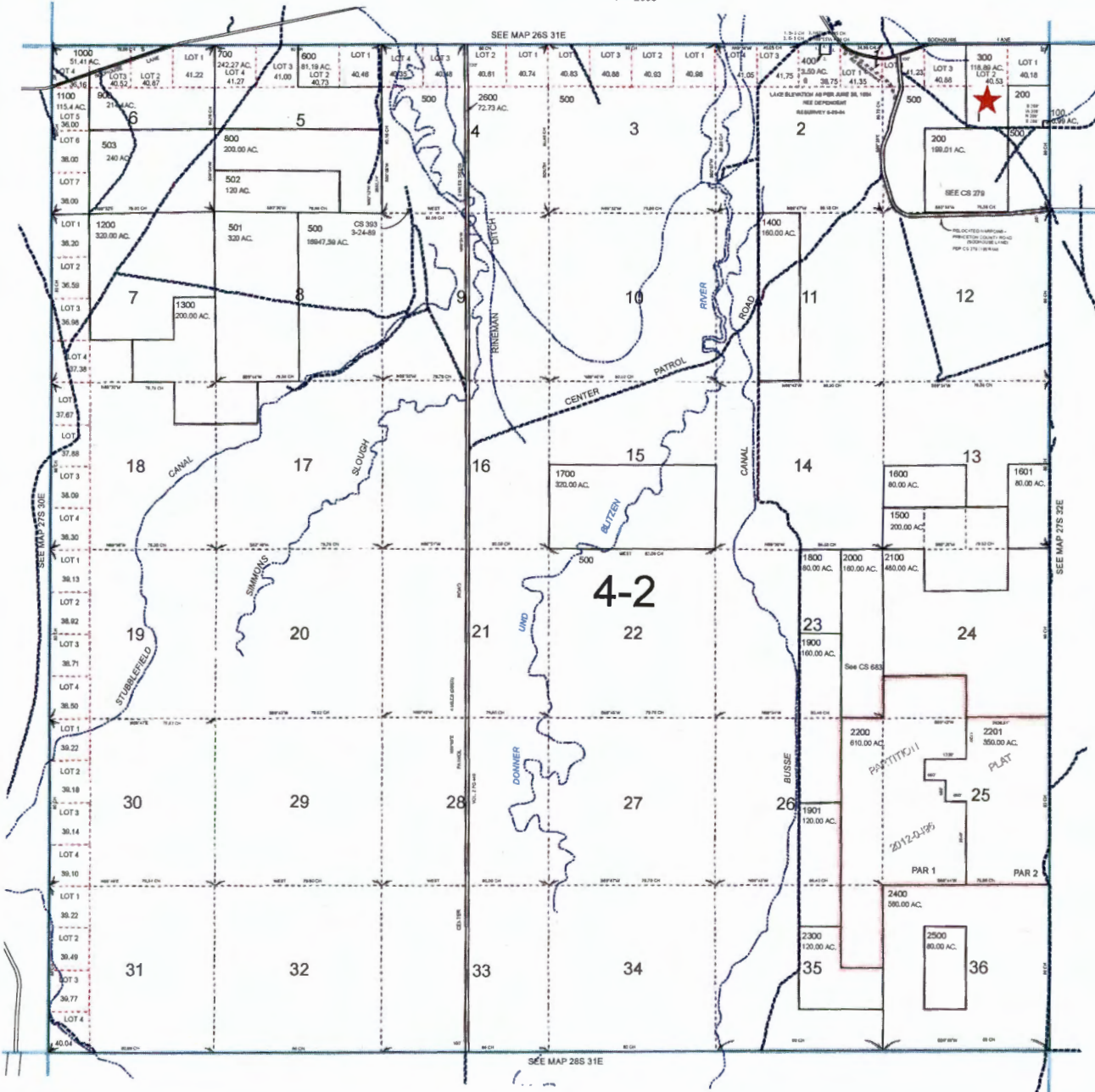
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27S31E

Cancelled Nos.
1602
1902

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

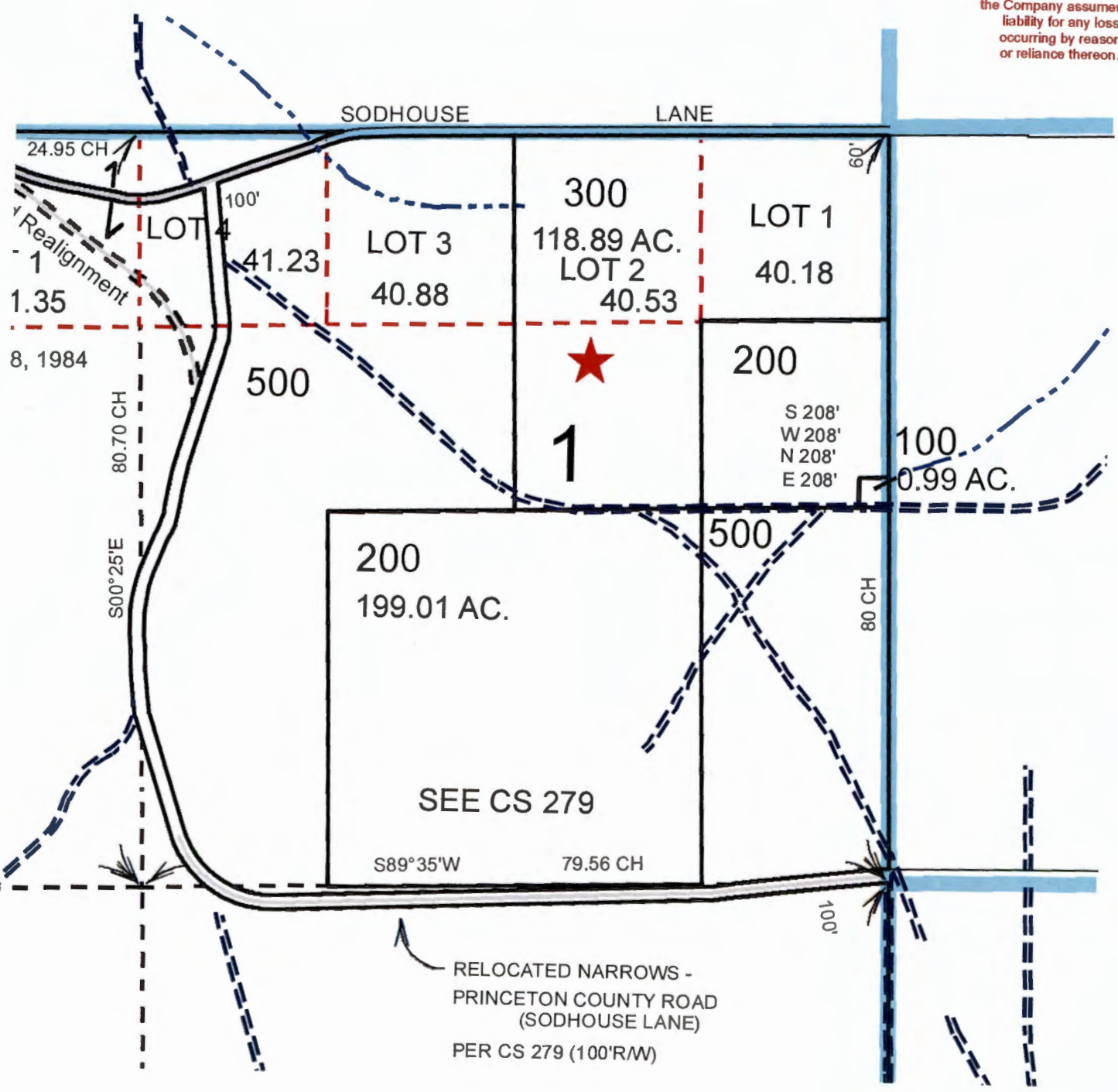
T.27S. R.31E. W.M.
HARNEY COUNTY
 1" = 2000'





COMPLIMENTS OF
AmeriTitle

This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason or reliance thereon.





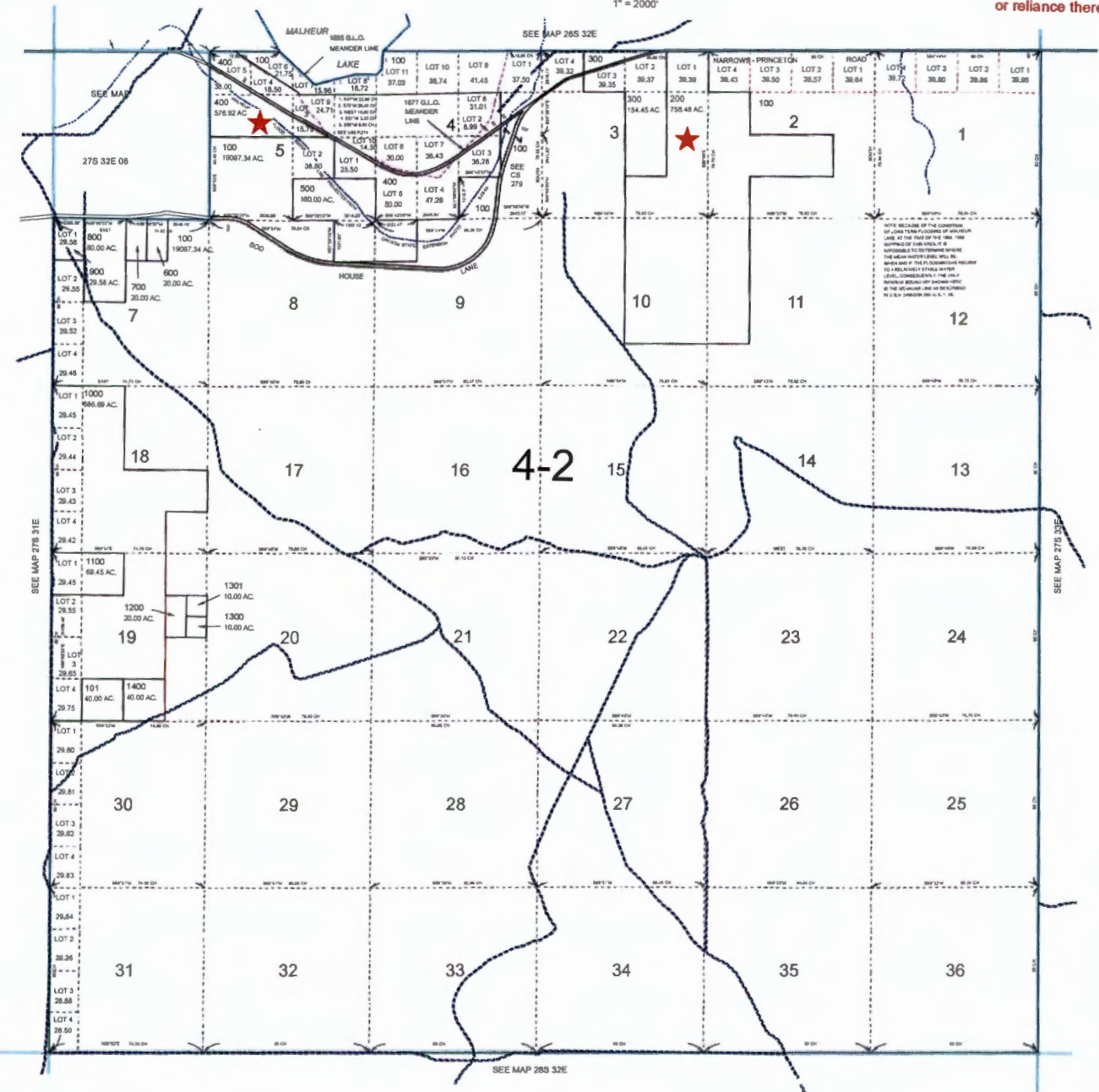
COMPLIMENTS OF
AmeriTitle

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27S32E

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.27S. R.32E. W.M.
HARNEY COUNTY
1" = 2000'



PRINTED ON
12/17/2018

27S32E



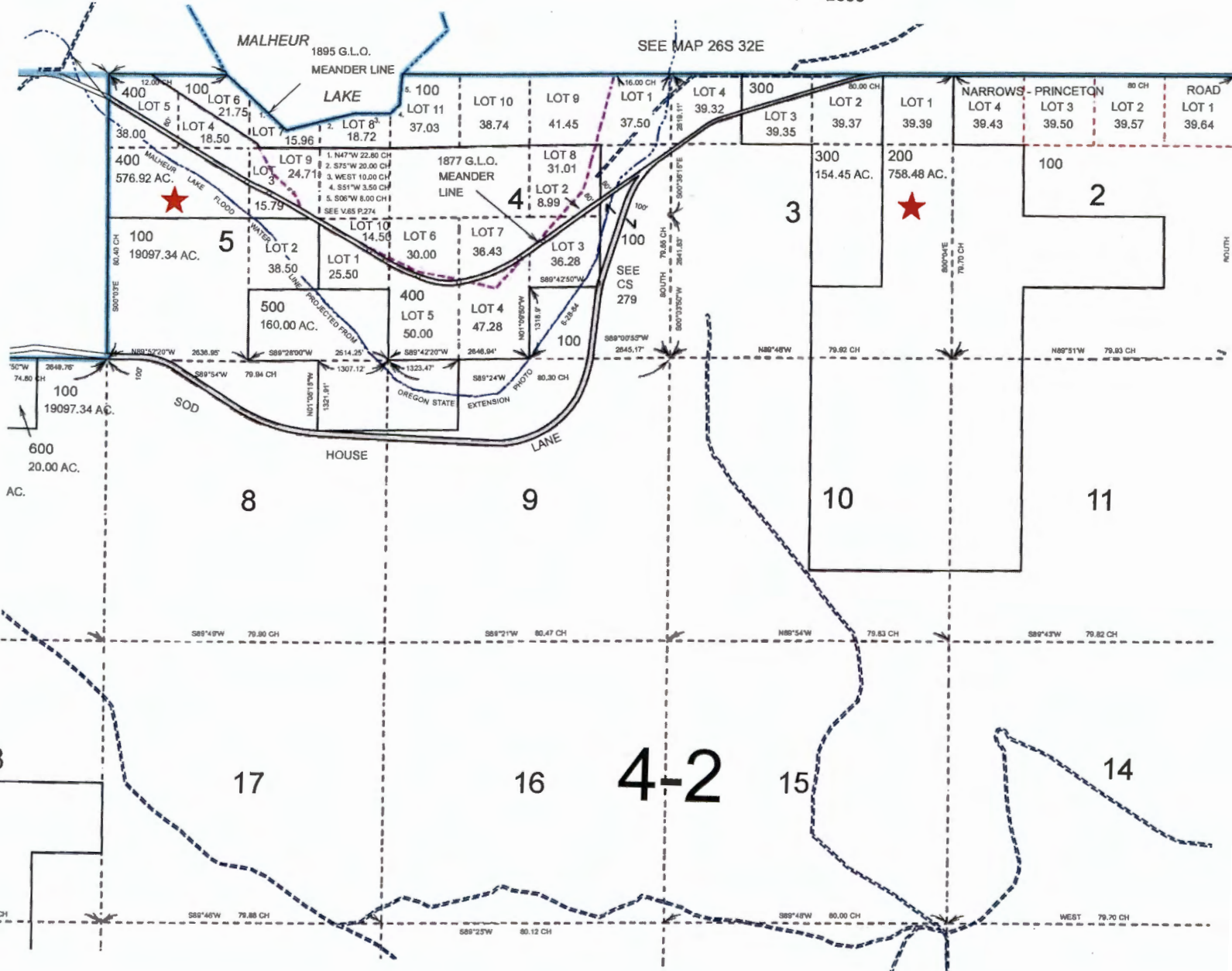
**COMPLIMENTS OF
AmeriTitle**

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PREPARED FOR
PURPOSE ONLY

**T.27S. R.32E. W.M.
HARNEY COUNTY**

1" = 2000'



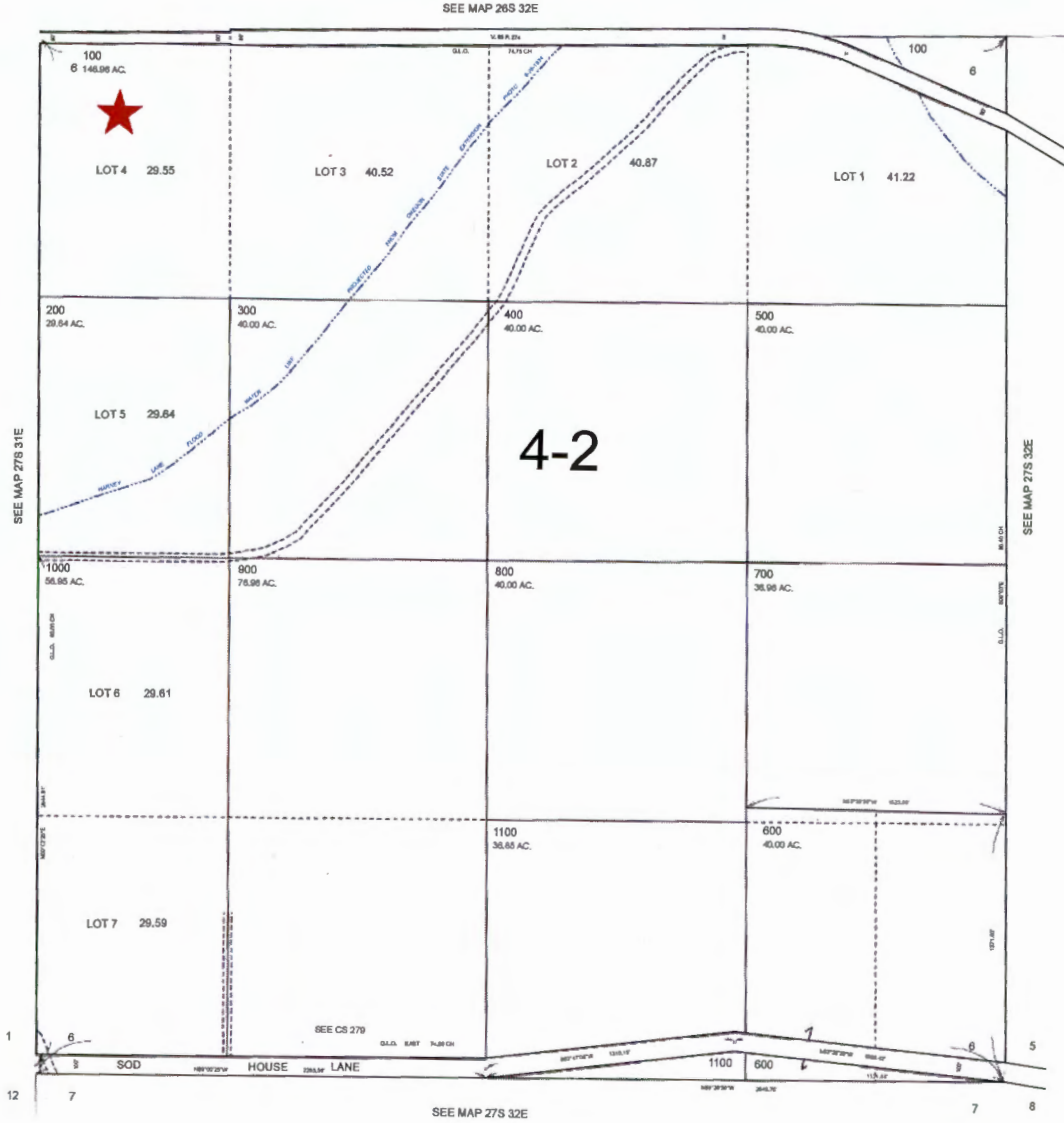
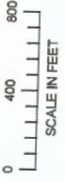

COMPLIMENTS OF
AmeriTitle

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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 06 T.27S. R.32E. W.M.
HARNEY COUNTY
 1" = 400'

