

T-13926

Regular

RA

T-13926

Name Golden Rule Farms, Inc.Address P.O. Box 225
Christmas Valley, OR 97641
goldenrulefarms@gmail.comChange in POU, 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 119-23C-Date 10/1/2026COBU due date 10/1/2027

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

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

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

Name of ditch _____

App# G-12928 Per # G-12262 Cert # 91418 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	\$5,390.00	137521
2-18-2022	\$125.00	137511
3-18-2022	\$1,564.00	137707

FEES REFUNDED

Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent Elizabeth Howard - ehoward@schwabe.com

CWRE _____

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



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-13926

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

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

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

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

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

Arla.L.Davis@oregon.gov.

Sincerely,

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

cc: J R. Johnson, Watermaster Dist. # 10 (via email)
Harney County Planning
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-13926, Harney County)	APPROVING ADDITIONAL 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 additional points of appropriation and to change the place of use under Certificate 91418. The Department assigned the application number T-13926.
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 91418.
 - c) There is no evidence of water use for Certificate 91418.
 - 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

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.

- 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 a scrivener's error in the measured distance description of proposed point of appropriation Windmill 3.
6. On March 1, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13926 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-13926 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: 91418 in the name of GOLDEN RULE FARMS INC. (perfected under Permit G-12262)
Use: IRRIGATION of 131.0 ACRES
Priority Date: MAY 21, 1992
Rate: 1.64 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL IN DONNER AND BLITZEN RIVER BASIN

Authorized Point of Appropriation:

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

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	2	SW SW	8.3
27 S	32 E	WM	3	SE SE	14.8
27 S	32 E	WM	10	NE NE	32.7
27 S	32 E	WM	10	SE NE	30.6
27 S	32 E	WM	10	NE SE	3.6
27 S	32 E	WM	11	NW NW	18.8
27 S	32 E	WM	11	SW NW	19.7
27 S	32 E	WM	11	NW SW	2.5
TOTAL					131.0

9. Transfer Application T-13926 proposes additional points of appropriation for Certificate 91418 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 (WINDMILL 5) - 1.5 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 (WINDMILL 5) - 1.5 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 (WINDMILL 5) – 1.5 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 (WINDMILL 5) – 1.2 mi

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from authorized points of appropriation in miles (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 (WINDMILL 5) – 0.6 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 (WINDMILL 5) – 0.5 mi

10. Transfer Application T-13926 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	2	NW SW	7.5
27 S	32 E	WM	2	SW SW	27.4
27 S	32 E	WM	3	NE SE	7.7
27 S	32 E	WM	3	SE SE	27.9
27 S	32 E	WM	10	NE NE	18.2
27 S	32 E	WM	10	SE NE	19.3
27 S	32 E	WM	11	NW NW	11.3
27 S	32 E	WM	11	SW NW	11.7
TOTAL					131.0

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 right. 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-13926.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed additional points of appropriation develop groundwater from the same aquifer as the authorized point 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 changes, as conditioned, would not result in injury to other existing water rights.
17. All other application requirements are met

Conclusion of Law

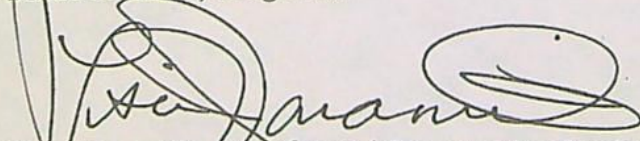
The additional points of appropriation and change in place of use proposed in Transfer Application T-13926 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed in Transfer Application T-13926 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 91418 and any related decree.
3. Water right Certificate 91418 is cancelled.
4. The quantity of water diverted at the new additional points of appropriation (WINDMILL 1, WINDMILL 2, WINDMILL 3, WINDMILL 4, WINDMILL 6, AND WINDMILL 7), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point 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.

SEP 26 2023

Dated in Salem, Oregon on



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- 13926

Transfer Specialist: *Arta*

Transfer Type: Regular Transfer

signed 2.22.22

Applicant: GOLDEN RULE FARMS INC. PO BOX 255 CHRISTMAS VALLEY, OR 97641 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A ELIZABETH HOWARD 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-12928	G-12262	91418	<input 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): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 5390.00	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>1626</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>AUD</i>	Date: <i>2/16/23</i> Initials: <i>Stott</i>	Date: _____ Initials: _____	Date: _____ Initials: <i>Johnnie</i>	Date: <i>3/1/23</i> Initials: <i>AUD</i>	CW Sent: <i>3/1/23</i>	N/A
PD	Date: <i>5/1/23</i> Initials: <i>AUD</i>	Date: <i>5/1/23</i> Initials: <i>Stott</i>	Date: _____ Initials: _____	Date: <i>5/10/23</i> Initials: <i>PKS</i>	Date: <i>6/14/23</i> Initials: <i>AUD</i>	Date: <i>6/14/23</i>	Date: _____
FO	Date: <i>7/1/23</i> Initials: <i>AUD</i>	Date: <i>7/10/23</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: <i>7/19/23</i> Initials: <i>PKS</i>	Date: <i>8/17/23</i> Initials: <i>AUD</i>	Date: <i>9/30/23</i>	Date: <i>9/26/2023</i>

Special Issues: _____

Special Order Volume: Vol. *129* Pages *119-123*

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 # **140791** INVOICE # _____

RECEIVED FROM: Golden Rule Farms APPLICATION _____
BY: _____ PERMIT _____
TRANSFER T-13926

CASH: ☐ CHECK: # 20803 OTHER: (IDENTIFY) _____
TOTAL REC'D \$ 259.20

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 259.20

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 EXAM FEE 0204 RECORD FEE \$ _____
0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

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

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: **140791** DATED: 5/24/2023 BY: [Signature]
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Attached is a check for \$259.20 (PCA #46118) for Newspaper Notice for Transfer T-13924 made out to Oregon Water Resources Department (or WRD)

- "for T-13926 NOTICE" written on front of check

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

RECEIVED

MAY 24 2023

OWRD

Caseworker: Arla

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 # **140791** INVOICE # _____

RECEIVED FROM: Golden Rule Farms APPLICATION _____
BY: _____ PERMIT _____
TRANSFER T-13926

CASH: ☐ CHECK: # 20803 OTHER: (IDENTIFY) _____
TOTAL REC'D \$ 259.20

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 259.20

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 EXAM FEE 0204 RECORD FEE \$ _____
0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

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

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: **140791** DATED: 5/24/2023 BY: [Signature]
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Selco-Checking

for T-13926 NOTICE

259.20

RECEIVED
MAY 24 2023
OWRD
SALEM, OREGON

5/15/2023

259.20

20803

Golden Rule Farms
OWRD

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-13926

T-13926 filed by Golden Rule Farms Inc., PO Box 225, Christmas Valley, OR 97641, proposes additional points of appropriation and a change in place of use under Certificate 91418. The right allows the use of 1.64 cubic feet per second from a well in Sec. 10, T27S, R32E, WM for irrigation in Sects. 2, 3, 10, and 11, T27S, R32E, WM. The applicant proposes additional points of appropriation in Sects. 34 and 35, T26S, R32E, WM and Sec. 3, T27S, R32E, WM and to change the place of use within Sects 2, 3, 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-13926

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

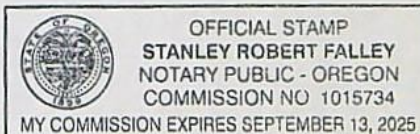
Signed

Terri L. Smith

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

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

Stan R. 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 _____



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 T13926, 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>.

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.

GOLDEN RULE FARMS INC.

PO BOX 255

HRISTMAS VALLEY, OR 97641



9590 9402 6293 0274 3184 65

2. Article Number (Transfer from service label)

7021 1970 0001 3950 3280

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

delivery address different from item 1? ☐ YesYES, enter delivery address below: ☐ No**RECEIVED**

JUL 10 2023

DWRD

3. Service Type

- ☐ 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



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 255
CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-13926

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13926. 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-6
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-13926, Harney County)	PROPOSING APPROVAL OF ADDITIONAL
)	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 additional points of appropriation and to change the place of use under Certificate 91418. The Department assigned the application number T-13926.
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 91418.
 - c) There is no evidence of water use for Certificate 91418.
 - 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 a scrivener's error in the measured distance description of proposed point of appropriation Windmill 3.
6. On March 1, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13926 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:** 91418 in the name of GOLDEN RULE FARMS INC. (perfected under Permit G-12262)
- Use:** IRRIGATION of 131.0 ACRES
- Priority Date:** MAY 21, 1992
- Rate:** 1.64 CUBIC FEET PER SECOND

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL IN DONNER AND BLITZEN RIVER BASIN

Authorized Point of Appropriation:

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

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	2	SW SW	8.3
27 S	32 E	WM	3	SE SE	14.8
27 S	32 E	WM	10	NE NE	32.7
27 S	32 E	WM	10	SE NE	30.6
27 S	32 E	WM	10	NE SE	3.6
27 S	32 E	WM	11	NW NW	18.8
27 S	32 E	WM	11	SW NW	19.7
27 S	32 E	WM	11	NW SW	2.5
TOTAL					131.0

