

Drought temp

Name Duane Martin Ranches LP

Address 2021 State Hwy 88  
lane CA 95640

Change in POA POA

Date Filed 5/9/2022

Initial notice date 5/24/2022

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 8/10/2022 Vol 125 Page 559-62

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream neathory well

Trib. of Sprague river

Use Irrigation County Klamath

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # 418100 PR Date \_\_\_\_\_

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>5-9-2022</u>	<u>\$200.00</u>	<u>138067</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: \_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent all plants engineering & Surveying Scott montgomery

CWRE \_\_\_\_\_

CC's list \_\_\_\_\_

- Oversized map - Location \_\_\_\_\_





Oregon  
Kate Brown, Governor

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

August 10, 2022

DUANE MARTIN RANCHES LP  
2021 STATE HWY 88  
IONE, CA 95640

REFERENCE: Temporary Drought Transfer Application T-14002

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 transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at [Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov).

Sincerely,

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

cc: Danette M. Watson, Watermaster Dist. #17 (via email)  
Scott D. Montgomery, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14002, Klamath County	)	EMERGENCY USE DROUGHT TEMPORARY
	)	CHANGE IN PLACE OF USE, AND 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**

DUANE MARTIN RANCHES, LP  
2021 STATE HWY 88  
IONE, CA 95640

**Findings of Fact**

1. On May 9, 2022, DUANE MARTIN RANCHES, LP filed an application to temporarily change the place of use and change the point appropriation under Certificate 41860 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-14002.

2. Notice of the application for transfer was published on May 25, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. The portion of the right to be temporarily transferred is as follows:

**Certificate:** 41860 in the name of ROBERT A. JOHNSON (perfected under Permit G-2588)  
**Use:** IRRIGATION of 44.7 ACRES  
**Priority Date:** MARCH 4, 1964  
**Rate:** 0.56 CUBIC FOOT PER SECOND

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.



**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** NEATHORY WELL NO. 1, a tributary of SPRAGUE RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	11 E	WM	15	SW SE	31	WELL 1 - 270 FEET NORTH AND 1620 FEET WEST FROM THE SE CORNER OF SECTION 15

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	11 E	WM	15	NE SE	17	15.7
36 S	11 E	WM	15	NE SE	24	20.0
36 S	11 E	WM	15	SE SE	25	9.0
					Total	44.7

4. Temporary Transfer Application T-14002 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	11 E	WM	15	NE SW	19	17.5
36 S	11 E	WM	15	NE SW	22	5.3
36 S	11 E	WM	15	NE SW	20	18.5
36 S	11 E	WM	15	NW SW	21	3.4
					Total	44.7

5. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14002 proposes to move the authorized point of appropriation approximately 2000 feet northwest to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	11 E	WM	15	NE SW	22	WELL 6 - 720 FEET SOUTH AND 200 FEET WEST FROM THE C1/4 CORNER OF SECTION 15

**Temporary Drought Transfer Review Criteria**

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



8. 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.
9. The proposed changes would not result in enlargement of the rights.
10. 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 the place of use and change in point appropriation proposed in Temporary Drought Transfer Application T-14002 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

### Now, therefore, it is ORDERED:

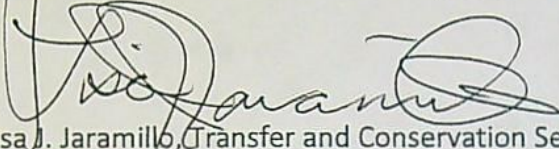
1. The temporary change in the place of use and change in point appropriation proposed in Temporary Drought Transfer Application T-14002 is approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2022 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. 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.
5. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 41860. The use shall revert to the authorized place of use at the end of the 2022 irrigation season.
6. The proposed change in place of use and point of appropriation shall revert to the authorized place of use and point of appropriation at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.



7. The use of the remaining water right described by Certificate 41860 shall continue to be in accordance with the terms and conditions of Certificate 41860.

Dated in Salem, Oregon on

**AUG 10 2022**



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

*Mailing Date:*

**AUG 11 2022**



# DROUGHT

## WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14002

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

<b>Applicant:</b> DUANE MARTIN RANCHES LP 2021 STATE HWY 88 IONE, CA 95640 Email: _____ Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A SCOTT D. MONTGOMERY PO BOX 767 TERREBONNE, OR 97760 Email: _____ Phone: _____
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____	<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____	<b>Receiving Landowner:</b> <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"/>				<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: May 9, 2022	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 200.00	WM District: 17	ODFW District:
Initial Public Notice: 05/24/2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" 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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>6/8/22</i> Initials: <i>Scott</i>	Date: <i>6/9/22</i> Initials: <i>John</i>	Date: _____ Initials: _____	Date: <i>8/2/22</i> Initials: <i>PCS</i>	Date: _____ Initials: _____	Date: _____	Date: <i>8/10/2022</i>

