

Temporary - DROUGHT

Name MLM Property, LLC

Address P.O. Box 195
Merrill, OR 97133

Change in POA

Date Filed 4-22-2022

Initial notice date 5-3-2022

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 8/11/2022 Vol 128 Page 574

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District Klamath Irrigation District

Agent _____

CWRE _____

CC's list Klamath County

- Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well

Trib. of Dodds Hollow Basin ; Lost River Basin

Use Supplemental Irrigation County Klamath

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

Name of ditch _____

App# G-116400 Per # G-18390 Cert # _____ PR Date 3/1/2005

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 #
<u>4-22-2022</u>	<u>\$200.00</u>	<u>137963</u>

FEES REFUNDED		
Date	Amount	Receipt #



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 16, 2022

MLM PROPERTY LLC
PO BOX 195
MERRILL, OR 97633

REFERENCE: Temporary Drought Transfer Application T-13988

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

The temporary change shall be effective upon issuance of this final order. Please note, the use shall revert back to the original authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@oregon.gov.

Sincerely,

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

cc: Danette M. Watson, Watermaster Dist. #17 (via email)
Klamath Irrigation District
Klamath County Planning Department

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13988, Klamath County)	EMERGENCY USE DROUGHT
)	TEMPORARY CHANGE IN POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

Applicant

MLM PROPERTY LLC
PO BOX 195
MERRILL, OR 97633

Findings of Fact

1. On April 22, 2022, MLM PROPERTY LLC filed an application to temporarily change the point of appropriation under Permit G-18390 for the remainder of the 2022 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13988.
2. Notice of the application for transfer was published on August 9, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The permit to be temporarily transferred is as follows:

Water Use Permit: G- 18390 in the name of MLM PROPERTY LLC (Water Use application G-16044)

Use: SUPPLEMENTAL IRRIGATION of 57.5 ACRES

Priority Date: MARCH 1, 2005

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

Rate: 0.72 CUBIC FOOT PER SECOND (CFS) BEING 0.72 CFS FROM WELL 1 FOR SUPPLEMENTAL IRRIGATION ON 57.5 ACRES AND 0.71 CFS FROM WELL 2 FOR SUPPLEMENTAL IRRIGATION ON 56.65 ACRES

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: APRIL 1 THROUGH OCTOBER 31

Source: WELL 1 (KLAM 53043) IN DODDS HOLLOW BASIN: WELL 2 (KLAM 10518) IN LOST RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	10 E	WM	29	SW NW	1420 FEET SOUTH AND 20 FEET EAST FROM THE NW CORNER OF SECTION 29
41 S	11 E	WM	7	SW NE	1360 FEET SOUTH AND 1860 FEET WEST FROM THE NE CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	11 E	WM	16	NE NE	1	7.4
41 S	11 E	WM	16	NE NE	6	7.8
41 S	11 E	WM	16	NW NE	2	4.6
41 S	11 E	WM	16	NW NE	9	1.8
41 S	11 E	WM	16	SW NE	9	1.7
41 S	11 E	WM	16	SE NE	10	32.7
41 S	11 E	WM	16	NE SE	11	1.5
Total						57.5

4. Temporary Transfer Application T-13988 proposes to move the authorized points of appropriation approximately 2.0 miles North of Well 1, and 2.0 miles South of Well 2 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	16	NE SE	1240 FEET NORTH AND 30 FEET WEST FROM THE SE CORNER OF SECTION 16

Temporary Drought Transfer Review Criteria

5. Water has been used within the last five years according to the terms and conditions of the permit. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

7. The Governor issued an executive order on March 4, 2022, declaring a state of drought emergency in Klamath County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
8. The proposed changes would not result in enlargement of the permit.
9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

Conclusions of Law

The temporary change in point of appropriation proposed in Temporary Drought Transfer Application T-13988 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

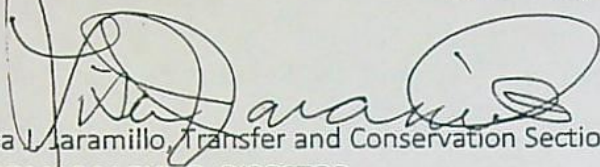
Now, therefore, it is ORDERED:

1. The temporary change in point of appropriation proposed in Temporary Drought Transfer Application T-13988 is approved.
2. 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.
 - 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.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
4. The use of water from the temporary point of appropriation authorized by this transfer shall be in accordance with the terms and conditions of Permit G-18390 the use shall revert to the authorized place of use at the end of the 2022 irrigation season.
5. The quantity of water diverted at the proposed temporary point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

6. The proposed change in point of appropriation shall revert to the authorized points of appropriation at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.

Dated in Salem, Oregon on

AUG 16 2022


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

Mailing Date:

AUG 17 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13988

Transfer Specialist: *Joan*

Transfer Type: Drought Transfer

Applicant: Mlm Property Llc MLM PROPERTY LLC PO BOX 195 MERRILL, OR 97633 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Klamath Irrigation District Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A County Of Klamath 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-16400	G-18390	---	<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: April 22, 2022	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 200.00	WM District: 17	ODFW District:
Initial Public Notice: UNAVAILABLE	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input 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: <u>7/26/22</u> Initials: <u>Joan</u>	Date: <u>7/26/22</u> Initials: <u>Scott</u>	Date: <u>7/26/22</u> Initials: <u>Joan</u>	Date: <u>7/26/22</u> Initials: <u>Joan</u>	Date: <u>7/26/22</u> Initials: <u>Joan</u>	CW Sent: <u>7/26/22</u>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <u>7/26/22</u> Initials: <u>Joan</u>	Date: <u>7/26/22</u> Initials: <u>Scott</u>	Date: _____ Initials: _____	Date: <u>8/2/22</u> Initials: <u>PKS</u>	Date: <u>8/14/22</u> Initials: <u>Joan</u>	Date: <u>8-4-22</u>	Date: <u>8/11/20</u>