8. Transfer Application T-13926 proposes additional points of appropriation for Certificate 91418 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 (WINDMILL 5) - 1.5 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 (WINDMILL 5) - 1.5 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 (WINDMILL 5) – 1.5 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 (WINDMILL 5) – 1.2 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 (WINDMILL 5) – 0.6 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 (WINDMILL 5) – 0.5 mi

9. Transfer Application T-13926 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	2	NW SW	7.5
27 S	32 E	WM	2	SW SW	27.4
27 S	32 E	WM	3	NE SE	7.7
27 S	32 E	WM	3	SE SE	27.9
27 S	32 E	WM	10	NE NE	18.2
27 S	32 E	WM	10	SE NE	19.3
27 S	32 E	WM	11	NW NW	11.3
27 S	32 E	WM	11	SW NW	11.7
TOTAL					131.0

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

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. 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-13926.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed additional points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
14. The proposed changes, as conditioned, would not result in enlargement of the right.
15. The proposed changes, as conditioned, would not result in injury to other existing water rights.
16. All other application requirements are met

Determination and Proposed Action

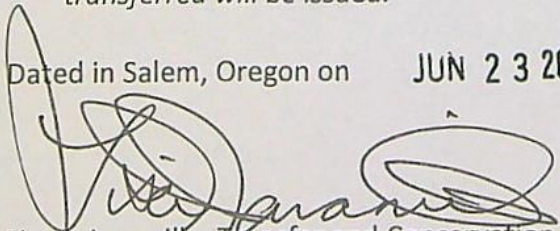
The additional points of appropriation and change in place of use proposed in Transfer Application T-13926 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13926 is approved, the final order will include the following:

1. *The additional points of appropriation and change in place of use proposed in Transfer Application T-13926 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 91418 and any related decree.*
3. *Water right Certificate 91418 is cancelled.*
4. *The quantity of water diverted at the new additional points of appropriation (WINDMILL 1, WINDMILL 2, WINDMILL 3, WINDMILL 4, WINDMILL 6, AND WINDMILL 7), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water shall be acquired from the same aquifer (water source) as the original point 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 Davis. If you have 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.

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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-13926
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-13926. 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-13926, 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-13926 to allow it adequate time to complete beneficial use. A Final Order for T-13926 will not be issued until part way through or near the end of the 2023 irrigation season. If there are any protests of T-13926, 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-13926. 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 points 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 2, Finding of Fact #5: The Department received an email from the agent requesting correction of a scrivener's error on April 21, 2022 (not April 22).
2. Page 3, Finding of Fact #7: The location for Windmill 3 should be revised to be described from the corner of Section 34 (not Section 35), as specified in the email referenced in Finding of Fact #5. (See revision below in red text.)

7. Transfer Application T-13926 proposes additional points of appropriation for Certificate 91418 as follows:

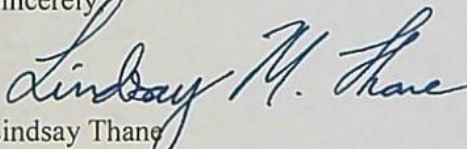
Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from authorized points of appropriation in miles (mi.)
26 S	32 E	WM	34	SW SW	WINDMILL 3 - 1320 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 35 34	WELL(WINDMILL 5) - 1.5 mi

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-13926. For our records, please note on Schwabe's account and invoice that such payment is made for the newspaper publication associated with T-13926 (Golden Rule Farms).

Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely



Lindsay Thane

LTH:lm
Enclosure

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

PDX\135315\251156\LTH\36289767.1

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APR 03 2023

OWRD



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:

RECEIVED

APR 03 2023

OWRD

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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APR 03 2023

OWRD

DAVIS Arla L * WRD

From: DAVIS Arla L * WRD
Sent: Friday, February 17, 2023 9:49 AM
To: STARNES Patrick K * WRD
Cc: JARAMILLO Lisa J * WRD
Subject: Golden Rule T-13924, T-13925, T-13926
Attachments: 13924 dpd approve letter.docm; 13924 dpd approve.docx; 13924 PD notice.docm; 13925 dpd approve letter.docm; 13925 dpd approve.docm; 13925 PD notice.docm; 13926 dpd approve letter.docm; 13926 dpd approve.docm; 13926 PD notice.docm

GOOOOOOOOOOD MORNING KELLY!!!!

Please find attached the electronic versions of the DPD, PN, and DPD Letters for T-13924, T-13925, T-13926. Let me know if there is anything else you need for the review. I greatly appreciate you helping me out! 😊 Scott thinks we should get a new map for T-13925 as the map shows the place of use change only and not the rest of the acres that have a change in POA/APOA. Let me know if you think I should get a new map. 😊

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

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



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

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13926

GW Reviewer Darrick E. Boschmann Date Review Completed: 03/04/2022

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-13926

Applicant Name: Golden Rule Farms INC.

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 03/04/2022

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 91418 which authorizes groundwater pumping from 1 well (POD 1 = HARN 1471; "Windmill 5") for primary irrigation of 131.0 acres in the Malheur Lake Basin. The following changes are proposed:

1. Add 6 APOA:

- "Windmill 1"
- "Windmill 2"
- "Windmill 3"
- "Windmill 4"
- "Windmill 6"
- "Windmill 7"

2. Rearrange the POU into center pivot irrigation (two pivots) to be irrigated by all 7 wells.

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 are located up to ~1.5 miles to the north of the currently authorized wells. This will result in an incremental increase in interference with existing wells to the north.

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 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 (0.81 cfs), the results indicate a drawdown of ~1 foot.

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: The proposed APOA are closer to Malheur Lake than the currently authorized well.

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: Malheur Lake

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

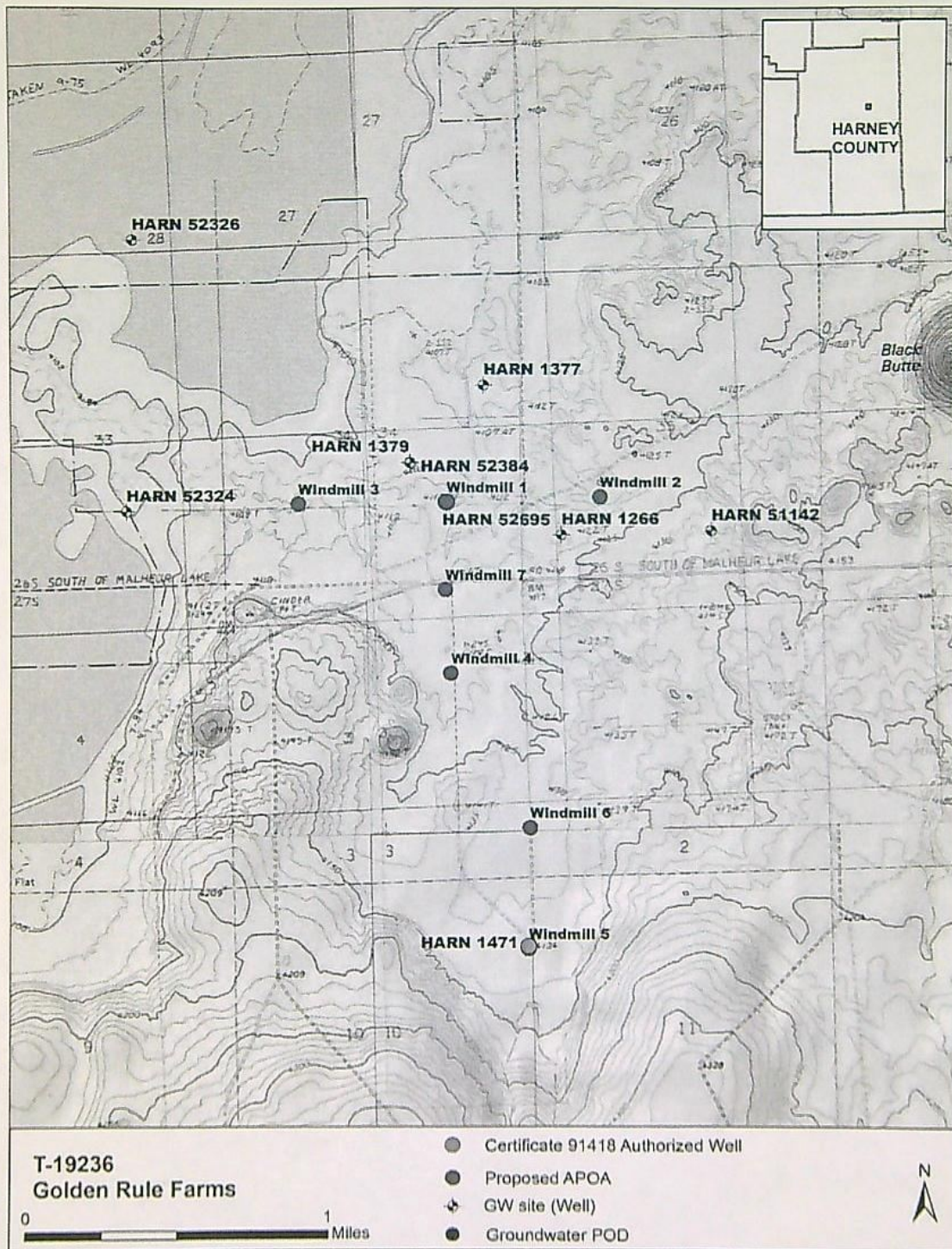
Provide context for minimal/significant impact: While it is recognized that groundwater is hydraulically connected to Malheur Lake, lake levels are primarily a function of inflows from the Donner und Blitzen and Silvies River, and any increase in interference will likely be minimal.

