

T-13924

Regular

RA

T-13924

Name Golden Rule Farms, Inc.Address P.O. Box 225
Christmas Valley, OR 97641
goldenrule-farms@gmail.comChange in POU, POA, APOADate Filed 2-18-2022Initial notice date 3-1-2022

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 9/21/2023 Vol 129 Page 107-13C-Date 10/1/2020COBU due date 10/1/2021

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Donner Und Blitzen BasinUse Irrigation County Harney

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

Name of ditch _____

App# G-12926 Per # G-12938 Cert # 91644 PR Date 5/21/1992

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

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

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

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

FEES PAID

Date	Amount	Receipt #
2-18-2022	\$6620.00	137520
2-18-2022	\$125.00	137510
3-18-2022	\$1,644.53	137705

FEES REFUNDED

Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent Elizabeth Howard & Lindsay Thane - ehoward@schwabe.com/lthane@schwabe.com

CWRE _____

CC's list Harney County☐ - Oversized map - Location _____

Golden Rule Farms
OWRD

Briggs Reimbursement Authority Application
2/9/2022

19547
125.00

RECEIVED
FEB 14 2022

RECEIVED
FEB 18 2022
OWRD

Selco-Checking

125.00

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 137510

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

INVOICE #

RECEIVED FROM: Golden Rule Farms

BY:

CASH: CHECK: # OTHER: (IDENTIFY)

☐

19547

☐

APPLICATION	
PERMIT	
TRANSFER	7-13924

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11356-23 \$
0412 OTHER: (IDENTIFY) Transfer 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

\$

RECEIPT: 137510

DATED: 2-18-2022 BY: [Signature]

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **137705**

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

INVOICE # _____

RECEIVED FROM: Golden Rule Farms

BY: _____

CASH: ☐ CHECK: # 19680 OTHER: (IDENTIFY) ☐ _____

APPLICATION _____
PERMIT _____
TRANSFER T-13924

TOTAL REC'D \$ 1,644.53

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 \$ R 11356.23
0412 OTHER: (IDENTIFY) Transfer R reimbursement Authority \$ 1,644.53
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 \$ _____

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

TREASURY OTHER / RDX

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

RECEIPT: **137705**

DATED: 3.18.2022 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Selfco-Checking

Golden Rule Farms
OWRD

T-13924 (Briggs)

3/16/2022

1,644.53

19680

RECEIVED
MAR 18 2022
OWRD

SMITH Tamera L * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Thursday, April 21, 2022 2:24 PM
To: SMITH Tamera L * WRD
Cc: Howard, Elizabeth E.; 'Timothy P. Puckett (goldenrulefarms@gmail.com)'
Subject: RE: Revisions to Applications T-13924 and T-13926 [IWOV-pdx.FID4532652]
Attachments: Revised Transfer Application pp. 9-11 Cert. 91644 (Briggs).PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

As we discussed, I identified that there is a typo on page 8 of applications T-13924 and T-13926. In Table 1 of both applications, proposed POA Windmill 3 is described as being located "1320 feet North and 1320 feet East from the SW Corner Section 35." The location should actually be described as 1320 feet North and 1320 feet East from the SW Corner Section 34." The application maps for both transfers correctly describe and depict the location of Windmill 3 and should be the controlling location when you are drafting the Preliminary Determinations.

I also identified that Table 2 and the associated comment for application T-13924 should add that for the 61.6 acres that are remaining in the current POU, the Crow Well (HARN 1461) is an intended additional POA, and Briggs 1 and Briggs 2, which are the authorized POAs, are still intended to remain as POAs. Therefore, by this email we are submitting a slightly revised Table 2 and comment. Please place these pages with the application to replace the previously submitted pages 9 to 11.

Thank you,
Lindsay

Lindsay Thane
Associate
Pronouns: she, her, hers
D: 503-796-2059
lthane@schwabe.com

Received by OWRD

APR 21 2022

Salem, OR

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Thursday, April 14, 2022 10:47 AM
To: Thane, Lindsay M. <LThane@SCHWABE.com>
Subject: RE: T-13924, T-13925, and T-13926 [IWOV-pdx.FID4532652]

Hi Lindsay,

Groundwater reviews have been completed and are attached.

Thank you for your inquiry.

Windmill 6	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		27	S	32	E	3	SE	SE	200	845 feet North and 10 feet West from the SE Corner Section 3.
Windmill 7	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		27	S	32	E	3	NW	NE	300	240 feet South and 1235 feet East from the N ¼ Corner Section 3.

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 checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

Rw Ford

Received by OWRD

APR 21 2022

Salem, OR

T-13924

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		
										APOA	27	S	31	E 1 NE NE	300	1	30.8		Briggs 1, Briggs 2, Crow Well	5/21/1992		
										APOA	27	S	32	E 6 NW NW	100	4	16.4		Briggs 1, Briggs 2, Crow Well	5/21/1992		
										APOA	27	S	32	E 6 NE NW	100	3	14.4		Briggs 1, Briggs 2, Crow Well	5/21/1992		
										POU/APOA	27	S	31	E 1 SE NE	200		0.57		Briggs 1, Briggs 2, Crow Well	5/21/1992		
										POU/APOA	27	S	31	E 1 NW SE	200		0.8		Briggs 1, Briggs 2, Crow Well	5/21/1992		
										POU/APOA	26	S	32	E 34 NE SE	1300		4.2		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
										POU/APOA	26	S	32	E 35 NW SW	1800		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
										POU/APOA	26	S	32	E 35 SW SW	1800		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
										POU/APOA	26	S	32	E 35 NE SW	1900		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
										POU/APOA	26	S	32	E 35 SE SW	1900		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
Continued on Next Page											Continued on Next Page											

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

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Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	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	Acre	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/ROD	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
										APOA	27	S	31	E 1 NE NE	300	1	30.8		Briggs 1, Briggs 2, Crow Well	5/21/1992
										APOA	27	S	32	E 6 NW NW	100	4	16.4		Briggs 1, Briggs 2, Crow Well	5/21/1992
										APOA	27	S	32	E 6 NE NW	100	3	14.4		Briggs 1, Briggs 2, Crow Well	5/21/1992
										POU/APOA	27	S	31	E 1 SE NE	200		0.57		Briggs 1, Briggs 2, Crow Well	5/21/1992
										POU/APOA	27	S	31	E 1 NW SE	200		0.8		Briggs 1, Briggs 2, Crow Well	5/21/1992
										POU/APOA	26	S	32	E 34 NE SE	1300		4.2		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
										POU/APOA	26	S	32	E 35 NW SW	1800		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
										POU/APOA	26	S	32	E 35 SW SW	1800		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
										POU/APOA	26	S	32	E 35 NE SW	1900		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
										POU/APOA	26	S	32	E 35 SE SW	1900		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
Continued on Next Page											Continued on Next Page									

Revised

Received by OWRD

T-13924

APR 21 2022

Salem, OR

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Additional remarks: This transfer proposes to move 293.1 acres to a new place of use. Of those acres, 0.57 acres will be moved to fill in a sliver of a pivot because the 0.57 acre sliver is not covered under the pivot's water right. The 0.57 acres will be irrigated with the two authorized wells and the proposed Crow Well. 0.8 acres of the transferred acres will be moved to fill in a sliver of another pivot because the 0.8 acre sliver is not covered under the pivot's water right. The 0.8 acres will be irrigated with the two authorized wells and the proposed Crow Well. The other 291.73 acres that will be transferred will be moved to three pivots and be irrigated by proposed wells Windmill 1, 2, 3, 4, 5, 6, and 7. 61.6 acres under Certificate 91644 will remain at the current place of use and will be irrigated with the authorized Well 1 and Well 2 and the proposed Crow Well.

Revised
Received by OWRD

APR 21 2022

Salem, OR

T-13A24



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-13924

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
Elizabeth Howard, Lindsay Thane, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER
T-13924, Harney County	)	APPROVING AN ADDITIONAL POINT OF
	)	APPROPRIATION, A CHANGE IN POINTS OF
	)	APPROPRIATION, AND A CHANGE IN PLACE
	)	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 225
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On February 18, 2022, GOLDEN RULE FARMS, INC. filed an application for an additional point of appropriation, to change the points of appropriation, and to change the place of use under Certificate 91644. The Department assigned the application number T-13924.
2. Notice of the application for transfer was published on March 1, 2022, 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 Certificate 91644.
 - c) There is no evidence of water use for Certificate 91644.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

- d) The application form does not conform to the statutory requirements.
 - e) Injury must include domestic water users, including any exempt water users that could be impacted
 - f) Injury Analysis should also include the surface water rights held by Malheur National Wildlife Refuge.
 - g) WRD lacks the authority to add additional well locations because the transfer statute allows only for a change of point of diversion.
 - h) OWRD should not allow GRF to have multiple overlapping transfer applications.
 - i) Rule OAR 690-008-001(8)(c) is unlawful, because it is contrary to ORS 537.525.
 - j) There are cones of depression in numerous areas in the GHVGAC (Greater Harney Valley Groundwater Area of Concern).
 - k) Water is severely over-allocated [in the GHVGAC].
 - l) 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 April 21, 2022, the Department received amended application pages from the agent for the applicant, correcting scrivener's errors in the measured distance description of proposed point of appropriation Windmill 3 and to clarify the acres described in Table 2 of the application.
6. On March 1, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13924 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 1, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

7. On June 23, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-13924 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 June 27, 2023, and in the Burns Times-Herald newspaper on June 28 and July 5, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

8. The 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 UND 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 (BRIGGS 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 (BRIGGS 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

IRRIGATION						
TwP	Rng	Mer	Sec	Q-Q	GlOt	Acres
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

9. Transfer Application T-13924 proposes an additional point of appropriation as follows:

TwP	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from authorized points of appropriation in miles (mi.)
27 S	34 E	WM	1	SW NE	CROW WELL – 1562 FEET SOUTH AND 21 FEET EAST FROM THE N1/4 CORNER OF SECTION 1	WELL #1 (BRIGGS 1) - 1.3 mi WELL #2 (BRIGGS 2) - 0.9 mi

10. Transfer Application T-13924 proposes to move the authorized points of appropriation for Certificate 91644 as follows:

TwP	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from authorized points of appropriation in miles (mi.)
26 S	32 E	WM	34	SW SW	WINDMILL 3 – 1320 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 34	WELL #1 (BRIGGS 1) - 2.5 mi WELL #2 (BRIGGS 2) - 3.8 mi
26 S	32 E	WM	34	SW SE	WINDMILL 1 – 1310 FEET NORTH AND 1260 FEET EAST FROM THE S1/4 CORNER OF SECTION 34	WELL #1 (BRIGGS 1) - 2.4 mi WELL #2 (BRIGGS 2) - 0.9 mi
26 S	32 E	WM	35	SW SW	WINDMILL 2 – 1320 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 35	WELL #1 (BRIGGS 1) - 3.4 mi WELL #2 (BRIGGS 2) - 2.8 mi
27 S	32 E	WM	3	NW NE	WINDMILL 7 – 240 FEET SOUTH AND 1235 FEET EAST FROM THE N1/4 CORNER OF SECTION 3	WELL #1 (BRIGGS 1) - 2.5 mi WELL #2 (BRIGGS 2) - 3.0 mi
27 S	32 E	WM	3	SE NE	WINDMILL 4 – 1680 FEET SOUTH AND 1325 FEET EAST FROM THE N1/4 CORNER OF SECTION 3	WELL #1 (BRIGGS 1) - 2.9 mi WELL #2 (BRIGGS 2) - 3.3 mi
27 S	32 E	WM	3	SE SE	WINDMILL 6 – 845 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF SECTION 3	WELL #1 (BRIGGS 1) - 3.3 mi WELL #2 (BRIGGS 2) - 3.6 mi
27 S	32 E	WM	10	NE NE	WINDMILL 5 – 1255 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 10	WELL #1 (BRIGGS 1) - 3.3 mi WELL #2 (BRIGGS 2) - 3.6 mi