Special Issues: DR DROUGHT

Special Order Volume: Vol. _____ Pages _____

~~Noticed 7/26/22~~

*Not noticed on 7/26/22
noticed on May 3 22*

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13988

GW Reviewer M. Thoma Date Review Completed: 06/16/2022

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 (DROUGHT)

Application: T-13988

Applicant Name: MLM Properties

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

Reviewer(s): M. Thoma

Date of Review: 06/16/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 7/21/22

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: The application proposes to change the POA under Permit G-18390 from the authorized POAs (KLAM 53043 and KLAM 10518) to a proposed POA KLAM 57387.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: _____
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 change would move the appropriation closer to other existing rights which would increase the level of hydraulic interference to those rights
 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: Wells that are reasonably efficient and fully penetrate the aquifer in the region, would not likely be injured by this transfer due to the thickness of the aquifer and generally-high transmissivity.

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 change would not substantially change the impacts to nearby surface water sources in the area.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ Minimal Significant

Stream: _____ Minimal Significant

Provide context for minimal/significant impact: _____

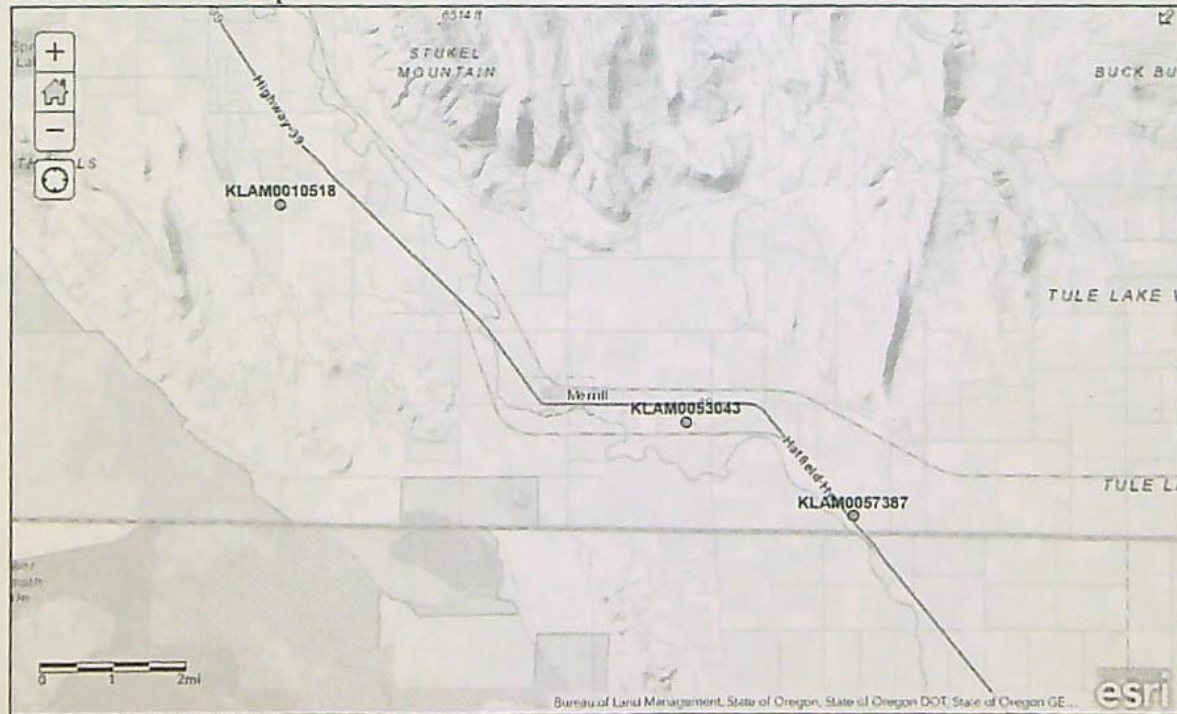
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

8. Any additional comments: _____

Transfer Review Map



Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13988

Review Due Date: 05/27/2022

Applicant Name: MLM Property

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Michelle Angell for Watermaster Date of Review: 04/28/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes No If "Yes", explain:

11. For POU changes that involve micro-irrigation: N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes No If "Yes", explain:

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

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

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

A Headgate should be required prior to diverting water.

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

a. Before water use may begin under this order, the water user shall install a totalizing flow meter*, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

b. The water user shall maintain the meters or measuring devices in good working order.

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

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

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

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

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

- Weir
- Parshall Flume
- Other: _____
- Submerged Orifice
- Flow Restrictor

RECEIPT # **137963**

INVOICE # _____

RECEIVED FROM: McKoen & Son APPLICATION _____
 BY: _____ PERMIT _____
 TRANSFER 1-13988
 CASH: CHECK# 12838 OTHER: (IDENTIFY)
 TOTAL REC'D \$ 200.00

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 \$
0203	GROUND WATER	RECORD FEE \$
0205	TRANSFER	\$ <u>200.00</u>
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$
	LANDOWNER'S PERMIT	LICENSE FEE \$
	OTHER (IDENTIFY)	\$

46112 - Drought

0536 TREASURY 0437 WELL CONST. START FEE		
0211	WELL CONST START FEE	\$
0210	MONITORING WELLS	\$
	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: **137963** DATED: 4-22-2022 BY: Mindy Carlson
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

McKOEEN & SON
 Oregon Water Resources Department

RECEIPT # **137963**

INVOICE # _____

RECEIVED FROM: McKoen & Son APPLICATION _____
 BY: _____ PERMIT _____
 TRANSFER 1-13988
 CASH: CHECK# 12838 OTHER: (IDENTIFY)
 TOTAL REC'D \$ 200.00