Special Issues: GW Review Revd in TACS on 7/25/22

Special Order Volume: Vol. 125 Pages 559



STATE OF OREGON  
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **ROBERT A. JOHNSON** **92507**  
of **5320 Via Chepo, Riverside**, State of **California**, has made proof  
to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of  
**Neathory Well No. 1**

a tributary of **Sprague River** for the purpose of  
**irrigation of 75.0 acres**

under Permit No. **G-2588** of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from **March 4, 1964**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
**0.94 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the **Lot 31 (S½ SW¼ SE¼)**, **Section 15, T. 36 S., R. 11 E., W. M.**, 270 feet North and 1620 feet West from SE Corner, **Section 15.**

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited to  
a diversion of not to exceed **3 acre feet per acre** for each acre irrigated during  
the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

- 15.7 acres Lot 17 (N½ NE¼ SE¼)
  - 20.0 acres Lot 24 (S½ NE¼ SE¼)
  - 1.0 acre Lot 31 (S½ SW¼ SE¼)
  - 20.0 acres Lot 25 (N½ SE¼ SE¼)
  - 18.3 acres Lot 32 (S½ SE¼ SE¼)
- Section 15  
T. 36 S., R. 11 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer, affixed  
this date, **March 18, 1975**

**Chris L. Wheeler**  
State Engineer



## Groundwater Transfer Review Summary Form

Transfer/PA # T- 14002

GW Reviewer M. Thoma Date Review Completed: 07/20/2022

### 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
- Drought Transfer

Application: T-14002

Applicant Name: Duane Martin Ranches

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

Reviewer(s): M. Thoma

Date of Review: 07/20/2022

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 applicant proposed to change the POA of a portion of Cert. 41860 from the authorized POA, KLAM0001966, to another well, KLAM0001965. The applicant also proposed a change in the POU.

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 appropriation under this right closer to other existing groundwater 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: the proposed change is estimated to increase the hydraulic interference to the nearest other groundwater right by less than 1.0 ft by the end of the irrigation season. This increase in interference will not cause injury to the nearest other groundwater right or any groundwater rights in the vicinity.

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: \_\_\_\_\_

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: Sprague River  Minimal  Significant

Stream: \_\_\_\_\_  Minimal  Significant

Provide context for minimal/significant impact: The proposed change would change the distance from the well to the Sprague River by approximately 1000 ft which, based on modeling of hydraulic interference for Item 4, will not significantly increase interference with the Sprague River during the duration of the drought. (Stream-depletion models use the same hydraulic parameters [T and S] as the hydraulic interference model and provide considerable insight into how a change in distance will affect stream-depletion.)

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?