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

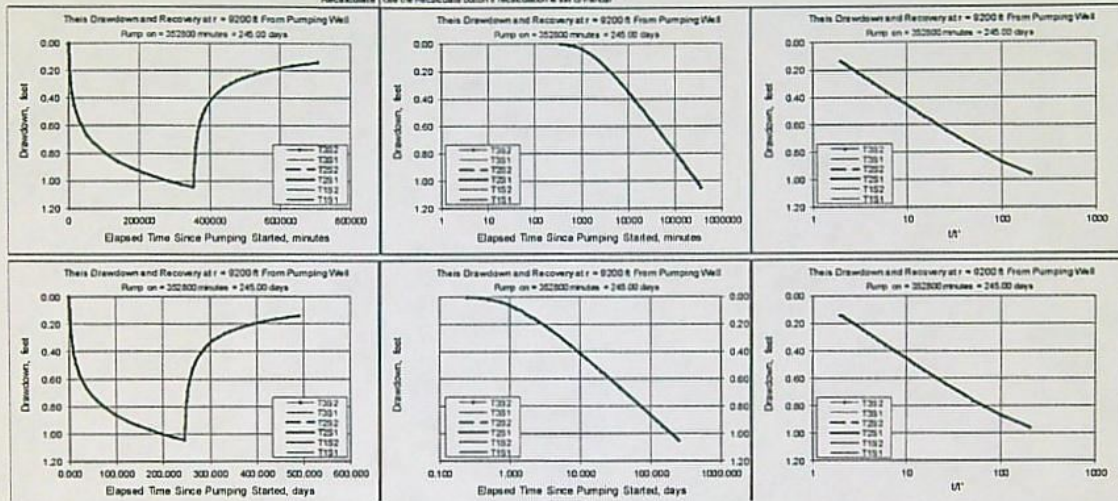
Transfer Application: T-13926

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 G. 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		0.8		cfs
Hydraulic conductivity	K	277	277	277	ft/day
Aquifer thickness	b		100		ft
Storage	S	1	0.00100		
	S	2	0.00100		
Transmissivity Conversions	T gpd	27,700	27,700	27,700	ft ² /day
	T gpm	18.2361	18.2361	18.2361	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

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to the use of water perfected under the terms of Permit G-12262. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-12928

SOURCE OF WATER: A WELL IN DONNER AND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 131.0 ACRES

MAXIMUM RATE: 1.64 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 1992

The well is located as follows:

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

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

A description of the place of use is as follows:

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	10	NE SE	3.6
27 S	32 E	WM	11	NW NW	18.8
27 S	32 E	WM	11	SW NW	19.7
27 S	32 E	WM	11	NW SW	2.5

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

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

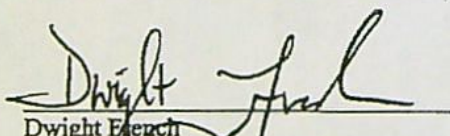
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued APR 25 2016



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

Transfer: T 13926

Name First, Mi, Last Ben McCanna Received Date 3/21/2022 Time 8:52 AM

Company

Name Other

Street 60012 McCanna Rd.

City Burns

State Oregon

▼ Zip 97720

Home Phone

Cell Phone 5415890867

Company Phone

Fax Phone

Email Address benmccanna@yahoo.com

Comments

Transfers number 13926. I was wondering what injury to other users means? In this area we have found out that a number of wells have gone dry or had to be deepened. Does the agency look at how many wells have gone dry or had to be deepened in this area? If there are many wells that went dry or needing to be deepened, doesn't that show injuries to other water users? If this transfer goes through that will mean that new wells will be dug and a lot more water will be taken from this area, definately affecting other water users. 3/21/2022 Ben McCanna 60012 McCanna RD. Burns OR. 97720 Phone 541-589-0867

Transfer: T 13926

Name First, Mi, Last Laurie K O'Connor Received Date 3/31/2022 Time 10:05 AM

Company N/A

Name Other

Street PO Box 471

City Hines

State Oregon



Zip 97738

Home Phone

Cell Phone 5413061550

Company Phone

Fax Phone

Email Address laurieoc53@gmail.com

Comments As an exempt well resident (both domestic and stock well) in this area of critical decline, I request all transfers in our basin be stopped until the applicants and OWRD can PROVE no potential further declines in our aquifers! Every commercial development in this area will further injure our ability to live in our rural homes, and certainly end local livestock operations. As a lay person, understanding these applications can be very challenging. From the ground, living here and knowing the area and history, several questions come to mind on applications such as these. Typically, an irrigator seeks to transfer POA AFTER they have lost a well or two, or the costs of deepening no longer serve their profit margin. Speaking to neighbors, there is also some question as to the continuity of beneficial use on the original POA. Who monitors year-by-year, or even decade-by-decade? Not a local harried Water Master! There is a chance the original well(s) was/were technically abandoned. There may also be some challenge to whether these transfers are technically even in the same aquifer. The other sad fact is that OWRD has never actively sought information about injury to local wells anywhere, and certainly not adjacent to this transfer. Locals do not know they have recourse through filing reports on injured or dry wells. In fact, in the past two years, two historically sound stock wells and one domestic well in this area have completely failed. Another neighbor is currently experiencing drastic drawdown in their historic stock well, and fully expect total failure soon. All are being injured, but none trust an "agency" to protect them. How to change the culture in OWRD to embrace a sustainable future for our water? How can private citizens possibly find justice and science against the economic opportunism of heavily-lawyered corporations? The fact that Harney Basin has been in a critical water study for six years now and yet OWRD does nothing to decrease extraction is appalling. I hope that those of you reviewing these permits have the ability to serve science.



WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

March 31, 2022

Tamara Smith

OWRD

via email: tamera.l.smith@oregon.gov

Re: WaterWatch of Oregon's Initial Comments regarding T-13926 (Golden Rule Farms)

Dear Ms. Smith:

Thank you for the opportunity to comment on T-13926 in the name of Golden Rule Farms (GRF). We urge that the transfer be denied for failing to meet statutory requirements outlined below. Should a PD be issued, we may raise additional issues as we compile additional information on this matter.

Background

T-13296 seeks to add six new wells to the one authorized by certificate 91418 and to change the POU for 131 acres. The location is just south of Malheur Lake. The certificate proposed for transfer is C 91418 (which is also one of the three certificates proposed for transfer in T-13363 (proposed for denial by PD dated 4-14-2021). Simultaneous to filing T-13926, GRF is also seeking T-13924 and T-13925, seeking to transfer the other two certificates involved in T-13363 (C 91644 and C 32394, respectively). WaterWatch incorporates its comments, standing statement and protest for T-13363 fully here.

Comments

1. The transfer cannot be granted because the water proposed for transfer has not been used "over the past five years according to the terms and conditions of the owner's water right certificate." ORS 540.520(1)(g).

- a) The applicant has failed to comply with the measurement and reporting condition on certificate 91418.

Certificate 91418 includes a measurement and reporting condition. Applicant failed to comply with that condition in three of the last five years. (See attached report downloaded 3-30-2022).

- b) There is no evidence of any water ever occurring under certificates 91418.

Since the permit was issued in 1996 (G-12262) requiring at least annual water use reporting, 26 years ago, water use reports have been filed for only four years (2001, 2014, 2020 and 2021). (See attached Water Use Report). Each of the four years reports *zero water use*.

WaterWatch of Oregon

Main Office: 213 SW Ash St. Suite 208 Portland, OR 97204

Southern Oregon Office: PO Box 261, Ashland, OR 97520

www.waterwatch.org

Main Office: 503.295.4039

S. OR Office: 541.708.0048

2. Certificate 91418 has been forfeited for non-use of a 5-year period over the last 15 years and should be cancelled.

The 2016 certificate appears to have been issued erroneously. Neither reported water use (which was required by permit condition) nor available imagery support a finding that sufficient water use has occurred to prevent forfeiture. WRD should immediately initiate forfeiture proceedings for certificate 91418.

3. Any injury analysis must include any domestic wells, including exempt domestic wells, that could be impacted by the five new wells, as well as injury to surface water rights.

If WRD considers issuing this transfer (which it should not for the reasons described above), WRD must consider domestic wells, including exempt domestic wells, in the injury analysis. A groundwater use that is exempt under ORS 537.545(1), including any exempt domestic well, "to the extent that the use is beneficial, constitutes a right to appropriate ground water equal to that established by a ground water right certificate issued under ORS 537.700 (Issuing ground water right certificate)." ORS 537.545(2). Further, exempt domestic wells can be regulated for or against, using the date of the well log for regulation involving exempt wells. ORS 537.545(4).