27S 32E 06

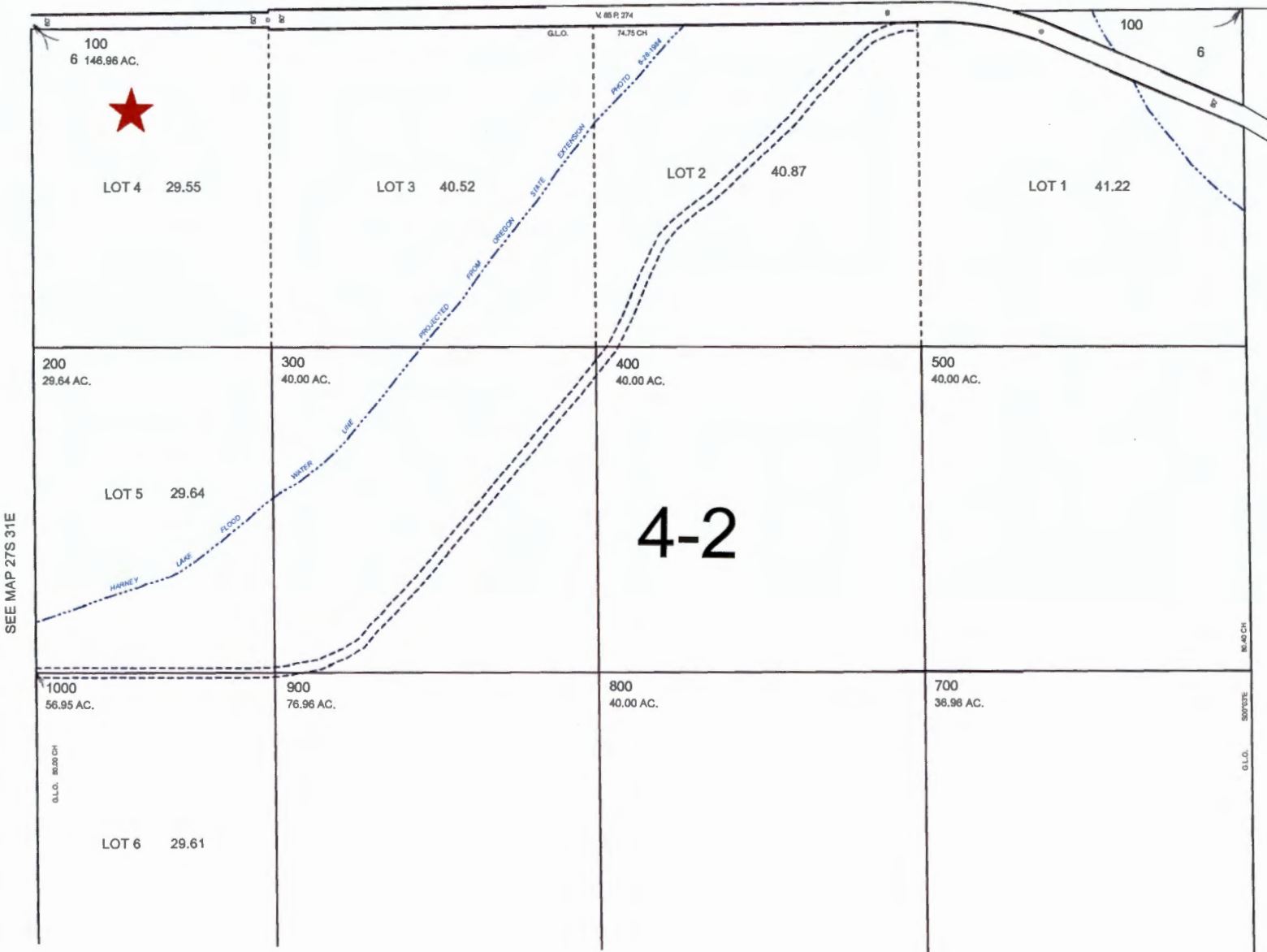




COMPLIMENTS OF
AmeriTitle

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SEE MAP 26S 32E



Regular

RA - REFUNDED.
NOT RA.

me Golden rule farms
Address PO Box 255
Christmas valley oregon

DESCRIPTION OF WATER RIGHT(S)

Name of Stream well
Trib. of Malheur Lake, Donner & Blitzen river basin
Use Irrigation County Harney
Quantity of water (CFS) No. of Acres
Name of ditch
App# 6-1593 Per # G-14103 Cert # 323594 PR Date 10/07/1989
App# 6-12928 Per # G-122162 Cert # 91418 PR Date 05/21/1992
App# 6-12926 Per # G-12938 Cert # 911044 PR Date 05/21/1992
App# Per # Cert # PR Date
App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
2-6-2020	\$5,790.00	131880
2-6-2020	\$25.00	131881
3-2-2020	\$1761.41	132039

Range in POW, PDA
Date Filed 02/10/2020
Final notice date 02/18/2020
Date issued date
Final notice date
Date of FO Vol Page
Date
DBU due date
DBU Received date
Certificate issued

FEES REFUNDED		
Date	Amount	Receipt #
7/22/2020	\$1206.32	VPO51256

Signments:

Irrigation District
Agent John Short - Water right Services LLC
Johnshort@usa.com
NRE
County list Harney County Planning
- Oversized map - Location

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: July 14, 2020

FROM: Tamera Smith, Transfer Caseworker
Phone: (503) 986-0864

SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: T-13363, RA # R11-250-21

RECEIPT #: 132039

Please prepare payment in the amount of **\$1206.32**, made payable to:

Name: Golden Rule Farms, Inc.
Address: PO Box 255
City: Christmas Valley, OR 97641

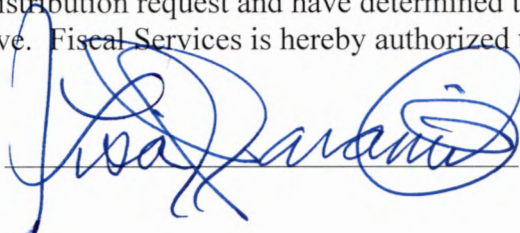
47624
0412

These funds are being paid or refunded as a result of (check one):

- Request for file to be Rejected/Withdrawn/
- Excess fees were collected for application/PON
- Payment of PON
- Protest filing fee
- Withdrawn from RA process by the Department

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

7-15-2020



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

July 14, 2020

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

Reference: Transfer Application T-13363
Reimbursement Authority RA# R11-250-21

The above referenced transfer application is being withdrawn from the Reimbursement Authority (RA) process by the Oregon Water Resources Department (OWRD), due to unforeseen circumstances which are exponentially delaying the review process. In particular, Groundwater Reviews for Transfer Applications involving well location changes or requests for additional wells within the Greater Harney Valley Groundwater Area of Concern (GHVGAC) are resulting in exceptionally lengthy processing times. Additionally, based on assertions raised by the applicant's attorney (Elizabeth Howard) on May 4, 2020 via email, that the Groundwater Review analysis for T-13363 is incorrect, we don't feel it's appropriate for the applicant to pay for expedited processing of this application while the Department spends time working through these broader issues raised by Ms. Howard. For these reasons, the Department is withdrawing Transfer T-13363 from RA processing; however, the Department will resume processing of the application through non-RA means as soon as we are able.

Section 6a of the Applicant's Agreement for RA states that if the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. As a result, you are due a refund of \$1206.32.

A refund check is currently being processed, however the refund check will arrive **separately at a later date.**

This refund is for the unspent portion of the estimated cost for expedition of your transfer application.



Original receipt no: 132039

If you have any questions related to the withdrawal of this transfer from the Reimbursement Authority process, please contact me at (503) 986-0864 or by e-mail at tamera.l.smith@oregon.gov

Kindest regards,

A handwritten signature in black ink, appearing to read 'Tamera Smith', with a stylized flourish at the end.

Tamera Smith
Transfer Caseworker for Reimbursement Authority
Transfer and Conservation Section

cc: JR Johnson, Watermaster Dist. # 10 (via email)
John A. Short, Agent (via email)
Elizabeth Howard, Schwabe, Williamson & Wyatt, 1211 SW 5th, Suite 1900, Portland, OR 97204

Enclosure

SMITH Tamera L * WRD

From: JARAMILLO Lisa J * WRD
Sent: Monday, July 13, 2020 2:00 PM
To: SMITH Tamera L * WRD
Subject: Final Revisions: RA withdrawal letter for T-13363 (Golden Rule)
Attachments: RA -withdrawal-letter - 13363_ts edits_5-21-2020_ljj edits_7-13-2020.docm

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

Attached are the final revisions for the RA Termination letter for T-13363 Golden Rule. I've included Elizabeth Howard on the cc: list.

Please finalize this letter and mail out as soon as possible. (Please give me a heads-up when this is accomplished.)

Let me know if you have any questions.

Thank you,
Lisa

[Lisa J. Jaramillo](#)

Transfer and Conservation Section Manager
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Golden Rule RA# R11-250-21 REFUND T-13363

Review Step	Est. Time			
Front Desk Staff receipts received AA funds	0.50			\$0.00
Transfer Support process Application	0.25			\$0.00
Administrator signs AA	0.02			\$0.00
NRS1 Support enters workflow record in WRIS and updates RA spreadsheet	0.25			\$0.00
NRS2 completes initial review of file for deficiencies	3.00			\$0.00
NRS2 consults with Kelly and/or Lisa	1.00			\$0.00
NRS2 writes and sends deficiency ltr (email and hard copy)	1.50	Tamera		\$83.63
NRS2 addresses correspondence from app/agent regarding deficiencies	1.50	Tamera		\$83.63
Watermaster completes review	1.00			\$0.00
Groundwater completes review (if applicable)	4.00			\$0.00
NRS2 completes DPD, PN, and RR	4.00	Tamera		\$223.02
Transfer staff peer reviews DPD, PN, RR	0.50	Transfer St		\$24.04
Transfer Analyst completes policy check at DPD stage	0.50	Kelly		\$30.31
NRS2 sends DPD to app/agent by email and/or mail	0.25	Tamera		\$13.94
NRS2 completes revised DPD	1.50	Tamera		\$83.63
Transfer Staff peer reviews revised DPD	0.50	Transfer St		\$24.04
Transfer Analyst peer review revised DPD	0.50	Kelly		\$30.31
NRS2 reviews report of ownership	1.50	Tamera		\$83.63
NRS2 completes PD	1.00	Tamera		\$55.76
Transfer Staff peer reviews PD	0.50	Transfer St		\$24.04
Transfer Analyst peer reviews PD	0.50	Kelly		\$30.30
Data Center reviews PD	1.25	DC Staff		\$36.20
Transfer Analyst completes peer review of PN review for newspaper noticing	0.25	Kelly		\$15.15
Transfer Support requests newspaper quote for PN publishing	0.25	Julie		\$5.78
NRS2 sends publishing fee request to applicant	0.50	Tamera		\$27.88
Transfer Support processes fee and newspaper publishing	0.15	Julie		\$3.47
Transfer Support processes public notice (dept notice)	0.15	Julie		\$3.47
Administrator signs PD	0.02	Dwight		\$1.71
Transfer Support issues PD, updates WRIS, copy to file, and mails hard copy to applicant	0.25	Julie		\$5.78
NRS2 completes FO and RR	2.50	Tamera		\$139.39
Transfer Staff peer reviews FO and RR	0.50	Transfer St		\$24.04
Transfer Analyst peer reviews FO and RR	0.50	Kelly		\$30.31
Administrator signs FO	0.02	Dwight		\$1.71
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy	0.25	Julie		\$5.78
NRS1 closes out RA Contract	0.15	Stacy		\$5.73
TOTAL REFUNDED HOURS		20.99		
		TOTAL		\$1,206.32

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13363

GW Reviewer Darrick E. Boschmann Date Review Completed: 04/06/2020

Summary of Enlargement (Same Source) Review:

The proposed transfer fails to keep the original place of use from receiving water from the same source.

Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source.

Summary of Similarity Review:

The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Ground Water Review Form:

- Water Right Transfer**
- Permit Amendment**
- GR Modification**
- Other**

Application: T-13363

Applicant Name: Golden Rule Farms

Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Darrick E. Boschmann

Date of Review: 04/06/2020

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 4/6/2020

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other _____

1. Basic description of the changes proposed in this transfer: _____

This transfer application is related to the following three certificates:

-32394

-91418

-91644

Certificate 32394 authorizes groundwater pumping from one well (POD 1 = HARN 1461) for primary irrigation of 75.53 acres in the Malheur Lake Basin. The following changes are proposed:

1. Change the authorized POD to 3 wells in 27S/34E-17 & 20 (HARN 52795; HARN 52796; HARN 52719).

2. Move the POU to 27S/34E-18, 19.

Certificate 91418 authorizes groundwater pumping from one well (POD 1 = HARN 1471) for primary irrigation of 131.0 acres in the Malheur Lake Basin. The following changes are proposed:

1. Change the authorized POD to 3 wells in 27S/34E-17 & 20 (HARN 52795; HARN 52796; HARN 52719).

2. Move the POU 27S/34E-20.

Certificate 91644 authorizes groundwater pumping from 2 wells (POD 1 = HARN 1893; POD 2 = HARN 1460) for primary irrigation of 354.7 acres in the Malheur Lake Basin. The following changes are proposed:

1. Change the authorized PODs to 3 wells in 27S/34E-17 & 20 (HARN 52795; HARN 52796; HARN 52719).

2. Move the POU 27S/34E-17, 18, 19, & 20.

Note: this review reflects the application revisions received 3/27/2020.

Note: the well locations provided on the application are not consistent with locations determined by OWRD East Region well inspector on 10/22/2019 who verified well tags on wells at the time. The well locations used here are from the 10/22/2019 inspections.

Note: this review does not evaluate evidence of use with regard to the proposed "FROM" lands.

Note: This transfer application involves some of the same proposed POD's and POU as regular groundwater application G-17592, for which has a Proposed Final Order to Deny dated 01/21/2020.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: _____

Available data indicates a predominantly volcanic/volcaniclastic unit occurs beneath a predominantly basin fill sediment unit. Reports for the Malheur Lake Basin indicate groundwater occurs in both the basin fill and underlying volcanic rocks. The groundwater is likely hydraulically connected, making a single groundwater system occurring in different geologic units. Leonard (1970) found that near the edges of the valley there is likely good interconnection between individual water-bearing beds in the valley fill and those in the adjacent and underlying tertiary rocks.

In general, groundwater in the Harney Basin flows from several upland recharge areas to a common discharge area near Malheur and Harney Lakes, with some apparent discharge to the Malheur Basin through one or more areas along the eastern margin. While the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system depending on groundwater flow-paths from recharge to discharge areas. In general, within these sub-watersheds water within the aquifer system is sourced from a common recharge area, and can therefore be considered a single source.

The proposed "TO" wells are located just outside the hydrographic Harney Basin boundary ~9 to over 13 miles east of the currently authorized "FROM" wells. A very flat groundwater gradient exists between the "FROM" and "TO" wells, however available groundwater contours suggest that groundwater flow in the vicinity of the "FROM" wells is predominantly toward Malheur Lake.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
 Yes No Comments: _____

The proposed "TO" wells are located ~9 to over 13 miles east of the currently authorized "FROM" wells. This will result in an increase in interference with an entirely different group of groundwater rights in the vicinity of the proposed "TO" wells.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes No If yes, explain: _____

The groundwater availability concerns for this proposed transfer are largely the same as for regular groundwater application G-17592.

The proposed "TO" wells are within the Malheur administrative basin, however they are within ~1 mile of the Malheur Lake administrative basin and Greater Harney Valley Groundwater Area of Concern (GHVGAC), where widespread groundwater declines are well documented. Available groundwater contours and water level data demonstrates that the surface water divide here does not serve as a groundwater divide, and the proposed "TO" wells are part of the same groundwater flow system as the adjacent portions of the Malheur Lake basin, hydrographic Harney Basin, and GHVGAC. Groundwater generally flows north-northeast through this area into the Virginia Valley area.

Wells within the Virginia Valley area are already experiencing year to year water level declines. Moving any new use into the proposed area will serve to exacerbate these declines and interfere with existing users in the area. Additionally, junior groundwater rights in the Virginia Valley area have decline conditions that would be triggered earlier if the proposed transfer was approved.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes No Comments: There are no perennial surface water sources in the vicinity of the proposed "TO" wells.

- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____

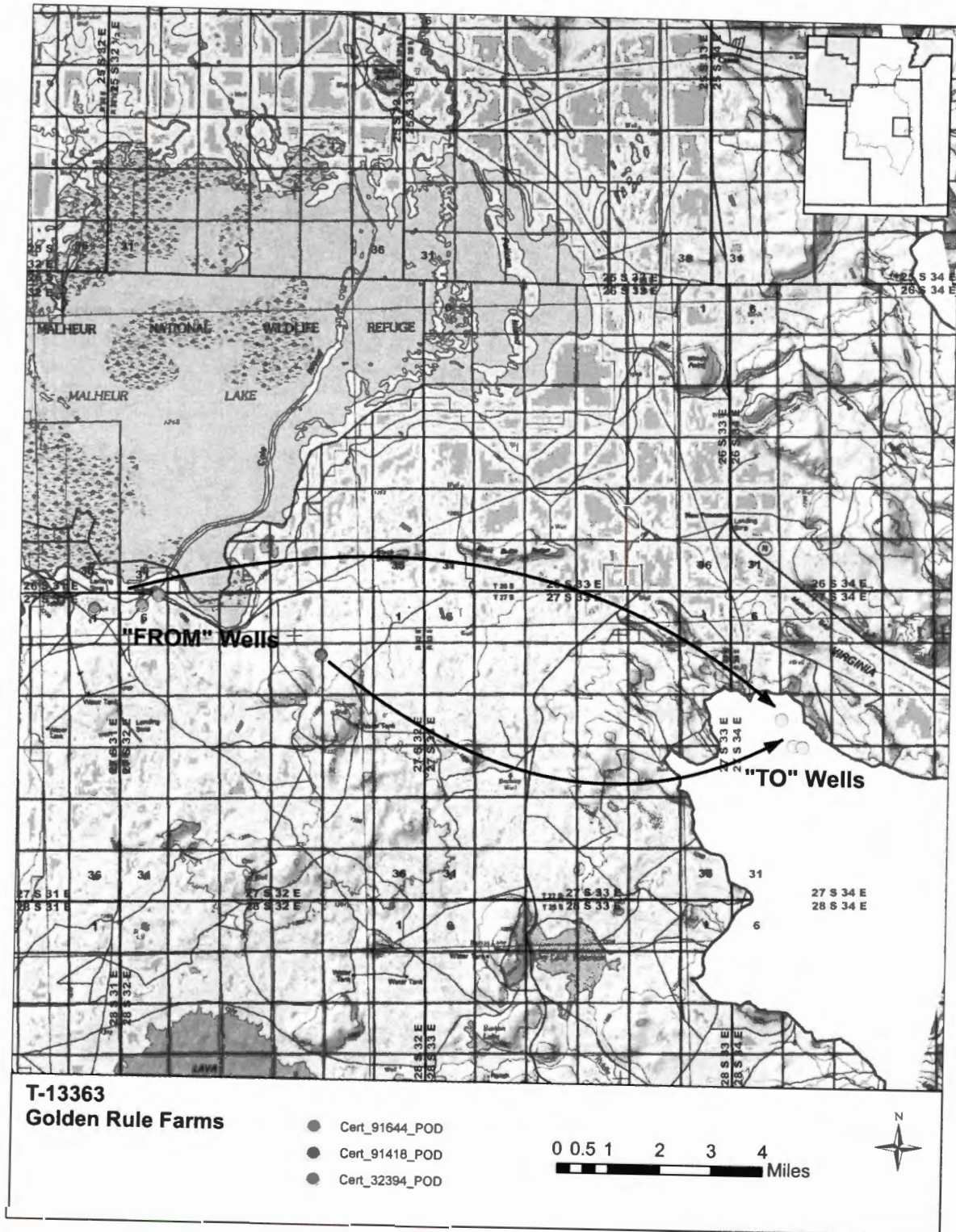
Minimal Significant

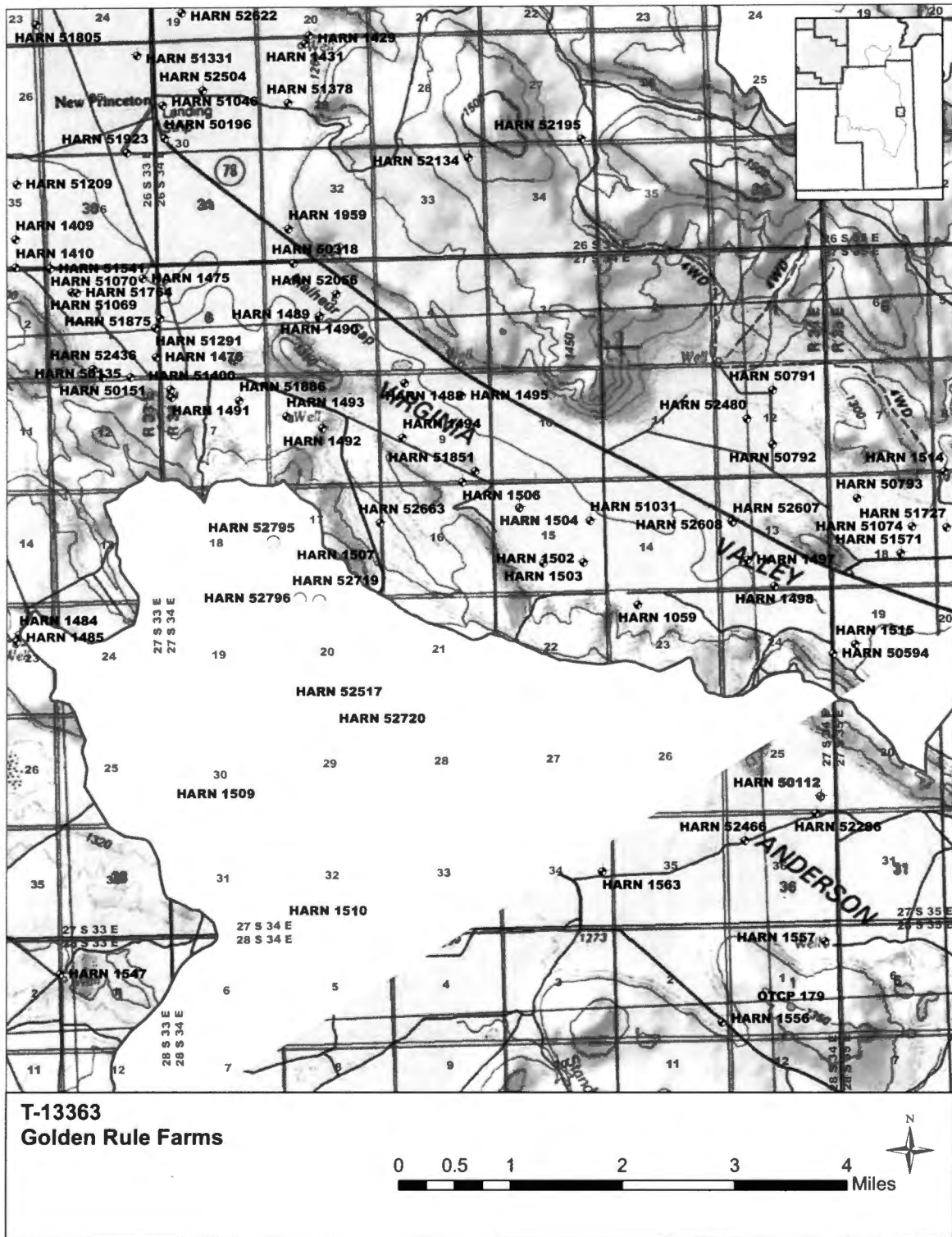
Stream: _____

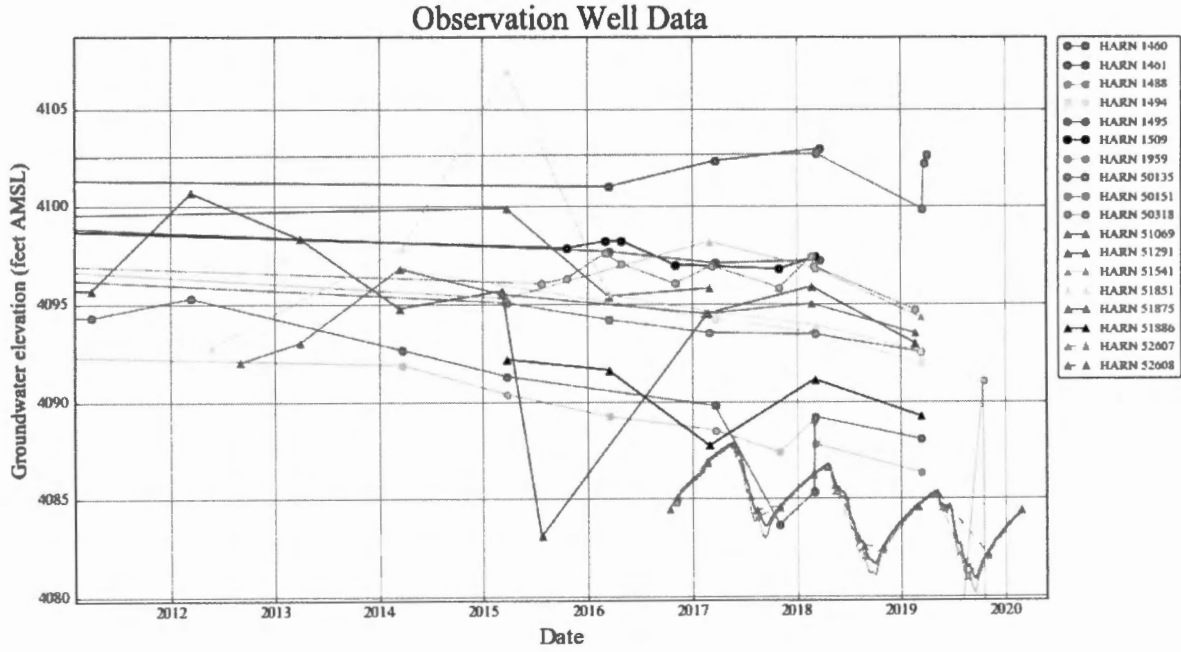
Minimal Significant

Provide context for minimal/significant impact: _____

6. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
7. Any additional comments: none.







SMITH Tamera L * WRD

From: johnshort@usa.com
Sent: Thursday, March 26, 2020 6:03 PM
To: SMITH Tamera L * WRD
Cc: BOSCHMANN Darrick E * WRD; Elizabeth E. Howard
Subject: Removing two wells from T-13363, slight POU rearrangement in same TL
Attachments: 2020-03-26_175126.pdf; Untitled attachment 00014.html

Hello Tamera & Darrick,

Hope you're both doing well in the new normal.

Updated pages attached removing two proposed POAs and slightly changing POU within the same single tax lot. Hopefully this simplifies the analysis.

Thank you both for your help.

Sincerely,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

Received by OWRD

MAR 27 2020

Salem, OR

Begin forwarded message:

From: "John Short(via HP Smart Tasks)" <hpsmarttasks-noreply@hp8.us>
Subject: You've got HP Smart app files!
Date: March 26, 2020 at 5:54:36 PM PDT
To: johnshort@usa.com

Here are your HP Smart app files.

Part 5 of 5 – Water Right Information

Revised
 Received by OWRD
COPY
 MAR 27 2020

CERTIFICATE # 32394

Description of Water Delivery System

System capacity: 0.94 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Salem, OR

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

Water is piped from well to pipelines and applied for irrigation of crops.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1461	27 S	31 E	1	SW	NE	300	1562' S, 21' E of N ¼ Cor Sec 1
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27 S	34 E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	" "	" "	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	" "	" "	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 32394

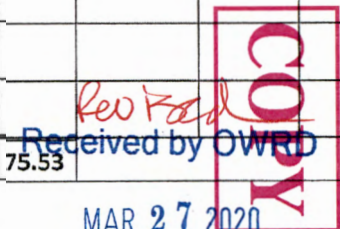
List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
EXAMPLE																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
											2	S	9	E 2 SW NW	500		5.0		POD #5	1901	
										POU, POA	27	S	34	E 18 NW SE	3100		31.7	IR	Wells 1,2,3	1959	
										"	"	"	"	"	19 NE NE		12.5	"	"	"	
										"	"	"	"	"	19 SE NE		31.33	"	"	"	
TOTAL ACRES:							TOTAL ACRES: 75.53														

Additional remarks: _____

MAR 27 2020

Salem, OR



CERTIFICATE # 91418



Description of Water Delivery System

System capacity: 1.64 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.

Water is piped from well to pipelines and applied for irrigation of crops

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1471	27 S	32 E	10	NE NE	200	1255' S, 70' W of NE Cor Sec 10
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27 S	34 E	17	SW NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	" "	" "	20	NE NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	" "	" "	20	SE NE	"	200' N, 110' W of E ¼ Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 91418

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
																									POD #6	1901
													POU, POA	27	S	34	E	20	SW	NE	3100		35.1	IR	Wells 1,2,3	1992
														"	"	"	"	"	SE	NE			28.6	"	"	"
														"	"	"	"	"	SE	NW			2.7	"	"	"
														"	"	"	"	"	NE	SW			3.9	"	"	"
														"	"	"	"	"	NE	SE			20.0	"	"	"
														"	"	"	"	"	NE	SE			0.8	"	"	"
														"	"	"	"	"	NW	SE			38.2	"	"	"
														"	"	"	"	"	SE	SE			1.7	"	"	"
TOTAL ACRES:								TOTAL ACRES:															131.0			

Additional remarks: _____

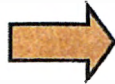
COPIED
See seal
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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.



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.

Revised

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # N/A.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

Salem, OR

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Description of Water Delivery System

System capacity: 4.43 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Salem, OR

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

Water is piped from well to pipelines and applied for irrigation of crops

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1893	27 S	32 E	6	NE	NE	GL1	125' S, 915' W of NE ¼ Cor Sec 6
Well #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1460	27 S	32 E	6	NE	NW	GL3	1280' S, 1' W of NE ¼ Cor Sec 6
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27 S	34 E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	" "	" "	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	" "	" "	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 91644

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
																										POD #6	1901
													POU, POA	27	S	34	E	17	SW	NW	3100		28.0	IR	Wells 1,2,3	1992	
														"	"	"	"	17	NW	SW	"		28.1 0.1	"	"	"	
														"	"	"	"	17	SW	SW	"		26.8	"	"	"	
														"	"	"	"	18	SE	NE	"		32.6	"	"	"	
														"	"	"	"	18	NE	SE	"		33.1	"	"	"	
														"	"	"	"	18	NW	SE	"		0.4 0.4	"	"	"	
														"	"	"	"	18	SW	SE	"		32.2	"	"	"	
TOTAL ACRES:												SUB-TOTAL ACRES:											181.7				

Additional remarks: _____

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Table 2. Description of Changes to Water Right Certificate # 91644

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.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POU, POA	27	S	34	E	18	SE	SE	3100		9.2 17.4	IR	Wells 1,2,3	1992
											"	"	"	"	19	NE	NE	"		3.0	"	"	"
											"	"	"	"	20	SW	NE	"		0.7	"	"	"
											"	"	"	"	20	SE	NE	"		0.3	"	"	"
											"	"	"	"	20	NE	NW	"		33.1	"	"	"
											"	"	"	"	20	NW	NW	"		5.4 27.3	"	"	"
											"	"	"	"	20	SW	NW	"		27.6	"	"	"
											"	"	"	"	20	SE	NW	"		33.2	"	"	"
											"	"	"	"	20	NE	SE	"		12.2 1.8	"	"	"
											"	"	"	"	20	NW	SE	"		0.1	"	"	"
											"	"	"	"	20	SE	SE	"		1.7	"	"	"
TOTAL ACRES:																	TOTAL ACRES:	354.7	181.7 + 173.0				

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

Additional remarks: _____.

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T27S R34E, WM,
HARNEY COUNTY, OR

COPY

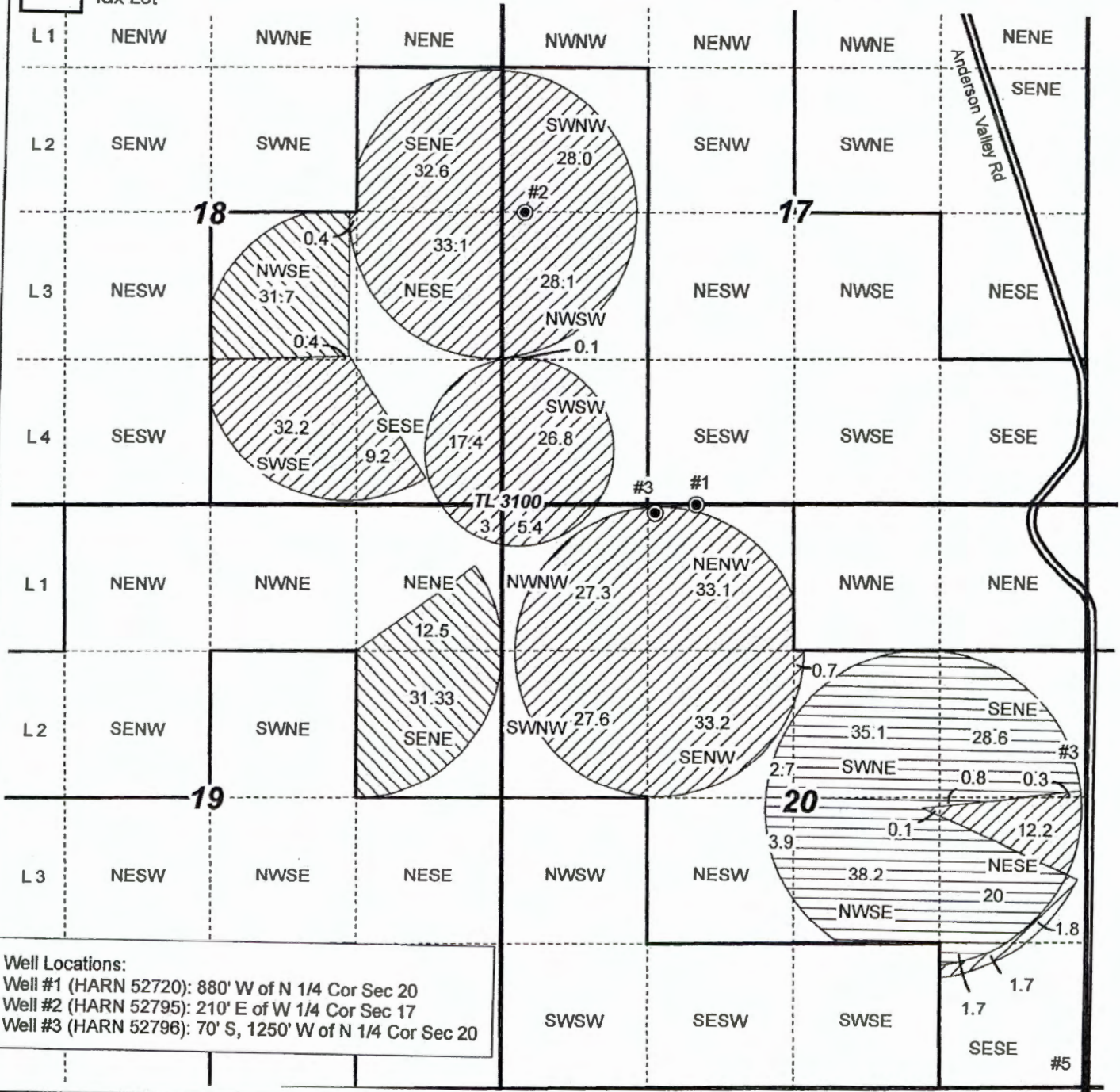
0 1,320 Feet

1" = 1,320'



RENEWAL DATE 12/31/2020

- Well "ON"
- C-32394 POU IR (10-2-1959) "ON" 75.53 AC
- C-91644 POU IR (5-21-1992) "ON" 354.7 AC
- C-91418 POU IR (5-21-1992) "ON" 131 AC
- Section
- Quarter Quarter
- Tax Lot



Well Locations:
 Well #1 (HARN 52720): 880' W of N 1/4 Cor Sec 20
 Well #2 (HARN 52795): 210' E of W 1/4 Cor Sec 17
 Well #3 (HARN 52796): 70' S, 1250' W of N 1/4 Cor Sec 20

SMITH Tamera L * WRD

From: johnshort@usa.com
Sent: Friday, February 28, 2020 10:12 AM
To: PHILLIPS Stacy H * WRD
Cc: SMITH Tamera L * WRD
Subject: Re: T-13363 Reimbursement Authority Applicant's Agreement - Action Requested

I'll make sure the check has been sent. We do want it RA!

Thanks,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

On Feb 28, 2020, at 8:16 AM, PHILLIPS Stacy H * WRD <Stacy.H.Phillips@oregon.gov> wrote:

Hello,

This is a reminder to have your clients sign and return the Applicant Agreement Contract with the appropriate fees by the 30 day deadline **March 16, 2020**. I have attached the Agreement to this email for your convenience. If you have any questions or concerns regarding the contract, please contact your caseworker Tamera Smith at (503) 986-0864.

Thanks,

Stacy H. Phillips

Restoration Program Technician

725 Summer Street NE, Suite A, Salem, OR 97301 | Office: 503-986-0898

Email: stacy.h.phillips@oregon.gov

<image004.jpg>

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: PHILLIPS Stacy H * WRD
Sent: Friday, February 14, 2020 1:08 PM
To: 'johnshort@usa.com' <johnshort@usa.com>
Cc: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Subject: T-13363 Reimbursement Authority Applicant's Agreement - Action Requested

February 14, 2020

SMITH Tamera L * WRD

From: johnshort@usa.com
Sent: Friday, February 14, 2020 9:06 AM
To: SMITH Tamera L * WRD
Cc: STARNES Patrick K * WRD; JARAMILLO Lisa J * WRD; Bryce Withers
Subject: Re: 13363/13346 RA phone conversation

Follow Up Flag: Follow up
Flag Status: Flagged

You're an awesome listener, Tamera!

Thanks so much and have a great weekend!

Sincerely,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

On Feb 14, 2020, at 8:54 AM, SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov> wrote:

Good morning John,

Per our phone conversation today at 8:45 am, we discussed the RA estimate for the permanent transfer file for Certificates 32394, 91418 and 91644 for Golden Rule Farms, File No. T-13363.

I called to remind you that, due to the workload in groundwater, this file would not be speedily run through the RA program.

You responded that you would like for the file to stay in RA, so that once groundwater does work the application, it will be in the front of the line. You also stated that you understand that this file will not be sped through processing, although you would like for it to stay in the RA program. Further, you mentioned another file that was taken out of RA that you intend to put back in to the RA program, T-13346 for Badger Ventures.

If you have any questions or concerns, please get in touch.

Thank you for your time.

Kindest regards,

TAMERA SMITH

TRANSFER & CONSERVATION CASEWORKER

725 Summer St. NE, Suite A | Salem, Oregon 97301 | Phone: 503.986.0864

<image001.jpg>

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: C-32394, C-91418, C-91644**
 Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 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
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2</u> (2a) Subtract 1 from the number in line 2a = <u>1</u> (2b) <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	\$ 930
3	Number of water rights included in transfer <u>3</u> (3a) Subtract 1 from the number in 3a above: <u>2</u> (3b) <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	\$ 1,040
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 »	4	\$ 410
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>7.01</u> (5a) Subtract 1.0 from the number in 5a above: <u>6.01</u> (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>7</u> (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » »	5	\$ 2,450
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$ 5,990
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$ 5,990

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

- For irrigation calculate cfs for each water right involved as follows:
 - Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
 - If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
- Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 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
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Golden Rule Farms, Inc.		PHONE NO. 541-480-9752	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 255		FAX NO.	
CITY Christmas Valley	STATE OR	ZIP 97641	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME John A. Short / Water Right Services, LLC		PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 1830		FAX NO.	
CITY Bend	STATE OR	ZIP 97709	E-MAIL johnshort@usa.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:
Transfer to different property and to new points of appropriation.
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

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

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: **Burns Times-Herald.**
- Amendments to the application may only be made in response to the Department’s Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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



Timothy P. Short
 Applicant signature

Pres
 Print Name (and Title if applicable)

2-2-20
 Date

 Applicant signature

 Print Name (and Title if applicable)

 Date

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

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.