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 \$
0203	GROUND WATER	RECORD FEE \$
0205	TRANSFER	\$ <u>200.00</u>
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$
	LANDOWNER'S PERMIT	LICENSE FEE \$
	OTHER (IDENTIFY)	\$

46112 - Drought

0536 TREASURY 0437 WELL CONST. START FEE		
0211	WELL CONST START FEE	\$
0210	MONITORING WELLS	\$
	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: **137963** DATED: 4-22-2022 BY: Mindy Carlson
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

12838
 4/14/2022
 200.00

**Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist**



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

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

APR 22 2022

FOR ALL TEMPORARY TRANSFER APPLICATIONS

OWRD

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary 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 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 Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Permit G-18390**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year:** ____ **End Year:** ____.
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature 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 (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient ___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required ___ Part ____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

RECEIVED

APR 29 2022

OWRD

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

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

- 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 temporary 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) to convey water to the new temporary place of use, 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 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME MLM Property LLC		PHONE NO. 541-205-1191	ADDITIONAL CONTACT NO.
ADDRESS PO Box 195			FAX NO.
CITY Merrill	STATE OR	ZIP 97633	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME N/A		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why: Due to the drought, Permit G-18390 will be reduced. Therefore, we are requesting permission to use only as much ground water as necessary for the crops already planted. With surface water being our only permitted alternative for an irrigation water supply, when the surface water supply is reduced or not provided we cannot produce crops to pay our bills, feed our family, pay our mortgages on property and equipment, taxes, and also will not be able to satisfy product delivery required in previously executed food supply agreement. There are no surface reservoirs to obtain water from. The decision to deliver all, a portion, or no water to us is made by the Federal and State Agencies, and is out of our control.

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

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

MLM Property LLC by [Signature]
 Applicant signature

Print Name (and Title if applicable)

Date

4/15/2022

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

RECEIVED

APR 22 2022

OWRD

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME Klamath Irrigation District	ADDRESS 6640 Kid Ln	
CITY Klamath Falls	STATE Oregon	CITY Klamath Falls

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	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Klamath County	ADDRESS 305 Main Street	
CITY Klamath Falls	STATE OR	CITY Klamath Falls

RECEIVED

APR 22 2022

OWRD

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 rows to tables within the form.

Water Right Permit G-18390

RECEIVED
APR 29 2022
OWRD

Description of Water Delivery System

System capacity: 0.72 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

Currently, water is applied to the NE ¼ NE ¼, SE ¼ NE ¼, and NE ¼ SE ¼ of Section 16 through aboveground pipe that leads to wheel lines.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 53043	41 S	11 E	7	SW NE	100	1360' South and 1860' West from NE Corner of Section 7
Well 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 10518	40 S	10 E	29	SW NW	300	1420' South and 20' East from NW Corner of Section 29
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	KLAM 57387	41 S	11 E	16	NE SE	1501	1240' North and 30' West from SE Corner of Section 16

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Permit G-18390

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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			
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
										POA	41	S	11	E 16 NW NE	600	9	6.4	Supplemental Irrigation	Well 3	2005			
										POA	41	S	11	E 16 NE NE	600	6	15.2	Supplemental Irrigation	Well 3	2005			
										POA	41	S	11	E 16 SW NE	600	9	1.7	Supplemental Irrigation	Well 3	2005			
										POA	41	S	11	E 16 SE NE	600	10	32.7	Supplemental Irrigation	Well 3	2005			
										POA	41	S	11	E 16 NE SE	1501	11	1.5	Supplemental Irrigation	Well 3	2005			
TOTAL ACRES								TOTAL ACRES										57.5					

Additional remarks: _____

RECEIVED

APR 22 2022

OWRD

For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: KA 1000



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) 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 below for any well that does not have a well log. For a *proposed well(s) 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

RECEIVED

APR 22 2022

OWRD

Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? Yes No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION
Well 1	92055	KLAM 57387	10-02860	494.794 AF	4/14/2022	Approximately 10 feet north of Well 1

RECEIVED
 APR 29 2022
 OWRD

Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME MIKE MCKOEN		PHONE (HM) 541-205-1191	
PHONE (WK)	CELL	FAX	
ADDRESS PO Box 195			
CITY MERRILL	STATE OR	ZIP 97633	E-MAIL**

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME KLAMATH IRRIGATION DISTRICT		PHONE (HM) 541-882-6661	
PHONE (WK)	CELL	FAX	
ADDRESS 6640 KID LN			
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL**

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.	G-16400	G-18390		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

RECEIVED

APR 22 2022

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

RECEIVED

APR 22 2022

OWRD

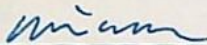
COMMENTS OR ADDITIONAL INFORMATION

4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email, phone, postal mail, in person, or other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.



Applicant Signature

Michael Melton, MCM Rep-TJ

Name (print)

4/19/2022

Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is **required** if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier

Name (print), Title

Date

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

RECEIVED

APR 22 2022

OWRD

COMMENTS OR ADDITIONAL INFORMATION

4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email, phone, postal mail, in person, or other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature

Name (print)

Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Gene R Souza

Signature of District Manager /Water Supplier

Souza, Gene - District Manager 20 April 2022

Name (print), Title

Date

Land Use Information Form



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

Applicant(s): MLM Property LLC - Mike McKoen

Mailing Address: PO Box 195

City: Merrill

State: Oregon Zip Code: 97633

Daytime Phone: 541-205-1191

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>41S</u>	<u>11E</u>	<u>16</u>	<u>NE NE</u>	<u>600</u>	<u>EFU-C</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>41S</u>	<u>11E</u>	<u>16</u>	<u>NW NE</u>	<u>600</u>	<u>EFU-C</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>41S</u>	<u>11E</u>	<u>16</u>	<u>SW NE</u>	<u>600</u>	<u>EFU-C</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>41S</u>	<u>11E</u>	<u>16</u>	<u>SE NE</u>	<u>600</u>	<u>EFU-C</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>41S</u>	<u>11E</u>	<u>16</u>	<u>NE SE</u>	<u>1501</u>	<u>EFU-C</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Merrill, Klamath 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: 0.72 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:

Due to the drought, Permit G-18390 will be reduced. Permit G-18390 is currently authorized to use two POAs (KLAM 10518, KLAM 53043) for irrigation. The applicant is attempting to transfer the proposed POA (KLAM 57387) for irrigation of 57.5 acres. The applicant is requesting permission to use only as much ground water as necessary for the crops already planted.