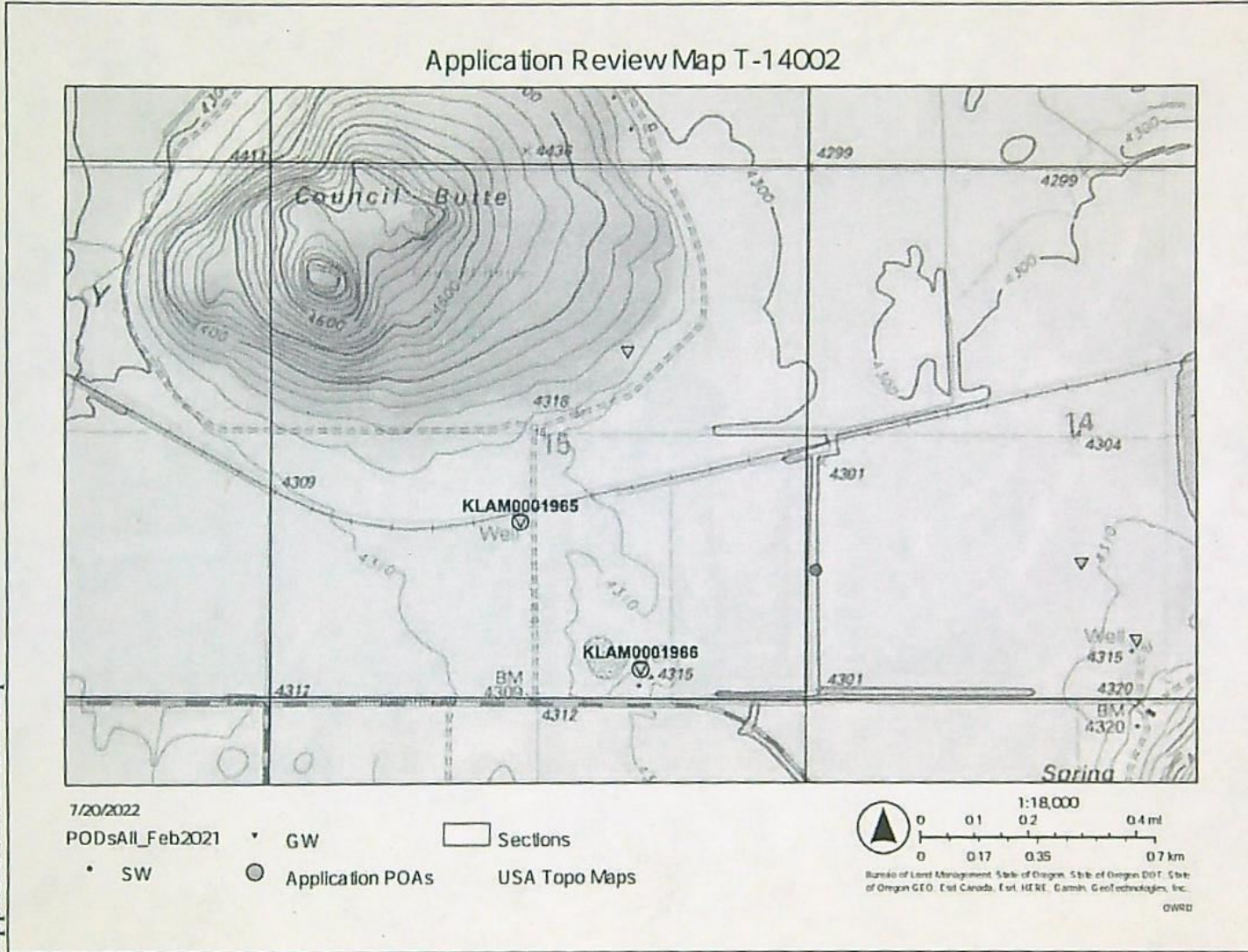
Yes  No Comments: \_\_\_\_\_

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

8. Any additional comments: \_\_\_\_\_



Application Review Map





**Results of Hydraulic Interference Modeling**

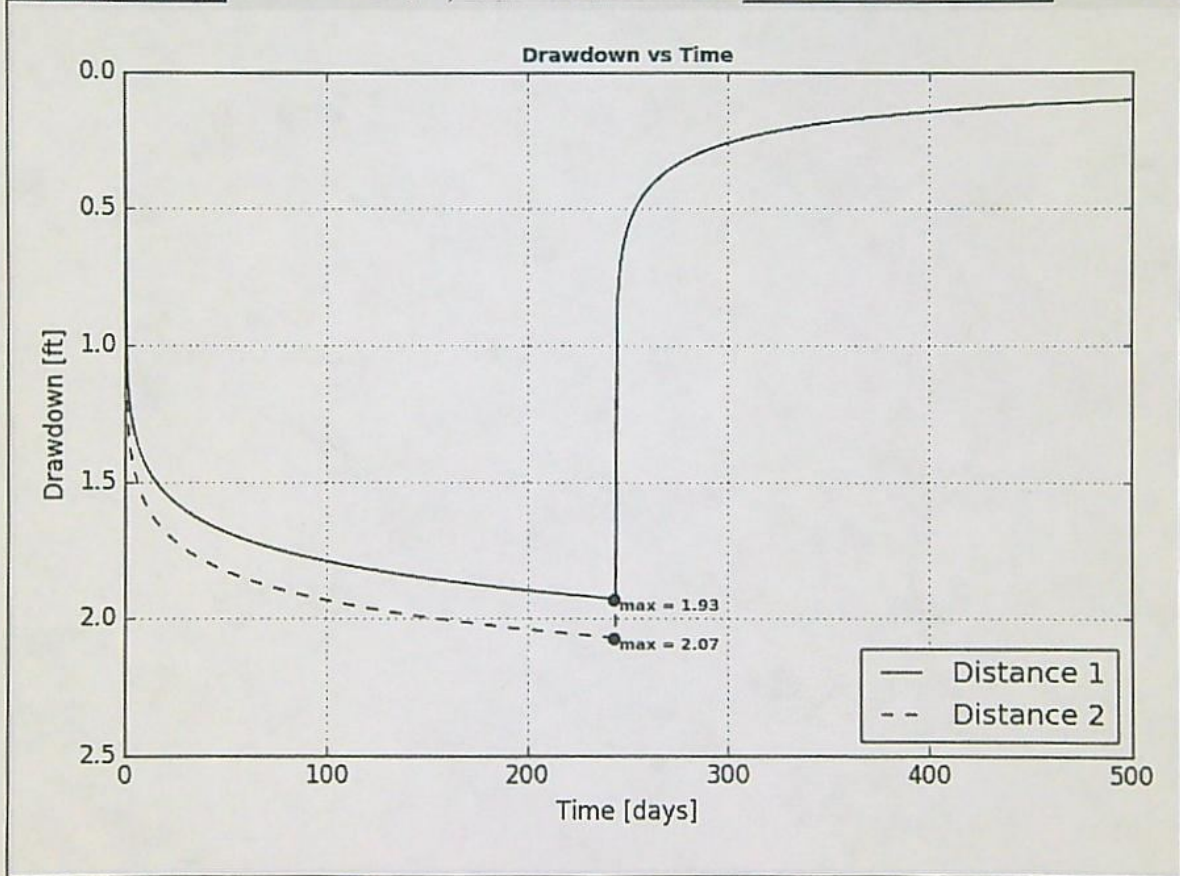
74 Enter Parameters

Show Instructions	Total Model Time [d]:	500	
	Pumping Time [d]:	244	
Run Models	Pumping Rate [gpm]:	<input checked="" type="checkbox"/> cfs	0.56
	Distance [ft]:	<input type="checkbox"/> miles	3160
Export Values	Min / Max T [ft <sup>2</sup> /d]:	10000	25000
	Min / Max S [-]:	1e-5	5e-6
Close Program	Select Model Type to run:	Single Model	Discrete Models
	Select Distribution Type:	Uniform-Linear (enter min/max)	Log-Normal (enter mean/std)

1990  Use 2nd Dist.

log(mu)	log(sigma)
3	0.5
-3	0.5

≠ Runs: 200





# 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-14002

Review Due Date: 05/24/2022

Applicant Name: Duane Martin Ranches, LP

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Dani Watson

Date of Review: 05/24/2022

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:  
GW was regulated in the Klamath in 2018. However, upon legal review GW can not be regulated until there is a Critical GW Area.
  