?
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 own

receiving landowner and applicant will be responsible for completion of change(s). notices and correspondence should be sent to this landowner and the applicant.

the lands in this transfer application in the process of being sold? Yes No

you know who the new landowner will be, please complete the receiving landowner table below. If you do not know who the new landowner will be, then a request for will have to be filed for at a later date.

sells, the certificated water right(s) located on the land belong to the new owner, agreement or other document states otherwise. For more information see:

www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME N/A			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	RECEIVED

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Describe any special ownership circumstances here: **N/A**

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

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Harney County Planning Department	ADDRESS 360 N. Alvord	
CITY Burns	STATE OR	ZIP 97720

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME N/A		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

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Describe any special ownership circumstances here: **N/A**

OWRD

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

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Harney County Planning Department	ADDRESS 360 N. Alvord	
CITY Burns	STATE OR	ZIP 97720

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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CERTIFICATE # 32394

MAR 27 2020

Description of Water Delivery System

Salem, OR

System capacity: 0.94 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.

Water is piped from well to pipelines and applied for irrigation of crops.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1461	27 S	31 E	1	SW	NE	300	1562' S, 21' E of N ¼ Cor Sec 1
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27 S	34 E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	" "	" "	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	" "	" "	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 32394

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
																									POD #6	1901
													POU, POA	27	S	34	E	18	NW	SE	3100		31.7	IR	Wells 1,2,3	1959
													"	"	"	"	"	19	NE	NE			12.5	"	"	"
													"	"	"	"	"	19	SE	NE			31.33	"	"	"
TOTAL ACRES:												TOTAL ACRES: 75.53														

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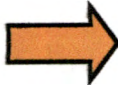
Additional remarks: _____

MAR 27 2020

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.

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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A ;
Surface water primary Certificate # N/A .

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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13368 - OWRD

CERTIFICATE # 91418

MAR 27 2020

Description of Water Delivery System

System capacity: 1.64 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Salem, OR

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

Water is piped from well to pipelines and applied for irrigation of crops

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp		Rng		Sec		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)	
							%	%			
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1471	27	S	32	E	10	NE	NE	200	1255' S, 70' W of NE Cor Sec 10
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27	S	34	E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	"	"	"	"	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	"	"	"	"	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 91418

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POU, POA	27	S	34	E 20 SW NE	3100		35.1	IR	Wells 1,2,3	1992		
											"	"	"	"	"	SE NE	28.6	"	"	"		
											"	"	"	"	"	SE NW	2.7	"	"	"		
											"	"	"	"	"	NE SW	3.9	"	"	"		
											"	"	"	"	"	NE SE	20.0	"	"	"		
											"	"	"	"	"	NE SE	0.8	"	"	"		
											"	"	"	"	"	NW SE	38.2	"	"	"		
											"	"	"	"	"	SE SE	1.7	"	"	"		
TOTAL ACRES:													TOTAL ACRES: 131.0									

Revised

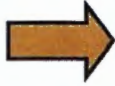
Additional remarks: _____.

Received by OWRD

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.



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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

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Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # N/A.

MAR 27 2020

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

Salem, OR

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Description of Water Delivery System

System capacity: 4.43 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

MAR 27 2020

Salem, OR

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

Water is piped from well to pipelines and applied for irrigation of crops

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1893	27 S	32 E	6	NE	NE	GL1	125' S, 915' W of NE ¼ Cor Sec 6
Well #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1460	27 S	32 E	6	NE	NW	GL3	1280' S, 1' W of NE ¼ Cor Sec 6
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27 S	34 E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	" "	" "	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	" "	" "	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 91644

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
																									POD #6	1901
													POU, POA	27	S	34	E	17	SW	NW	3100		28.0	IR	Wells 1,2,3	1992
														"	"	"	"	17	NW	SW	"		28.1 0.1	"	"	"
														"	"	"	"	17	SW	SW	"		26.8	"	"	"
														"	"	"	"	18	SE	NE	"		32.6	"	"	"
														"	"	"	"	18	NE	SE	"		33.1	"	"	"
														"	"	"	"	18	NW	SE	"		0.4 0.4	"	"	"
														"	"	"	"	18	SW	SE	"		32.2	"	"	"
TOTAL ACRES:														SUB-TOTAL ACRES:							181.7					

Additional remarks: _____

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Table 2. Description of Changes to Water Right Certificate # 91644

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.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POU, POA	27	S	34	E	18	SE	SE	3100		9.2 17.4	IR	Wells 1,2,3	1992
											"	"	"	"	19	NE	NE	"		3.0	"	"	"
											"	"	"	"	20	SW	NE	"		0.7	"	"	"
											"	"	"	"	20	SE	NE	"		0.3	"	"	"
											"	"	"	"	20	NE	NW	"		33.1	"	"	"
											"	"	"	"	20	NW	NW	"		5.4 27.3	"	"	"
											"	"	"	"	20	SW	NW	"		27.6	"	"	"
											"	"	"	"	20	SE	NW	"		33.2	"	"	"
											"	"	"	"	20	NE	SE	"		12.2 1.8	"	"	"
											"	"	"	"	20	NW	SE	"		0.1	"	"	"
											"	"	"	"	20	SE	SE	"		1.7	"	"	"
TOTAL ACRES:							TOTAL ACRES:										354.7	181.7 + 173.0					

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

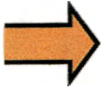
Additional remarks: _____.

Revised
Received by OWRD

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.



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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A.

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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13363 -

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 DESCHUTES)

I, JOHN A. SHORT, in my capacity as WATER RIGHT SPECIALIST,
 mailing address PO BOX 1830, BEND, OR 97709
 telephone number (541)389-2837, 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 # 32394; **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

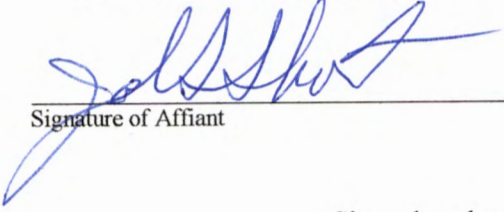
- Confirming Certificate # 91418 & 91644 has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence 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.): HAY & PASTURE

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



 Signature of Affiant

1-28-2020

 Date

Signed and sworn to (or affirmed) before me this 28 day of January, 2020.





 Notary Public for Oregon

My Commission Expires: August 30, 2021

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" 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 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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STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GOLDEN RULE FARMS
PO BOX 255
CHRISTMAS VALLEY OR 97641

confirms the right to the use of water perfected under the terms of Permit G-12938. 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-12926

SOURCE OF WATER: TWO WELLS IN THE DONNER UND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 354.7 ACRES

MAXIMUM RATE: 4.43 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 1992

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	32 E	WM	6	NE NE	1	WELL 1 - 125 FEET SOUTH AND 915 FEET WEST FROM NE CORNER, SECTION 6
27 S	32 E	WM	6	NE NW	3	WELL 2 - 1280 FEET SOUTH AND 1 FOOT WEST FROM N1/4 CORNER, SECTION 6

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	32 E	WM	31	SE SW	3	2.2
26 S	32 E	WM	31	SE SW	13	37.8
26 S	32 E	WM	31	NE SE	1	1.6
26 S	32 E	WM	31	NE SE	11	16.4
26 S	32 E	WM	31	NW SE	2	0.2

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.

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Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	32 E	WM	31	NW SE	10	22.6
26 S	32 E	WM	31	SW SE	2	18.2
26 S	32 E	WM	31	SW SE	12	16.8
26 S	32 E	WM	31	SE SE	1	24.7
26 S	32 E	WM	31	SE SE	11	4.2
26 S	32 E	WM	32	SW SW	1	6.69
26 S	32 E	WM	32	SW SW	2	33.31
27 S	31 E	WM	1	NE NE	1	38.3
27 S	32 E	WM	5	NE NW	4	17.2
27 S	32 E	WM	5	NW NW	5	21.8
27 S	32 E	WM	5	SE NW		5.2
27 S	32 E	WM	6	NE NE	1	4.0
27 S	32 E	WM	6	NW NE	2	16.6
27 S	32 E	WM	6	NE NW	3	38.7
27 S	32 E	WM	6	NW NW	4	28.2

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. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter, where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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 interference.

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.

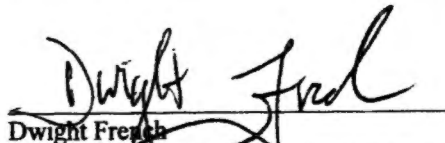
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Issued JUL 05 2016



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

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STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY OR 97641

confirms the right to the use of water perfected under the terms of Permit G-12262. 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-12928

SOURCE OF WATER: A WELL IN DONNER AND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 131.0 ACRES

MAXIMUM RATE: 1.64 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 1992

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	32 E	WM	10	NE NE	1255 FEET SOUTH AND 70 FEET WEST FROM NE CORNER, SECTION 10

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	2	SW SW	8.3
27 S	32 E	WM	3	SE SE	14.8
27 S	32 E	WM	10	NE NE	32.7
27 S	32 E	WM	10	SE NE	30.6

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.

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13363 -

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	10	NE SE	3.6
27 S	32 E	WM	11	NW NW	18.8
27 S	32 E	WM	11	SW NW	19.7
27 S	32 E	WM	11	NW SW	2.5

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. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

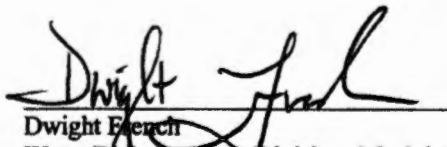
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 place of use described.

Issued APR 25 2016


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

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 FEB 06 2020
 OWRD

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GOLDEN RULE FARMS
PO BOX 255
CHRISTMAS VALLEY OR 97641

confirms the right to the use of water perfected under the terms of Permit G-12938. 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-12926

SOURCE OF WATER: TWO WELLS IN THE DONNER UND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 354.7 ACRES

MAXIMUM RATE: 4.43 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 1992

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	32 E	WM	6	NE NE	1	WELL 1 - 125 FEET SOUTH AND 915 FEET WEST FROM NE CORNER, SECTION 6
27 S	32 E	WM	6	NE NW	3	WELL 2 - 1280 FEET SOUTH AND 1 FOOT WEST FROM N1/4 CORNER, SECTION 6

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	32 E	WM	31	SE SW	3	2.2
26 S	32 E	WM	31	SE SW	13	37.8
26 S	32 E	WM	31	NE SE	1	1.6
26 S	32 E	WM	31	NE SE	11	16.4
26 S	32 E	WM	31	NW SE	2	0.2

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.

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	32 E	WM	31	NW SE	10	22.6
26 S	32 E	WM	31	SW SE	2	18.2
26 S	32 E	WM	31	SW SE	12	16.8
26 S	32 E	WM	31	SE SE	1	24.7
26 S	32 E	WM	31	SE SE	11	4.2
26 S	32 E	WM	32	SW SW	1	6.69
26 S	32 E	WM	32	SW SW	2	33.31
27 S	31 E	WM	1	NE NE	1	38.3
27 S	32 E	WM	5	NE NW	4	17.2
27 S	32 E	WM	5	NW NW	5	21.8
27 S	32 E	WM	5	SE NW		5.2
27 S	32 E	WM	6	NE NE	1	4.0
27 S	32 E	WM	6	NW NE	2	16.6
27 S	32 E	WM	6	NE NW	3	38.7
27 S	32 E	WM	6	NW NW	4	28.2

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. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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 interference.

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.

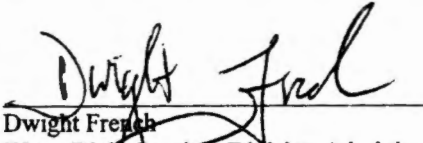
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 place of use described.

Issued JUL 05 2016



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

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY OR 97641

confirms the right to the use of water perfected under the terms of Permit G-12262. 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-12928

SOURCE OF WATER: A WELL IN DONNER AND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 131.0 ACRES

MAXIMUM RATE: 1.64 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 1992

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	32 E	WM	10	NE NE	1255 FEET SOUTH AND 70 FEET WEST FROM NE CORNER, SECTION 10

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	2	SW SW	8.3
27 S	32 E	WM	3	SE SE	14.8
27 S	32 E	WM	10	NE NE	32.7
27 S	32 E	WM	10	SE NE	30.6

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.

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	10	NE SE	3.6
27 S	32 E	WM	11	NW NW	18.8
27 S	32 E	WM	11	SW NW	19.7
27 S	32 E	WM	11	NW SW	2.5

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. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter, where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

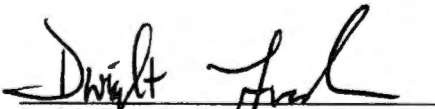
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 place of use described.

Issued APR 25 2016



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

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN or GEORGIA CROW

of 86 South Fir, Burns, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Well No. 1

a tributary of Malheur Lake for the purpose of irrigation of 75.53 acres

under Permit No. G-1463 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 2, 1959

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.94 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T. 27 S., R. 31 E., W. M. Well located 150 feet South and 21 feet East from the North quarter corner of Section 1

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

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

40.53 acres Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
35.00 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 1
T. 27 S., R. 31 E., W. M.

This certificate is issued to correct & supersede the water right certificate recorded in State Record of Water Right Certificates, Volume 24, page 32083, so as to correctly show the quantity of water.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. August 9, 1965

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32394

13363 -

Land Use Information Form



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

Applicant(s): Golden Rule Farms, Inc.

Mailing Address: P.O. Box 255

City: Christmas Valley

State: OR

Zip Code: 97641

Daytime Phone: _____

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>27 S</u>	<u>34 E</u>	<u>17, 18, 19 & 20</u>	_____	<u>3100</u>	<u>EFRU-1</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Harney

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 7.01
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Transfer irrigation to different property and to new points of appropriation.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HC20 3010 / EFLV-1
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

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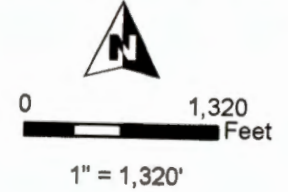
Name: Brandon McMillan Title: Planning Director
 Signature: *[Handwritten Signature]* Phone: 591-573-6655 Date: 12/2/19
 Government Entity: Harvey County

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

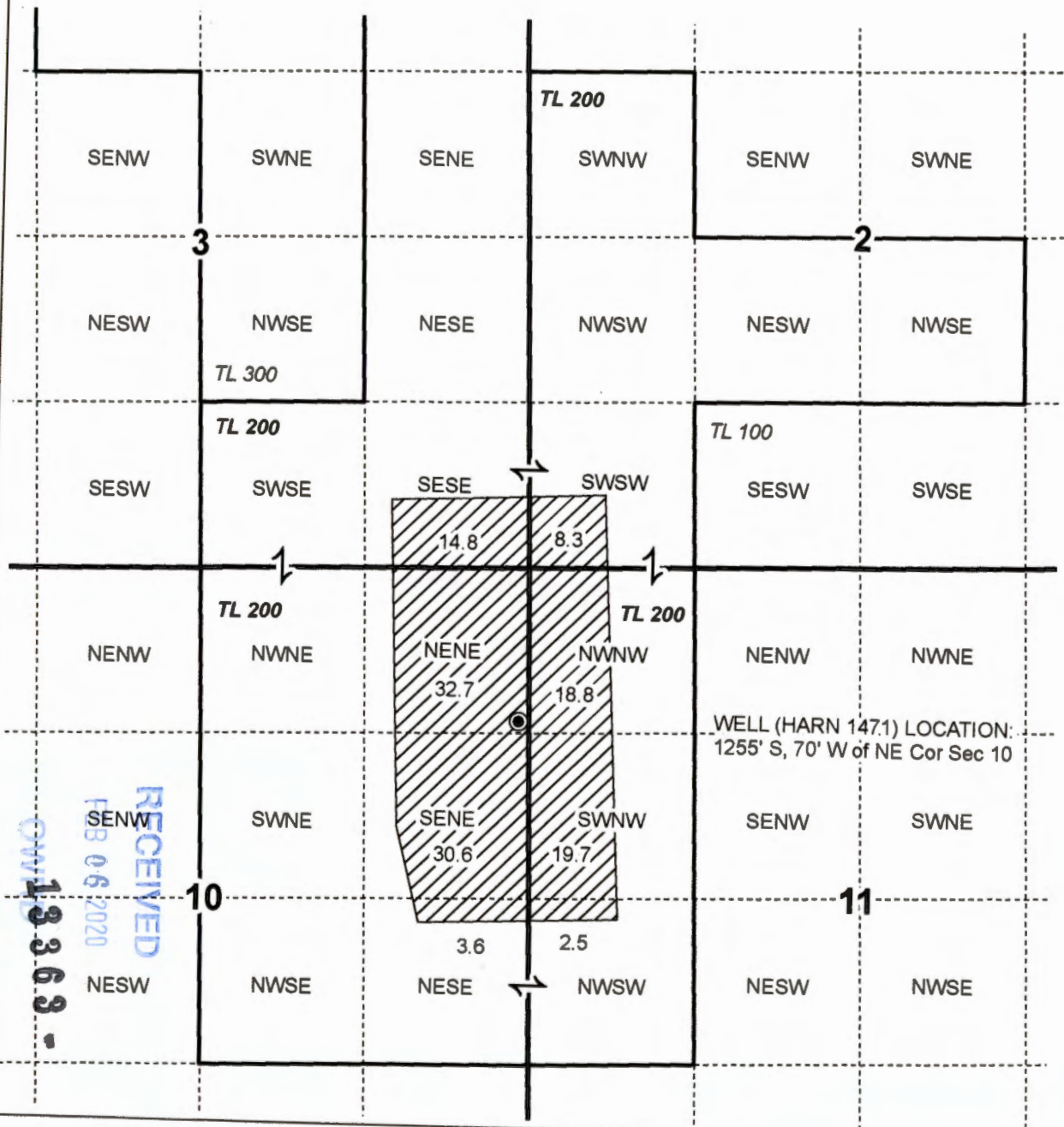
Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

T27S R32E, WM
HARNEY COUNTY, OR



- Well
- C-91418 POU IR (5/21/1992) "OFF" 131 AC
- Section
- Quarter Quarter
- Taxlot



WELL (HARN 147.1) LOCATION:
 1255' S, 70' W of NE Cor Sec 10

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 C-91418



RENEWAL DATE 12/31/2020

TRANSFER "OFF" MAP
 Golden Rule Farms, Inc.