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):
- 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: Erik Nobeck Title: Planning Director
 Signature: [Signature] Phone: 541-851-3648 Date: 4-15-22
 Government Entity: Klamath 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: _____

RECEIVED
 APR 22 2022
 OWRD



THIS SPACE RESERVED FOR

2017-004165
Klamath County, Oregon
04/21/2017 10:27:00 AM
Fee: \$47.00

After recording return to:
MLM Property LLC, an Oregon Limited Liability
Company
PO Box 195
Merrill, OR 97633

Until a change is requested all tax statements
shall be sent to the following address:
MLM Property LLC, an Oregon Limited Liability
Company
PO Box 195
Merrill, OR 97633
File No. 163324AM

SPECIAL WARRANTY DEED

Northwest Farm Credit Services, PCA,

Grantor(s) hereby conveys and specially warrants to

MLM Property LLC, an Oregon Limited Liability Company,

Grantee(s) and grantee's heirs, successors and assigns the following described real property free of encumbrances created or suffered by the Grantor, except as specifically set forth herein, situated in the County of **Klamath** and State of Oregon, to wit:

That portion of Government Lot 1 lying South of J canal; that portion of Government Lot 2 lying South of J canal and Easterly of the State Highway; and that portion of Government Lots 9 and 10 lying Easterly of the State Highway and all of Government Lot 6 all in Section 16, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon

SAVING AND EXCEPTING therefrom any portion thereof in any canals, roads or highways

The true and actual consideration for this conveyance is \$320,000.00

Grantor is lawfully seized in fee simple on the above granted premises and SUBJECT TO: all those items of record, if any, as of the date of this deed and those shown below, if any:

SPECIAL EXCEPTION: Title to the described real property being sold is only warranted for the period of time Grantor has held and does hold fee title. There are no warranties or representations made by the Grantor behind those expressed herein. Grantee has made its own investigation and accepts the property in its present condition free of representations and warranty by the Grantor.

and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor except those claiming under the above described encumbrances.

RECEIVED

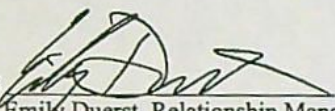
APR 22 2022

OWRD

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

Dated this 18th day of April, 2017.

Northwest Farm Credit Services, PCA

By: 
Emily Duerst, Relationship Manager II/AVP

State of Oregon } ss
County of Marion }

On this 18th day of April, 2017, before me, Andrew Peter Swan a Notary Public in and for said state, personally appeared Emily Duerst, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Pete Swan
Notary Public for the State of Oregon
Residing at: Salem, Oregon
Commission Expires: 5/3/2019



RECEIVED
APR 22 2022
OWRD

2016-012254

Klamath County, Oregon



00195243201600122540030030

11/16/2016 02:08:32 PM

Fee: \$52.00

AFTER RECORDING RETURN TO:

Parks & Ratliff, P.C.
620 Main Street
Klamath Falls OR 97601

GRANTOR'S NAME AND ADDRESS:

Diane P. McKoen, Successor Trustee of the
Leo F. McKoen, Jr., Living Trust,
UAD 07-09-13
18412 O'Keefe Rd.
Tulelake, CA 96134

GRANTEE'S NAME AND ADDRESS:

Michael J. McKoen
P. O. Box 195
Merrill, OR 97633

SEND TAX STATEMENTS TO:

Michael J. McKoen
P. O. Box 195
Merrill, OR 97633

BARGAIN AND SALE DEED

DIANE P. McKOEN, SUCCESSOR TRUSTEE OF THE LEO F. McKOEN, JR., LIVING TRUST, U.A.D. 07-09-13, hereinafter referred to as grantor, conveys to MICHAEL J. McKOEN, hereinafter referred to as grantee, the following described real property situated in the County of Klamath, State of Oregon, to-wit:

(See Exhibit "A" attached hereto and incorporated herein by this reference.)

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration; i.e., distribution of the assets of the Leo F. McKoen, Jr., Living Trust, U.A.D. 07-09-13

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 1 day of November, 2016.

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

RECEIVED

APR 22 2022

OWRD

USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

LEO F. McKOEN, JR., LIVING TRUST, U.A.D. 07-09-13

By: *Diane P. McKoen*
Diane P. McKoen, Successor Trustee

STATE OF OREGON; County of Klamath) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 1 day of NOV., 2016, by Diane P. McKoen as Successor Trustee of the Leo F. McKoen, Jr., Living Trust, U.A.D. 07-09-13.

Kay Heath
NOTARY PUBLIC FOR OREGON
My Commission expires: 9-24-18



RECEIVED

APR 22 2022

OWRD

EXHIBIT "A"

(Attached to and made a part of Bargain and Sale Deed wherein Diane P. McKoen, Successor Trustee of the Leo F. McKoen, Jr., Living Trust, U.A.D. 07-09-13, is Grantor, and Michael J. McKoen is Grantee, dated the 1 day of NOV, 2016.)