11. Transfer Application T-13924 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Wells
26 S	32 E	WM	34	NE SE	4.2	WINDMILL 1-7
26 S	32 E	WM	35	NE SW	30.3	WINDMILL 1-7
26 S	32 E	WM	35	NW SW	30.3	WINDMILL 1-7
26 S	32 E	WM	35	SW SW	30.3	WINDMILL 1-7
26 S	32 E	WM	35	SE SW	30.3	WINDMILL 1-7
27 S	31 E	WM	1	NE NE	30.8	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	31 E	WM	1	SE NE	0.57	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	31 E	WM	1	NW SE	0.8	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	32 E	WM	2	NW SW	7.1	WINDMILL 1-7
27 S	32 E	WM	2	SW SW	8.1	WINDMILL 1-7
27 S	32 E	WM	3	NE NE	20.8	WINDMILL 1-7
27 S	32 E	WM	3	NE SE	12.53	WINDMILL 1-7
27 S	32 E	WM	3	NW NE	20.6	WINDMILL 1-7
27 S	32 E	WM	3	NW SE	5.4	WINDMILL 1-7
27 S	32 E	WM	3	SW NE	37.1	WINDMILL 1-7
27 S	32 E	WM	3	SE NE	37.5	WINDMILL 1-7
27 S	32 E	WM	3	SE SE	8.1	WINDMILL 1-7
27 S	32 E	WM	6	NE NW	14.4	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	32 E	WM	6	NW NW	16.4	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	32 E	WM	10	NE NE	4.6	WINDMILL 1-7
27 S	32 E	WM	11	NW NW	4.5	WINDMILL 1-7
TOTAL					354.7	

Transfer Review Criteria [OAR 690-380-4000(14), 690-380-4010(2) and OAR 690-380-2110(2)]

12. 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 right is subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13924.
14. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
16. The proposed changes, as conditioned, would not result in enlargement of the right.
17. The proposed change, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements are met.

Conclusion of Law

The additional point of appropriation, change in points of appropriation and change in place of use proposed in Transfer Application T-13924 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

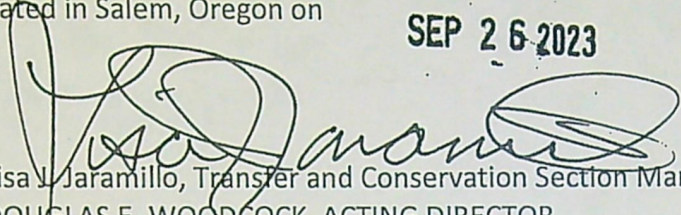
Now, therefore it is ORDERED:

1. The additional point of appropriation, change in points of appropriation and change in place of use proposed in Transfer Application T-13924 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 91644, and any related decree.
3. Water right Certificate 91644 is cancelled.
4. The quantity of water diverted at the new additional point of appropriation, (CROW WELL), together with the quantity of water diverted at the new points of appropriation, (WINDMILL 1, WINDMILL 2, WINDMILL 3, WINDMILL 4, WINDMILL 5, WINDMILL 6, AND WINDMILL 7) shall not exceed the quantity of water lawfully available at the original points of appropriation, (WELL #1 and WELL #2).
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. The former place of use of the transferred right shall no longer receive water under the right.
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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. 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.

9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

SEP 26 2023



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: SEP 27 2023

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13924

Transfer Specialist: *Julia*

Transfer Type: Regular Transfer

in med 3.23.22

Applicant: GOLDEN RULE FARMS INC. PO BOX 255 <i>225</i> CHRISTMAS VALLEY, OR 97641 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A ELIZABETH HOWARD/LINDSAY THANE 1211 SW 5TH AVE SUITE 1900 PORTLAND, OR 97204 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 County Of Harney 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: _____	

Water Rights Affected

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

Key Dates & Initial Actions:

Rec'd: February 18, 2022	Proposed Action(s): POINT OF APPROPRIATION; ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 6620.00	WM District: 10	ODFW-District: _____
Initial Public Notice: March 1, 2022	WM Review sent: _____	ODFW-Review sent: _____
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <i>✓ 626</i> <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested: _____	Request for news \$ sent: _____	News \$ received: _____
Request to publish sent: _____	Affidavit of publication received: _____	Last day of publication: _____

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>1/4/23</i> Initials: <i>AND</i>	Date: <i>2/15/23</i> Initials: <i>SCOTT</i>	Date: _____ Initials: _____	Date: _____ Initials: <i>thornic</i>	Date: <i>3/1/23</i> Initials: <i>AND</i>	CW Sent: <i>3/1/23</i>	N/A
PD	Date: <i>5/1/23</i> Initials: <i>AND</i>	Date: <i>5/2/23</i> Initials: <i>SCOTT</i>	Date: _____ Initials: _____	Date: <i>5/10/23</i> Initials: <i>PKS</i>	Date: <i>6/1/23</i> Initials: <i>AND</i>	Date: <i>6/15/23</i>	Date: <i>6/16/23</i>
FO	Date: <i>7/1/23</i> Initials: <i>AND</i>	Date: <i>7/10/23</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: <i>7/19/2023</i> Initials: <i>PKS</i>	Date: <i>8/17/23</i> Initials: <i>AND</i>	Date: <i>9/22/23</i>	Date: <i>9/26/2023</i>

Special Issues: *Comments timely - b. McCanna + L. O'Connor, WW, WFW*

Special Order Volume: Vol. _____ Pages _____

Transfer Cover Sheet

Last Revised 10-29-18

4/21 correction T.1 POA Windmill 3 is Sec. 34. Listed wells in T.2



United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
FWS/R1

August 2, 2023

Lisa Jaramillo
Transfer and Conservation Section Manager
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301

Re: Letter of Concern on the approved Preliminary Determinations for transfer applications T-13924, T-13925, T-13926

Dear Lisa Jaramillo,

The US Fish and Wildlife Service (Service) wishes to provide a Letter of Concern to the Oregon Water Resources Department (Department) regarding the negative impact of the approval of Preliminary Determinations for Transfer Applications T-13924, T-13925, and T-13926, which were posted in the Department's Public Notice of Water Use Requests on June 28, 2023. The Service does not find disagreement with Department's Preliminary Determination for approval of T-13924, T-13925, and T-13926 based on strict interpretation of statutes and the Department's procedures and criteria for evaluating transfer applications under Oregon Administrative Rules Chapter 690, Division 380. However, the Service expresses concern that continued overallocation of groundwater from existing permitted water rights will impair habitats in and around the Malheur National Wildlife Refuge (Refuge) and Malheur Lake. If the applications are approved, the Service strongly urges the Department to implement a requirement for consistent timely groundwater level monitoring at a monthly interval near each cluster of wells.

The Service has concerns that the currently permitted water rights under the transfer applications have already caused changes in groundwater availability that adversely affect the Refuge's two certified water rights: C93906 and C7343. Groundwater levels in numerous observation wells in the area frequently show a decline since the well's inception, with a most precipitous decline occurring in the last 10 years. C93906, a point of appropriation with a priority date of 2002, is a well drilled to access aquifer depths up to 111 feet with a maximum rate of withdrawal of 0.07 CFS and period of use year-round for the purpose of Wildlife Refuge Management. C7343, a certified water right with a priority date of 1923, is the appropriation of 15.0 CFS of flow from a spring for the maintenance of the Refuge's Wildlife Management trust resources. Flows from this spring fill into a pond before flowing into Malheur Lake. Declines in the spring flow for the past 8 years have resulted in a lower pond levels and an increased frequency in episodes of the pond drying out. Since 2017, we have visual confirmation that there is minimal to no flow from the spring.

REGION 1
COLUMBIA-PACIFIC NORTHWEST

WASHINGTON, OREGON, IDAHO, PACIFIC
ISLANDS

REGION 8
PACIFIC SOUTHWEST

CALIFORNIA, NEVADA, OREGON (KLAMATH
BASIN)

Golden Rule Farms' transfer application, T-13924 and T-13926, requests to add eight new points of appropriation, six of which will be newly drilled wells (Windmill 1-4 and 6-7), ranging in depth between 75 and 150 feet. These new wells may access groundwater depths up to 4 times deeper than the currently authorized wells (Briggs 1 (36 feet deep) and Briggs 2 (35 feet deep)). It is difficult to fully understand the impact of this project on Refuge water rights. With the additional seven wells proposed under the transfer application and a presumption that this change would enable them to use their entire water right, there would effectively be an increase in groundwater use over what has been used historically. Given existing over-allocation of groundwater in the Harney Basin that is already contributing to declines in spring flow under C7343, effectively expanding groundwater use in this area is likely to cause further harm.

The Service is concerned that continued use of groundwater pumping and the operation of additional wells will continue to remove groundwater that would normally drain to Malheur Lake and provide essential habitat. Malheur Lake is important habitat for numerous plants and animal species, but especially for its location as a stopover on the Pacific Flyway and for the Great Basin Redband Trout. Malheur Lake is downgradient of shallow groundwater flow. Groundwater declines have been observed in and around Malheur Lake, especially in the Crane area east of Malheur Lake (Gingerich et al. 2021). The Service is concerned that Malheur Lake is receiving less groundwater inflow than it has historically due to the overallocation of groundwater use.

In the Division 512, Malheur Lake Basin Program, Oregon Administrative Rules 690-512-0020, outlines the rules for the Groundwater use in the Greater Harney Valley Groundwater Area of Concern, in which section (7)(a) requires that each new permit must include the construction of an observation well that is the same depth as the production well, within 6 months of issuance. If the transfer applications are authorized, then the Service strongly urges the Department to implement this requirement and to include timely measurements at least monthly for all wells associated with the transfer applications.

Groundwater level declines in the basin are the result of over-allocation and are a serious concern for all groundwater users and for the management of trust resources at the Refuge. In May 2020, OWRD posted a News Release (20-04) that cautions against further groundwater development in the Harney Basin. The News Release explains that the preliminary result from the Harney Basin Groundwater Study indicates that groundwater use is greater than recharge to the aquifer and the current annual groundwater pumping is unsustainable.

If you have questions, concerns, or need more information, please contact the Service's Water Resources Branch Rachel_Esralew@fws.gov (503-231-2395) or Refuge Deputy Project Leader, Tara Wertz (Tara_Wertz@fws.gov (541-493-2612)).