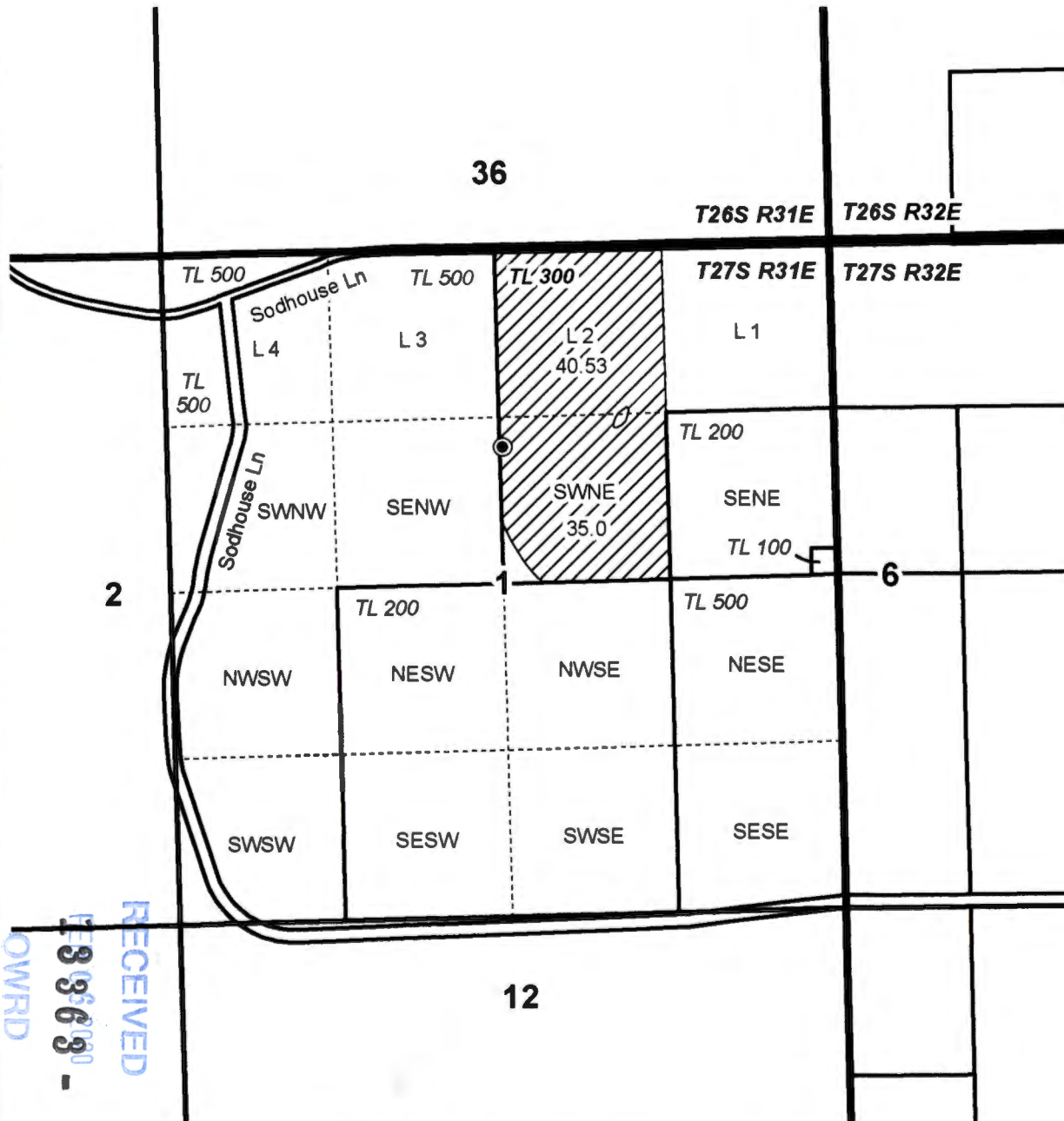
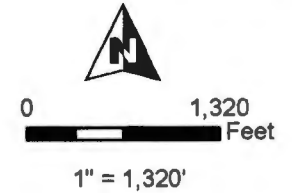
C-91418

NOTE: THIS MAP IS NOT INTENDED TO
 PROVIDE LEGAL DIMENSIONS OR LOCATIONS
 OF PROPERTY OWNERSHIP LINES.

Date: 11/25/2019

WATER RIGHT SERVICES, LLC
 PO BOX 1830, BEND, OR 97709
 CCB# 197121 www.oregonwater.us
 541-389-2837 JOHNSHORT@USA.COM

T27S R31E, WM
HARNEY COUNTY, OR



- Well
- C-32394 POU IR (10/2/1959) "OFF" 75.53 AC
- Township
- Section
- Quarter Quarter
- Tax Lot

Well Location (HARN 1461):
 1562' S, 21' E of N 1/4 Cor Sec 1



RENEWAL DATE 12/31/2020

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 11/29/2019
 11:36:30
 OWRD

TRANSFER "OFF" MAP
 Golden Rule Farms, Inc.

C-32394

NOTE: THIS MAP IS NOT INTENDED TO
 PROVIDE LEGAL DIMENSIONS OR LOCATIONS
 OF PROPERTY OWNERSHIP LINES.

Date: 11/25/2019

WATER RIGHT SERVICES, LLC
 PO BOX 1830, BEND, OR 97709
 CCB# 197121 www.oregonwater.us
 541-389-2837 JOHNSHORT@USA.COM

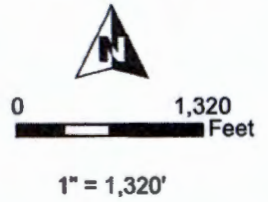
MAR 27 2020

Revised

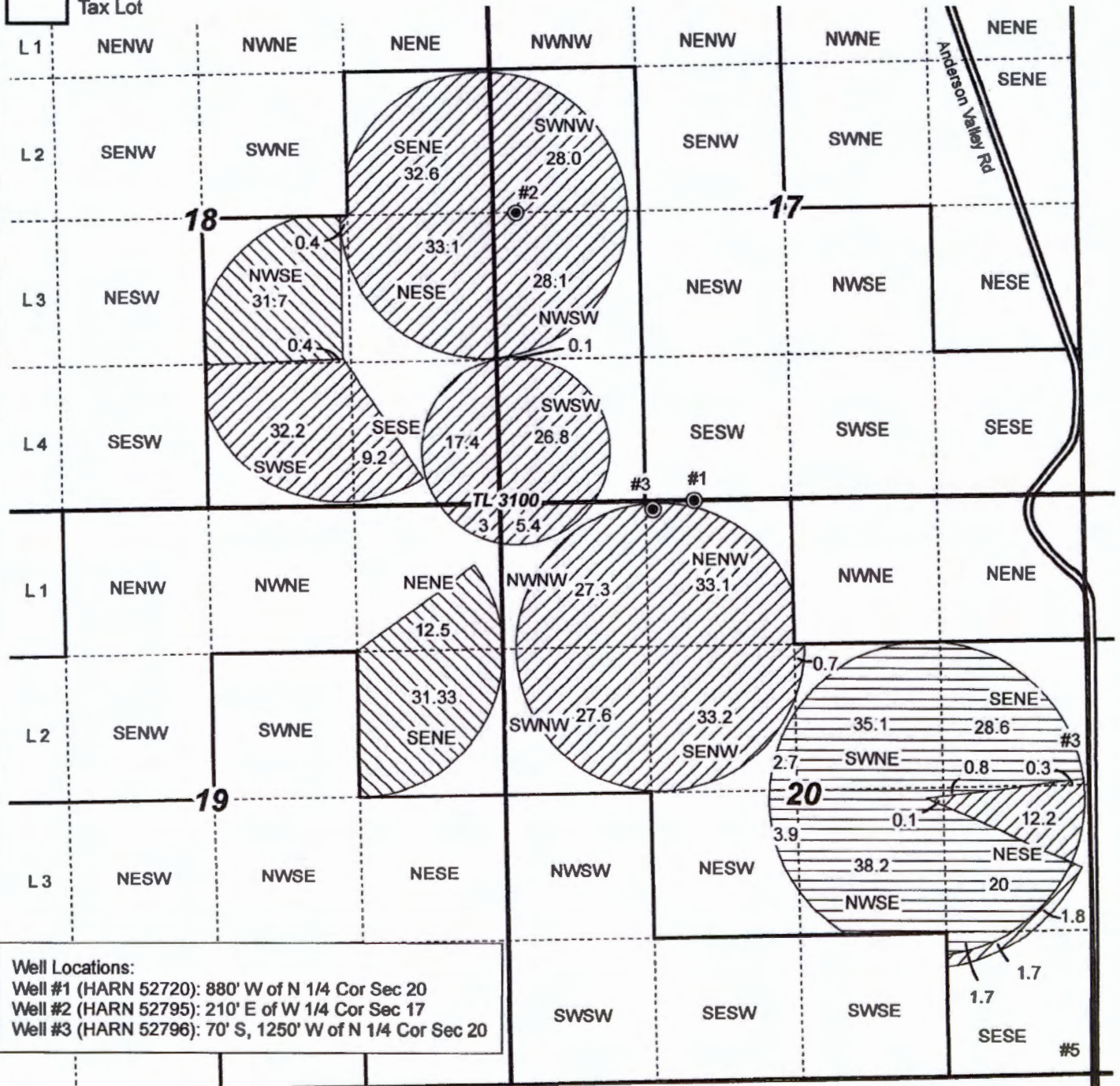
T27S R34E, WM, HARNEY COUNTY, OR



- Well "ON"
- C-32394 POU IR (10-2-1959)
"ON" 75.53 AC
- C-91644 POU IR (5-21-1992)
"ON" 354.7 AC
- C-91418 POU IR (5-21-1992)
"ON" 131 AC
- Section
- Quarter Quarter
- Tax Lot



RENEWAL DATE 12/31/2020



Well Locations:
 Well #1 (HARN 52720): 880' W of N 1/4 Cor Sec 20
 Well #2 (HARN 52795): 210' E of W 1/4 Cor Sec 17
 Well #3 (HARN 52796): 70' S, 1250' W of N 1/4 Cor Sec 20

TRANSFER "ON" MAP Golden Rule Farms, Inc.

C-32394, C-91418, & C-91644 Date: 3/17/2020

This map is not intended to provide legal dimensions or locations of property ownership lines.

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709
 WWW.OREGONWATER.US CCB # 197121
 johnshort@usa.com 541-389-2837

**T26S R32E, SECTIONS 31 & 32,
T27S R32E, SECTIONS 5 & 6,
T27S R31E, SECTION 1, WM**

HARNEY COUNTY, OREGON



0 1,320 Feet
1" = 1,320'

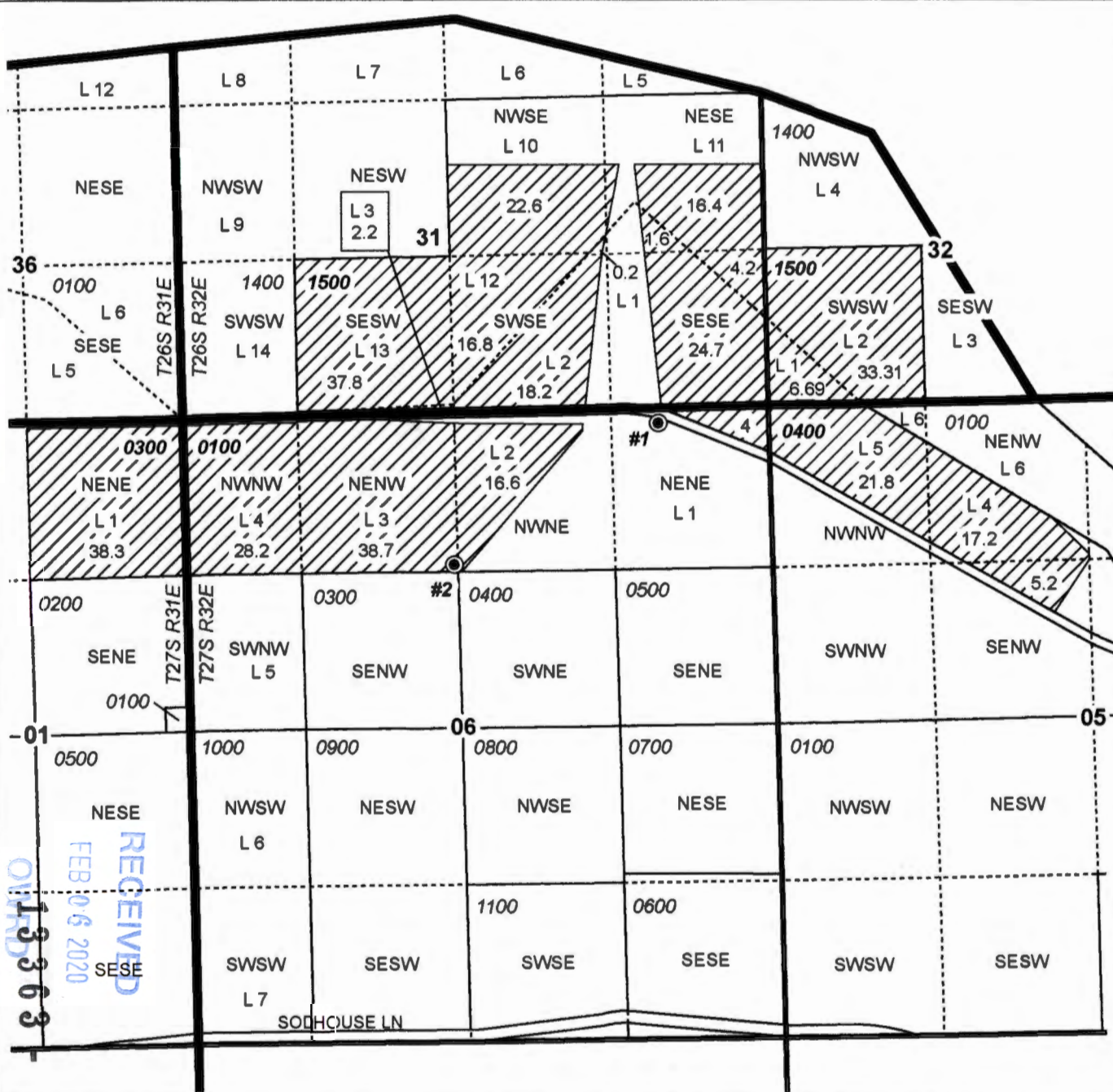
- Well & Meter
- ▨ C-91644 POU IR (5-21-1992) "OFF" 354.7 AC
- ▭ Township
- ▭ Section
- Quarter Quarter
- ▭ Tax Lot

WELL & METER LOCATIONS:

- #1 (HARN 1893): 125' S, 915' W OF NE SEC 6
- #2 (HARN 1460): 1,280' S, 1' W OF N 1/4 COR SEC 6



RENEWAL DATE 12/31/2020



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TRANSFER "OFF" MAP
Golden Rule Farms, Inc.

C-91644

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

Date: 1/28/20

WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
CCB# 197121 www.oregonwater.us
541-389-2837 JOHNSHORT@USA.COM

Malheur Lake







T26S, R32E, SECTIONS 31 & 32,
T27S, R32E, SECTIONS 5 & 6,
T27S, R31E, SECTION 1, WM

HARNEY COUNTY, OREGON

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JUN 15 2016
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0 1,320 Feet
1" = 1,320'

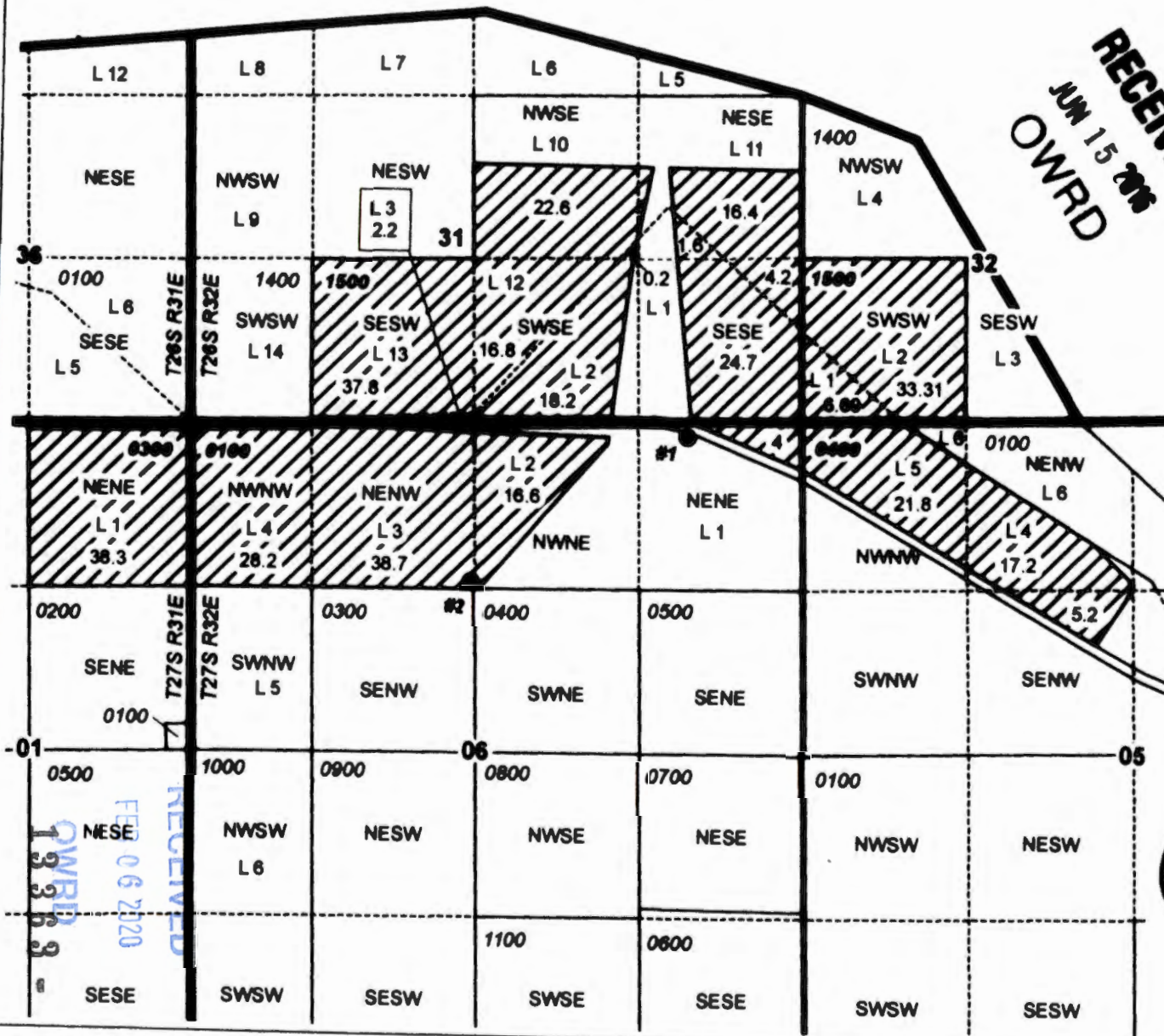
-  POU Irrigation
-  Township
-  Section
-  Quarter Quarter
-  Tax Lot
-  Well & Meter

WELL & METER LOCATIONS:

- #1: 125' S, 915' W OF NE 1/4 SEC 6
- #2: 1,280' S, 1' W OF N 1/4 COR SEC 6



RENEWAL DATE 12/31/2016



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CLAIM OF BENEFICIAL USE

Golden Rule Farms, Inc. / Briggs Property

AP G-12926 PERMIT G-12938

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

JUNE 9, 2016

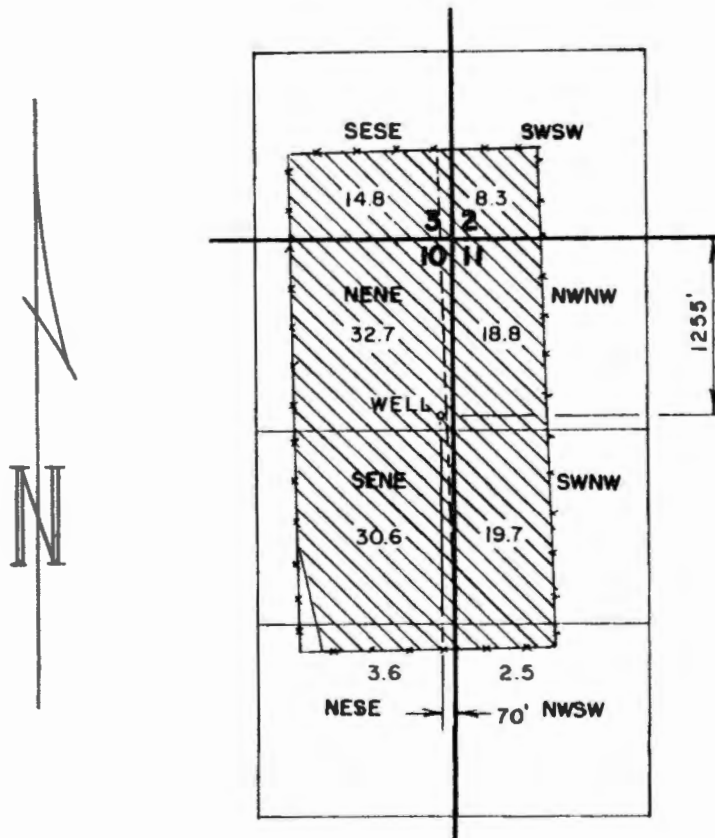
WATER RIGHT SERVICES, L.L.C

PO BOX 1830, BEND, OR 97709

CCB# 197121 www.oregonwater.us

541-389-2837 JOHNSHORT@USA.COM

T. 27 S., R. 32 E., W.M.



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

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FEB 06 2020

13363-

OWRD

	FINAL PROOF SURVEY		IN THE NAME OF FRED H. & BETTY R. BRIGGS
	UNDER APPLICATION G-12928 PERMIT G-12262		
	Scale: 4" = 1 MILE	Date: NOV. 2003	Job: 1393 A
	Dsn:		Sht. No.
Drn: CHRIS	of 1		
Ckd:	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720		

February 6, 2020

Shonee D. Langford
T: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

BY HAND DELIVERY

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

RE: Application for Permanent Water Right Transfer
Our File No.: 122870-178284

To Whom it May Concern:

Enclosed for filing are the following:

1. Application for Permanent Water Right Transfer, together with a check made payable to OWRD in the amount of \$5,990 for the required filing fee; and
2. Transfer Reimbursement Authority Estimate Application, together with a check made payable to OWRD in the amount of \$125 for the required filing fee.