REAL PROPERTY DESCRIPTION

PARCEL 1:

A parcel of land in Government Lot 11, Section 16, T. 41 S., Range 11, E.W.M., Klamath County, Oregon, being more particularly described as follows:

Beginning at the intersection of the East line of said Section 16 with the Northeasterly right of way line of Oregon Highway No. 39; thence N. 39°38'52" W, along said right of way line a distance of 712.19 feet to a 5/8" iron pin on the North line of said Lot 11; thence leaving said right of way line N. 89°59'44" E. a distance of 454.39 feet to the East line of Section 16; thence S. 0°00'16" E. along said Section line a distance of 548.41 feet to the point of beginning. LESS AND EXCEPTING the East 30 feet thereof contained in the right of way of the USRS No. 42 Drain theretofore conveyed by Dora Pope, *et vir*, to the United States by deed recorded in Volume 69, page 151, records of Klamath County, Oregon. The above described tract contains 2.50 acres, more or less.

SUBJECT TO: Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to additional taxes, plus interest in the event said use should be changed, which obligations Grantee assumes and agrees to pay and perform.

Property ID #: R879799

Map Tax Lot #: R-4111-01600-01501-000

(KID)

PARCEL 2:

Lots 16 and 17 and all that part of Lots 15 and 18, lying West of a line running North and South and distant 1049 feet West of the East line of said Lots 15 and 18 all in Section 16, Township 41 South, Range 11, EWM.

SUBJECT TO: Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to additional taxes, plus interest in the event said use should be changed, which obligations Grantee assumes and agrees to pay and perform.

Property ID #: R107208

Map Tax Lot #: R-4111-01600-01200-000

(TID # 4039-1)

PARCEL 3:

Farm Unit "A", according to the Farm Unit plat, or Lot 11 of Section 17, Township 41 South, Range 11 EWM.

SUBJECT TO: Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to additional taxes, plus interest in the event said use should be changed, which obligations Grantee assumes and agrees to pay and perform.

Property ID #: R107217

Map Tax Lot #: R-4111-01700-00400-000

(TID # 4030)

RECEIVED

APR 22 2022

OWRD

05-12-2010

WELL LABEL # L 92055

START CARD # 1009942

(1) LAND OWNER Owner Well I.D. First Name LEE Last Name MCKOEN Company THREE M MINT INC Address P.O. BOX 195 City MERRILL State OR Zip 97633

(2) TYPE OF WORK [X] New Well [] Deepening [] Conversion [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD [] Rotary Air [X] Rotary Mud [] Cable [] Auger [] Cable Mud [] Reverse Rotary [] Other

(4) PROPOSED USE [] Domestic [X] Irrigation [] Community [] Industrial/ Commercial [] Livestock [] Dewatering [] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION Special Standard [] Attach copy? Depth of Completed Well 1,224.00 ft.

Table with columns: Dia, From, To, Material, SEAL From, To, Amt, sacks/lbs. Rows include Bentonite and Cement.

How was seal placed: Method [] A [] B [X] C [] D [] E [X] Other BEN. POURED DRY Backfill placed from 0 ft. to 205 ft. Material Filter pack from 0 ft. to 205 ft. Material Size Explosives used: [] Yes Type Amount

(6) CASING/LINER Casing Liner Dia + From To Gauge Std Plstc Wld Thrd. Includes diagram of casing and liner with dimensions.

(7) PERFORATIONS/SCREENS Perforations Method Screens Type Material

Table for perforations with columns: Perf/Sreen Casing/ Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour [] Pump [] Bailer [X] Air [] Flowing Artesian Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Table for well tests with columns: From To Description Amount Units

(9) LOCATION OF WELL (legal description) County Klamath Twp 41.00 S N/S Range 11.00 E E/W WM Sec 16 NE 1/4 of the SE 1/4 Tax Lot 100 Tax Map Number Lot Lat Long Street address of well Nearest address

HIGHWAY 39 AND STATE LINE RD.

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft) Existing Well / Predeepening Completed Well 05-06-2010 46 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 184. Table with columns: SWL Date From To Est Flow SWL(psi) + SWL(ft)

(11) WELL LOG Ground Elevation Material From To. Log includes Sand, Yellow Clay, Brown and Grey Sand, Blue Clay, Blue Clay with Black Sand, Blue Clay, Blue Clay with Coarse and Fine Sand, Sticky Blue Clay, Brown Clay, Sticky Grey Clay, Grey Clay with Brown Claystone, Grey Claystone, Blue and Grey Pumice with Blue Clay, White and Grey Clay, White clay, Grey Clay, Shells, Light Blue Clay, Blue Claystone, Grey and Light Blue Clay.

Date Started 04-23-2010 Completed 05-06-2010

(unbonded) Water Well Constructor Certification I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date Electronically Filed Signed

(bonded) Water Well Constructor Certification I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