To the extent WRD relies upon the phrase "fully penetrates the aquifer" in OAR 690-008-0001(8)(c) to not evaluate any domestic well for injury if that well is not drilled to the bottom of the aquifer, either that interpretation of the rule is not consistent with the rule or the rule is unlawful because it is contrary to ORS 537.525 which requires WRD to manage groundwater so as to maintain reasonably stable groundwater levels and within the capacity of the resource. A rule requiring to fail to recognize injury to a well unless that well is drilled to the bottom of the aquifer would contravene the statute and therefore exceed WRD's authority and be unlawful.

Finally, the injury analysis should also carefully consider injury to nearby surface water rights including those held by the Malheur National Wildlife Refuge.

4. WRD lacks authority to add additional well locations because the transfer statute allows only a change of point of diversion.

ORS 540.510 and ORS 540.530 authorize WRD to approve a *change* a point of diversion if certain standards are met. WRD lacks authority to approve a transfer, such as this one, that proposes five well locations that are in addition to the authorized wells but does not in fact change the authorized well locations. WRD lacks statutory authority to approve the addition of wells proposed in a transfer.

5. WRD should not allow GRF to have multiple pending overlapping transfer applications.

GRF has multiple overlapping and conflicting transfer applications affecting the same acreage that are in various states of denial or processing. GRF makes various representations regarding withdrawing various applications or portions of applications if others were granted. WRD should not allow this. If GRF wants to file a new transfer application with "To" lands that overlap

existing rights or other pending transfers, it needs to cancel those acres or amend the other pending transfer first. There is no authority for WRD to consider new transfer applications that conflict/overlap in this manner.

6. If the water cannot be accessed at the current points of appropriation or otherwise used at the current places of use, then the transfer would result in enlargement and cannot be granted.

The last thing the Harney Basin needs is five new wells to be brought into production that are replacing wells that cannot produce the full rate or duty. That would be enlargement and would only drive the basin further into its already alarming state of over-allocation. If WRD considers issuing this transfer, we urge WRD to fully investigate the status of water use and available water use for certificate 91418 to determine whether the transfer would result in enlargement.

Thank you for the opportunity to comment. Please do not hesitate to contact me with any questions.

Sincerely,

/s/Lisa Brown

Lisa Brown

Staff Attorney

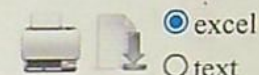
WaterWatch of Oregon

503.295.4039 x4

lisa@waterwatch.org

Attachment: C 91418 Reported Water Use

Water Use Report Based on Water Right



Cert:91418 OR *

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

Records per page: 10

[View All](#)

Acre-feet (AF) of Water Used

Water Year*	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2021	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2020	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2014	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2001	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

*The water year is named for the calendar year in which it ends. Example: the 2018 water year begins Oct. 1, 2017 and ends Sep. 30, 2018.

- The Water Resources Department makes reasonable efforts to screen the data for quality control; however, the Department cannot accept responsibility for errors, omissions, or accuracy of the information. Notification of any errors is appreciated. Send notifications to owrd.waterusereporting@water.oregon.gov or call 971-345-7489.
- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

RECEIVED

APR 04 2022

OWRD



United States Department of the Interior

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



In Reply Refer to:
FWS/R1

Kelly Starnes
Transfer Program Analyst
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301-1271

Comment D
ended
3-31-2022

March 30, 2022

Dear Kelley Starnes,

The US Fish and Wildlife Service (Service) wishes to comment on the Transfer Application, T-13926, submitted by Golden Rule Farms and posted in OWRD's Public Notice of Water Use Requests on March 1, 2022. Golden Rule Farms' transfer application, T-13926, requests to add six new points of appropriation that require drilling new wells (Windmill 1-4 and 6-7), ranging in depth between 75 and 150 feet. These new wells may access groundwater depths 50 feet deeper than the currently authorized well (Windmill 5 (100 feet deep)) of the certified water right 91418.

The Service requests OWRD to decline Golden Rule Farms transfer application T-13926 due to potential impact to certified water rights at Malheur National Wildlife Refuge (Refuge) in light of current over-allocation of groundwater permits in the Harney Basin. The Service also requests OWRD to implement a requirement for Golden Rule Farms to install water meters on all wells involved with this project and the water use reported annually to assure that allowed rates and volumes are not exceeded.

The Service has concerns that this transfer application will cause changes in groundwater availability that will adversely affect the Refuge's two certified water rights: C93906 and C7343. The new wells described in T-13926 will be within 5 miles of certificated point of appropriation for these two water rights and may be close enough to impact groundwater levels. 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 the Refuge's 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 7 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.

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

REGION 1
COLUMBIA-PACIFIC NORTHWEST
WASHINGTON, OREGON, IDAHO, PACIFIC
ISLANDS

REGION 8
PACIFIC SOUTHWEST
CALIFORNIA, NEVADA, OREGON (KLAMATH
BASIN)

that groundwater use is greater than recharge to the aquifer and the current annual groundwater pumping is unsustainable.

In addition, Golden Rule Farms did not report using their full certificated water right, 91418, in the last 5 years, according to public water use reports. However, water use reports were not available every year and information was inconsistent, therefore it is difficult to fully understand the impact of this project on Refuge water rights. With the additional six 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.

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 Manager Jeff Mackay (Jeff_Mackay@fws.gov (541-493-4222)).

Sincerely,

RACHEL
ESRALEW

Rachel Esralew
Supervisory Hydrologist
Water Resources Branch
National Wildlife Refuges System

Digitally signed by RACHEL
ESRALEW
Date: 2022.03.30 16:44:54 -07'00'

RECEIVED

APR 04 2022

OWRD

SMITH Tamera L * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Wednesday, April 27, 2022 9:04 AM
To: SMITH Tamera L * WRD
Subject: RE: Revisions to Applications T-13924 and T-13926 [IWOV-PDX.FID4532652]

Hi Tamera,

You are correct, the typo is on page 8 of application T-13924 and on page 8 of application T-13926. I understood that my email would be sufficient to correct the typo on page 8 of both applications and therefore did not submit revised pages 8. However, if you would like me to submit a revised page 8 for T-13924 and T-13926 to correct the typo, I can certainly do so. Please let me know.

Thanks,
Lindsay

Lindsay Thane

Associate

Pronouns: she, her, hers

D: 503-796-2059

lthane@schwabe.com

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Wednesday, April 27, 2022 8:51 AM
To: Thane, Lindsay M. <LThane@SCHWABE.com>
Subject: FW: Revisions to Applications T-13924 and T-13926 [IWOV-pdx.FID4532652]

Hi Lindsay,

Processing these revisions, I noticed that only page 9 of Table 1, which lists Windmill 6 and 7 wells, is included. I believe the typo for Windmill 3 would be on page 8 of Table 1. Could you take a look and let me know if I'm missing something when you get a chance?

Thank you, Tamera

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Thursday, April 21, 2022 2:24 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Cc: Howard, Elizabeth E. <EHoward@SCHWABE.com>; Timothy P. Puckett (<goldenrulefarms@gmail.com>)
<goldenrulefarms@gmail.com>
Subject: RE: Revisions to Applications T-13924 and T-13926 [IWOV-pdx.FID4532652]

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

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.

Kindest regards,
Tamera

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Thursday, April 14, 2022 10:39 AM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: T-13924, T-13925, and T-13926 [IWOV-pdx.FID4532652]

Good Morning Tamera,

It appears on WRIS that the groundwater reviews have been completed for the above listed transfer applications. If that is correct, could you please send me copies of the groundwater reviews?

Thank you,
Lindsay

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

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

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

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.



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

March 31, 2022

Tamara Smith

OWRD

via email: tamera.l.smith@oregon.gov

Re: WaterWatch of Oregon's Initial Comments regarding T-13926 (Golden Rule Farms)

Dear Ms. Smith:

Thank you for the opportunity to comment on T-13926 in the name of Golden Rule Farms (GRF). We urge that the transfer be denied for failing to meet statutory requirements outlined below. Should a PD be issued, we may raise additional issues as we compile additional information on this matter.

Background

T-13296 seeks to add six new wells to the one authorized by certificate 91418 and to change the POU for 131 acres. The location is just south of Malheur Lake. The certificate proposed for transfer is C 91418 (which is also one of the three certificates proposed for transfer in T-13363 (proposed for denial by PD dated 4-14-2021). Simultaneous to filing T-13926, GRF is also seeking T-13924 and T-13925, seeking to transfer the other two certificates involved in T-13363 (C 91644 and C 32394, respectively). WaterWatch incorporates its comments, standing statement and protest for T-13363 fully here.

Comments

1. The transfer cannot be granted because the water proposed for transfer has not been used "over the past five years according to the terms and conditions of the owner's water right certificate." ORS 540.520(1)(g).