John Short will serve as the applicant's agent. Please copy him on all correspondence relating to this application.

Best regards,



Shonee D. Langford

SDL:asc
Enclosures

PDX\27263298.1.docx

13363 -

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FEB 06 2020
OWRD

May



HARNEY ELECTRIC COOPERATIVE INC.
 277 Lottery Lane • PO Box 587
 Hines, Oregon 97738-0587

OWNED BY THOSE WE SERVE

BURNS OFFICE TELEPHONE (541) 573-2061
 OROVADA SERVICE CENTER (775) 272-3336

GOLDEN RULE FARMS INC
 PO BOX 255 C-1 P-5
 CHRISTMAS VALLEY OR 97641-0255



*pd 6-20-18
 # 9716*

- PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE TO RECEIVE THE 20% DISCOUNT.
- FAILURE TO RECEIVE BILL DOES NOT EXEMPT YOU FROM MONTHLY PAYMENT. IF YOU DON'T GET A BILL, CALL HEC.
- PLEASE READ YOUR METER BY THE 15TH, IF APPLICABLE, AND RETURN STUB WITH YOUR CURRENT PAYMENT.

BILLING SUMMARY	Billing Date	06/06/2018
	Balance Forward	0.00
	Current Billing	7,763.97
	Discount if Paid by	06/25/2018 -1,552.78
	Amount Due if Paid by	06/25/2018 6,211.19
	Amount Due After	06/25/2018 7,763.97

Account #: 157401

Page 1 of 3

Account #	Meter #	RATE	MULT	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
157401	16319017	IR1	1.0	83688	87706	4018	281.26		
	35 HP Dog Mtn	REG		04/26/18	05/30/18	6			281.26*
156201	84411934	IR1	1.0	95754	1901	6147	430.29		
	25 HP Sod House	REG		05/04/18	05/31/18				430.29*
156501	17531414	IR1	40.0	2950	3016	2640	184.80		
	60+5.5hp Dog Mtn	REG		04/27/18	05/30/18	24	195.87		380.67*
156601	06280864	IR1	1.0	65576	65732	156	10.92		
	#4 60+5hp Dog Mtn	REG		04/27/18	05/30/18	1	422.41		433.33*
156701	13030605	IR1	1.0	66208	66250	42	2.94		
	#5 30HP Dog Mtn	REG		04/27/18	05/30/18	2	172.28		175.22*

Payments Received Since Last Billing \$2,843.44

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FEB 06 2020

13868 -

OWRD



HARNEY ELECTRIC COOPERATIVE INC.
 277 Lottery Lane • PO Box 587
 Hines, Oregon 97738-0587

OWNED BY THOSE WE SERVE

BURNS OFFICE TELEPHONE (541) 573-2061
 OROVADA SERVICE CENTER (775) 272-3336

GOLDEN RULE FARMS INC
 PO BOX 255 C-1 P-5
 CHRISTMAS VALLEY OR 97641-0255



June

- PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE TO RECEIVE THE 20% DISCOUNT.
- FAILURE TO RECEIVE BILL DOES NOT EXEMPT YOU FROM MONTHLY PAYMENT. IF YOU DON'T GET A BILL, CALL HEC.
- PLEASE READ YOUR METER BY THE 15TH, IF APPLICABLE, AND RETURN STUB WITH YOUR CURRENT PAYMENT.

BILLING SUMMARY	Billing Date	07/06/2018
	Balance Forward	0.00
	Current Billing	8,619.01
	Discount if Paid by	07/25/2018 -1,723.80
	Amount Due if Paid by	07/25/2018 6,895.21
	Amount Due After	07/25/2018 8,619.01

Account #: 157401

Page 1 of 3

Account #	Meter #	RATE	MULT	Previous Reading Service From:	Present Reading Service To:	KWH Used Demand Used	Energy Charge Demand/HP Charge	Other Charge Tax Charge	Security Light Gross* Amount
157401	16319017	IR1	1.0	87706 05/30/18	91815 07/02/18	4109 5	287.63		287.63*
156201	84411934	IR1	1.0	1901 05/31/18	1901 07/06/18	0			*
156501	17531414	IR1	40.0	3016 05/30/18	3144 07/02/18	5120 23	358.40 78.26		436.66*
156601	06280864	IR1	1.0	65732 05/30/18	65758 07/02/18	26	1.82 431.52		433.34*
156701	13030605	IR1	1.0	66250 05/30/18	66906 07/02/18	656 2	45.92 154.08		200.00*

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FEB 06 2020

Payments Received Since Last Billing \$6,211.19

OWRD

(If you fail to read your meter on any account for 2 consecutive months, HEC will read & charge the acct. \$15.00)

Return This Portion With Your Payment

DATE METERS READ: _____

Read your meter & place the readings on this stub.

Account #	Reading	Meter	Service Description
157401	COOP READS MTR	16319017	35 HP Dog Mtn
156201	COOP READS MTR	84411934	25 HP Sod House
156501	COOP READS MTR	17531414	60+5.5hp Dog Mt
156601	COOP READS MTR	06280864	#4 60+5hp Dog M
156701	COOP READS MTR	13030605	#5 30HP Dog Mt

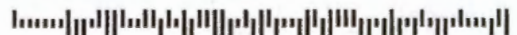
Amount Due	6,895.21
Amount Paid	
PAST DUE AFTER	07/25/2018

PAGE 1 OF 3

INV # 1744

ACCOUNT NAME: GOLDEN RULE FARMS INC

Harney Electric Cooperative, Inc.
 PO Box 587
 Hines, Oregon 97738-0587



CHECK HERE FOR ADDRESS CHANGE
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13363 -



HARNEY ELECTRIC COOPERATIVE INC.
 277 Lottery Lane • PO Box 587
 Hines, Oregon 97738-0587

OWNED BY THOSE WE SERVE

BURNS OFFICE TELEPHONE (541) 573-2061
 OROVADA SERVICE CENTER (775) 272-3336

GOLDEN RULE FARMS INC
 PO BOX 255 C-1 P-5
 CHRISTMAS VALLEY OR 97641-0255



July

- PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE TO RECEIVE THE 20% DISCOUNT.
- FAILURE TO RECEIVE BILL DOES NOT EXEMPT YOU FROM MONTHLY PAYMENT. IF YOU DON'T GET A BILL, CALL HEC.
- PLEASE READ YOUR METER BY THE 15TH, IF APPLICABLE, AND RETURN STUB WITH YOUR CURRENT PAYMENT.

BILLING SUMMARY	Billing Date	08/07/2018
	Balance Forward	0.00
	Current Billing	13,700.15
	Discount if Paid by	08/25/2018 -2,740.03
	Amount Due if Paid by	08/25/2018 10,960.12
	Amount Due After	08/25/2018 13,700.15

Account #: 157401

Page 1 of 3

Account #	Meter #	RATE	MULT	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
157401	16319017	IR1	1.0	91815	95359	3544	248.08		
	35 HP Dog Mtn	REG		07/02/18	07/29/18	5			248.08*
156201	84411934	IR1	1.0	1901	23736	21835	1,528.46		
	25 HP Sod House	REG		07/06/18	08/01/18				1,528.46*
156501	17531414	IR1	40.0	3144	3423	11160	781.20		
	60+5.5hp Dog Mtn	REG		07/02/18	07/29/18	24	-274.13		507.07*
156601	06280864	IR1	1.0	65758	65768	10	.70		
	#4 60+5hp Dog Mtn	REG		07/02/18	07/29/18	5	432.63		433.33*
156701	13030605	IR1	1.0	66906	67574	668	46.76		
	#5 30HP Dog Mtn	REG		07/02/18	07/29/18	2	153.24		200.00*

RECEIVED

FEB 06 2020

OWRD

Payments Received Since Last Billing \$6,895.21

(If you fail to read your meter on any account for 2 consecutive months, HEC will read & charge the acct. \$15.00)

Return This Portion With Your Payment

DATE METERS READ: _____

Read your meter & place the readings on this stub.

Account #	Reading	Meter	Service Description
157401	COOP READS MTR	16319017	35 HP Dog Mtn
156201	COOP READS MTR	84411934	25 HP Sod House
156501	COOP READS MTR	17531414	60+5.5hp Dog Mt
156601	COOP READS MTR	06280864	#4 60+5hp Dog M
156701	COOP READS MTR	13030605	#5 30HP Dog Mt

Amount Due	10,960.12
Amount Paid	
PAST DUE AFTER	08/25/2018

PAGE 1 OF 3 INV # 1744
 ACCOUNT NAME: GOLDEN RULE FARMS INC

Harney Electric Cooperative, Inc.
 PO Box 587
 Hines, Oregon 97738-0587



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 WRITE CHANGE ON BACK



13363 -



HARNEY ELECTRIC COOPERATIVE INC.
 277 Lottery Lane • PO Box 587
 Hines, Oregon 97738-0587

OWNED BY THOSE WE SERVE

BURNS OFFICE TELEPHONE (541) 573-2061
 OROVADA SERVICE CENTER (775) 272-3336

GOLDEN RULE FARMS INC
 PO BOX 255 C-1 P-5
 CHRISTMAS VALLEY OR 97641-0255



pd 9-17-18 # 10029

- PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE TO RECEIVE THE 20% DISCOUNT.
- FAILURE TO RECEIVE BILL DOES NOT EXEMPT YOU FROM MONTHLY PAYMENT. IF YOU DON'T GET A BILL, CALL HEC.
- PLEASE READ YOUR METER BY THE 15TH, IF APPLICABLE, AND RETURN STUB WITH YOUR CURRENT PAYMENT.

BILLING SUMMARY	Billing Date	09/07/2018
	Balance Forward	0.00
	Current Billing	13,763.49
	Discount if Paid by	09/25/2018 -2,752.69
	Amount Due if Paid by	09/25/2018 → 11,010.80
	Amount Due After	09/25/2018 13,763.49

Account #: 157401

Page 1 of 3

Account #	Meter #	RATE	MULT	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
157401	16319017	IR1	1.0	95359	45	4686	328.02		328.02*
	35 HP Dog Mtn	REG		07/29/18	09/02/18	5			
156201	84411934	IR1	1.0	23736	23736	0			*
	25 HP Sod House	REG		08/01/18	09/07/18				
156501	17531414	IR1	40.0	3423	3645	8880	621.60		621.60*
	60+5.5hp Dog Mtn	REG		07/29/18	09/02/18	23			
156601	06280864	IR1	1.0	65768	65768	0			*
	#4 60+5hp Dog Mtn	REG		07/29/18	09/02/18				
156701	13030605	IR1	1.0	67574	68070	496	34.72		*
	#5 30HP Dog Mtn	REG		07/29/18	09/02/18	1	-34.72		

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FEB 06 2020

Payments Received Since Last Billing \$10,960.12

OWRD

13363 -



HARNEY ELECTRIC COOPERATIVE INC.
 277 Lottery Lane • PO Box 587
 Hines, Oregon 97738-0587

OWNED BY THOSE WE SERVE

BURNS OFFICE TELEPHONE (541) 573-2061
 OROVADA SERVICE CENTER (775) 272-3336

GOLDEN RULE FARMS INC
 PO BOX 255 C-1 P-5
 CHRISTMAS VALLEY OR 97641-0255



pd 10-17-18 # 10165

- PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE TO RECEIVE THE 20% DISCOUNT.
- FAILURE TO RECEIVE BILL DOES NOT EXEMPT YOU FROM MONTHLY PAYMENT. IF YOU DON'T GET A BILL, CALL HEC.
- PLEASE READ YOUR METER BY THE 15TH, IF APPLICABLE, AND RETURN STUB WITH YOUR CURRENT PAYMENT.

BILLING SUMMARY	Billing Date	10/05/2018
	Balance Forward	0.00
	Current Billing	12,126.73
	Discount if Paid by	10/25/2018 -2,425.35
	Amount Due if Paid by	10/25/2018 ✓ 9,701.38
	Amount Due After	10/25/2018 12,126.73

Account #: 157401

Page 1 of 3

Account #	Meter #	RATE	MULT	Previous Reading Service From:	Present Reading Service To:	KWH Used Demand Used	Energy Charge Demand/HP Charge	Other Charge Tax Charge	Security Light Gross* Amount
157401	16319017	IR1	1.0	45	2962	2917	204.19		
	35 HP Dog Mtn	REG		09/02/18	09/29/18	7			204.19*
156201	84411934	IR1	1.0	23736	45506	21770	1,523.90		
	25 HP Sod House	REG		09/07/18	10/05/18				1,523.90*
156501	17531414	IR1	40.0	3645	3795	6000	420.00		
	60+5.5hp Dog Mtn	REG		09/02/18	09/29/18	22			420.00*
156601	06280864	IR1	1.0	65768	65768	0			
	#4 60+5hp Dog Mtn	REG		09/02/18	09/29/18				*
156701	13030605	IR1	1.0	68070	68595	525	36.75		
	#5 30HP Dog Mtn	REG		09/02/18	09/29/18	2	-36.75		*

Payments Received Since Last Billing \$11,010.80

RECEIVED

FEB 06 2020

OWRD

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HARNEY ELECTRIC COOPERATIVE INC.
 277 Lottery Lane • PO Box 587
 Hines, Oregon 97738-0587

OWNED BY THOSE WE SERVE

BURNS OFFICE TELEPHONE (541) 573-2061
 OROVADA SERVICE CENTER (775) 272-3336

GOLDEN RULE FARMS INC
 PO BOX 255 C-1 P-5
 CHRISTMAS VALLEY OR 97641-0255



*pd 11-16-18
 #10250*

- PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE TO RECEIVE THE 20% DISCOUNT.
- FAILURE TO RECEIVE BILL DOES NOT EXEMPT YOU FROM MONTHLY PAYMENT. IF YOU DON'T GET A BILL, CALL HEC.
- PLEASE READ YOUR METER BY THE 15TH, IF APPLICABLE, AND RETURN STUB WITH YOUR CURRENT PAYMENT.

BILLING SUMMARY	Billing Date	11/07/2018
	Balance Forward	0.00
	Current Billing	2,414.00
	Discount if Paid by	11/25/2018 -482.80
	Amount Due if Paid by	11/25/2018 ✓ 1,931.20
	Amount Due After	11/25/2018 2,414.00

Account #: 157401

Page 1 of 3

Account #	Meter #	RATE	MULT	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
157401	16319017	IR1	1.0	2962	6177	3215	257.20		
	35 HP Dog Mtn	REG		09/29/18	10/29/18	5			257.20*
156201	84411934	IR1	1.0	45506	45506	0			*
	25 HP Sod House	REG		10/05/18	11/07/18				
156501	17531414	IR1	40.0	3795	3806	440	35.20		
	60+5.5hp Dog Mtn	REG		09/29/18	10/29/18	22			35.20*
156601	06280864	IR1	1.0	65768	65768	0			*
	#4 60+5hp Dog Mtn	REG		09/29/18	10/29/18				
156701	13030605	IR1	1.0	68595	68635	40	3.20		
	#5 30HP Dog Mtn	REG		09/29/18	10/29/18	2	-3.20		*

Payments Received Since Last Billing \$9,701.38

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FEB 06 2020

OWRD

13363 -

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

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 5237

1460
Burns

28/32/100

(1) OWNER: Well Number: _____
Name Red Briggs
Address Box 582
City Lakeview State Or. Zip _____

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 35 ft.
Yes No
Explosives used Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
20"	0	18'	cement	0	18'	10 sacks
16"	18	35				

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

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
				Casing: 16"	+1	25'	.250
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 25

(7) PERFORATIONS/SCREENS: NO
 Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 500 Drawdown 0 Drill stem at 35' Time 1 hr.

Temperature of water 51 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Harney Latitude _____ Longitude _____
Township 27 S Nor S, Range 31 E E or W, WM.
Section 1 NW $\frac{1}{4}$ NE $\frac{1}{4}$
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 35 miles S of Burns near Sodhouse-Princeton Rd at Briggs ranch

(10) STATIC WATER LEVEL:
12 ft. below land surface. Date 11-10-88
Artesian pressure _____ lb. per square inch. Date _____

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

From	To	Estimated Flow Rate	SWL
25	35	500	12

(12) WELL LOG: Ground elevation 4150

Material	From	To	SWL
Soil	0	1	0
Rock, grey hard	1	25	0
Cinders, red water bearing	25	35	12

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FEB 06 2020
OWRD

Date started 11-7-88 Completed 11-10-88

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Herschel Woodruff WWC Number 1254 Date 11-10-88

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 OCT 2 1959

1461
 State Well No. 27131-15
 State Permit No. 61593

STATE ENGINEER WATER WELL REPORT
SALEM, OREGON STATE OF OREGON

File Original and First Copy with the STATE ENGINEER, SALEM, OREGON

(1) OWNER:
 Name: John Crow
 Address: Princeton Oregon

(2) LOCATION OF WELL:
 County: HARNEY Owner's number, if any—
 $\frac{1}{4}$ Section 1 T. 27 R. 318 E.W.M.
 Bearing and distance from section or subdivision corner
From NW Section corner of Sec 1, T. 27 S. R. 31 E. W. M. the corner is 68' with along the 1/4 sec. line, once 21' East.

(3) TYPE OF WORK (check):
 New Well Deepening Reconditioning Abandon
 Abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check): Domestic Industrial Municipal
 Irrigation Test Well Other

(5) TYPE OF WELL: Rotary Driven
 Cable Jetted
 Dug Bored

(6) CASING INSTALLED: Threaded Welded
 $12''$ Diam. from 0 ft. to 16 ft. Gage 4'
 " Diam. from _____ ft. to _____ ft. Gage 4'
 " Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS: Perforated? Yes No
 Type of perforator used _____
 SIZE of perforations in. by in.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.

(8) SCREENS: Well screen installed Yes No
 Manufacturer's Name _____
 Type _____ Model No. _____
 _____ Slot size _____ Set from _____ ft. to _____ ft.
 Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION:
 Was well gravel packed? Yes No Size of gravel: _____
 Gravel placed from _____ ft. to _____ ft.
 Was a surface seal provided? Yes No To what depth? _____ ft.
 Material used in seal— _____
 Did any strata contain unusable water? Yes No
 Type of water? Pump Depth of strata _____
 Method of sealing strata off _____

(10) WATER LEVELS:
 Static level 12'-4" ft. below land surface Date _____
 Artesian pressure _____ lbs. per square inch Date _____

Log Accepted by:
 [Signed] John Crow Date Sept. 9, 1959
 (Owner)

(11) WELL TESTS: Drawdown is amount water level is lowered below static level
 Was a pump test made? Yes No If yes, by whom? Crow
 Yield: 1480 gal./min. with 9 ft. drawdown after 8 hrs.
 " " " " " "
 " " " " " "
 " " " " " "
 Bailer test gal./min. with _____ ft. drawdown after _____ hrs.
 Artesian flow _____ g.p.m. Date _____
 Temperature of water _____ Was a chemical analysis made? Yes No

(12) WELL LOG: Diameter of well 12'' inches.
 Depth drilled 118 ft. Depth of completed well 118 ft.
 Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	5
Hard pan	5	12
Grey basalt rock	12	71
Red cinders	71	99
Block lava rock	99	103
Block cinders	103	110
yellow bentonite	110	118

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 FEB 06 2020
 (WRD)

Work started July 18 1959 Completed Sept 5 1959
(13) PUMP: Manufacturer's Name Bentley's "Coleman"
 Type: belt head H.P. _____

Well Driller's Statement:
 This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME John Crow
 (Person, firm, or corporation) (Type or print)
 Address Princeton Ore.

Driller's well number _____
 [Signed] John W. Popshberg
 (Well Driller)
 License No. 277 Date Sept 9 1959

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

HARNEY
1893 AUG 15 1991
AUG 15
SALEM, OREGON

WATER RESOURCES DEPT.