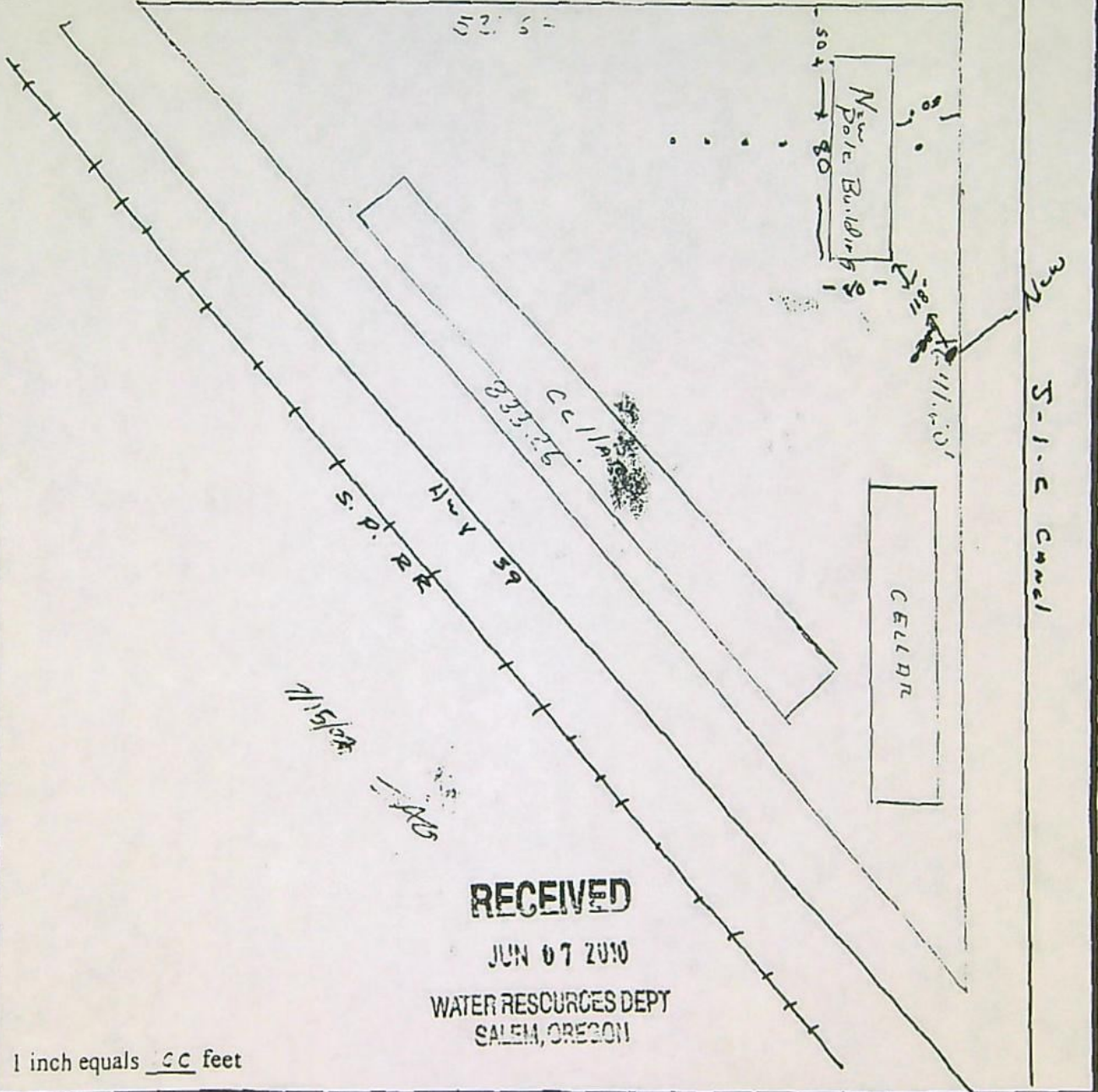
License Number 1844 Date 05-12-2010 Electronically Filed Signed COLTER CHANCELLOR (E-filed) Contact Info (optional)

SITE PLAN

Tax Lot 1500-1501

1156

118' From S.E. Corner of Building



wall location

RECEIVED

JUN 07 2010

WATER RESOURCES DEPT
SALEM, OREGON

1 inch equals 60 feet

Tax Acct. No.:
Proposed Use:

E. M. K. Jr.
Signature of Applicant

RECEIVED

APR 22 2022

Tax Lot 1500-1501

OWRD

LAND OWNER SUBMITTED MAP

STOREY DRILLING SERVICES

P.O. Box 98 • MIDLAND, OREGON 97634
 (541) 884-3990 • (800) 245-8122
 Fax #: (530) 528-2562

22560 ADOBE ROAD • RED BLUFF, CALIFORNIA 96080
 CONTRACTOR'S LICENSES:
 OR #601 • CA #583153 • NV #38199

Mr. Dan Chin
 17817 Cheyne Road
 Klamath Falls, Oregon 97603



RECEIVED

NOV 05 2001

WATER RESOURCES DEPT.
 SALEM, OREGON

START: September 17, 2001
 FINISH: October 12, 2001

WELL LOCATION: Corner of Malone Road & Hwy 39; ¼ mile due east of Merrill, Oregon
 SW¼ NE¼ S7 T41S R11E

LOG

0 - 12	Brown sand with streaks yellow clay
12 - 22	Yellow clay
22 - 60	Green clay
60 - 734	Gray clay
734 - 749	Black lava
749 - 752	Black basalt
752 - 760	Hard gray basalt
760 - 774	Black basalt
774 - 830	Hard gray basalt
830 - 831	Brown basalt
831 - 852	Broken black basalt
852 - 853	Hard gray basalt
853 - 860	Black basalt
860 - 863	Brown basalt
863 - 872	Black basalt
872 - 882	Hard gray basalt
882 - 940	Broken black basalt
940 - 980	Black basalt
980 - 990	Hard gray basalt
990 - 1004	Broken black basalt
1004 - 1012	Black basalt
1012 - 1049	Hard gray basalt
1049 - 1072	Black basalt
1072 - 1091	Hard gray basalt
1091 - 1109	Black basalt
1109 - 1140	Hard gray basalt
1140 - 1168	Brown lava
1168 - 1186	Hard broken gray basalt

55 feet 2 inches of 16 inch O.D. steel casing set & cemented at 54 feet.
 15 inch diameter hole from 54 feet to 200 feet; 9 7/8 inch diameter hole from 200 to 987 feet;
 8 1/4 inch diameter hole from 987 feet to 1186 feet
 Static water level at 55 feet; Temperature 66° Fahrenheit
 Airlifted approximately 1000 GPM at 231 feet.
 Test pumped 2600 GPM at 103 feet.