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



Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14002

[ ] In order to avoid enlargement of the right or injury to other rights, a [ ] will
be required to be installed prior to diversion of water, as a condition of this transfer:
[ ] at each point of diversion/appropriation (new and existing) OR
[ ] at each new point of diversion/appropriation.

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

Watermaster name: Dani Watson

District: 17

Address: 305 Main St

City/State/Zip: Klamath Falls

Phone: 541-883-4182

Email: Danette.M.Watson@water.oregon.gov

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

\*\*\*\*\*

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

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

\_\_\_\_\_
\_\_\_\_\_

\_\_\_\_\_
Watermaster signature

\_\_\_\_\_
District

\_\_\_\_\_
Date

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

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





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 23, 2022

DUANE MARTIN RANCHES LP  
2021 STATE HWY 88  
IONE, CA 95640

Reference: Application T-14002

On May 9, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$200.00. Our receipt number 138067 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #17, Danette M. Watson (via email)  
Scott D. Montgomery, Agent

Enclosure



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 # **138067**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Duane Martin Livestock  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14002</u>

CASH:  CHECK:# 85206 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	\$
0205	TRANSFER	\$ <u>200.00</u>
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$
_____	LANDOWNER'S PERMIT	\$
_____	OTHER (IDENTIFY)	\$

*46112 Drought*

**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: **138067**

DATED: 5-9-2022 BY: [Signature]

4564-024099

Emergency Drought Transfer Application fee

200.00

OWRD  
6045 - Licenses and Permits

Emerg Drought Transfer of Water Rights

5/6/2022

200.00

85206

DUANE MARTIN LIVESTOCK  
2021 Highway 88 Lone, CA 95640

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OVER THE COUNTER



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.

**FOR ALL TEMPORARY TRANSFER APPLICATIONS**

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](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: C 41860**  
 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):**

<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"/> Part ____ is incomplete
<input type="checkbox"/> Additional signature(s) required	

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Temporary Transfer Application Map Checklist

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 <b>Duane Martin Ranches, LP</b>			PHONE NO. <b>(209) 274-6411</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>2021 State Hwy 88</b>				FAX NO. <b>(209) 274-6435</b>
CITY <b>Ione</b>	STATE <b>CA</b>	ZIP <b>95640</b>	E-MAIL <b>dmartinis@hughes.net</b>	
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 <b>All Points Engineering and Surveying, Inc.</b>			PHONE NO. <b>(541) 548-5833</b>	ADDITIONAL CONTACT NO. <b>(541) 420-0401</b>
ADDRESS <b>P.O. Box 767</b>				FAX NO. <b>(844) 273-9878</b>
CITY <b>Terrebonne</b>	STATE <b>OR</b>	ZIP <b>97760</b>	E-MAIL <b>scott@apeands.com</b>	
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:  
 Move place of use & change well to better farm ground closer other certified well under same ownership.  
 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.

*Duane Martin*  
 Applicant signature

**Duane Martin, Sr, General Partner**  
 Print Name (and Title if applicable)

*5/6/22*  
 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 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.

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**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	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	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	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**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 Certificate # 41860**

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**Description of Water Delivery System**

System capacity: 0.94 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. Water is pumped from Well 1 and conveyed to a mainline and wheel line sprinklers that irrigate the place of use.

**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.)

6	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	KLAM 1965	36 S	11 E	15	NE SE	22	720' S & 200' W from C 1/4 corner Section 15
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 1966	36 S	11 E	15	S W SE	31	270' N & 1620' W from SE corner Section 15
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- 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 Certificate # 41860**

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	
36 S	11 E	15	NE SE	2700	17	15.7	IR	1	1964	POU/POA	36 S	11 E	15	NE SW	2800	19	17.5	IR	6	1964	
					24	20.0									22	5.3					
			SE SE		25	9.0							NW SW		20	18.5					
															21	3.4					
						TOTAL ACRES	44.7							TOTAL ACRES	44.7						

Additional remarks: Only 44.7 acres are proposed to be transferred from the 75.0 total acres.