- a) The applicant has failed to comply with the measurement and reporting condition on certificate 91418.

Certificate 91418 includes a measurement and reporting condition. Applicant failed to comply with that condition in three of the last five years. (See attached report downloaded 3-30-2022).

- b) There is no evidence of any water ever occurring under certificates 91418.

Since the permit was issued in 1996 (G-12262) requiring at least annual water use reporting, 26 years ago, water use reports have been filed for only four years (2001, 2014, 2020 and 2021). (See attached Water Use Report). Each of the four years reports *zero water use*.

WaterWatch of Oregon
Main Office: 213 SW Ash St. Suite 208 Portland, OR 97204
Southern Oregon Office: PO Box 261, Ashland, OR 97520

www.waterwatch.org
Main Office: 503.295.4039
S. OR Office: 541.708.0048

2. Certificate 91418 has been forfeited for non-use of a 5-year period over the last 15 years and should be cancelled.

The 2016 certificate appears to have been issued erroneously. Neither reported water use (which was required by permit condition) nor available imagery support a finding that sufficient water use has occurred to prevent forfeiture. WRD should immediately initiate forfeiture proceedings for certificate 91418.

3. Any injury analysis must include any domestic wells, including exempt domestic wells, that could be impacted by the five new wells, as well as injury to surface water rights.

If WRD considers issuing this transfer (which it should not for the reasons described above), WRD must consider domestic wells, including exempt domestic wells, in the injury analysis. A groundwater use that is exempt under ORS 537.545(1), including any exempt domestic well, "to the extent that the use is beneficial, constitutes a right to appropriate ground water equal to that established by a ground water right certificate issued under ORS 537.700 (Issuing ground water right certificate)." ORS 537.545(2). Further, exempt domestic wells can be regulated for or against, using the date of the well log for regulation involving exempt wells. ORS 537.545(4).

To the extent WRD relies upon the phrase "fully penetrates the aquifer" in OAR 690-008-0001(8)(c) to not evaluate any domestic well for injury if that well is not drilled to the bottom of the aquifer, either that interpretation of the rule is not consistent with the rule or the rule is unlawful because it is contrary to ORS 537.525 which requires WRD to manage groundwater so as to maintain reasonably stable groundwater levels and within the capacity of the resource. A rule requiring to fail to recognize injury to a well unless that well is drilled to the bottom of the aquifer would contravene the statute and therefore exceed WRD's authority and be unlawful.

Finally, the injury analysis should also carefully consider injury to nearby surface water rights including those held by the Malheur National Wildlife Refuge.

4. WRD lacks authority to add additional well locations because the transfer statute allows only a change of point of diversion.

ORS 540.510 and ORS 540.530 authorize WRD to approve a *change* a point of diversion if certain standards are met. WRD lacks authority to approve a transfer, such as this one, that proposes five well locations that are in addition to the authorized wells but does not in fact change the authorized well locations. WRD lacks statutory authority to approve the addition of wells proposed in a transfer.

5. WRD should not allow GRF to have multiple pending overlapping transfer applications.

GRF has multiple overlapping and conflicting transfer applications affecting the same acreage that are in various states of denial or processing. GRF makes various representations regarding withdrawing various applications or portions of applications if others were granted. WRD should not allow this. If GRF wants to file a new transfer application with "To" lands that overlap

existing rights or other pending transfers, it needs to cancel those acres or amend the other pending transfer first. There is no authority for WRD to consider new transfer applications that conflict/overlap in this manner.

6. If the water cannot be accessed at the current points of appropriation or otherwise used at the current places of use, then the transfer would result in enlargement and cannot be granted.

The last thing the Harney Basin needs is five new wells to be brought into production that are replacing wells that cannot produce the full rate or duty. That would be enlargement and would only drive the basin further into its already alarming state of over-allocation. If WRD considers issuing this transfer, we urge WRD to fully investigate the status of water use and available water use for certificate 91418 to determine whether the transfer would result in enlargement.

Thank you for the opportunity to comment. Please do not hesitate to contact me with any questions.

Sincerely,

/s/Lisa Brown

Lisa Brown

Staff Attorney

WaterWatch of Oregon

503.295.4039 x4

lisa@waterwatch.org

Attachment: C 91418 Reported Water Use

Water Use Report Based on Water Right



Cert:91418 OR *

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

Records per page: 10 [View All](#)

Acre-feet (AF) of Water Used

Water Year*	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2021	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2020	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2014	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2001	36993	A WELL (HARN 1471)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

*The water year is named for the calendar year in which it ends. Example: the 2018 water year begins Oct. 1, 2017 and ends Sep. 30, 2018.

- The Water Resources Department makes reasonable efforts to screen the data for quality control; however, the Department cannot accept responsibility for errors, omissions, or accuracy of the information. Notification of any errors is appreciated. Send notifications to owrd.wateruserreporting@water.oregon.gov or call 971-345-7489.
- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

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 # **137707**

INVOICE # _____

RECEIVED FROM: Golden Rule Farms
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER T-13926

CASH: ☐ CHECK: # 19678 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1,564.60

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11357-23 \$
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$1,564.60
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 \$
0203 GROUND WATER EXAM FEE 0204 \$
0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 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: **137707**

DATED: 3-18-2022 BY: [Signature]

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

Selco-Checking

Golden Rule Farms
OWRD

T-13926 (Windmill)

3/16/2022

1,564.60

19678

RECEIVED
MAR 18 2022
OWRD

1,564.60

MAR 18 2022

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-357-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Golden Rule Farms, Inc., hereafter Applicant, hereafter known together as the parties.

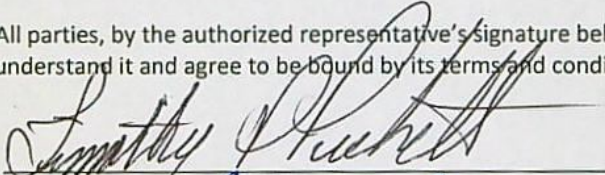
OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266 Phone: 503 979-3511 Fax: 503 986-0901 Email: patrick.k.starnes@water.oregon.gov	Name: Golden Rule Farms, Inc. Contact: Address: PO Box 225 Christmas Valley, OR 97641 Phone: (541) 576-2273 Fax: Email: goldenrulefarms@gmail.com	Name: Schwabe, Williamson & Wyatt Contact: Elizabeth Howard/Lindsay Thane Address: 1211 SW 5 th Ave, Suite 1900 Portland, OR 97204 Phone: (503) 796-2093 Email: ehoward@schwabe.com Email: lthane@schwabe.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13926)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,564.60**. Applicant agrees to pay the full amount of **\$1,564.60** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

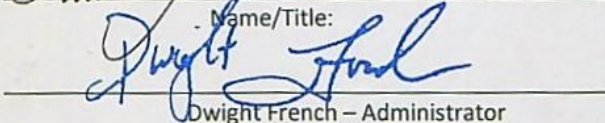
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
IMPORTANT: Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:


Name/Title:

5-15-22
Date

For OWRD:


Dwight French – Administrator

3-23-2022
Date

Mail signed Agreement to:

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

RECEIVED

MAR 18 2022

OWRD

GOLDEN RULE RA R11-357-23 T-13926

Front Desk Staff receipts received AA funds				
Transfer Support process Application				
Administrator signs AA				
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet				
NRS 2 completes initial review of file for deficiencies				
NRS 2 consults with Kelly and/or Lisa				
NRS 2 writes and sends deficiency ltr (email and hard copy)				
NRS 2 addresses correspondence from app/agent regarding deficiencies				
Watermaster completes review				
Groundwater completes review				
NRS 2 completes DPD and PN				
Transfer staff peer reviews DPD and PN				
Transfer Analyst completes policy check at DPD stage				
NRS 2 sends DPD to app/agent by email and/or mail				
NRS 2 drafts and sends revised DPD				
Transfer Staff peer reviews revised DPD				
Transfer Analyst peer reviews revised DPD				
NRS 2 reviews report of ownership				
NRS 2 completes PD				
Transfer Staff peer reviews PD				
Transfer Analyst peer reviews PD				
Data Center reviews PD AND RR: (RR where applicable)				
Transfer Analyst completes peer review of PN review for newspaper noticing				
Transfer Support requests newspaper quote for PN publishing				
NRS 2 sends publishing fee request to applicant				
Transfer Support processes fee and newspaper publishing				
Transfer Support processes public notice (dept notice)				
Administrator signs PD				
NRS 2 completes FO				
Transfer Staff peer reviews FO				
Transfer Analyst peer reviews FO				
Administrator signs FO				
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy				
NRS 1 closes out RA Contract				
TOTAL ESTIMATE HOURS	28.22			
		TOTAL		\$1,564.60

PHILLIPS Stacy H * WRD

From: SMITH Tamera L * WRD
Sent: Thursday, March 17, 2022 11:19 AM
To: PHILLIPS Stacy H * WRD
Subject: FW: FW: Transfers South Malheur Lake, Harney Basin

Continued commentary for timely comments from Laurie O'Connor for the three new Golden Rule applications.