RECEIVED

APR 22 2022

OWRD

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

KLAM
10518

RECEIVED

JUL 22 1992

40S/10E/296C
39904

(START CARD) #

(1) OWNER:

Name SAM WOOD & SON Well Number WATER RESOURCES 39
Address 17600 HIGHTWAY 39 SALEM, OREGON
City KLAMATH FALLS State ORE Zip 97603

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD:

Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 913 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
22	0	162	CONCRETE	0	162	150 SKS
12 1/4	162	778				
7 1/2	778	913				

How was seal placed: Method A B C D E
 Other

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

(6) CASING/LINER:

Casing:	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
	16 1/2	+1.4	162	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 162 FEET

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
1800	57		1 hr. 4 hrs

Temperature of Water 69°F 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: _____

LOCATION OF WELL by legal description:

County KLAMATH Latitude _____ Longitude _____
Township 40S N or S. Range 10E E or W. WM.
Section 29 SW 1/4 NW 1/4
Tax Lot 24010 Lot 02900 Block 00300 Subdivision 000-00
Street Address of Well (or nearest address) 17817 CHEWNE RD. K. FALLS, ORE.

(10) STATIC WATER LEVEL:

45 ft. below land surface. Date 7/12/92
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 97 FT

From	To	Estimated Flow Rate	SWL
97	121	UNK	
869	913	1800 GPM	

(12) WELL LOG:

Material	From	To	SWL
BROWN SANDY TOPSOIL	0	2	
YELLOW CHALK WITH STRAWS SAND	2	52	
BROWN SAND STRIFE	52	87	
BLACK SAND (COARSE)	87	97	
BLACK SAND & FINE GRAVEL	97	121	
GLYCY STICKY CLAY	121	669	
HARD BROWN BLACK BASALT	669	805	
RED LAVA	805	809	
HARD BLACK BASALT	809	854	
HARD BROWN GLYCY BASALT	854	857	
HARD BROWN BASALT	857	869	
BLACK BASALT/BROWN LAVA & ASH	869	879	
BROWN LAVA & ASH CLAY	879	886	
BLACK BASALT	886	913	
BLACK BASALT & BROWN LAVA	886	913	

Date started 6/29/92 Completed 7/10/92

(unbonded) Water Well Constructor Certification:

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

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 601
Date 7/14/92

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of KLAMATH

I, MIKE MCKOEN, in my capacity as PROPERTY OWNER,

mailing address PO BOX 195, MERRILL, OR 97633

telephone number (541)205-1191, 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
Permit G-18390; OR

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

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

OR

- Confirming Certificate # _____ has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

RECEIVED

APR 22 2022

OWRD TACS

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

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.

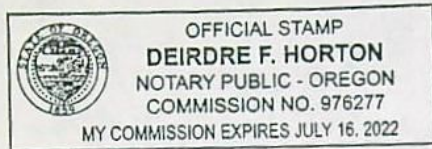
*MCM Property LLC by
[Signature]*

Signature of Affiant

4/16/2022

Date

Signed and sworn to (or affirmed) before me this 19 day of April, 2022.



Deirdre F. Horton

Notary Public for Oregon

My Commission Expires: 7/16/2022

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

APR 22 2022

OWRD

TACS



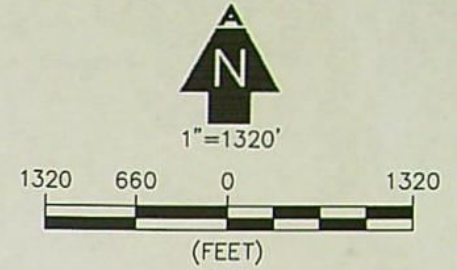
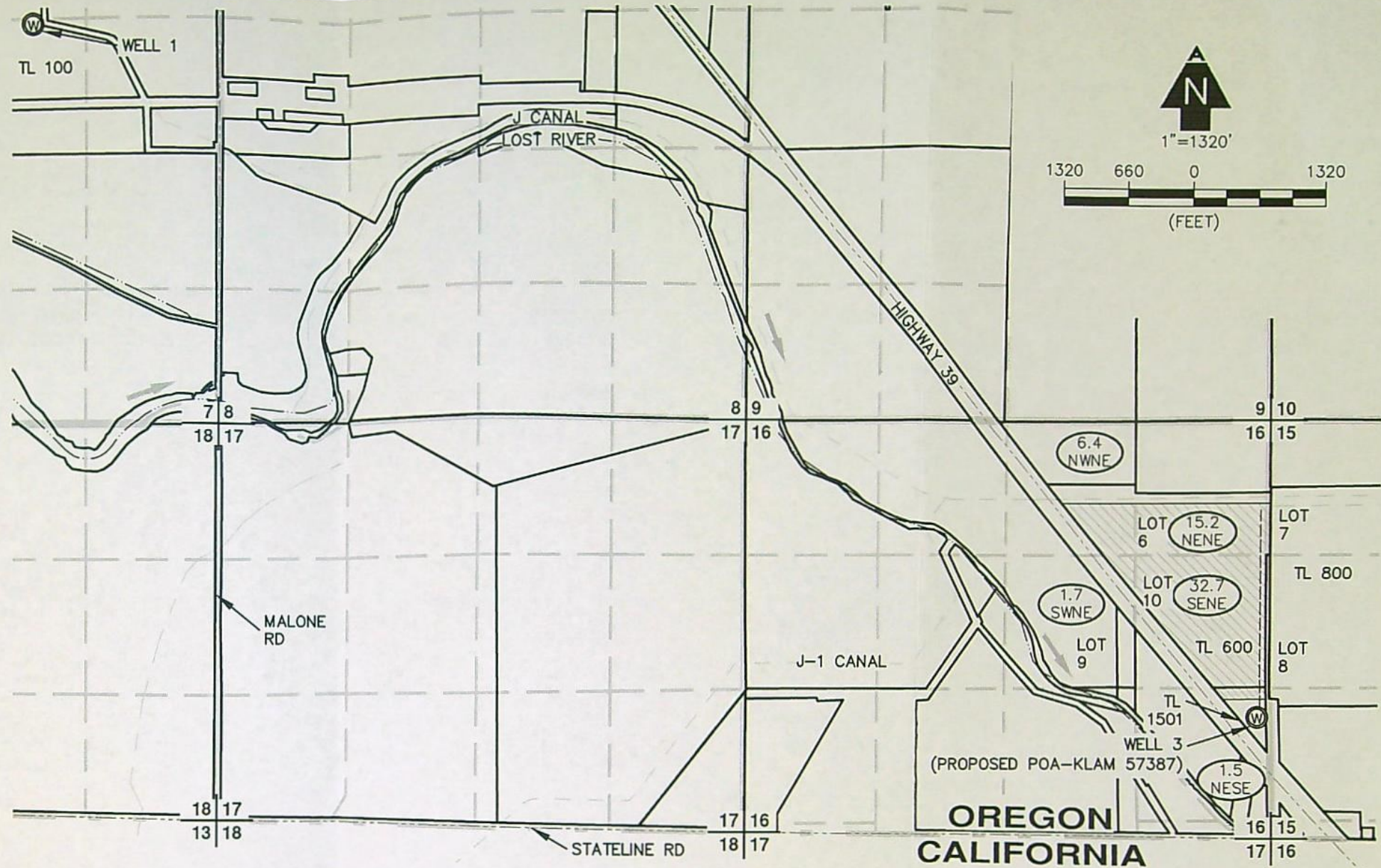
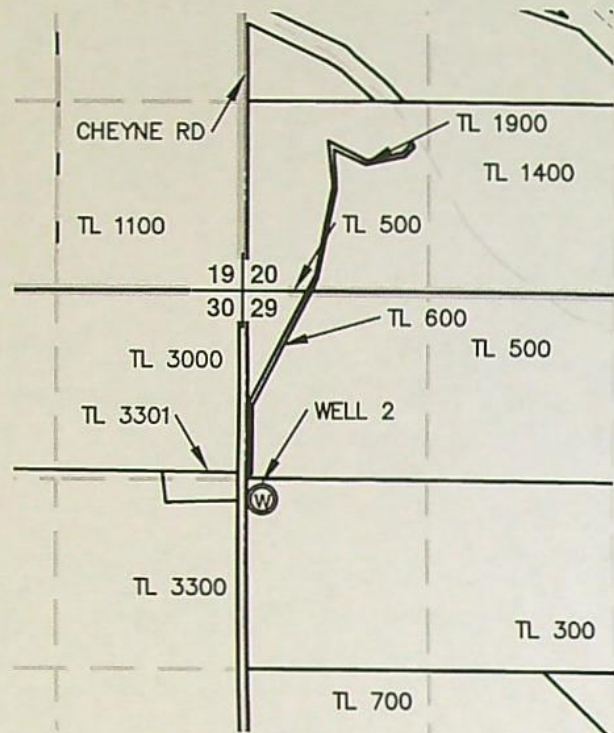
Google Earth