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**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: \_\_\_\_\_



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](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
See well logs										

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### 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
#1		KLAM1966				
#6		KLAM1965				







STATE ENGINEER  
Salem, Oregon

*KLAMATH*  
*1965* Well Record

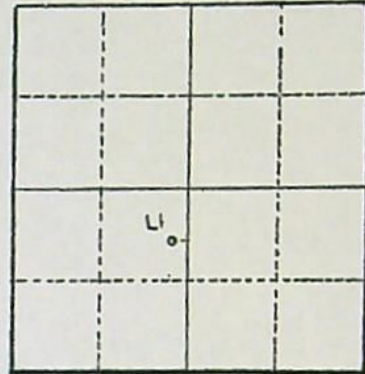
STATE WELL NO. 36/11 - 15L  
COUNTY Klamath  
APPLICATION NO. U-585

OWNER: Frank & Virginia Goularte MAILING ADDRESS: Canby, California

LOCATION OF WELL: Owner's No. 6 CITY AND STATE: Canby, California

Lot 22  
NE 1/4 SW 1/4 Sec. 15 T. 36 N S., R. 11 E W., W.M.

Bearing and distance from section or subdivision corner approx. 720 ft. S and 200 ft. W. from center of said Section 15



Section 15

Altitude at well \_\_\_\_\_

TYPE OF WELL: Drilled Date Constructed July 1948

Depth drilled 260 ft. Depth casé 18 feet

CASING RECORD:

FINISH:

AQUIFERS:

WATER LEVEL:

20 feet below ground surface

PUMPING EQUIPMENT: Type Johnson H.P. \_\_\_\_\_  
Capacity 2000 G.P.M.

WELL TESTS:  
Drawdown 6-8 ft. after 12 days hours 2000 G.P.M.  
Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

USE OF WATER Irrigation Temp. \_\_\_\_\_ °F. \_\_\_\_\_, 19\_\_\_\_

SOURCE OF INFORMATION \_\_\_\_\_

DRILLER or DIGGER W. L. Hartley & Son, Bonanza, Oregon

ADDITIONAL DATA:

Log X Water Level Measurements \_\_\_\_\_ Chemical Analysis \_\_\_\_\_ Aquifer Test \_\_\_\_\_

REMARKS:

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# 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 Arizona )  
 ) ss  
County of MOHAVE)

I, SCOTT MONTGOMERY, in my capacity as ENGINEER,  
mailing address P.O. BOX 767, TERREBONNE, OR 97760  
telephone number (541)548-5833, 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 # 41860; OR

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

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

OR

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

(continues on reverse side)

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TACS



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

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

Feb 22, 2022  
Date

Signed and sworn to (or affirmed) before me this 22<sup>nd</sup> day of Feb, 2022.



[Signature]  
Notary Public for Oregon

My Commission Expires: Apr 15, 2023

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 <b>confirming</b> 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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<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"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

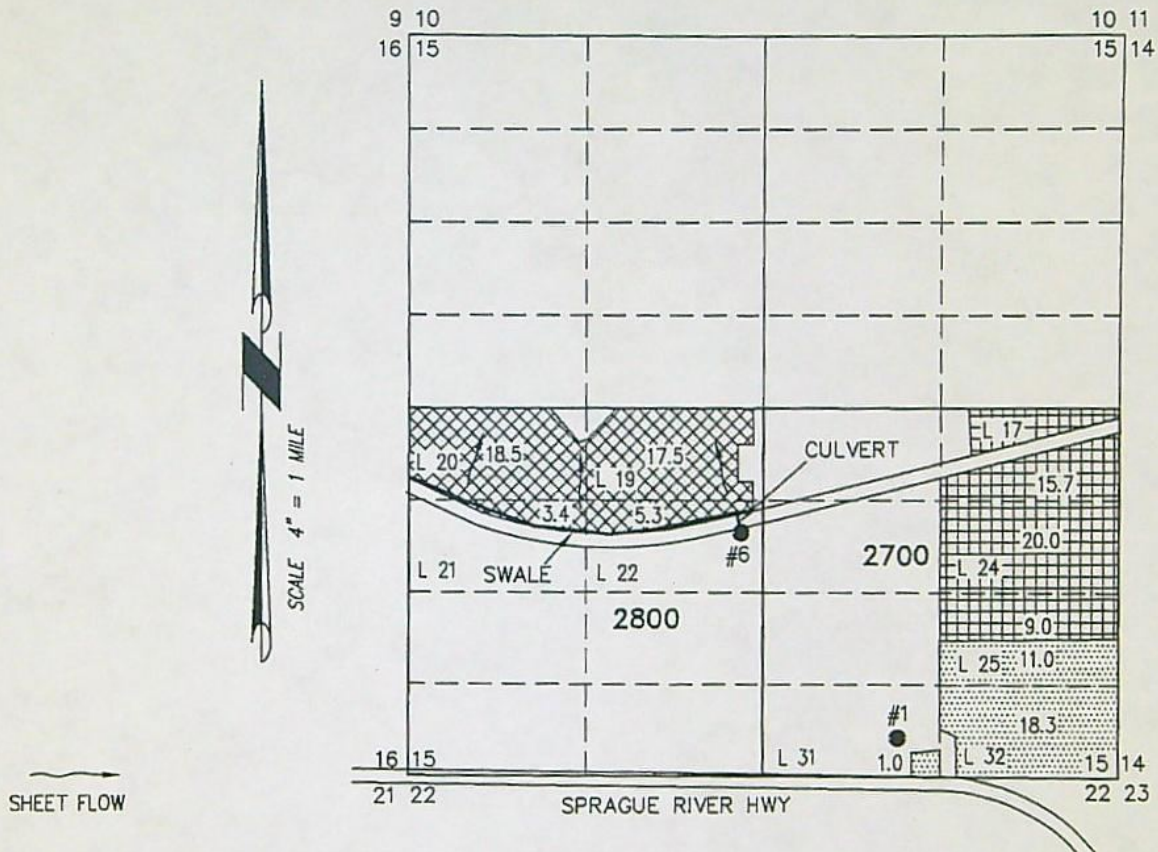
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# MAP TO ACCOMPANY APPLICATION TO CHANGE POINT OF APPROPRIATION AND PLACE OF USE PERTAINING TO CERTIFICATE 41860 FOR MARTIN RANCHES, LP