Thx, T

From: Laurie O'Connor <laurieoc53@gmail.com>
Sent: Tuesday, March 15, 2022 12:07 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: Re: FW: Transfers South Malheur Lake, Harney Basin

Tamera,

As a lay person, unpeeling these applications can be very challenging. From the ground, living here and knowing the area and history, several questions come to mind on applications such as these. Typically, an irrigator seeks to transfer POA AFTER they have lost a well or two, or the costs of deepening no longer serve their profit margin. Speaking to neighbors, there is also some question as to the continuity of beneficial use on the original POA. Who monitors year-by-year, or even decade-by-decade? Not a local harried Water Master! There is a chance the original well(s) was/were technically abandoned. There may also be some challenge to whether these transfers are technically even in the same aquifer.

The other sad fact is that OWRD has never actively sought information about injury to local wells anywhere, and certainly not adjacent to this transfer. Locals do not know they have recourse through filing reports on injured or dry wells. In fact, in the past two years, two historically sound stock wells and one domestic well in this area have completely failed. Another neighbor is currently experiencing drastic drawdown in their historic stock well, and fully expect total failure soon. All are being injured, but none trust an "agency" to protect them.

How to change the culture in OWRD to embrace a sustainable future for our water? How can private citizens possibly find justice and science against the economic opportunism of heavily-lawyered corporations?

The fact that Harney Basin has been in a critical water study for six years now and yet OWRD does nothing to decrease extraction is appalling. I hope that those of you reviewing these permits have the ability to serve science.

Sincerely,
Laurie O'Connor
541-306-1550

On Mon, Mar 14, 2022 at 3:53 PM SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov> wrote:

Good afternoon Laurie,

The Department understands your concerns about transfer applications T-13924, -25, and -26.

These are not yet in my caseload and unfortunately I do not have the ability at this time to tell you whether or not these transfers will be approved. What I can tell you is that water rights that are perfected (Certificated) can be subject to transfer as long as they do not cause injury to other water users or enlargement of the right. From a quick superficial look through the transfers, it appears that Golden Rule is applying to move some of their water rights around (POU - place of use changes) and changing and/or adding wells (POA/APOA). You might think of a transfer application as a request to make these changes. An application does not guarantee that the transfer will be approved.

It's early days so far as making any decisions on these transfers, which will require reviews by the watermaster and groundwater section.

Since you emailed during the comment period, your email is considered a timely comment. You will be added to the list to receive updates as the Department processes the transfers.

Thank you for your inquiry.

Kindest regards,

Tamera Smith

From: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Sent: Monday, March 14, 2022 3:29 PM
To: Laurie O'Connor <laurieoc53@gmail.com>
Cc: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: Transfers South Malheur Lake, Harney Basin

Hello Laurie,

Your request for information has been passed along to Kelly Starnes. He is the program lead for Transfers and can better assist you with your inquiry. My apologies with the delay in response.

Thanks,

PHILLIPS Stacy H * WRD

From: Laurie O'Connor <laurieoc53@gmail.com>
Sent: Wednesday, March 09, 2022 9:59 AM
To: PHILLIPS Stacy H * WRD
Subject: Transfers South Malheur Lake, Harney Basin

Stacy,

I am a rural resident in Harney County and a six year participant in the Harney Basin Water Collaborative. As a mere citizen, I try to keep an eye on local water applications, and am very aware of declining and failing wells all around me. Even though our area has been designated a critical water study and technically many regions here should have been regulated under severe decline conditions--years ago!--extensions, transfers, drilling are in frenzy mode. How can that be?

In the March 1 public notice for water use requests there are three transfer applications in an area that I know is under stress. T-13924, T-13925, T-13926, which combined add up to just about 5cfs asks. As a layperson, I find these documents very convoluted. But knowing that exempt wells and springs have failed right next to this exact area, convinces me that there will be injury to others if such requests move forward.

Can you give me a call and explain the background on these requests, and help me understand why they should be granted? I may be overlooking some legal or technical reason that Golden Rule Farms should be allowed to expand their production here, but aside from that, I am convinced that such practices have not been sustainable, and most definitely will not be sustainable in the near future.

Sincerely,
Laurie O'Connor
541-306-1550

P.S. I may not be able to take your call during the work day, but if you leave me a good time to reach you, I will return your call. Thank you!

PHILLIPS Stacy H * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Sunday, February 27, 2022 6:16 PM
To: PHILLIPS Stacy H * WRD
Cc: 'Timothy P. Puckett (goldenrulefarms@gmail.com)'; Howard, Elizabeth E.
Subject: Additional Applicant Agent for T-13925 and T-13926 [IWOV-pdx.FID4532652]

Categories: Project

Good Evening Stacy,

Will you please add me as the applicant's agent, in addition to Elizabeth Howard, for transfer applications T-13925 and T-13926? I believe you are the caseworker assigned to both applications.

Thank you,
Lindsay

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

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

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Selco-Checking

RECEIVED
FEB 18 2022
OWRD

RECEIVED
FEB 14 2021
Schwabe Williamson & Wyatt
Opened / Scanned / Docketed

125.00

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 # **137511** INVOICE # _____

RECEIVED FROM: Golden Rule Farms
BY: _____

CASH: ☐ CHECK: # 19548 OTHER: (IDENTIFY) ☐

APPLICATION T-13926
PERMIT
TRANSFER

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 \$
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: **137511**DATED: 2-18-2022BY: [Signature]



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	No transfer number yet designated. Transfer is for Certificate 91418.
		Transfer Number T-13926

	Applicant Information	Applicant's Representative/Contact
Name:	Golden Rule Farms, Inc.	Elizabeth Howard and Lindsay Thane
Address:	P.O. Box 225 Christmas Valley, OR 97641	1211 SW 5th Ave., Suite 1900 Portland, OR 97204
Phone:	541-576-2273	503-796-2093
Fax:		
E-Mail Address:	goldenrulefarms@gmail.com	ehoward@schwabe.com and lthane@schwabe.com

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

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I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Tim Puckett

Signature: _____

OWRD USE ONLY: Reimbursement Authority Number: R11-357-23



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

February 25, 2022

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

Reference: Application T-13926

On February 18, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$5390.00. Our receipt number 137521 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

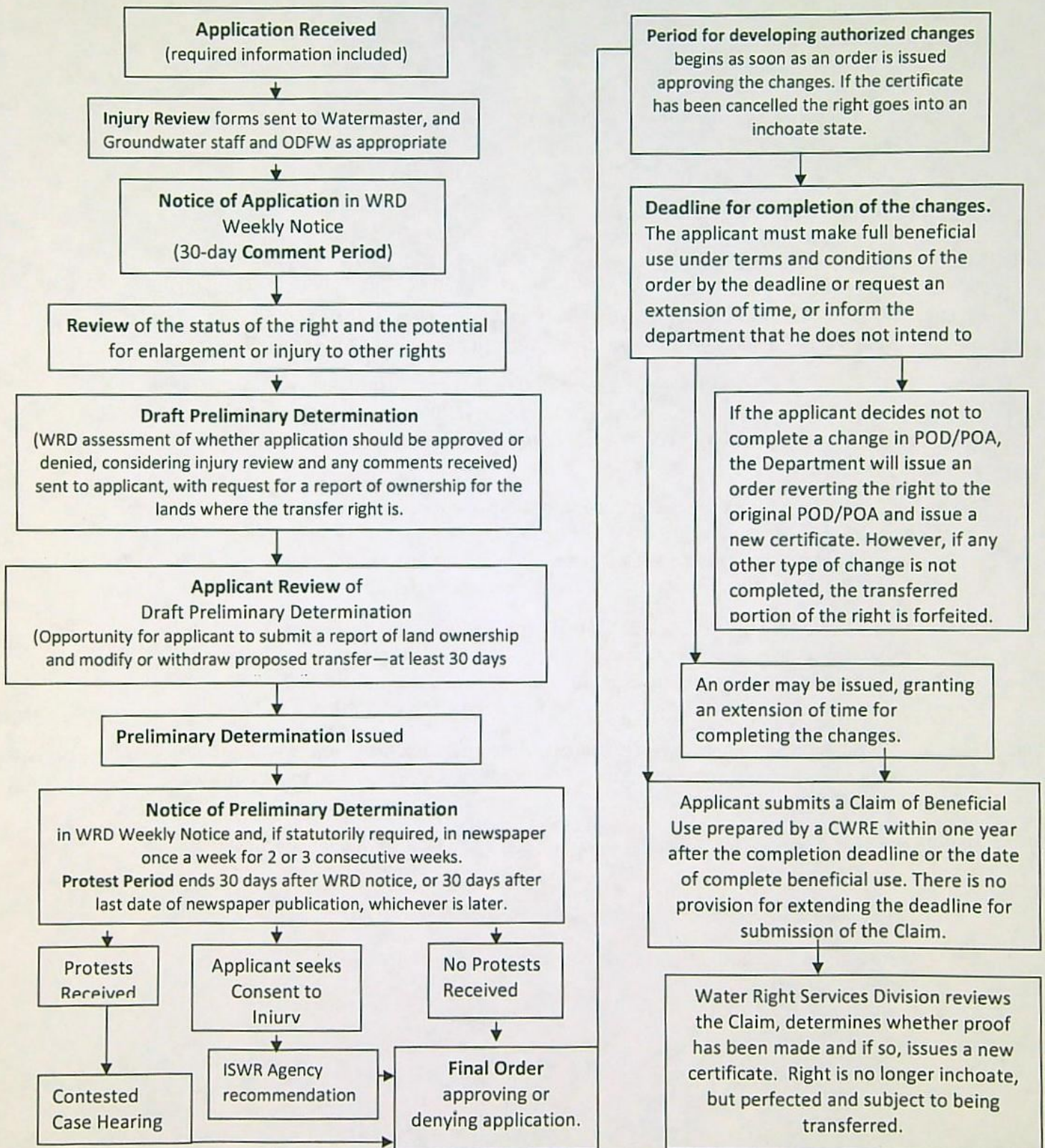
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)
Elizabeth Howard, Agent
Harney County

Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



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 # **137521**

INVOICE # _____

RECEIVED FROM: Golden Rule Farms

BY: _____

CASH: ☐ CHECK: # 19545 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER T-13924

TOTAL REC'D \$5,390.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE RECORD FEE

0203 GROUND WATER \$ 0202 \$

0205 TRANSFER \$ 0204 \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE LICENSE FEE

LANDOWNER'S PERMIT \$ 0219 \$

OTHER (IDENTIFY) \$ 0220 \$

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: **137521**

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

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

Selfo-Checking

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RECEIVED
FEB 14 2022

5,390.00

Windmill Transfer

2/9/2022

5,390.00

Golden Rule Farms
OWRD

19545

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)

- ☒ 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: 91418**
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):

- | | |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

[illegible]

*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			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	
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 reconfigure the place of use on the same and neighboring property and add points of appropriation to allow Golden Rule Farms to more efficiently farm the properties it owns.

This transfer application for Certificate 91418 and another transfer application for Cert 91644 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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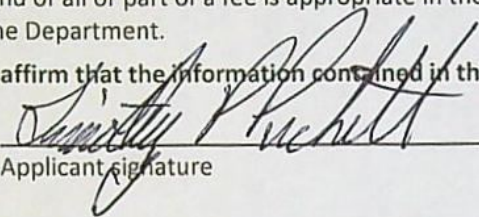
FEB 18 2022

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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)

2-9-22
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				

☐ 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	ZIP 97720

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED
FEB 18 2022
OWRD

INSTRUCTIONS for editing the Application Form

OWRD

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 # 91418

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Description of Water Delivery System

FEB 18 2022

System capacity: 1.64 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 91418 on April 25, 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 91418, 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)
Windmill 5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1471	27	S	32	E	10	NE	NE	200	1255 feet South and 70 feet West from NE Corner, Section 10
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 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):

☒ Place of Use (POU)

☐ Supplemental Use to Primary Use (S to P)

- | | |
|---|--|
| <input type="checkbox"/> Character of Use (USE) | <input 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 # 91418

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU/APOA	27	S	32	E	3	NE	SE	200		7.7	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
													POU/APOA	27	S	32	E	2	NW	SW	200		7.5	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
													POU/APOA	27	S	32	E	3	SE	SE	200		27.9	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
													POU/APOA	27	S	32	E	2	SW	SW	200		27.4	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
													POU/APOA	27	S	32	E	10	NE	NE	200		18.2	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
													POU/APOA	27	S	32	E	11	NW	NW	200		11.3	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
													POU/APOA	27	S	32	E	10	SE	NE	200		19.3	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
																		11	SW	NW	200		11.7	Irrigation	Windmill 1, 2, 3, 4, 5, 6, 7	5/21/1992
TOTAL ACRES:							131.0						TOTAL ACRES:							131						

Additional remarks: The entire POU will be transferred as described. Wells Windmill 1, 2, 3, 4, 6, and 7 will be the new POAs from which water will be appropriated.

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*

* Golden Rule Farms is submitting a transfer application for Certificate 91644 at the same time as this application that will move a portion of the place of use (POU) for Certificate 91644 to a location that would overlap with the current POU for Certificate 91418 if this transfer application is not approved. Golden Rule Farms does not intend to layer any portion of water right Certificates 91418 or 91644. Golden Rule Farms' intent is that the POU for both water rights will be reconfigured and will not overlap.

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



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

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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Identify the primary certificate to be cancelled. Certificate # _____

OWRD**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
Windmill 5	See Well Log	HARN 1471								
Windmill	No	N/A	150'	24"	+1' to -20'	0' to -18'	-75' to -	20'	Clay	2000 gpm

1, 2, 3, 4, 6, and 7							150'		cinders	
-------------------------	--	--	--	--	--	--	------	--	---------	--

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STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to the use of water perfected under the terms of Permit G-12262. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-12928

SOURCE OF WATER: A WELL IN DONNER AND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 131.0 ACRES

MAXIMUM RATE: 1.64 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 1992

The well is located as follows:

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

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

A description of the place of use is as follows:

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	32 E	WM	10	NE SE	3.6
27 S	32 E	WM	11	NW NW	18.8
27 S	32 E	WM	11	SW NW	19.7
27 S	32 E	WM	11	NW SW	2.5

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

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

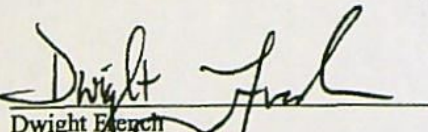
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued APR 25 2016



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

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DEC 14 1987

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275/32F-10al

Name Fred Briggs WATER RESOURCES DEPT.
Address Box 582 SALEM, OREGON
City Lakeview. State Ore Zip

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other _____

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Infection ☐ Other _____

Special Construction approval Yes No ☐ ☒ Depth of Completed Well 100 ft.

Explosives used ☐ ☒ Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
16"	0	18	cement	0	18	10 sacks
12"	18	100				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	+1	32	.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"/>	<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"/>
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"/>

Final location of shoe(s) 32'

(7) PERFORATIONS/SCREENS: No

☐ Perforations Method _____

☐ Screens Type _____ Material _____

[illegible][illegible]

Yield gal/min	Drawdown	Drill stem at	Time
500	0	100	1 hr.

Temperature of water 54 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:

County Harney Latitude 42° 15' N Longitude 124° 15' W
Township 27S N or S, Range 32 E. E or W, WM.
Section 10 SE $\frac{1}{4}$ NE $\frac{1}{4}$

Tax Lot _____ Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) Approx. 35 miles SE of Burns, 1 1/2 miles S. of Sod-house-Princeton road.

40 ft. below land surface. Date 11-12-87
Artesian pressure _____ lb. per square inch. Date _____

Depth at which water was first found 90

From	To	Estimated Flow Rate	SWL
90	100	500 gpm	45

Ground elevation 4750.

Material	From	To	SWL
Soil	0	10	0
Clay, brn	10	26	0
Rock, hard black	26	90	0
Cinders, red & black, W-B	90	100	45

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Date started 11-7-87 Completed 11-19-87

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

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 12-1-87

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.

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State of Oregon)
) ss
County of HARNEY

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 91418, which was issued on April 25, 2016. On February 6, 2020, within five years
after issuance of Certificate 91418, Transfer T-13363 was filed to change Certificate 91418. T-13363 is
pending. Under ORS 540.610(2)(m), the period of time by which water must be used under Certificate 91418

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 91418 in the past five years therefore, the presumption of forfeiture is rebutted.

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- ☐ 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.

[Signature]
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.

	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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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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>See</u>	<u>Attached</u>	<u>Form</u>					

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: 1.64 ☒ 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 the place of use under Certificate 91418 to a more productive field 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. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HC20 3.010 (EFLV-2, EFLV-1)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Brandon McMillan Title: Planning Director
 Signature: [Signature] Phone: (541) 573-6655 Date: 1/26/2021
 Government Entity: Hasty 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: _____

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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 91418

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>26 S</u>	<u>32 E</u>	<u>34</u>	<u>SW SW</u>	<u>1700</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Farm Use</u>
<u>26 S</u>	<u>32 E</u>	<u>34</u>	<u>SE SW</u>	<u>1800</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Farm Use</u>
<u>26 S</u>	<u>32 E</u>	<u>34</u>	<u>SW SE</u>	<u>1800</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Farm Use</u>
<u>26 S</u>	<u>32 E</u>	<u>34</u>	<u>SE SE</u>	<u>1800</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Farm Use</u>
<u>26 S</u>	<u>32 E</u>	<u>35</u>	<u>SW SW</u>	<u>1800</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>3</u>	<u>NW NE</u>	<u>300</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>3</u>	<u>SE NE</u>	<u>200</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>3</u>	<u>NE SE</u>	<u>200</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>2</u>	<u>NW SW</u>	<u>200</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>3</u>	<u>SE SE</u>	<u>200</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>2</u>	<u>SW SW</u>	<u>200</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>10</u>	<u>NE NE</u>	<u>200</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>11</u>	<u>NW NW</u>	<u>200</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>10</u>	<u>SE NE</u>	<u>200</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>
<u>27 S</u>	<u>32 E</u>	<u>11</u>	<u>SW NW</u>	<u>200</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm Use</u>