Date: May 27, 2017

© 2021 Google



1000 ft



NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, 2022 NAIP AERIAL IMAGERY, AND KLAMATH COUNTY TAX MAPS T40S, R10E, SEC. 7 AND T40S, R10E, SEC. 29.
2. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
3. DATE OF PRIORITY FOR THIS PERMIT IS MARCH 1, 2005.

WELL LOCATIONS:

WELL 1 (KLAM 53043): 1360' SOUTH & 1860' WEST FROM THE NORTHEAST CORNER OF SECTION 7.

WELL 2 (KLAM 10518): 1420' SOUTH & 20' EAST FROM THE NORTHWEST CORNER OF SECTION 29.

WELL 3 (PROPOSED POA-KLAM 57387): 1240' NORTH & 30' WEST FROM THE SOUTHEAST CORNER OF SECTION 16.

LEGEND

	TOWNSHIP LINE	TL 0000	TAX LOT NUMBER
	SECTION LINE	LOT 1	GOVERNMENT LOT NUMBER
	1/4 1/4 LINE		POA (WELL)
	TAX LOT LINE		LANDS TO BE TRANSFERRED TO PROPOSED POA
	ABOVE GROUND PIPE		IRRIGATED ACRES
	☉ STREAM		1/4 1/4 SECTION
	☉ ROAD		FLOW DIRECTION
	☉ CANAL		
	SECTION CORNER		

AL ADKINS
ENGINEERING & SURVEYING o / 541.884.4666
w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

ENGINEERING • SURVEYING • PLANNING • TESTING

4/12/2022

3217-02

RECEIVED

APR 22 2022

OWRD

DROUGHT TEMPORARY TRANSFER
FOR
MLM PROPERTY LLC
T41S, R11E, SEC. 16, W.M.
KLAMATH COUNTY, OREGON
APPLICATION G-16400
PERMIT G-18390

Checked by Jean

Date 4/27/22

T-13988

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

POA Δ

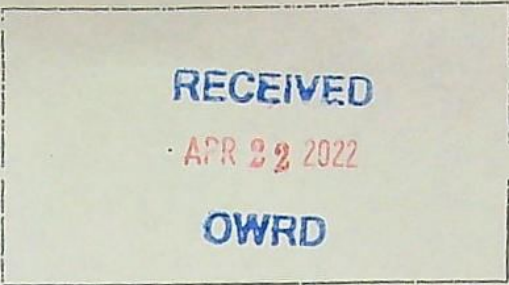
Except in Drought

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

If OK, check box to left; if not, fill in the blank)

- 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, which are cancelled? Permit G-18390
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
 N/A Form D needed from Included (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: MLM Property LLC

PO Box 195, Merrill OR 97633

Transaction Type: Temp Drought transfer.

Fees Received: \$ 200.00

Cash Check: Check No. 12838

Name(s) on Check: Muckoen & Son

Address on Check: Same as above

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

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

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

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

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Lorrien
(Name of OWRD staff)

Instructions for OWRD staff:

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