(START CARD) # 20914

265/328/3/d4
20914

(1) OWNER: Well Number: _____
Name Fredd Briggs
Address HC 72 Box 158
City Princeton State OR Zip 97721

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 36 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
<u>16"</u>	<u>0 20</u>	<u>Cement</u>	<u>0 20'</u>	<u>4 sacks</u>	

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
<u>12"</u>	<u>+2</u>	<u>20</u>	<u>250</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Liner: _____

Final location of sheets: _____

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
<u>20</u>	<u>30</u>	<u>1/8"</u>	<u>192</u>	<u>12"</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 1000 Drawdown 2" Drill stem at _____ Time 1 hr.

Temperature of water 68° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Harney Latitude 7 Longitude _____
Township 26 North Range 32 East W. W.M.
Section 31 S.E. 1/4 S.E. 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
10 ft. below land surface. Date 7/20/91
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 30'

From	To	Estimated Flow Rate	SWL
<u>30'</u>	<u>35'</u>	<u>1,000 gal/min</u>	<u>10'</u>

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
<u>Soil</u>	<u>0'</u>	<u>5'</u>	<u>6'</u>
<u>Grey Rock</u>	<u>5'</u>	<u>30'</u>	<u>8'</u>
<u>Black cinder (W.B)</u>	<u>30'</u>	<u>36'</u>	<u>10'</u>

Date started 7/15/91 Completed 7/20/91

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed Dan Woodruff WWC Number 1500 Date 7-20-91

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above, all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Harold Woodruff WWC Number 1254 Date 7-20-91

6/30/2016

(1) LAND OWNER Owner Well I.D. ANDERSON VALLEY
 First Name _____ Last Name _____
 Company GOLDEN RULE FARMS, INC.
 Address PO BOX 255
 City CHRISTMAS VALLEY State OR Zip 97638

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION
 Dia + From To Gauge Stl Plstc Wld Thr
 Casing: _____
 Material From To Amt sacks/lbs
 Seal: _____

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

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
 Depth of Completed Well 655.00 ft.
BORE HOLE SEAL

Dia	From	To	Material	From	To	Amt	sacks/lbs
14	0	18	Bentonite Chips	0	18	14	S
10	18	655				Calculated	10.62
						Calculated	

How was seal placed: Method A B C D E
 Other POURED & TAMPED
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
 Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+ From	To	Gauge	Stl	Plstc	Wld	Thr
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10	<input checked="" type="checkbox"/>	2	20	.250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

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

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrns/slot width	Slot length	# of slots	Tele/ pipe size

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

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
500		650	1

 Temperature 59 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount _____

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
 County HARNEY Twp 27.00 S N/S Range 34.00 E E/W WM
 Sec 20 SE 1/4 of the SE 1/4 Tax Lot 3100
 Tax Map Number _____ Lot _____
 Lat _____ or _____ DMS or DD
 Long _____ or _____ DMS or DD
 Street address of well Nearest address
ANDERSON VALLEY ROAD
PRINCETON, OR

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL(psi)	+ SWL(ft)
Completed Well	6/7/2016		172

 Flowing Artesian? Dry Hole?
 WATER BEARING ZONES Depth water was first found 172.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
6/7/2016	172	655	500		172

(11) WELL LOG Ground Elevation _____

Material	From	To
TOPSOIL - SILTY LOAM	0	3
SANDSTONE - BROWN HARD	3	30
CINDERS - BLACK	30	45
CLAY - BROWN	45	160
SANDSTONE - BROWN	160	215
CLAY - TAN HARD	215	240
BASALT - BLACK W/BUE	240	285
CLAYSTONE - BROWN	285	310
SANDSTONE - BROWN	310	350
CLAY - TAN HARD	350	370
PUMICE - GRAY	370	375
CLAY - MULTI HARD	375	385
ROCK - WHITE W/FRECKLES	385	390
CLAY - GRAY HARD	390	405
CLAY - GRAY	405	415
CLAY - BLUE GRAY HARD	415	520
CLAY - GREEN HARD	520	560
PUMICE	560	600
CLAY - GRAY	600	615

Date Started 6/2/2016 Completed 6/7/2016
(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 License Number _____ Date _____
 Signed _____

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 License Number 1424 Date 6/30/2016
 Signed TIMOTHY K RILEY (E-filed)
 Contact Info (optional) TIM RILEY 541-573-5695

ORIGINAL - WATER RESOURCES DEPARTMENT

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
					○ ○			
					○ ○			
					○ ○			
					○ ○			
					○ ○			
					○ ○			
					○ ○			
					○ ○			
					○ ○			

Material	From	To	Amt	sacks/lbs

(5) BORE HOLE CONSTRUCTION

BORE HOLE			SEAL				sacks/ lbs
Dia	From	To	Material	From	To	Amt	
						Calculated	
						Calculated	
						Calculated	
						Calculated	

FILTER PACK			
From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
○ ○						○ ○			
○ ○						○ ○			
○ ○						○ ○			
○ ○						○ ○			
○ ○						○ ○			
○ ○						○ ○			
○ ○						○ ○			
○ ○						○ ○			
○ ○						○ ○			

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

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

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)

(11) WELL LOG

Material	From	To
CLAY - BLUE	615	655

RECEIVED
FEB 06 2020
OWRD

Comments/Remarks

13363 - =

(1) **LAND OWNER**
 Owner Well I.D. _____
 First Name TIM Last Name PUCKETT
 Company _____
 Address P.O. Box 255
 City CHRISTMAS LAKE State OR Zip 97661

(2) **TYPE OF WORK** New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) **PRE-ALTERATION**
 Dia + From To Gauge Stl Plstc Wld Thrd
 Casing: _____
 Material From To Amt sacks/lbs
 Seal: _____

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

(4) **PROPOSED USE** Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) **BORE HOLE CONSTRUCTION** Special Standard (Attach copy)
 Depth of Completed Well 920' ft.

BORE HOLE			SEAL			Amt lbs
Dia	From	To	Material	From	To	
22"	0	19	Bent	0	19	45 Sack
16"	19	600				Calculated 20
10"	600	920				Calculated

How was seal placed: Method A B C D E
 Other 3 mm bent
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(5a) **ABANDONMENT USING UNHYDRATED BENTONITE**
 Proposed Amount _____ Pounds Actual Amount _____ Pounds

(6) **CASING/LINER**
 Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
 16" #1 19 250
 Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

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

Perf/S creen	Casing/ Liner	Screen Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size

(8) **WELL TESTS: Minimum testing time is 1 hour**
 Pump Bailer Air Flowing Artesian
 Yield gal/min 1500 gal Drawdown 20' Drill stem/Pump depth _____ Duration (hr) 5 hr
 Temperature 60° °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount 378

From	To	Description	Amount	Units

HARN 52719
 (9) **LOCATION OF WELL (legal description)**
 County Halney Twp 27 N/S Range 34 E/W WM
 Sec 2 NE 1/4 of the NE 1/4 Tax Lot 200
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well Nearest address

ANDERSON VALLEY ROAD PRINCETON OR

(10) **STATIC WATER LEVEL**

Existing Well / Pre-Alteration	Date	SWL(psi)	+ SWL(ft)
Completed Well	<u>1-20-18</u>		<u>194</u>

 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 586

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
<u>12-11-17</u>	<u>586</u>	<u>587</u>	<u>100gpm</u>		<u>194</u>
<u>12-11-17</u>	<u>587</u>	<u>920</u>	<u>100gpm</u>		<u>194</u>

(11) **WELL LOG** Ground Elevation _____

Material	From	To
TOP SOIL	0	20
Tan Clay Stone	20	260
Brown Clay Stone	260	263
Brown Sand Stone	263	292
Brown Clay	292	391
Tan Clay Stone	391	585
Black Lava Rock	585	635
Red Lava Rock	635	762
Pumice	762	786
Gray Lava Rock	786	796
Pumice	796	805
Fractured Black Lava Rock	805	835
Red Lava Rock	835	920

Date Started 12-11-17 Completed 1-25-18

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. For more information, contact the Oregon Department of Water to the best of my knowledge and belief.
 License Number DEC 12 2018 Date MAY 07 2018
 Signed _____

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 License Number 1654 Date 4-25-18
 Signed _____
 Contact Info (optional) _____

(1) **LAND OWNER** Owner Well I.D. _____
 First Name Tim Last Name PULLMATT
 Company _____
 Address PO Box 255
 City ELK State OR Zip 97601

(2) **TYPE OF WORK** New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) **PRE-ALTERATION**
 Casing: Dia + From To Gauge Stl Plstc Wld Thrd
 Material From To Amt sacks/lbs
 Seal: _____

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

(4) **PROPOSED USE** Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) **BORE HOLE CONSTRUCTION** Special Standard (Attach copy)
 Depth of Completed Well 743 ft.

BORE HOLE			SEAL			sacks/lbs
Dia	From	To	Material	From	To	Amt
22"	0	39	Bent	0	39	60
10"	39					35
						Calculated

How was seal placed: Method A B C D E
 Other _____
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(5a) **ABANDONMENT USING UNHYDRATED BENTONITE**
 Proposed Amount Pounds _____ Actual Amount Pounds _____

(6) **CASING/LINER**
 Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
 Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

(7) **PERFORATIONS/SCREENS**

Per/S	Casing/Screen	Screen Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/pipe size

(8) **WELL TESTS: Minimum testing time is 1 hour**
 Pump Bailor Air Flowing Artesian
 Yield gal/min 350 gal Drawdown 743 Drill stem/Pump depth h12 Duration (hr) _____

Temperature 59 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount 385
 From _____ To _____ Description _____ Amount _____ Units _____

HARN 52720
 (9) **LOCATION OF WELL (legal description)**
 County Hallam Twp 27 N/S Range 34 E/W WM
 Sec 20 SE 1/4 of the SE 1/4 Tax Lot 3100
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well _____
 Nearest address Anderson Valley Road Pineetown OR

(10) **STATIC WATER LEVEL**
 Date SWL(psi) + SWL(ft)
 Existing Well / Pre-Alteration _____
 Completed Well 2-15-18 _____ 172'
 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
2-15-18	595	600	350		172

(11) **WELL LOG** Ground Elevation _____

Material	From	To
TOP SOIL	0	2
Sand Brack with gravel	2	15
Brown clay	15	25
tan clay layer	23	105
Brown clay	105	265
Black lava rock	265	363
Brown lava rock	363	396
Plum clay	396	463
Brown clay	463	595
Plum whts	595	600
Blue clay	600	743

RECEIVED
 DEC 12 2018
 OWRD
 Date Started 2-1-18 Completed 2-15-18

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 License Number _____ Date MAY 07 2018
 Signed _____ OWRD

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 License Number 1654 Date 3-2-18
 Signed _____
 Contact Info (optional) _____

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

HARN 52795

WELL I.D. LABEL# L 131470
 START CARD # 214236
 ORIGINAL LOG # _____

(1) **LAND OWNER** Owner Well I.D. _____
 First Name Tim Last Name PUCKETT

Company _____
 Address PO Box 255
 City Cool State OR Zip 97411

(2) **TYPE OF WORK** New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) **PRE-ALTERATION**
 Casing: Dia + From To Gauge Stl Plstc Wld Thrd
 Material From To Amt sacks/lbs
 Seal: _____

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

(4) **PROPOSED USE** Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) **BORE HOLE CONSTRUCTION** Special Standard (Attach copy)
 Depth of Completed Well 1000 ft.
 BORE HOLE SEAL sacks/lbs
 Dia From To Material From To Amt lbs
 Calculated
 Calculated

How was seal placed: Method A B C D E
 Other _____
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(5a) **ABANDONMENT USING UNHYDRATED BENTONITE**
 Proposed Amount Pounds Actual Amount Pounds

(6) **CASING/LINER**
 Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
 Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

(7) **PERFORATIONS/SCREENS**
 Perforations Method _____
 Screens Type _____ Material _____
 Perf/S Casing/Screen Scrn/slct of Tele/
 creen Liner Dia From To width length slots pipe size
 JUN 24 2019
 OWRD

(8) **WELL TESTS: Minimum testing time is 1 hour**
 Pump Bailor Air Flowing Artesian
 Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
3000 2' 265 12 hr
 Temperature 60' °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount 475
 From To Description Amount Units
 FEB 06 2020

(9) **LOCATION OF WELL (legal description)**
 County Hecoum Twp 27 N/S Range 34 E/W WM
 Sec 2 1/4 of the _____ 1/4 Tax Lot 200
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well Nearest address

Anderson valley of Printer on

(10) **STATIC WATER LEVEL**
 Date SWL(psi) + SWL(ft)
 Existing Well / Pre-Alteration _____
 Completed Well 2-2-19 189
 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 380'

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
<u>5-5-19</u>	<u>380</u>	<u>385</u>	<u>200gph</u>		<u>189</u>
<u>5-5-19</u>	<u>385</u>	<u>780</u>	<u>3000gph</u>		<u>187</u>

(11) **WELL LOG** Ground Elevation _____

Material	From	To
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Brown Clay Haul</u>	<u>2</u>	<u>42</u>
<u>Tan clay Haul</u>	<u>42</u>	<u>48</u>
<u>Brown Sand gravel Haul</u>	<u>48</u>	<u>380</u>
<u>Pumice</u>	<u>380</u>	<u>390</u>
<u>Brown sand</u>	<u>390</u>	<u>480</u>
<u>Layer Rock</u>	<u>480</u>	<u>496</u>
<u>Red Lava Rock</u>	<u>496</u>	<u>563</u>
<u>Brown Lava Rock</u>	<u>563</u>	<u>598</u>
<u>Pumice</u>	<u>598</u>	<u>625</u>
<u>Lava Rock</u>	<u>625</u>	<u>635</u>
<u>Brown Lava Rock</u>	<u>635</u>	<u>798</u>
<u>Gray Basalt Haul</u>	<u>798</u>	<u>882</u>
<u>Pumice</u>	<u>882</u>	<u>916</u>
<u>Brown Lava Rock</u>	<u>916</u>	<u>980</u>
<u>Gray clay</u>	<u>980</u>	<u>1000</u>

Date Started 4-18-19 Completed 5-5-18

(unbonded) **Water Well Constructor Certification**
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 License Number _____ Date _____
 Signed _____

(bonded) **Water Well Constructor Certification**
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 License Number 7654 Date 6-20-19
 Signed [Signature]
 Contact Info (optional) _____

STATE OF OREGON 1
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

(1) LAND OWNER Owner Well I.D. _____
First Name Tim Last Name Puchert
Company _____
Address PO Box 255
City CLV State OR Zip 97641

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Stil Plstc Wld Thrd
Casing:
Material From To Amt sacks/lbs
Seal: _____

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

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
Depth of Completed Well 1000 ft.

BORE HOLE

Dia	From	To	Material	From	To	Amt	sacks/lbs
22"	0	39	Bent	0	39	80	Sack
16"	39	980				Calculated	45
8"	980	1000				Calculated	

How was seal placed: Method A B C D E
 Other 3 min pure 2/9 Bent
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

Casing	Liner	Dia	+ From	To	Gauge	Stil	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16"	+	1	39	.290	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) _____
Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Mate **RECEIVED**
Perf/S Casing/Screen Scrn/slot Slot # of Tele/
green Liner Dia From To width length slots pipe size

JUN 24 2019
OWRD

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
1500 1000
Temperature 55 °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below) TDS amount 597
From To Description Amount Units

FEB 08 2020

(9) LOCATION OF WELL (legal description)
County Hewitt Twp 27 N/S Range 34 E/W WM
Sec 2 1/4 of the _____ 1/4 Tax Lot 200
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
 Street address of well Nearest address

Anderson Valley OR PRINCETON OR

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration _____
Completed Well 4-18-19 _____ 194
Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 580

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
<u>4-18-19</u>	<u>580</u>	<u>585</u>	<u>500gpm</u>		<u>194'</u>
<u>4-18-19</u>	<u>585</u>	<u>1000</u>	<u>1500</u>		<u>194'</u>

(11) WELL LOG Ground Elevation _____

Material	From	To
TOP SOIL	0	2
Brown Clay	2	80
Brown Sand Stone Hard	80	262
Tan Clay Stone	262	398
Brown Sand Stone	398	492
Tan Clay Stone	492	540
fractured limestone	540	580
White Pumice	580	652
lava rock gravel	652	665
Brown Sand Stone with flint	665	782
Blue Pumice with gravel	782	852
Brown limestone	852	980
Blue Clay	980	1000

Date Started 3-18-19 Completed 4-18-19

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
License Number _____ Date _____
Signed _____

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
License Number 1654 Date _____
Signed [Signature]
Contact Info (optional) _____



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

February 13, 2020

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

Reference: Application T- 13363

On February 6, 2020, we received your water right Transfer application. The application was accompanied by \$5990.00. Our receipt number 13363 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water, in the new place of use or from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

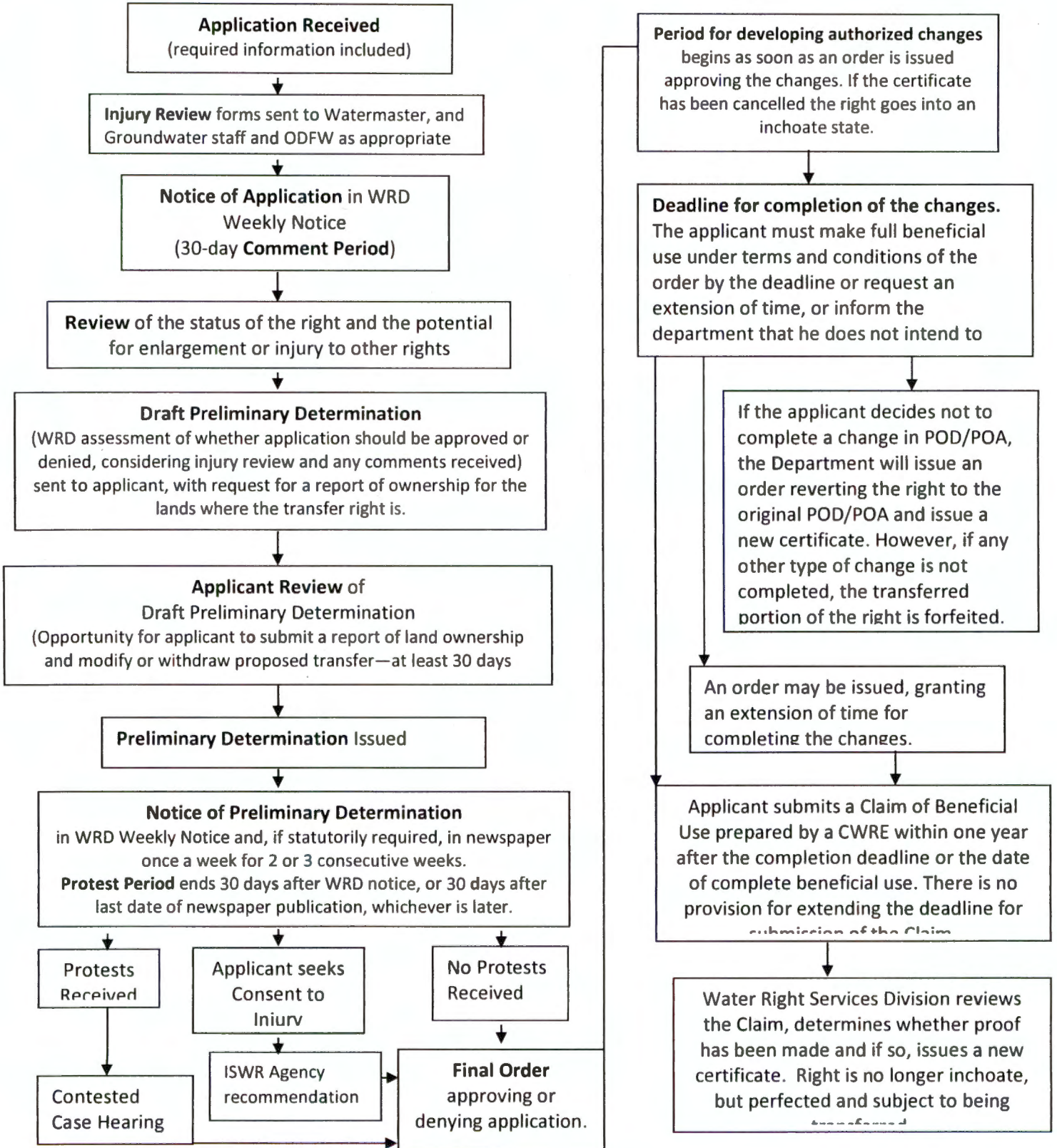
If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #10 (*via email*)
John A. Short, Agent
Harney County