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**

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Records per page: 5

<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
<u>Cert:32394 CR *</u>	G1593	G1463	32394		
<u>Cert:91418 OR *</u>	G12928	G12262	91418		
<u>Cert:91644 OR *</u>	G12926	G12938	91644		

Results of the transfer

(Click to Collapse...)

n/a

Report Errors with Water Right Data

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

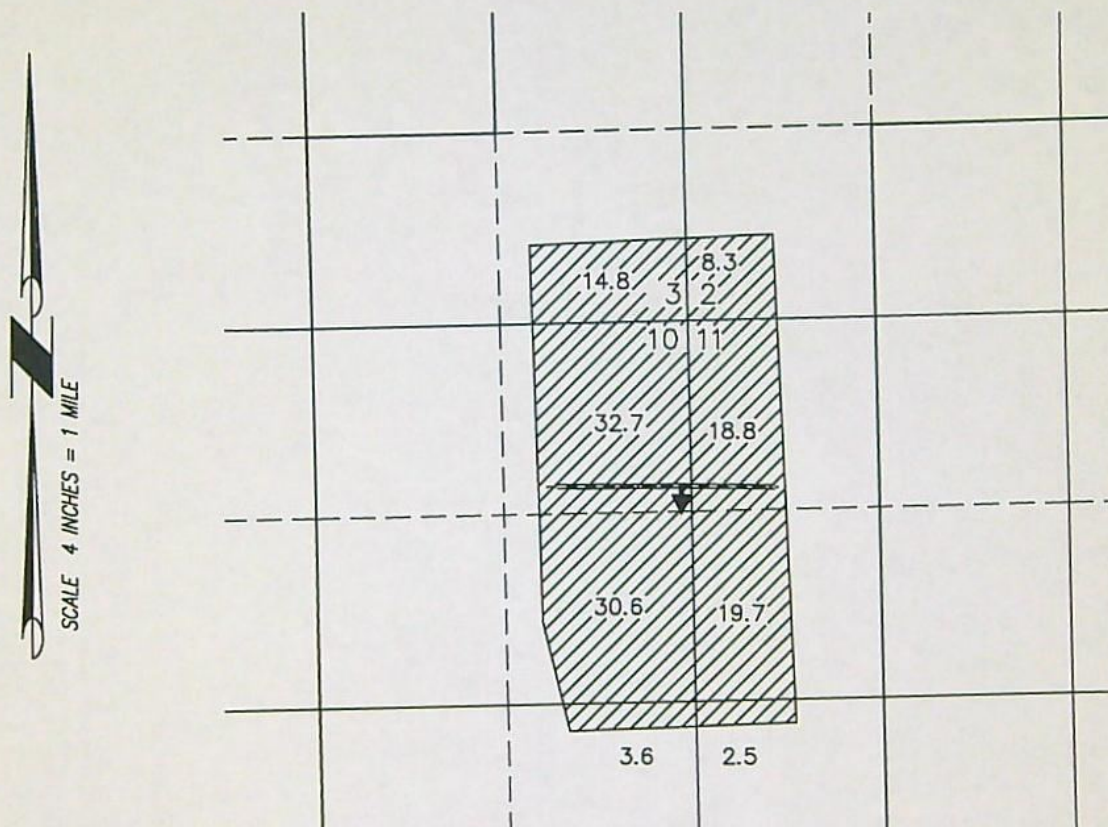
SECTIONS 2, 3, 10, AND 11,
TOWNSHIP 27 SOUTH, RANGE 32 EAST, W.M.
TAX LOT: 200

"FROM"

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FEB 18 2022

OWRD

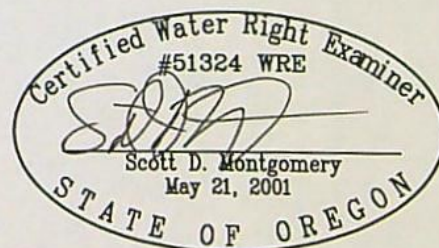


CONVEYANCE



131.0 ACRES IR WATER RIGHTS
FROM C91418

- WELL HARN 1471 (AUTHORIZED)
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.



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

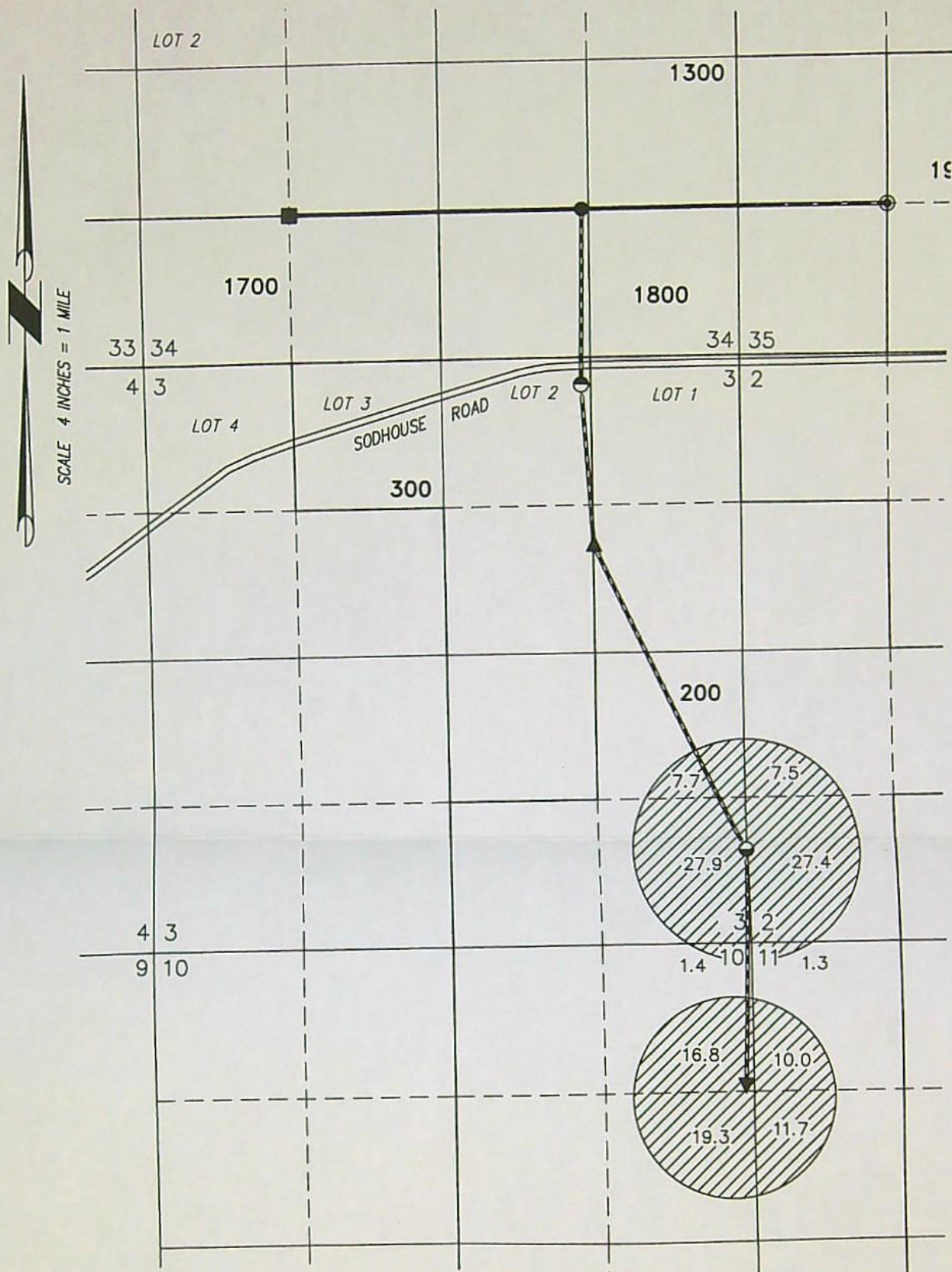
RECEIVED

FEB 18 2022

OWRD

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 AND 1800
SECTIONS 2, 3, 10, AND 11, TOWNSHIP 27 SOUTH, RANGE 32 EAST, W.M.
TAX LOTS: 200 AND 300
"TO"



RECEIVED

FEB 18 2022

OWRD

- **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 (AUTHORIZED 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.

CONVEYANCE



131.0 ACRES IR WATER
RIGHTS FROM C91418

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.

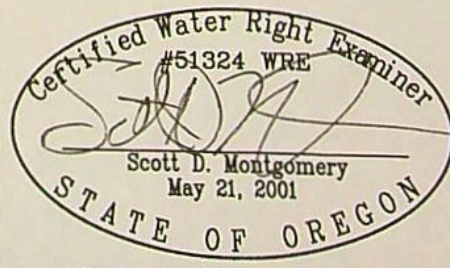
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