Sincerely,

RACHEL ESRALEW Digitally signed by RACHEL ESRALEW
Date: 2023.08.04 15:10:37 -07'00'

Rachel Esralew
Water Resources Branch Chief - Supervisory Hydrologist
U.S. Fish and Wildlife Service
Columbia Pacific Northwest and Pacific Southwest Region

CC:

Tara Wertz, Deputy Refuge Project Leader, Malheur NWR, USFWS

Mary Lindenberg, Hydrologist, Water Resources Branch, USFWS

References

Gingerich, S.B., Johnson, H.M., Boschmann, D.E., Grondin, G.H., Garcia, C.A., and Schibel, H.J., 2022, Location information, discharge, and water-quality data for selected wells, springs, and streams in the Harney Basin, Oregon: U.S. Geological Survey data release, <http://doi.org/10.5066/P9J0FE5M>.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **140790** 725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172 INVOICE #
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Golden Rule Farms APPLICATION
BY: PERMIT
TRANSFER T-13924
CASH: CHECK: # OTHER: (IDENTIFY)
☐ ☒ 20801 ☐ TOTAL REC'D \$ 302.40

1083 TREASURY 4170 WRD MISC CASH ACCT
0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 302.40
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: **140790** DATED: 5/24/2023 BY: [Signature]
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **140790** 725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172 INVOICE #
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Golden Rule Farms APPLICATION
BY: PERMIT
TRANSFER T-13924
CASH: CHECK: # OTHER: (IDENTIFY)
☐ ☒ 20801 ☐ TOTAL REC'D \$ 302.40

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0407 COPIES 46118 \$
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0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT
MISCELLANEOUS
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WELL CONSTRUCTION EXAM FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$
OTHER (IDENTIFY)

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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: **140790** DATED: 5/24/2023 BY: [Signature]
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Selco-Checking

for T-13924 NOTICE

302.40

RECEIVED
MAY 24 2023
OWRD
SALEM, OREGON

Golden Rule Farms
OWRD

5/15/2023

302.40

20801

Attached is a check for \$302.40 (PCA #46118) for Newspaper Notice for Transfer T-13924 made out to Oregon Water Resources Department (or WRD)

- "for T-13924 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: Arla

MAY 24 2023
OWRD
SALEM, OREGON

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-13924

T-13924 filed by Golden Rule Farms Inc., PO Box 225, Christmas Valley, OR 97641, proposes an additional point of appropriation, a change in points of appropriation, and a change in place of use under Certificate 91644. The right allows the use of 4.43 cubic feet per second from two wells in Sec. 6, T27S, R32E, WM for irrigation in Sects. 31 and 32, T26S, R32E, WM, Sec. 1, T27S, R31E, WM, and Sects. 5 and 6, T27S, R32E, WM. The applicant proposes an additional point of appropriation in Sec. 1, T27S, R34E, WM, to move the point of appropriation to Sects. 34 and 35, T26S, R32E, WM and Sects. 3 and 10, T27S, R32E, WM and to change the place of use to Sects. 34 and 35, T26S, R32E, WM, Sec. 1, T27S, R31E, WM and Sects. 2, 3, 6, 10 and 11, T27S, R32E, WM. The Water Resources Department proposes to approve 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, 07/05/2023. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish June 28 and July 5, 2023

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-13924

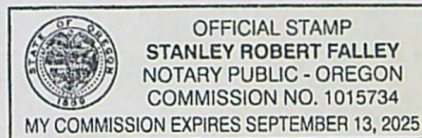
a printed copy of which is hereto annexed, was published in the said newspaper for

2 successive and consecutive weeks in the following issues:
Dates of Publication: 28th June & 5th July 2023

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

Subscribed and sworn before me this 5 day of July 2023.

Stanley Robert Falley
Notary Public for Oregon



No. _____ Received by OWRD

STATE OF OREGON
for the
COUNTY OF HARNEY

JUL 10 2023

Salem, OR

Filed _____, 21

Clerk

Deputy

From the Office of _____

Attorney for _____

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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



9590 9402 6293 0274 3184 72

2. Article Number (Transfer from service label)

7021 1970 0001 3950 3297

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Rachel Cooper

☐ Agent☐ Addressee

B. Received by (Printed Name)

Rachel Cooper

C. Date of Delivery

7-5-23

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

RECEIVED

JUL 10 2023

Service Type

OVRD

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Ald /CWK T-1089269

Domestic Return Receipt



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

www.oregon.gov/owrd

June 23, 2023

VIA CERTIFIED MAIL AND E-MAIL

GOLDEN RULE FARMS INC.
PO BOX 225
CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-13924

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13924. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Burns Times-Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please don't hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov, if I may be of assistance

Sincerely,

Arla L Davis

Arla L Davis
Transfer Specialist
Transfer and Conservation Section

cc: T-13924
Donald Swindlehurst, District 10 Watermaster (*via e-mail*)
Elizabeth Howard, Lindsay Thane, Agent for the applicant (*via e-mail*)
Commenters: Laurie O'Connor, Ben McCanna, Rachel Esralew USFW, Lisa Brown Waterwatch

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13924, Harney County	)	PROPOSING APPROVAL OF AN ADDITIONAL
	)	POINT OF APPROPRIATION, A CHANGE IN
	)	POINTS OF APPROPRIATION, AND A
	)	CHANGE IN PLACE 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 225
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On February 18, 2022, GOLDEN RULE FARMS, INC. filed an application for an additional point of appropriation, to change the points of appropriation, and to change the place of use under Certificate 91644. The Department assigned the application number T-13924.
2. Notice of the application for transfer was published on March 1, 2022, 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 Certificate 91644.
 - c) There is no evidence of water use for Certificate 91644.
 - d) The application form does not conform to the statutory requirements.
 - e) Injury must include domestic water users, including any exempt water users that could be impacted

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 the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

- f) Injury Analysis should also include the surface water rights held by Malheur National Wildlife Refuge.
 - g) WRD lacks the authority to add additional well locations because the transfer statute allows only for a change of point of diversion.
 - h) OWRD should not allow GRF to have multiple overlapping transfer applications.
 - i) Rule OAR 690-008-001(8)(c) is unlawful, because it is contrary to ORS 537.525.
 - j) There are cones of depression in numerous areas in the GHVGAC (Greater Harney Valley Groundwater Area of Concern).
 - k) Water is severely over-allocated [in the GHVGAC].
 - l) 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 April 21, 2022, the Department received amended application pages from the agent for the applicant, correcting scrivener's errors in the measured distance description of proposed point of appropriation Windmill 3 and to clarify the acres described in Table 2 of the application.
 6. On March 1, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13924 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 1, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

7. The 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 UND 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 (BRIGGS 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 (BRIGGS 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

8. Transfer Application T-13924 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from authorized points of appropriation in miles (mi.)
27 S	34 E	WM	1	SW NE	CROW WELL – 1562 FEET SOUTH AND 21 FEET EAST FROM THE N1/4 CORNER OF SECTION 1	WELL #1 (BRIGGS 1) - 1.3 mi WELL #2 (BRIGGS 2) - 0.9 mi

9. Transfer Application T-13924 proposes to move the authorized points of appropriation for Certificate 91644 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from authorized points of appropriation in miles (mi.)
26 S	32 E	WM	34	SW SW	WINDMILL 3 – 1320 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 34	WELL #1 (BRIGGS 1) - 2.5 mi WELL #2 (BRIGGS 2) - 3.8 mi
26 S	32 E	WM	34	SW SE	WINDMILL 1 – 1310 FEET NORTH AND 1260 FEET EAST FROM THE S1/4 CORNER OF SECTION 34	WELL #1 (BRIGGS 1) - 2.4 mi WELL #2 (BRIGGS 2) - 0.9 mi
26 S	32 E	WM	35	SW SW	WINDMILL 2 – 1320 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 35	WELL #1 (BRIGGS 1) - 3.4 mi WELL #2 (BRIGGS 2) - 2.8 mi
27 S	32 E	WM	3	NW NE	WINDMILL 7 – 240 FEET SOUTH AND 1235 FEET EAST FROM THE N1/4 CORNER OF SECTION 3	WELL #1 (BRIGGS 1) - 2.5 mi WELL #2 (BRIGGS 2) - 3.0 mi
27 S	32 E	WM	3	SE NE	WINDMILL 4 – 1680 FEET SOUTH AND 1325 FEET EAST FROM THE N1/4 CORNER OF SECTION 3	WELL #1 (BRIGGS 1) - 2.9 mi WELL #2 (BRIGGS 2) - 3.3 mi
27 S	32 E	WM	3	SE SE	WINDMILL 6 – 845 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF SECTION 3	WELL #1 (BRIGGS 1) - 3.3 mi WELL #2 (BRIGGS 2) - 3.6 mi
27 S	32 E	WM	10	NE NE	WINDMILL 5 – 1255 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 10	WELL #1 (BRIGGS 1) - 3.3 mi WELL #2 (BRIGGS 2) - 3.6 mi

10. Transfer Application T-13924 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Wells
26 S	32 E	WM	34	NE SE	4.2	WINDMILL 1-7
26 S	32 E	WM	35	NE SW	30.3	WINDMILL 1-7
26 S	32 E	WM	35	NW SW	30.3	WINDMILL 1-7
26 S	32 E	WM	35	SW SW	30.3	WINDMILL 1-7
26 S	32 E	WM	35	SE SW	30.3	WINDMILL 1-7
27 S	31 E	WM	1	NE NE	30.8	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	31 E	WM	1	SE NE	0.57	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	31 E	WM	1	NW SE	0.8	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	32 E	WM	2	NW SW	7.1	WINDMILL 1-7
27 S	32 E	WM	2	SW SW	8.1	WINDMILL 1-7
27 S	32 E	WM	3	NE NE	20.8	WINDMILL 1-7
27 S	32 E	WM	3	NE SE	12.53	WINDMILL 1-7

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Wells
27 S	32 E	WM	3	NW NE	20.6	WINDMILL 1-7
27 S	32 E	WM	3	NW SE	5.4	WINDMILL 1-7
27 S	32 E	WM	3	SW NE	37.1	WINDMILL 1-7
27 S	32 E	WM	3	SE NE	37.5	WINDMILL 1-7
27 S	32 E	WM	3	SE SE	8.1	WINDMILL 1-7
27 S	32 E	WM	6	NE NW	14.4	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	32 E	WM	6	NW NW	16.4	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	32 E	WM	10	NE NE	4.5	WINDMILL 1-7
27 S	32 E	WM	11	NW NW	4.6	WINDMILL 1-7
TOTAL					354.7	

Transfer Review Criteria [OAR 690-380-4000(14), 690-380-4010(2) and OAR 690-380-2110(2)]

11. 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 right is subject to forfeiture under ORS 540.610.
12. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13924.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
15. The proposed changes, as conditioned, would not result in enlargement of the right.
16. The proposed change, as conditioned, would not result in injury to other existing water rights.
17. All other application requirements are met.