Enclosure

Regular Transfer Process (including “Proving Up” on the changes)

OAR 690 Division 380





Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

- [Main](#) [Help](#)
- [Return](#) [Contact Us](#)

Today's Date: Thursday, February 6, 2020		Fee Calculation			
Base Fee (includes one type of change to one water right for up to 1 cfs)		\$1,160.00			
Fill in information below-- Check each box that applies.					
Types of Change Proposed:					
<input checked="" type="checkbox"/> Place of Use					
<input checked="" type="checkbox"/> Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD					
<input type="checkbox"/> Character of Use		\$930.00			
Enter total number of water rights included in transfer. <input style="width: 50px;" type="text" value="3"/>		\$1,040.00			
<input checked="" type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.		\$410.00			
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for a NON-irrigation right.					
<input checked="" type="checkbox"/> Check this box if you propose to change the place of use or character of use for an irrigation right.					
Enter the following for the primary certificates on the land included in the transfer. (If a supplemental certificate also covers the same land as an included primary right, only list the primary.)					
Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
<input style="width: 50px;" type="text" value="32394"/>	<input style="width: 50px;" type="text" value="75.53"/>	<input style="width: 50px;" type="text" value="75.53"/>	<input style="width: 50px;" type="text" value="0.94"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text" value="0.94"/>
<input style="width: 50px;" type="text" value="91418"/>	<input style="width: 50px;" type="text" value="131"/>	<input style="width: 50px;" type="text" value="131.0"/>	<input style="width: 50px;" type="text" value="1.64"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text" value="1.64"/>
<input style="width: 50px;" type="text" value="91644"/>	<input style="width: 50px;" type="text" value="354.7"/>	<input style="width: 50px;" type="text" value="354.7"/>	<input style="width: 50px;" type="text" value="4.43"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text" value="4.43"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Total Transfer CFS(rounded up to the next whole cfs): 8.00				\$2,450.00	
Subtotal:				\$5,990.00	
Check each box that applies.					
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.					
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.					
Discount:				<input style="width: 50px;" type="text"/>	
Transfer Fee:				\$5,990.00	
<input type="button" value="Return to Edit"/>	<input type="button" value="Clear"/>				

13363 -

Regular Permanent Water Right Transfer Application Checklist

Checked by John Date 2/6/2020

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

Certs & acres involved:
Changes: _____
cfs involved: _____
Source: _____

1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

2. Are fees included and correct? Fee paid: _____
If not, the correct fee would be: _____, so the amount missing is: _____

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

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

3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

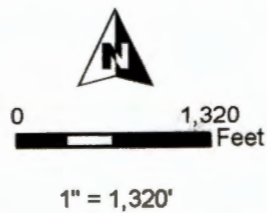
4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
 N/A Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

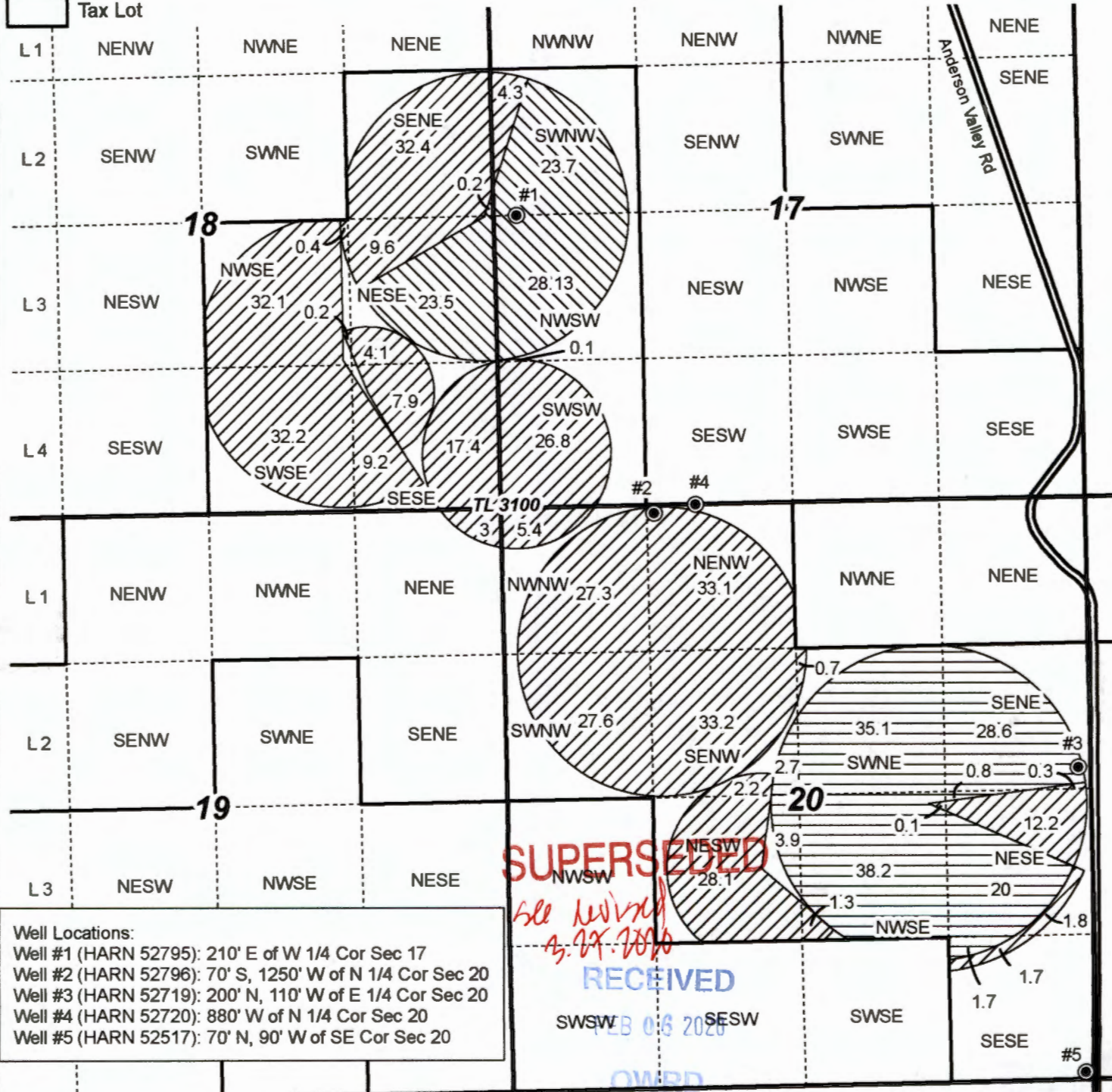
13363 -

T27S R34E, WM,
HARNEY COUNTY, OR



RENEWAL DATE 12/31/2020

- Well
- C-32394 POU IR (10-2-1959)
"ON" 75.53 AC
- C-91644 POU IR (5-21-1992)
"ON" 354.7 AC
- C-91418 POU IR (5-21-1992)
"ON" 131 AC
- Section
- Quarter Quarter
- Tax Lot



Well Locations:
 Well #1 (HARN 52795): 210' E of W 1/4 Cor Sec 17
 Well #2 (HARN 52796): 70' S, 1250' W of N 1/4 Cor Sec 20
 Well #3 (HARN 52719): 200' N, 110' W of E 1/4 Cor Sec 20
 Well #4 (HARN 52720): 880' W of N 1/4 Cor Sec 20
 Well #5 (HARN 52517): 70' N, 90' W of SE Cor Sec 20

SUPERSEDED
See Revised 5-28-2020
RECEIVED
 FEB 06 2020
 OWNED

TRANSFER "ON" MAP
Golden Rule Farms, Inc.

C-32394, C-91418, & C-91644 Date: 12/1/2019

This map is not intended to provide legal dimensions or locations of property ownership lines.

WATER RIGHT SERVICES, LLC
 PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US CCB # 197121
 johnsfort@usa.com 541-389-2837

Table 2. Description of Changes to Water Right Certificate # 91644

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
										POU, POA	27	S	34	E	18	SE	SE	3100	7.9 9.2 17.4	IR	Wells 1,2,3,4,5	1992
											"	"	"	"	19	NE	NE	"	3.0	"	"	"
											"	"	"	"	20	SW	NE	"	0.7	"	"	"
											"	"	"	"	20	SE	NE	"	0.3	"	"	"
											"	"	"	"	20	NE	NW	"	33.1	"	"	"
											"	"	"	"	20	NW	NW	"	5.4 27.3	"	"	"
											"	"	"	"	20	SW	NW	"	27.6	"	"	"
											"	"	"	"	20	SE	NW	"	33.2 2.2	"	"	"
											"	"	"	"	20	NE	SW	"	28.1	"	"	"
											"	"	"	"	20	NE	SE	"	12.2 1.8	"	"	"
											"	"	"	"	20	NW	SE	"	1.3 0.1	"	"	"
											"	"	"	"	20	SE	SE	"	1.7	"	"	"
TOTAL ACRES:							TOTAL ACRES:										354.7	212.5 + 142.2				

Additional remarks: _____.

SUPERSEDED

See Attached 4-19-2019

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FEB 05 2010

01-3363-

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

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

Table 2. Description of Changes to Water Right Certificate # 91644

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU, POA	27	S	34	E	17	SW	NW	3100		4.3	IR	Wells 1,2,3,4,5	1992	
														"	"	"	"	17	NW	SW	"		0.1	"	"	"	
														"	"	"	"	17	SW	SW	"		26.8	"	"	"	
														"	"	"	"	18	SE	NE	"		32.4	"	"	"	
														"	"	"	"	18	NE	SE	"		9.6 4.1	"	"	"	
														"	"	"	"	18	NW	SE	"		0.4 32.1 0.2	"	"	"	
														"	"	"	"	18	SW	SE	"		32.2	"	"	"	
TOTAL ACRES:												SUB-TOTAL ACRES:											142.2				

Additional remarks: _____

DWR/D

FEB 06 2020

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SUPERSEDED

Ave. Ackford
3.29.2020

13369

CERTIFICATE # 91644

Description of Water Delivery System

System capacity: 4.43 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.

Water is piped from well to pipelines and applied for irrigation of crops

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1893	27	S	32	E	6	NE	NE	GL1	125' S, 915' W of NE ¼ Cor Sec 6
Well #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1460	27	S	32	E	6	NE	NW	GL3	1280' S, 1' W of NE ¼ Cor Sec 6
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27	S	34	E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	"	"	"	"	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	"	"	"	"	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20
Well 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52720	"	"	"	"	20	NE	NW	"	880' W of N ¼ Cor Sec 20
Well 5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52517	"	"	"	"	20	SE	SE	"	70' N, 90' W of SE Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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see revision 3.27.2020
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 FEB 06 2020

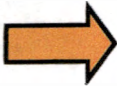
Will all of the proposed changes affect the entire water right?

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

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.



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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

SUPERSEDED
see Revised 9.28.2020

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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FEB 06 2020
 19999 -

OWRD

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

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

Table 2. Description of Changes to Water Right Certificate # 91418

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
													POU, POA	27	S	34	E	20	SW	NE	3100		35.1	IR	Wells 1,2,3,4,5	1992
														"	"	"	"	"	SE	NE			28.6	"	"	"
														"	"	"	"	"	SE	NW			2.7	"	"	"
														"	"	"	"	"	NE	SW			3.9	"	"	"
														"	"	"	"	"	NE	SE			20.0	"	"	"
														"	"	"	"	"	NE	SE			0.8	"	"	"
														"	"	"	"	"	NW	SE			38.2	"	"	"
														"	"	"	"	"	SE	SE			1.7	"	"	"
TOTAL ACRES:												TOTAL ACRES:										131.0				

Additional remarks: _____

SUPERSEDED

NO WATER 9.27.20

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FEB 04 2020

19883

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

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

Table 2. Description of Changes to Water Right Certificate # 32394

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
													POU, POA	27	S	34	E	17	SW	NW	3100		23.7	IR	Wells 1,2,3,4,5	1959
													"	"	"	"	"	17	NW	SW			28.13	"	"	"
													"	"	"	"	"	18	SE	NE			0.2	"	"	"
													"	"	"	"	"	18	NE	SE			23.5	"	"	"
TOTAL ACRES:												TOTAL ACRES:											75.53			

18369 -
 OWRD
 FEB 06 2020
 RECEIVED
 SUPERSEDED
 Withdraw 3.27.2020

Additional remarks: _____.

Part 5 of 5 – Water Right Information

CERTIFICATE # 32394

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FEB 06 2020

Description of Water Delivery System

System capacity: 0.94 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

see revision 3.28.2020

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

Water is piped from well to pipelines and applied for irrigation of crops.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1461	27	S	31	E	1	SW	NE	300	1562' S, 21' E of N ¼ Cor Sec 1
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27	S	34	E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	"	"	"	"	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	"	"	"	"	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20
Well 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52720	"	"	"	"	20	NE	NW	"	880' W of N ¼ Cor Sec 20
Well 5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52517	"	"	"	"	20	SE	SE	"	70' N, 90' W of SE Cor Sec 20

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appr
- Substitution (SUB)
- Government Action POD

*Which is Δ POA?
 also, ✓ APOAs*

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

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

Part 5 of 5 – Water Right Information

CERTIFICATE # 32394

RECEIVED

FEB 06 2020

Description of Water Delivery System

System capacity: 0.94 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

see revision 3.24.2020

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

Water is piped from well to pipelines and applied for irrigation of crops.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1461	27	S	31	E	1	SW	NE	300	1562' S, 21' E of N ¼ Cor Sec 1
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27	S	34	E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	"	"	"	"	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	"	"	"	"	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20
Well 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52720	"	"	"	"	20	NE	NW	"	880' W of N ¼ Cor Sec 20
Well 5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52517	"	"	"	"	20	SE	SE	"	70' N, 90' W of SE Cor Sec 20

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

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

Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

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

CERTIFICATE # 91418

Description of Water Delivery System

System capacity: 1.64 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.

Water is piped from well to pipelines and applied for irrigation of crops

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1471	27	S	32	E	10	NE	NE	200	1255' S, 70' W of NE Cor Sec 10
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27	S	34	E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	"	"	"	"	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	"	"	"	"	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20
Well 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52720	"	"	"	"	20	NE	NW	"	880' W of N ¼ Cor Sec 20
Well 5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52517	"	"	"	"	20	SE	SE	"	70' N, 90' W of SE Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> _____ B) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> _____ ion POD (GOV) |

Will all of the proposed changes affect the entire v

- Yes Complete only the Proposed ("to" or "on" "CODES" listed above to describe the prop
- No Complete all of Table 2 to describe the por

Handwritten note: Which is APOA? APOA's

Handwritten note: see revision 9-24-2020. **SUPERSEDED**

2 on the next page. Use the

to be changed. **RECEIVED**

FEB 06 2020

CERTIFICATE # 91418

Description of Water Delivery System

System capacity: 1.64 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.

Water is piped from well to pipelines and applied for irrigation of crops

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1471	27	S	32	E	10	NE	NE	200	1255' S, 70' W of NE Cor Sec 10
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52795	27	S	34	E	17	SW	NW	3100	210' E of W ¼ Cor Sec 17
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52796	"	"	"	"	20	NE	NW	"	70' S, 1250' W of N ¼ Cor Sec 20
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52719	"	"	"	"	20	SE	NE	"	200' N, 110' W of E ¼ Cor Sec 20
Well 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52720	"	"	"	"	20	NE	NW	"	880' W of N ¼ Cor Sec 20
Well 5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52517	"	"	"	"	20	SE	SE	"	70' N, 90' W of SE Cor Sec 20

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

see revision 9-24-2020.
SUPERSEDED

RECEIVED
 FEB 06 2020



**OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION**



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

<u>TYPE</u>	<u>FILE NUMBER</u>
Transfer Application	Transfer Number T-13363

	Applicant Information	Applicant's Representative/Contact
Name:	Golden Rule Farms, Inc.	John A. Short / Water Right Services, LLC
Address:	P.O. Box 255 Christmas Valley, OR 97641	P.O. Box 1830 Bend, OR 97709
Phone:	(541) 480-9752	(541) 389-2837
Fax:		
E-Mail Address:		johnshort@usa.com

I understand the following:

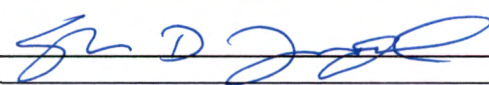
- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271**

I certify that I am the (check one):

- Applicant Applicant's Representative Other (Please specify) Attorney

Name: Shonce Langford

Signature: 

OWRD USE ONLY: Reimbursement Authority Number: R11-250-21

RECEIVED

MAR 02 2020

OWRD

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-250-21

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Golden Rule Farms, Inc., hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266 Phone: 503 986-0886 Fax: 503 986-0901 Email: patrick.k.starnes@oregon.gov	Name: Golden Rule Farms, Inc. Contact: Address: PO Box 255 Christmas Valley, OR 97641 Phone: (541) 480-9752 Fax: Email:	Name: Water Right Services, LLC Contact: John Short Address: PO Box 1830 Bend, OR 97709 Phone: (541) 389-2837 Fax: Email: johnshort@usa.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13363)

- 1. Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 2. Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 3. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- 4. Consideration.**
 - a.** Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,761.41. Applicant agrees to pay the full amount of \$1,761.41 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b.** The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 5. Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-250-21**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and Golden Rule Farms, Inc., hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Name: Golden Rule Farms, Inc. Contact: Address: PO Box 255 Christmas Valley, OR 97641	Name: Water Right Services, LLC Contact: John Short Address: PO Box 1830 Bend, OR 97709
Phone: 503 986-0886 Fax: 503 986-0901 Email: patrick.k.starnes@oregon.gov	Phone: (541) 480-9752 Fax: Email:	Phone: (541) 389-2837 Fax: Email: johnshort@usa.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application. (Application Number: T-13363)**

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2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,761.41**. Applicant agrees to pay the full amount of **\$1,761.41** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
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6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is approximately 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Timothy P. Mitchell
 Name/Title:

2-25-20
 Date

For OWRD: Dwight French
 Dwight French – Administrator

3-6-2020
 Date

Mail signed Agreement to:
 Stacy Phillips
 Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **131881**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Golden Rule Farms Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13363

CASH: CHECK:# 11857 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 \$
0412 OTHER: (IDENTIFY) Reimbursement Authority \$ 125.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE	\$
0203	GROUND WATER	\$	0204		\$
0205	TRANSFER	\$			

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE	\$
	LANDOWNER'S PERMIT	\$	0220		\$
	OTHER (IDENTIFY)				

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR _____
DESCRIPTION _____ \$ _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **131881**

DATED: 2-6-2020 BY: Gilman

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **131880**

INVOICE # _____

RECEIVED FROM: Golden Rule Farms Inc.

APPLICATION	
PERMIT	
TRANSFER	T-13363

BY: _____

CASH: CHECK # 11856 OTHER: (IDENTIFY)

TOTAL REC'D \$ 5,990.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ _____ 0202 RECORD FEE \$ _____
 0203 GROUND WATER \$ _____ 0204 LICENSE FEE \$ _____
 0205 TRANSFER \$ 5,990.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____
 LANDOWNER'S PERMIT \$ _____ 0220 LICENSE FEE \$ _____
 OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
 0210 MONITORING WELLS \$ _____ CARD # _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
 0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE **RECEIVED**
 OBJ. CODE _____ VENDOR **OVER THE COUNTER**
 DESCRIPTION \$ _____

RECEIPT: **131880**

DATED: 2-6-2020 BY: Glenn

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **132039**

INVOICE # _____

RECEIVED FROM: Golden Gate Farms Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13363

CASH: CHECK:# 11931 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1,761.41

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 \$ _____
0412 OTHER: (IDENTIFY) R11250-21 Reimbursement Authority \$ 1,761.41
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
_____	OTHER (IDENTIFY)	_____	_____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) _____ \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) _____ \$ _____
_____ HYDRO APPLICATION _____ \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **132039**

DATED: 3-2-2020 BY: [Signature]