TAX LOTS 2700 & 2800  
IN TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.  
KLAMATH COUNTY, OREGON



- WELL #1 (KLAM 1966) AUTHORIZED BY C41860, LOCATED 270 FEET NORTH AND 1620 FEET WEST FROM THE SE CORNER OF SECTION 15.
- WELL #6 (KLAM 1965) AUTHORIZED BY C20319 & PROPOSED FOR C41860, LOCATED 720 FEET SOUTH AND 200 FEET WEST FROM THE C 1/4 CORNER OF SECTION 15.

- 44.7 ACRES IR FROM WELL #6 TRANSFERRED ON FROM C 41860, AS SHOWN.
- 44.7 ACRES IR FROM WELL #1 TRANSFERRED OFF FROM C 41860, AS SHOWN.
- 30.3 ACRES IR FROM WELL #1 REMAIN, AS SHOWN FROM C 41860.

*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. 22-091

PREPARED AT THE REQUEST OF:  
MARTIN RANCHES, LP  
2021 STATE HWY 88  
IONE, CA 95640

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



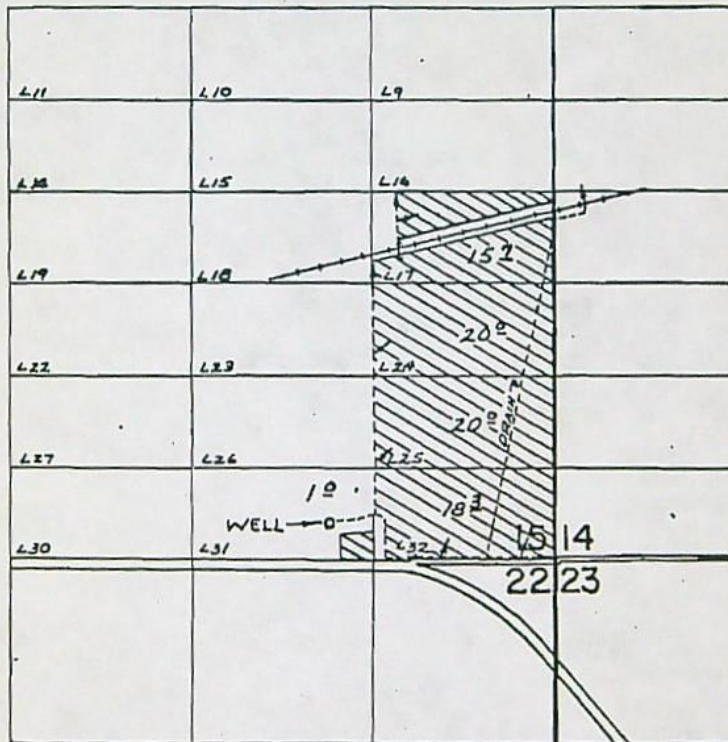
P.O. BOX 767  
TERREBONNE, OREGON 97760  
(541) 548-5833 PH  
Scott@APEandS.com  
www.APEandS.com