Determination and Proposed Action

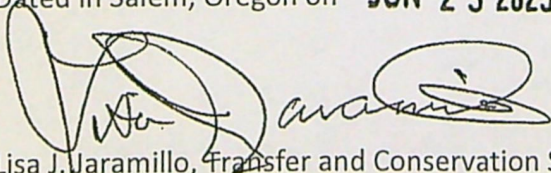
The additional point of appropriation, change in points of appropriation and change in place of use proposed in Transfer Application T-13924 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13924 is approved, the final order will include the following:

1. *The additional point of appropriation, change in points of appropriation and change in place of use proposed in Transfer Application T-13924 are approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 91644, and any related decree.*
3. *Water right Certificate 91644 is cancelled.*
4. *The quantity of water diverted at the new additional point of appropriation, (CROW WELL), together with the quantity of water diverted at the new points of appropriation, (WINDMILL 1, WINDMILL 2, WINDMILL 3, WINDMILL 4, WINDMILL 5, WINDMILL 6, AND WINDMILL 7) shall not exceed the quantity of water lawfully available at the original points of appropriation, (WELL #1 and WELL #2).*
5. *Water shall be acquired from the same aquifer as the original points of appropriation.*
6. *The former place of use of the transferred right shall no longer receive water under the right.*
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. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. 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.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **JUN 23 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Arla L Davis. If you have any questions about the information in this document, you may reach me at 503-979-3129 or arla.l.davis@water.oregon.gov

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 971-355-4420, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-979-9160.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

APR 03 2023

OWRD

March 31, 2023

Lindsay Thane

Admitted in Oregon, Washington and
Montana

T: 503-796-2059

C: 406-214-1918

lthane@schwabe.com

**VIA EMAIL (ARLA.L.DAVIS@WATER.OREGON.GOV)
AND FIRST CLASS MAIL**

Oregon Water Resources Department
Attn: Arla Davis
725 Summer St NE, Ste. A
Salem, OR 97301

RE: Response to Draft Preliminary Determination for Transfer Application T-13924
Our File No.: 135315-251156

Dear Arla:

This letter is sent on behalf of Golden Rule Farms, Inc. ("Golden Rule Farms"), the applicant under Transfer Application T-13924. This letter is being sent to confirm that Golden Rule Farms agrees to the proposed action and conditions set forth in the Draft Preliminary Determination for T-13924, with one exception. Golden Rule Farms requests that the completion date be revised to October 1, 2026.

Golden Rule Farms requests an additional two years to complete the T-13924 to allow it adequate time to complete beneficial use. A Final Order for T-13924 will not be issued until part way through or near the end of the 2023 irrigation season. If there are any protests of T-13924, issuance of a Final Order will be delayed even longer, likely by years. Golden Rule Farms wants to ensure it has an additional two irrigation seasons beyond what is proposed in the Draft Preliminary Determination to implement the changes proposed under T-13924. The additional time is necessary to allow Golden Rule Farms to ensure it has the resources to complete beneficial use across the entire proposed place of use and to develop the additional point of appropriation. The additional time is also necessary in case Golden Rule Farms encounters any unexpected delays in completing beneficial use.

In addition, Golden Rule Farms identified the following errors that it requests be corrected in the Preliminary Determination:

1. Page 1: Applicant address should be PO Box 225 (not PO Box 55).
2. Page 1: Finding of Fact #2: Notice was first published March 1, 2022 (not 2020).
3. Page 2: Finding of Fact #4, last paragraph: Based on the date of the pages on WRIS, the Department received amended application pages from the agent for the applicant on April 21, 2022 (not April 22).

March 31, 2023
Page 2

4. Page 4, Finding of Fact #8: The place of use described in the last row should be 4.6 acres, as shown below.

27 S	32 E	WM	6	NW NW	16.4	BRIGGS 1, BRIGGS 2, CROW WELL
27 S	32 E	WM	10	NENE	-4.5 4.6	WINDMILL 1-7

T-13924.ald Page 4 of 6

5. Page 5, Finding of Fact #8: The place of use described in the first row should be 4.5 acres, as shown below.

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Wells
27 S	32 E	WM	11	NW NW	-4.6 4.5	WINDMILL 1-7
TOTAL					354.7	

Transfer Review Criteria [OAR 690-380-4000(14), 690-380-4010(2) and OAR 690-380-2110(2)]

9. Water has been used within the last five years according to the terms and conditions of the

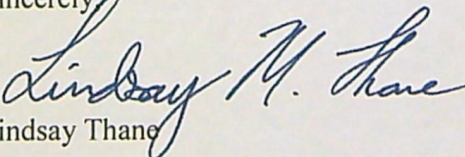
6. Page 5, Finding of Fact #9: "Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights ~~are~~ **is** subject to forfeiture under ORS 540.610." (Only one right is being changed, so it should be described in the singular.)

In addition, enclosed please find a report of ownership in the form of a Lot Book Report demonstrating that the "from" lands are owned by Golden Rule Farms, Inc.

Please utilize Schwabe's account with the Oregon Water Resources Department to pay the fees associated with the newspaper publication for T-13924. For our records, please note on Schwabe's account and invoice that such payment is made for the newspaper publication associated with T-13924 (Golden Rule Farms).

Please do not hesitate to contact me if you have any questions.

Sincerely,


Lindsay Thane

LTH:lm
Enclosure

cc: Tim Puckett (via email only)
Elizabeth Howard (via email only)
Scott Montgomery (via email only)

PDX\36289662.1

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

LOT BOOK REPORT

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

March 31, 2023
Title Number: 583351AM
Title Officer: Stan Falley
Client File #:
Fee: \$200.00

We have searched our Tract Indices as to the following described property:

Subject Property Address: Multiple Parcels, Burns, OR 97720

Legal Description:

Land in Harney County, Oregon, as follows:

In Twp. 26 S., R. 32 E., W.M.: (South of Malheur 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, 1958, in Book 65, Page 274, Deed Records.

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 $\frac{1}{4}$.

And dated as of: March 17, 2023, at 7:30 a.m.

We find that the last deed of record runs to:

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Golden Rule Farms Inc.

We also find the following apparent monetary encumbrances within ten years prior to the effective date hereof and the following unpaid taxes and city liens:

1. N/A

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

1. N/A

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.

NOTE: This Lot Book Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation or entity of any kind should use this report as a basis to produce a title insurance product, it should be understood that it is clearly outside of Oregon law. Any liability hereunder is limited to the amount paid for said report.

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. Our search was limited to our tract indices and no examination of the public record was made. 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"

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Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- T13924

Review Due Date: April 29 2022

Applicant Name: Golden Rule Farms INC

Proposed Changes: ☒ POU ☐ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): Dally Swindlehurst

Date of Review: April 29 2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected: N/A
6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____. ☒ N/A
7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. ☒ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain: _____
10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
11. For POU changes that involve micro-irrigation: ☐ N/A
- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement? ☐ Yes ☒ No If "Yes", explain: _____
- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?
☐ Yes ☒ No If "Yes", answer the following:
- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No
If "Yes", explain: _____
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No
If "No", explain: _____
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain: _____
- iv. Do you have any other observations regarding the temporary transfer?
☐ Yes ☐ No If "Yes", describe: _____
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No
If "No", explain: _____
- c. To the best of your knowledge, if this transfer is approved, does it appear that:
- i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☒ No If "Yes", explain: _____
- ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☐ No If "Yes", explain: _____
12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?
☐ Yes ☒ No If "Yes", explain: _____

13. What alternatives may be available for addressing any issues identified above: _____

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement: _____

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

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 diversion/appropriation (new and existing)

OR ☐ at each new point of diversion/appropriation

☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

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.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. **Before water use may begin** under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.

b. **Before water use may begin** under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13924

☒ In order to avoid enlargement of the right or injury to other rights, a F.M. will be required to be installed **prior to diversion of water**, as a condition of this transfer:

- ☒ at each point of diversion/appropriation (new and existing) **OR**
☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Dally SwindlehurstDistrict: 10Address: 450 N Buena VistaCity/State/Zip: Burns OR 97720Phone: 541/573/2591Email: donald.s.swindlehurst@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T- _____

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature_____
District_____
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13924

GW Reviewer Darrick E. Boschmann Date Review Completed: 03/01/2022

Summary of Same Source Review:

- ☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

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 as per 690-380-0100(3).

Summary of GW-SW Transfer 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-13924

Applicant Name: Golden Rule Farms Inc.

Proposed Changes: ☒ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☒ POU ☐ OTHER

Reviewer(s): Darrick E. Boschmann

Date of Review: 03/01/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 4/1/22

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 application is related to certificate 91644 which authorizes groundwater pumping from two 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. Add 8 APOAs:

- "Crow Well" = HARN 1461
- "Windmill 1" *
- "Windmill 2"
- "Windmill 3" **
- "Windmill 4"
- "Windmill 5" = HARN 1471
- "Windmill 6"
- "Windmill 7"

2. Transfer 293.1 acres of the POU:

- 0.57 acres to be irrigated by HARN 1893, HARN 1460, "Crow Well".
- 0.8 acres to be irrigated by HARN 1893, HARN 1460, "Crow Well".
- 291.73 acres to be irrigated by "Windmill" 1, 2, 3, 4, 5, 6, 7.
- The remaining 61.6 acres will be irrigated with HARN 1893 and HARN 1460.

*Existing well HARN 52695 is located at or very near the proposed location for "Windmill 1". HARN 52695 is currently authorized for use by Golden Rule Farms INC. as POD 1 under Inchoate T-12833. It is not clear from the current application materials if HARN 52695 is the intended well for "Windmill 1".

**The metes and bounds location reference corner provided for "Windmill 3" on page 8 of the application are inconsistent with those provided and depicted on the application map. For the purposes of this review the metes and bounds location provided on the application map are assumed correct.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?

☒ Yes ☐ No Comments: _____

Available data indicates a predominantly volcanic/tuffaceous sedimentary rock 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 rocks. The groundwater is 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.

Based on water well reports and available geologic mapping the authorized and proposed wells all produce groundwater from Voltage basalt.

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 APOA "Windmill" 1-7 are located up to 3.8 miles east of the currently authorized wells. This will result in an incremental increase in interference with existing wells to the east.

The proposed APOA "Crow Well" is located up to 1.3 miles west of the currently authorized wells. This will result in an incremental increase in interference with existing wells to the west.

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 nearest authorized POA to the proposed APOA "Windmill" 1-7 is POD 1 under certificate 95997 (HARN 51800) which is located ~9200 feet east of "Windmill 2". The potential increase in drawdown was calculated using the Theis equation (see attachments). The values used for the calculation are conservative and appropriate until better values become available. The calculation used an intermediate storage coefficient (0.001). The transmissivity used in the calculation (27,700 ft²/day) is the median value for the Voltage basalt reported by Grondin, 2021. At the pro-rated pumping rate of the full duty over the full irrigation season (1.8 cfs), the results indicate a drawdown of <2.5 feet.

The nearest authorized POA to the proposed APOA "Crow Well" is POD 1 under certificate 93906 (HARN 50707) which is located ~4900 feet to the northwest. The potential increase in drawdown was calculated using the Theis equation (see attachments). The values used for the calculation are conservative and appropriate until better values become available. The calculation used an intermediate storage coefficient (0.001). The transmissivity used in the calculation (27,700 ft²/day) is the median value for the Voltage basalt reported by Grondin, 2021. At the pro-rated pumping rate of the full duty over the full irrigation season (0.01 cfs), the results indicate a drawdown of <0.1 feet.

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: _____

Proposed well "Crow Well" HARN 1461 is approximately 1 mile closer to the Donner und Blitzen River than the currently authorized wells, however, the Donner und Blitzen River at this location is identified as a losing reach, and so groundwater does not provide base flow to the river at this location.

Proposed wells "Windmill" 1-7 are located further from surface water than the currently authorized 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

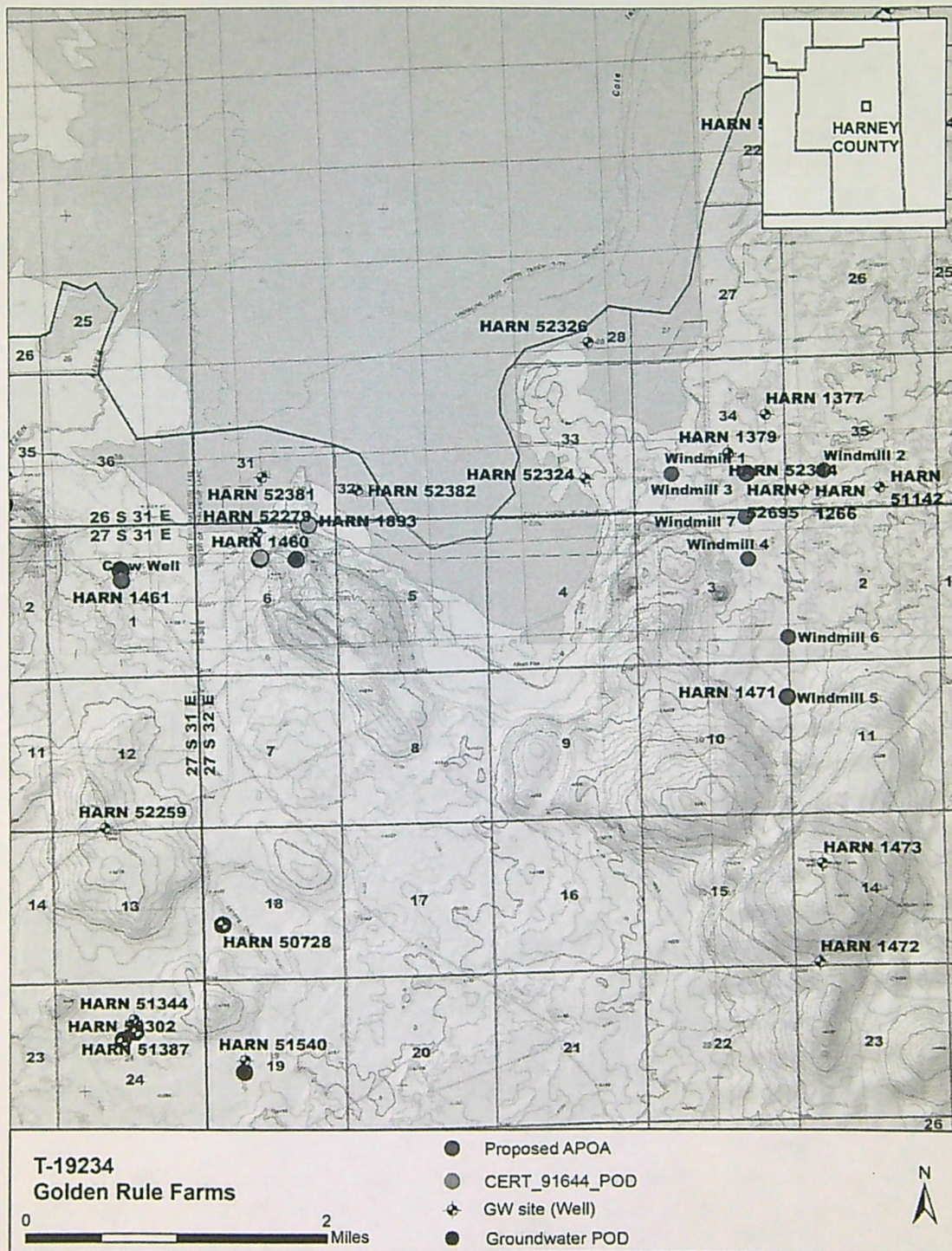
Provide context for minimal/significant impact: _____

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: _____

7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.

8. Any additional comments: none.



Ground Water Review Form

Transfer Application: T-13924

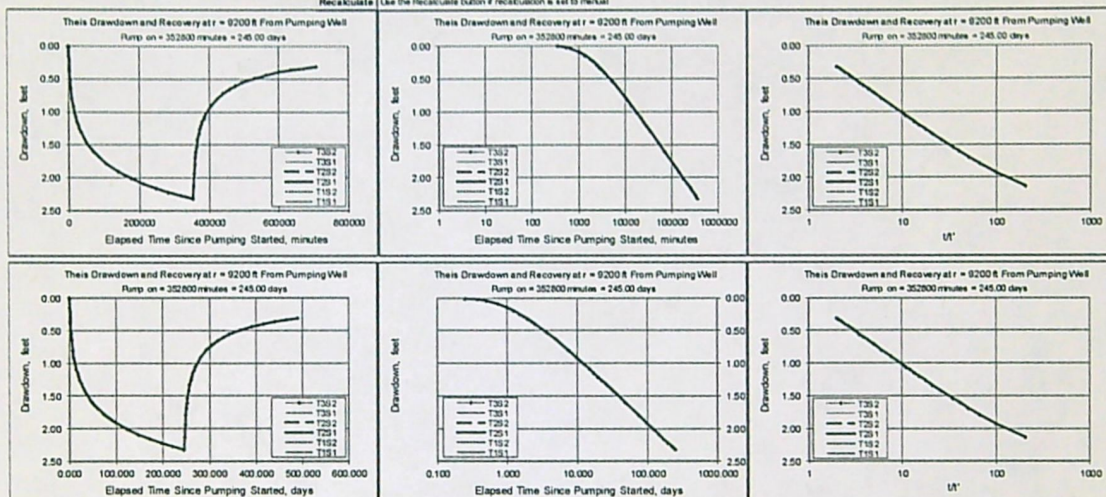
This Time-Drawdown Worksheet v3.00

Calculates This nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.

Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t		245		d
Radial distance from pumped well	r		9200.00		ft
Pumping rate	Q		1.8		cfs
Hydraulic conductivity	K	277	277	277	ft/day
Aquifer thickness	b		100		ft
Storativity	S		0.00100		
	S_2		0.00100		
Transmissivity Conversions	T cfs/ft	27,700	27,700	27,700	ft ² /day
	T ft ² /pm	19,2361	19,2361	19,2361	ft ² /min
	T gpd/ft	207,196	207,196	207,196	gpd/ft

Recalculate Use the Recalculate button if recalculation is set to manual



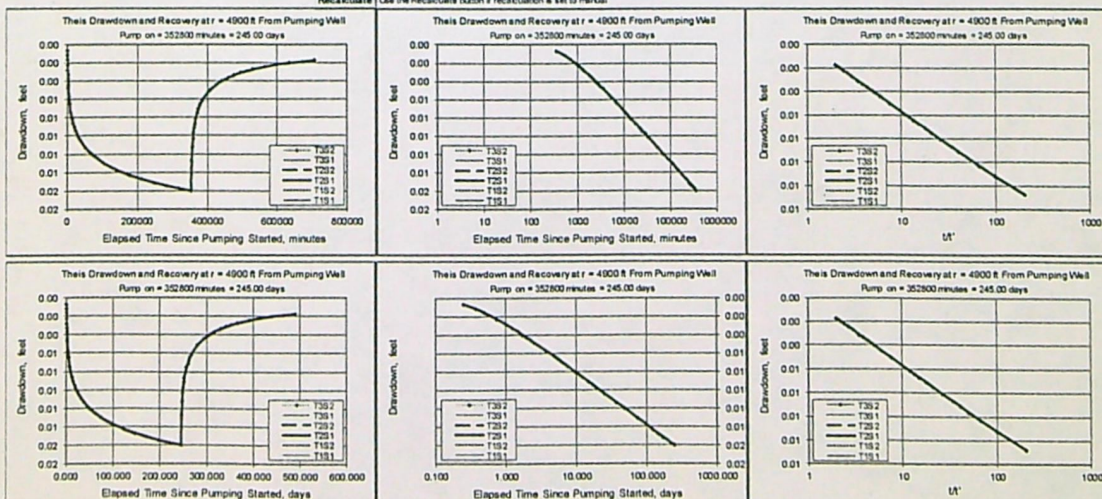
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Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t		245		d
Radial distance from pumped well	r		4900.00		ft
Pumping rate	Q		0.0		cfs
Hydraulic conductivity	K	277	277	277	ft/day
Aquifer thickness	b		100		ft
Storativity	S		0.00100		
	S_2		0.00100		
Transmissivity Conversions	T cfs/ft	27,700	27,700	27,700	ft ² /day
	T ft ² /pm	19,2361	19,2361	19,2361	ft ² /min
	T gpd/ft	207,196	207,196	207,196	gpd/ft

Recalculate Use the Recalculate button if recalculation is set to manual



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 # 137520

INVOICE #

RECEIVED FROM: *Golden Rule Farms*

BY:

CASH: ☐ CHECK: # *19544* OTHER: (IDENTIFY) ☐

APPLICATION

PERMIT

TRANSFER *T-13924*

TOTAL REC'D \$ *6,620.00*

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 \$ *46110*

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$ 0202 \$

0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$ *6,620.00*

WELL CONSTRUCTION

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: 137520

DATED: *2-18-2022* BY: *[Signature]*

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Selco-Checking

Golden Rule Farms
OWRD

Briggs Transfer

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FEB 14 2022

2/9/2022

19544
6,620.00

6,620.00

Application for Permanent Water Right Transfer



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

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.

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

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- ☒ 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.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 91644**

Please include a separate Part 5 for each water right. (See instructions on page 6)

NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient
- ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Evidence of Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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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°).

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 \$1,360
	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 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i>	
2	Multiply line 2b by \$1090 and enter »	2 \$1,090
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in line 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>	
3	Multiply line 3b by \$610 and enter »	3 \$0
	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 \$480 for the 1 st well to be added or changed <u>\$480 (4a)</u> Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>\$2,460(4b)</u>	
4	Add line 4a to line 4b and enter »	4 \$2,940
	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 below*): <u>3.66 (5a)</u> Subtract 1.0 from the number in 5a above: <u>2.66 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>3 (5c)</u> and multiply 5c by \$410, then enter on line 5 »	
5		5 \$1,230
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6 \$6,620
	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 »	
7	If no box is applicable, enter 0 on line 7 »	7 0
8	Subtract line 7 from line 6 » Transfer Fee:	8 \$6,620

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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:

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

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	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>		
2	Multiply line 2b by \$480 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. 541-576-2273	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 225			FAX NO.	
CITY Christmas Valley	STATE OR	ZIP 97641	E-MAIL goldenrulefarms@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Elizabeth Howard and Lindsay Thane			PHONE NO. 503-796-2093	ADDITIONAL CONTACT NO.
ADDRESS 1211 SW 5th Ave, Suite 1900			FAX NO.	
CITY Portland	STATE OR	ZIP 97204	E-MAIL ehoward@schwabe.com and lthane@schwabe.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:
Propose to move the place of use (POU) to a nearby property and add points of appropriation that will allow Golden Rule Farms to more efficiently farm the properties it owns.

This transfer application for Certificate 91644 and another transfer application for Certificate 91418 will be filed on the same day and need to be processed together to avoid unintended layering. The applicant requests that both applications be assigned to the same caseworker and processed concurrently.

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).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

Applicant signature

Timothy Puckett

Print Name (and Title if applicable)

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.
- ☐ 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			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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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	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	CITY



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 Dept.	ADDRESS 360 N. Alvord Avenue	
CITY Burns	STATE OR	CITY Burns

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

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

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

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

- Using the **Tools** menu => click **Protect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

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

Microsoft Word 2010

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

Other Alternatives:

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

Once the application has been unlocked, you may:

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

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

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 91644

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Description of Water Delivery System

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System capacity: 4.43 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Prior to issuance of Confirming Certificate 91644 on July 5, 2016, water was pumped from the authorized point of appropriation and conveyed to a mainline to irrigate the authorized place of use. On February 6, 2020, within five years of issuance of Certificate 91644, the water user filed transfer application T-13363, which is still pending. See attached Evidence of Use Affidavit.