14002



# T.36S.R.11E.W.M.

Sprague R. Wells



WELL LOC: 270' N. & 1620' W. FROM S.E. COR. SEC. 15

## FINAL PROOF SURVEY UNDER

Application No. G-2122 Permit No. G-2588  
IN NAME OF

Robert A. Johnson

Surveyed OCT. 22, 1974, by R. MUGKEN

14002



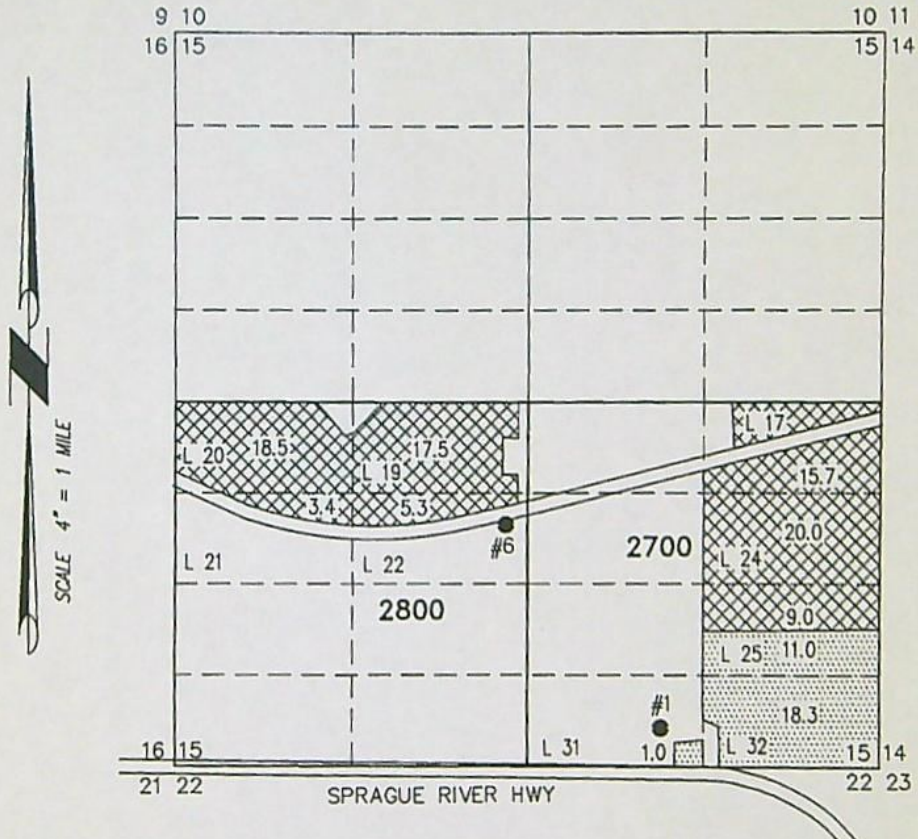
MAP TO ACCOMPANY APPLICATION TO CHANGE  
POINT OF APPROPRIATION AND PLACE OF USE  
PERTAINING TO CERTIFICATE 41860  
FOR MARTIN RANCHES, LP

TAX LOTS 2700 & 2800  
IN TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.  
KLAMATH COUNTY, OREGON


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- WELL #1 (KLAM 1966) AUTHORIZED BY C41860, LOCATED 270 FEET NORTH AND 1620 FEET WEST FROM THE SE CORNER OF SECTION 15.
- WELL #6 (KLAM 1965) AUTHORIZED BY C20319, LOCATED 720 FEET SOUTH AND 200 FEET WEST FROM THE C 1/4 CORNER OF SECTION 15.

 44.7 ACRES IR FROM WELL #6, AS SHOWN FROM C 41860 (30.3 ACRES REMAIN).

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. 22-091

PREPARED AT THE REQUEST OF:

MARTIN RANCHES, LP  
2021 STATE HWY 88  
IONE, CA 95640

ALL POINTS ENGINEERING  
& SURVEYING, INC.

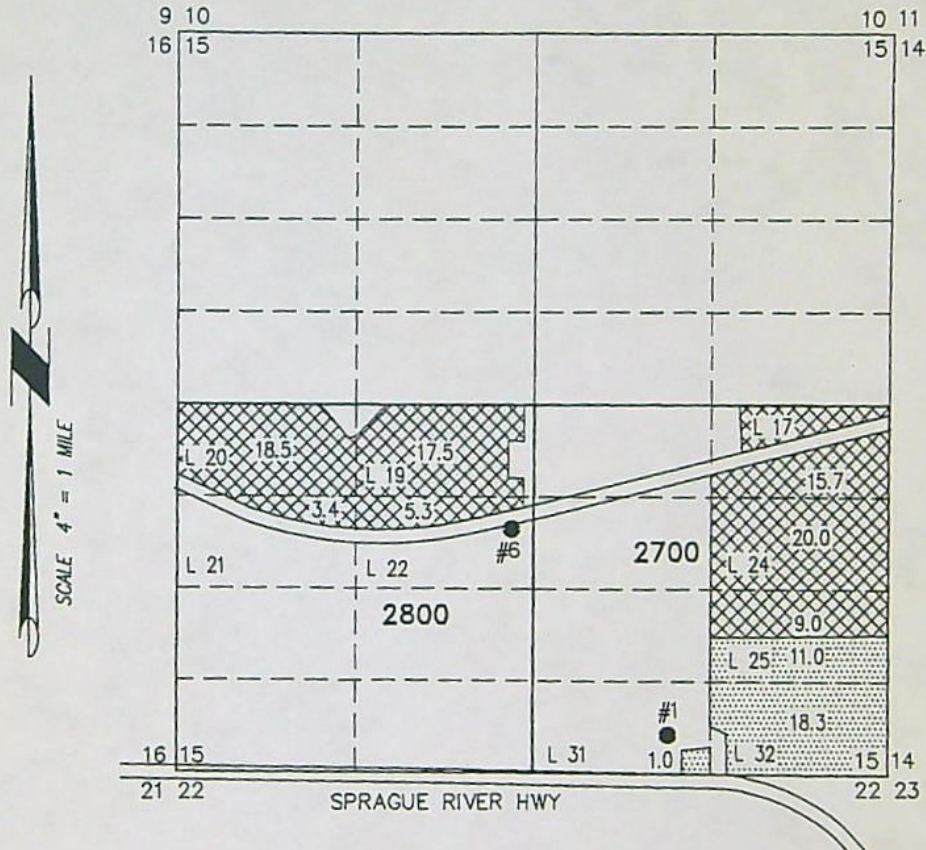


P.O. BOX 767  
TERREBONNE, OREGON 97760  
(541) 548-5833 PH  
Scott@APEandS.com  
www.APEandS.com