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)
Briggs 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1893	27 S	32 E	6	NE NE	1	125 feet South and 915 feet West from NE Corner, Section 6.
Briggs 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1460	27 S	32 E	6	NE NW	3	1280 feet South and 1 foot West from N 1/4 Corner, Section 6.
Crow Well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 1461	27 S	31 E	1	SW NE	300	1562 feet South and 21 feet East from the N 1/4 Corner Section 1.
Windmill 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		26 S	32 E	34	SW SE	1800	1310 feet North and 1260 feet East from the S ¼ Corner Section 34.
Windmill 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		26 S	32 E	35	SW SW	1800	1320 feet North and 1320 feet East from the SW Corner Section 35.
Windmill 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		26 S	32 E	34	SW SW	1700	1320 feet North and 1320 feet East from the SW Corner Section 35.
Windmill 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		27 S	32 E	3	SE NE	200	1680 feet South and 1325 feet East from the N1/4 Corner Section 3.
Windmill 5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 1471	27 S	32 E	10	NE NE	200	1255 feet South and 70 feet West from the NE Corner Section 10.

Windmill 6	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		27	S	32	E	3	SE	SE	200	845 feet North and 10 feet West from the SE Corner Section 3.
Windmill 7	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		27	S	32	E	3	NW	NE	300	240 feet South and 1235 feet East from the N ¼ Corner Section 3.

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 checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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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
26	S	32	E	31	SE	SW	1500	3	2.2	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	31	E	1	SE	NE	200		0.57		Briggs1, Briggs 2, Crow Well	5/21/1992
26	S	32	E	31	SE	SW	1500	13	37.8	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	31	E	1	NW	SE	200		0.8		Briggs 1, Briggs 2, Crow Well	5/21/1992
26	S	32	E	31	NE	SE	1500	1	1.6	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	26	S	32	E	34	NE	SE	1300		4.2		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
26	S	32	E	31	NE	SE	1500	11	16.4	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	26	S	32	E	35	NW	SW	1800		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
26	S	32	E	31	NW	SE	1500	2	0.2	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	26	S	32	E	35	SW	SW	1800		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
26	S	32	E	31	NW	SE	1500	10	22.6	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	26	S	32	E	35	NE	SW	1900		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
26	S	32	E	31	SW	SE	1500	2	18.2	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	26	S	32	E	35	SE	SW	1900		30.3		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
26	S	32	E	31	SW	SE	1500	12	16.8	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	3	NW	NE	300		20.6		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
26	S	32	E	31	SE	SE	1500	1	24.7	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	3	NE	NE	200		20.8		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
26	S	32	E	31	SE	SE	1500	11	4.2	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	3	SW	NE	300		37.1		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
Continued on Next Page											Continued on Next Page															

26	S	32	E	32	SW	SW	1500	1	6.69	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	3	SE	NE	200		37.5		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
26	S	32	E	32	SW	SW	1500	2	33.31	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	3	NW	SE	300		5.4		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
27	S	31	E	1	NE	NE	300	1	7.5	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	3	NE	SE	200		12.53		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
27	S	32	E	5	NE	NW	400 & 100	4	17.2	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	3	SE	SE	200		8.1		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
27	S	32	E	5	NW	NW	400 & 100	5	21.8	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	2	NW	SW	200		7.1		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
27	S	32	E	5	SE	NW	400 & 100		5.2	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	2	SW	SW	200		8.1		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
27	S	32	E	6	NE	NE	100	1	4.0	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	11	NW	NW	200		4.5		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
27	S	32	E	6	NW	NE	100	2	16.6	Irrigation	Briggs 1, Briggs 2	5/21/1992	POU/APOA	27	S	32	E	10	NE	NE	200		4.6		Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992		
27	S	32	E	6	NE	NW	100	3	24.3	Irrigation	Briggs 1, Briggs 2	5/21/1992																
27	S	32	E	6	NW	NW	100	4	11.8	Irrigation	Briggs 1, Briggs 2	5/21/1992																
TOTAL ACRES:									293.1						TOTAL ACRES:									293.1				

Additional remarks: This transfer proposes to move 293.1 acres to a new place of use. Of those acres, 0.57 acres will be moved to fill in a sliver of a pivot because the 0.57 acre sliver is not covered under the pivot's water right. The 0.57 acres will be irrigated with the two authorized wells and the proposed Crow Well. 0.8 acres of the transferred acres will be moved to fill in a sliver of another pivot because the 0.8 acre sliver is not covered under the pivot's water right. The 0.8 acres will be irrigated with the two authorized wells and the proposed Crow Well. The other 291.73 acres that will be transferred will be moved to three pivots and be irrigated by proposed wells Windmill 1, 2, 3, 4, 5, 6, and 7. 61.6 acres under Certificate 91644 will remain at the current place of use and will be irrigated with the authorized Well 1 and Well 2.

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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: **91418**.

A portion of the southernmost pivot in this transfer application is in a location that would overlap with a portion of the place of use (POU) for Certificate 91418. Golden Rule Farms does not intend to layer any portion of water right Certificates 91418 or 91644. Golden Rule Farms is submitting a transfer application to reconfigure the POU under Certificate 91418 at the same time as this transfer application, which if approved, will ensure the POUs do not overlap.



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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

OWRD

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

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
Crow Well	See Well Log	HARN 1461								
Windmill 5	See Well Log	HARN 1471								
Windmill 1, 2, 3, 4, 6, and 7	No	N/A	150'	24"	+1' to -20'	0' to -18'	-75' to -150'	20'	Clay cinders	2000 gpm

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STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

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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.

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

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Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE AND CHANGE AND ADD POINTS OF APPROPRIATION FOR GOLDEN RULE FARMS, INC.

SECTIONS 31 AND 32, TOWNSHIP 26 SOUTH, RANGE 32 EAST, W.M.

TAX LOT: 1500 AND

SECTION 1, TOWNSHIP 27 SOUTH, RANGE 31 EAST, W.M.

TAX LOT 300 AND

SECTIONS 5 AND 6, TOWNSHIP 27 SOUTH, RANGE 32 EAST, W.M.

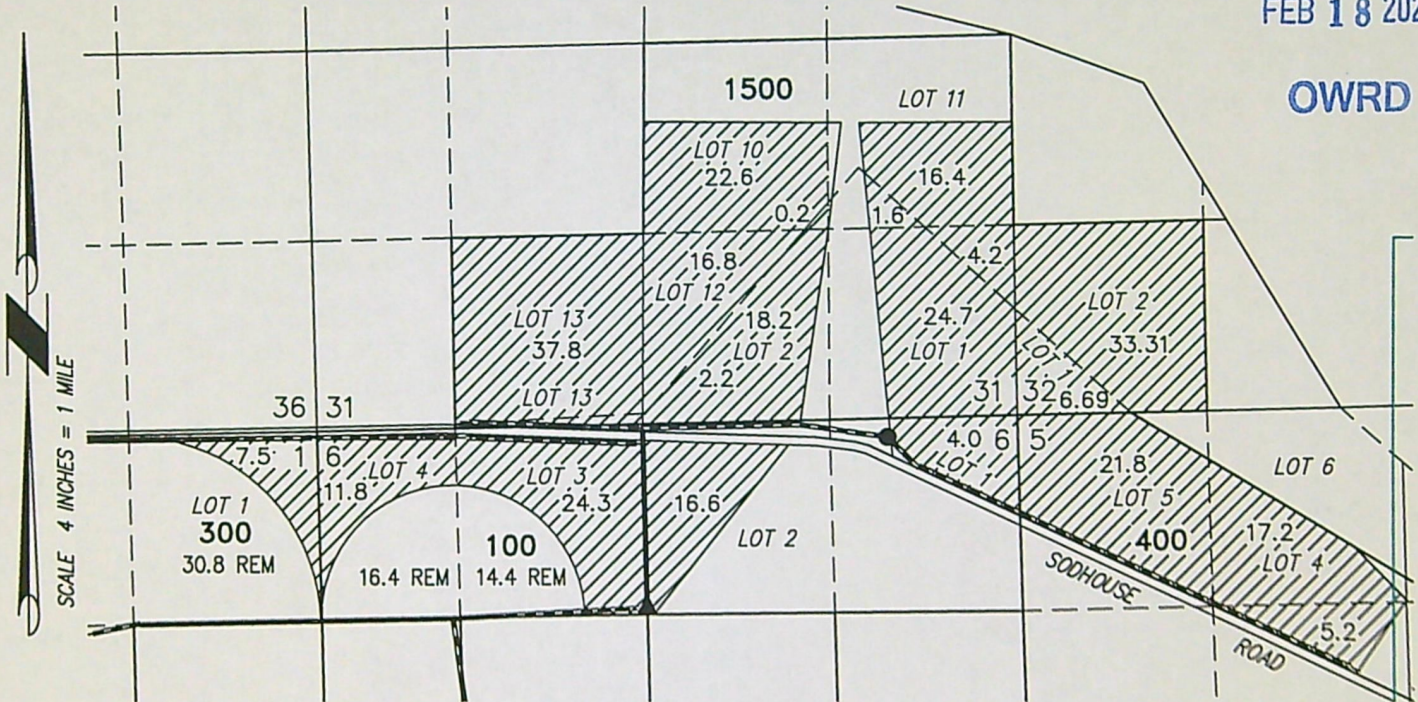
TAX LOTS: 100 AND 400

"FROM"

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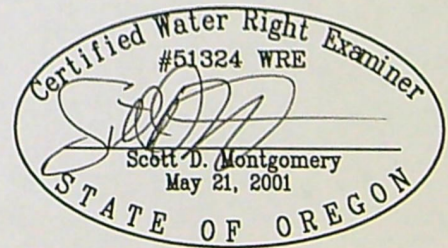
CONVEYANCE



293.1 ACRES IR WATER
RIGHTS FROM C91644
61.6 ACRES REMAIN

- **BRIGGS 1 HARN 1893 (AUTHORIZED)**
LOCATED IN THE NE 1/4 NE 1/4 (LOT 1)
SECTION 6, T27S R32E, W.M. AND 125
FEET SOUTH AND 915 FEET WEST FROM
THE NE CORNER SECTION 6.

- ▲ **BRIGGS 2 HARN 1460 (AUTHORIZED)**
LOCATED IN THE NE 1/4 NW 1/4 (LOT 3)
SECTION 6, T27S R32E, W.M. AND 1280
FEET SOUTH AND 1 FEET WEST FROM THE
N 1/4 CORNER SECTION 6.



RENEWAL DATE: 12/31/2022

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

PROJECT No. 21-081

PREPARED AT THE REQUEST OF:
GOLDEN RULE FARMS, INC.
P.O. BOX 255
CHRISTMAS VALLEY, OR 97641

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com

MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE AND CHANGE AND ADD POINTS OF APPROPRIATION FOR GOLDEN RULE FARMS, INC.

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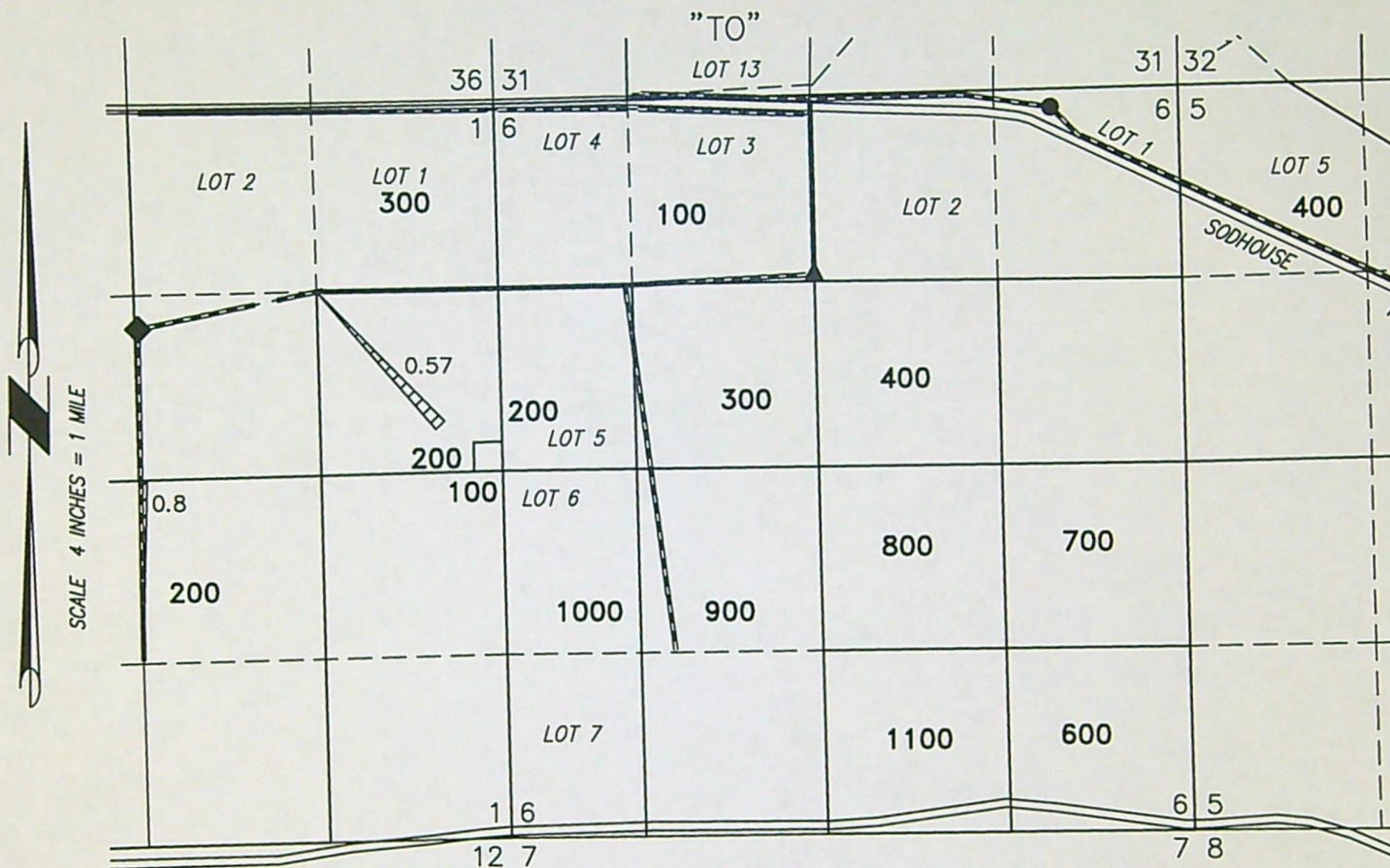
OWRD

SECTION 1, TOWNSHIP 27 SOUTH, RANGE 31 EAST, W.M.

TAX LOT: 200

SECTION 6, TOWNSHIP 27 SOUTH, RANGE 32 EAST, W.M.

TAX LOT: 100



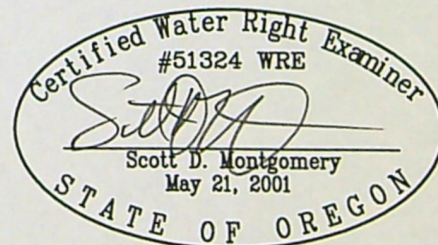
- **BRIGGS 1 HARN 1893 (AUTHORIZED)**
LOCATED IN THE NE 1/4 NE 1/4 (LOT 1)
SECTION 6, T27S R32E, W.M. AND 125
FEET SOUTH AND 915 FEET WEST FROM
THE NE CORNER SECTION 6.

- ▲ **BRIGGS 2 HARN 1460 (AUTHORIZED)**
LOCATED IN THE NE 1/4 NW 1/4 (LOT 3)
SECTION 6, T27S R32E, W.M. AND 1280
FEET SOUTH AND 1 FEET WEST FROM THE
N 1/4 CORNER SECTION 6.



1.37 ACRES IR WATER
RIGHTS FROM C91644

- ◆ **CROW HARN 1461 (PROPOSED)**
LOCATED IN THE SW 1/4 NE 1/4
SECTION 1, T27S R31E, W.M. AND 1562
FEET SOUTH AND 21 FEET EAST FROM
THE N 1/4 CORNER SECTION 1.



RENEWAL DATE: 12/31/2022

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

PROJECT No. 21-081

PREPARED AT THE REQUEST OF:
GOLDEN RULE FARMS, INC.
P.O. BOX 255
CHRISTMAS VALLEY, OR 97641

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www.APEandS.com

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OCT 2 1959

File Original and
First Copy with the
STATE ENGINEER,
SALEM, OREGON

STATE ENGINEER WATER WELL REPORT

SALEM, OREGON

STATE OF OREGON

61593

State Permit No.

State Well No.

27/31-15

G(1)

(1) OWNER:

Name

Address

(2) LOCATION OF WELL:

County

Owner's number, if any—

1/4

1/4 Section

1

T. 27

R. 318

E.W.M.

Bearing and distance from section or subdivision corner

From N 1/4 Section corner of Sec. 1, T. 27 S. R. 31 E. W. M. thence 15 1/2' south along the 1/4 sec. line, thence 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 ☐

Cable ☒

Dug ☐

Driven ☐

Jetted ☐

Bored ☐

(6) CASING INSTALLED:

Threaded ☐

Welded ☒

12" Diam. from 0 ft. to 16 ft. Gage 1'

" 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? ☐

Gravel placed from ft. to ft.

Was a surface seal provided? ☐

Material used in seal—

Did any strata contain unusable water? ☐

Type of water? Turp 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'	21'
Red cinders	21'	99'
Block lava rock	99'	103'
Block cinders	103'	110'
yellow bentonite	110'	118'

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Work started July 18 1959 Completed Sept 5 1959

(13) PUMP:

Manufacturer's Name Berkey & Coleman

Type: belt driven 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. Hoosberg (Well Driller)

License No. 222 Date Sept 9, 1959

(USE ADDITIONAL SHEETS IF NECESSARY)

State Well No. ^{27/3} 1-16(1)
County HARVEY
Application No. G1593

OWNER: John Crow OWNER'S NO.

Description of measuring point: Lip of access pipe at LSD.

[illegible]

REMARKS:

10

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

AUG 15 1991
WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 20914

265/325/3/d4

(1) OWNER:
Name Fredd Briggs
Address HC 72 Box 156
City Princeton State OR Zip 97724

Well Number:

(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 35 ft.

Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Amount
16" 0 20 Cement 0 20 4 sacks

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
Casing: <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:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets:

(7) PERFORATIONS/SCREENS:

☒ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Telo/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	Drawdown	Drill stem at	Time
<u>1000</u>	<u>2"</u>		<u>1 hr.</u>

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 42 Longitude 121
Township 21 North Range 32 East W. WM.
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>1000 gal/min</u>	<u>10'</u>

(12) WELL LOG:

Material	From	To	SWL
<u>Soil</u>	<u>0'</u>	<u>5'</u>	<u>8'</u>
<u>Grey Rock</u>	<u>5'</u>	<u>30'</u>	<u>8'</u>
<u>Black cinder</u>	<u>30'</u>	<u>36'</u>	<u>10'</u>
<u>(W.B.)</u>			

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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 David 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

NOV 23 1988

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

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 5237

(1) OWNER:

Name Fred Briggs Well Number: _____
Address Rox 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
Explosives used ☐ Yes ☒ No Type _____ Amount _____
Depth of Completed Well 35 ft.

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 _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel				Plastic		Welded		Threaded	
				Steel	Plastic	Welded	Threaded	Steel	Plastic	Welded	Threaded		
Casing: 16"	+1	25'	.250	<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"/>
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"/>	<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"/>
						<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	Drawdown	Drill stem at	Time
500	0	35'	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 N or S, Range 31 E E or W, WM.
Section 1 NW 1/4 NE 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, gray hard	1	25	0
Cinders, red water bearing	25	35	12

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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.

WWC Number _____
Signed _____ 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.

WWC Number 1254
Signed Harvey Woodruff Date 11-10-88

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT

SECOND COPY - CONSTRUCTOR

THIRD COPY - CUSTOMER

9809C 3/86

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 HARNEY

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I, TIM PUCKETT, in my capacity as PRESIDENT OF GOLDEN RULE FARMS, INC.,
mailing address P.O. BOX 255, CHRISTMAS VALLEY, OR 97641
telephone number (541)576-2273, 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 # ; OR

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

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

OR

- ☐ Confirming Certificate # has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☒ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.

*Enclosed is Certificate 91644, which was issued on July 5, 2016. On February 6, 2020, within five years after
issuance of Certificate 91644, Transfer T-13363 was filed to change Certificate 91644. T-13363 is pending.
Under ORS 540.610(2)(m), the period of time by which water must be used under Certificate 91644 to rebut

the presumption of forfeiture has been tolled because T-13363 is still pending. Accordingly, water use was not required to have occurred under Certificate 91644 in the past five years therefore, the presumption of forfeiture is rebutted.

- ☐ 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)

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

Timothy P. Smith
Signature of Affiant

2-9-22
Date

Signed and sworn to (or affirmed) before me this 9 day of February 2022.



Rachel Cooper
Notary Public for Oregon

My Commission Expires: August 16, 2024

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 **As noted in paragraph 2 above, the attached confirming certificate was issued more than 5 years ago, but the filing of pending T-13363 stopped the forfeiture clock per <u>ORS 540.610(2)(m)</u>
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.

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	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
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Oregon Water Resources Department

Water Rights Information Query

T-13363

[Main](#)[Help](#)[Return](#)[Contact Us](#)**Contact Information**

(Click to Collapse...)

Transfer Information

(Click to Collapse...)

▶ **Contact information**▼ **Prior contact information**

AGENT:
WATER RIGHT SERVICES LLC
▶ JOHN SHORT
PO BOX 1830
BEND, OR 97709

▼ **Status**

- ▶ **Type:** Regular Transfer
- ▶ **Status:** Under Review
- ▶ **Begin Date:** n/a
- ▶ **End Date:** n/a

▼ **Proposed Action**

- ▶ **Point of Appropriation**
- ▶ **Place of Use**

RECEIVED**FEB 18 2022****OWRD****All Scanned Documents**

(Click to Collapse...)

Records per page:

<u>Document Type</u>	<u>Document Title</u>	<u>Date</u>	<u>Remarks</u>
Transfer Map	T-13363 Map	2/6/2020	
Application	T-13363 Application	2/6/2020	
Application	T-13363 Application revisions	3/27/2020	
Preliminary Determination	T-13363 PD	4/14/2021	
Preliminary Determination	T-13363 PD cover letter	4/15/2021	

▶ **Electronic Public Comments****Processing History**

(Click to Collapse...)

Staff Person Responsible: PATRICIA MCCARTY

Process Step	Date Initiated	Date Completed	Comments
Received	2/6/2020	2/6/2020	
Reimbursement Authority	2/6/2020		
WM Review Request	2/13/2020	2/20/2020	
File Assigned	2/13/2020	5/19/2021	
GW Review Request	2/13/2020	4/6/2020	
Transfer Initial Comment Period	2/18/2020	3/19/2020	
RA Applicant Agreement	3/6/2020	3/6/2020	
Peer Review	9/14/2020	9/14/2020	
Draft PD Issued	10/3/2020	10/3/2020	
PD Issued	4/14/2021	4/14/2021	

11/1/21, 6:02 PM

Transfer: T-13363

PD Weekly Public Notice

4/20/2021

4/20/2021

Protest Filed

5/19/2021

5/19/2021

File Assigned

5/19/2021

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Rights this impacts

(Click to Collapse...)

	Application	Permit	Certificate	Decree	Claim
Cert:32394 CR *	G1593	G1463	32394		
Cert:91418 OR *	G12928	G12262	91418		
Cert:91644 OR *	G12926	G12938	91644		

Results of the transfer

(Click to Collapse...)

n/a

Report Errors with Water Right Data

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

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Applicant(s): Golden Rule Farms, Inc.

Mailing Address: P.O. Box 255

City: Christmas Valley

State: OR

Zip Code: 97641

Daytime Phone: (541) 576-2273

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>See Attached Form</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 County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 3.66 ☒ 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:

This transfer proposes to change a portion of the place of use under Certificate 91644 to more productive fields to farm and add additional points of diversion.



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. →

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ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Golden Rule Farms, Inc.

Accompanying Transfer Application for Certificate 91644

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Water to be:	Proposed Land Use:
27 S	31 E	1	SW NE	200	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
27 S	31 E	1	SE NE	200	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	31 E	1	NW SE	200	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	31 E	6	SW NW	200	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
27 S	31 E	6	NE NW	100	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
27 S	31 E	6	NW NE	100	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
27 S	31 E	6	NE NE	100	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
26 S	32 E	34	SW SW	1700	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
26 S	32 E	34	SE SW	1700	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
26 S	32 E	34	SW SE	1700	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
26 S	32 E	34	NE SE	1300	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
26 S	32 E	34	SE SE	1800	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm Use
26 S	32 E	35	NW SW	1800	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
26 S	32 E	35	SW SW	1800	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
26 S	32 E	35	NE SW	1900	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
26 S	32 E	35	SE SW	1900	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	3	NW NE	300	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	3	NE NE	200	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	3	SW NE	300	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	3	SE NE	200	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	3	NW SE	300	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	3	NE SE	200	EFRU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	3	SE SE	200	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	2	NW SW	200	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	2	SW SW	200	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	11	NW NW	200	EFRU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use
27 S	32 E	10	NE NE	200	EFRU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farm Use

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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): Hecc 3.0105 3.020 (EFLV-152)
- ☐ 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.

Name: Brandon McMillan Title: Planning Director

Signature: [Signature] Phone: (541) 573-6658 Date: 1/26/2022

Government Entity: Harney 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

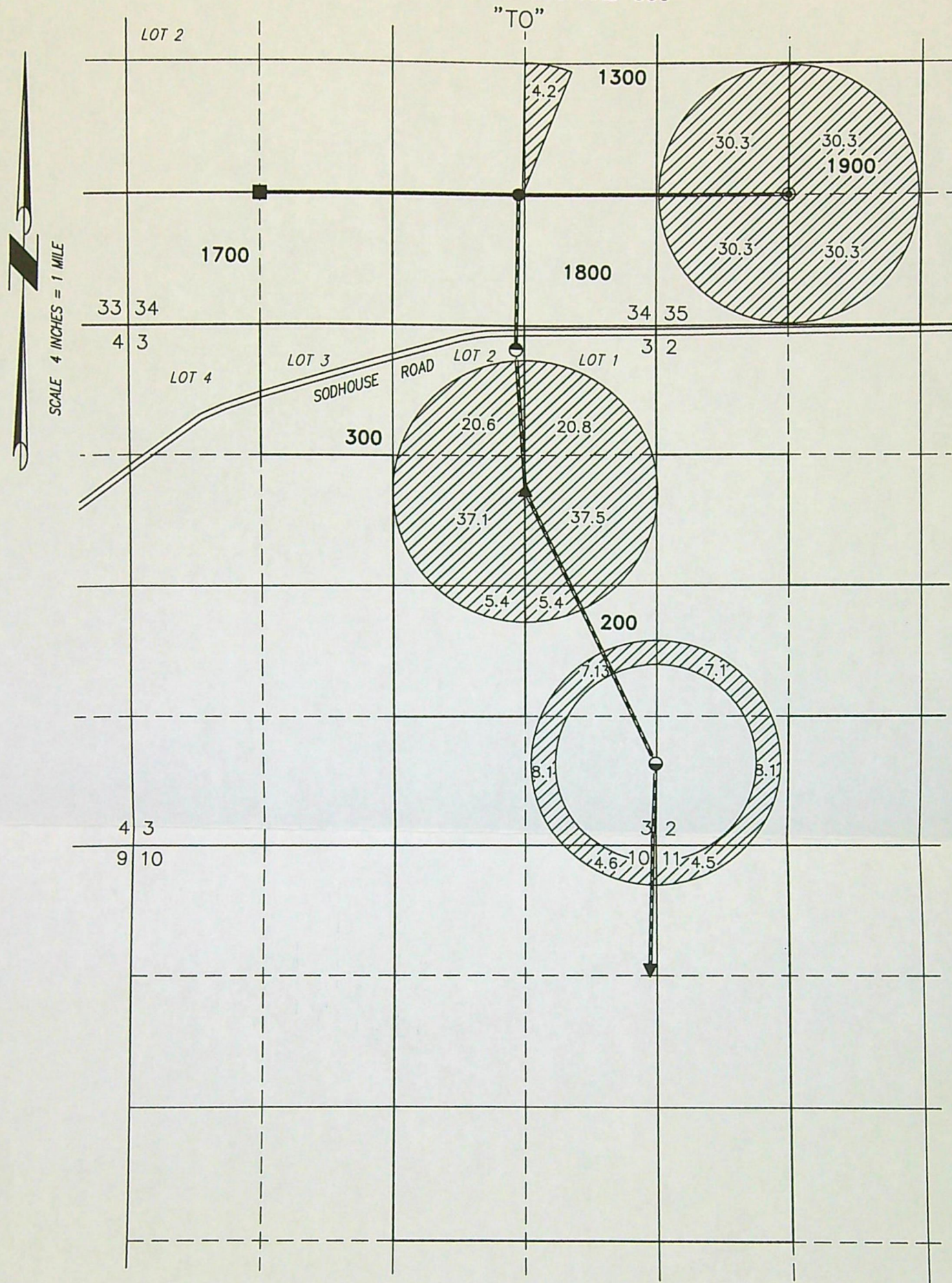
Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE AND CHANGE AND ADD POINTS OF APPROPRIATION FOR GOLDEN RULE FARMS, INC.

SECTIONS 34 AND 35, TOWNSHIP 26 SOUTH, RANGE 32 EAST, W.M.
TAX LOTS: 1300, 1700, 1800, AND 1900
SECTIONS 2, 3, 10, AND 11, TOWNSHIP 27 SOUTH, RANGE 32 EAST, W.M.
TAX LOTS: 200 AND 300



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● **WINDMILL 1 (PROPOSED)**

LOCATED IN THE SW 1/4 SE 1/4
SECTION 34, T26S R32E, W.M. AND
1310 FEET NORTH AND 1260 FEET EAST
FROM THE S 1/4 CORNER SECTIONS 34.

● **WINDMILL 2 (PROPOSED)**

LOCATED IN THE SW 1/4 SW 1/4
SECTION 35, T26S R32E, W.M. AND 1320
FEET NORTH AND 1320 FEET EAST FROM
THE SW CORNER SECTION 35.

■ **WINDMILL 3 (PROPOSED)**

LOCATED IN THE SW 1/4 SW 1/4
SECTION 34, T26S R32E, W.M. AND 1320
FEET NORTH AND 1320 FEET EAST FROM
THE SW CORNER SECTION 34.

▲ **WINDMILL 4 (PROPOSED)**

LOCATED IN THE SE 1/4 NE 1/4
SECTION 3, T27S R32E, W.M. AND 1680
FEET SOUTH AND 1325 FEET EAST
FROM THE N 1/4 CORNER SECTIONS 3.

▼ **WINDMILL 5 (PROPOSED HARN 1471)**

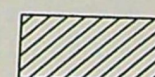
LOCATED IN THE NE 1/4 NE 1/4
SECTION 10, T27S R32E, W.M. AND 1255
FEET SOUTH AND 70 FEET WEST FROM
THE NE CORNER SECTION 10.

● **WINDMILL 6 (PROPOSED)**

LOCATED IN THE SE 1/4 SE 1/4
SECTION 3, T27S R32E, W.M. AND 845
FEET NORTH AND 10 FEET WEST FROM
THE SE CORNER SECTION 3.

● **WINDMILL 7 (PROPOSED)**

LOCATED IN THE LOT 2, NW 1/4 NE 1/4,
SECTION 3, T27S R32E, W.M. AND 240
FEET SOUTH AND 1235 FEET EAST FROM
THE N 1/4 CORNER SECTION 3.



291.73 ACRES IR WATER
RIGHTS FROM C91644

CONVEYANCE

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

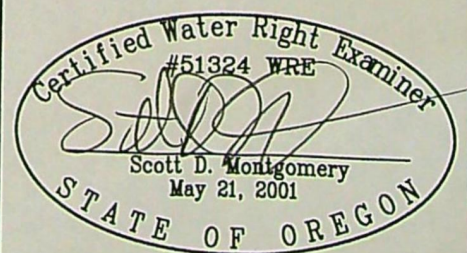
PROJECT No. 21-081

PREPARED AT THE REQUEST OF:
GOLDEN RULE FARMS, INC.
P.O. BOX 255
CHRISTMAS VALLEY, OR 97641

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com



RENEWAL DATE: 12/31/2022

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13121

Checked by: <u>B</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>2-22-22</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>6620</u>		How many rights to be Transferred?				
Calculated Fee: <u>6620</u>		Certificate #				
Additional Observations:		<u>71644 - already in T-13163</u>				

If OK and complete, check box to the left; if NOT, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
 - ☐ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
 - ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
 - ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
 - ☐ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
 - ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
 - ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☐ N/A.
 - ☐ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
 - ☐ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.
- OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **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.

Actions taken: Transfer file

Date: 2-23-22

Permanent Transfer Application Intake Completion Checklist

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	\$1,360		
	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) If only one change, this will be 0. 2 Multiply line 2b by \$1,090 and enter »	2	0	1090	
3	Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in 3a above: <u>0</u> (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter »	3	0		
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: <u>7</u> (4b) Subtract 1 from the number in line 4b = <u>6</u> (4c) If only one well this will be 0. Multiply line 4c by \$410 = <u>2460</u> (4d) Add lines 4a and 4d and enter »	4	0	480 + 2460 = 2940	
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*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (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>3</u> (5c) and multiply 5c by \$350, then enter on line 5 »	5	0	1230	
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0		
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			

$\Delta PDA, \text{APOX } x$

✓ We go