# MAP TO ACCOMPANY APPLICATION TO CHANGE POINT OF APPROPRIATION AND PLACE OF USE PERTAINING TO CERTIFICATE 41860 FOR MARTIN RANCHES, LP

TAX LOTS 2700 & 2800  
IN TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.  
KLAMATH COUNTY, OREGON



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& SURVEYING, INC.**



P.O. BOX 767  
TERREBONNE, OREGON 97760  
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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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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WR / FS

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14002



# 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): Duane Martin Ranches

Mailing Address: 2021 State Hwy 88

City: Ione

State: CA

Zip Code: 95640

Daytime Phone: \_\_\_\_\_

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>36S</u>	<u>11E</u>	<u>15</u>	<u>NE SW</u>	<u>2800</u>	<u>BFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>36S</u>	<u>11E</u>	<u>15</u>	<u>NW SW</u>	<u>2800</u>	<u>BFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>

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

Klamath

## 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: 0.56    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:

Move place of use & change well to better farm ground closer to other certificated well

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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OWRB 14002



## 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: Lillian Gallagher Title: Planner 2  
 Signature: [Signature] Phone: 541-851-3674 Date: 4/23/21  
 Government Entity: Klamath County Planning Dept.

**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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14002



## SMITH Joan M \* WRD

---

**From:** Scott <Scott@apeands.com>  
**Sent:** Monday, May 16, 2022 2:07 PM  
**To:** SMITH Joan M \* WRD  
**Cc:** Neecee; Dominic Carollo; STARNES Patrick K \* WRD; JARAMILLO Lisa J \* WRD  
**Subject:** RE: Duane Martin Ranches Drought Transfer Application  
**Attachments:** T13941.pdf; 41860.pdf

Please find attached to this message the Emergency Drought Transfer Map and Certificate map for Certificate 41860. Please let me know if you have any questions.

Scott

---

**From:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Sent:** Thursday, May 12, 2022 7:05 AM  
**To:** Scott <Scott@apeands.com>  
**Cc:** Neecee <Neecee@apeands.com>; Dominic Carollo <dcarollo@carollolegal.com>; STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>; JARAMILLO Lisa J \* WRD <Lisa.J.JARAMILLO@water.oregon.gov>  
**Subject:** RE: Duane Martin Ranches Drought Transfer Application

Scott, the map does not meet the standards and I would prefer not to send the application back. Please send the amended map by May 16, 2022.

Thanks

Joan

Joan Smith  
Transfer Specialist  
503-986-0892



---

**From:** Scott <Scott@apeands.com>  
**Sent:** Wednesday, May 11, 2022 7:09 PM  
**To:** SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
**Cc:** Neecee <Neecee@apeands.com>; Dominic Carollo <dcarollo@carollolegal.com>; STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Subject:** Re: Duane Martin Ranches Drought Transfer Application

Joan,

Last year we submitted the same drought application. It was processed as T-13702. Transfer staff was able to decipher correctly that the cross hatchery was the part that exists in C41860 "from" and also the same hatchery not part of C41960 was to be moved "to". Our intention is to repeat the same application. I could change the pattern and add another call out to the map, but it should already be clear if you understand where the certificate's rights exist.

Thanks,

Scott

Get [Outlook for iOS](#)

---



**From:** SMITH Joan M \* WRD <[Joan.M.SMITH@water.oregon.gov](mailto:Joan.M.SMITH@water.oregon.gov)>  
**Sent:** Wednesday, May 11, 2022 8:31:39 AM  
**To:** Scott <[Scott@apeands.com](mailto:Scott@apeands.com)>  
**Cc:** Neecee <[Neecee@apeands.com](mailto:Neecee@apeands.com)>; Dominic Carollo <[dcarollo@carollolegal.com](mailto:dcarollo@carollolegal.com)>; STARNES Patrick K \* WRD <[Patrick.K.STARNES@water.oregon.gov](mailto:Patrick.K.STARNES@water.oregon.gov)>  
**Subject:** RE: Duane Martin Ranches Drought Transfer Application

Scott, it is unclear from the map which acres are the on acres and which are the off. I am working on the application intake, and I need the application to be clear for watermaster and groundwater staff to **quickly** assess. Let me know if you have any questions.  
Hope to hear from you soon,  
Joan

Joan Smith  
Transfer Specialist  
503-986-0892



---

**From:** Scott <[Scott@apeands.com](mailto:Scott@apeands.com)>  
**Sent:** Tuesday, May 10, 2022 8:20 PM  
**To:** SMITH Joan M \* WRD <[Joan.M.SMITH@water.oregon.gov](mailto:Joan.M.SMITH@water.oregon.gov)>  
**Cc:** Neecee <[Neecee@apeands.com](mailto:Neecee@apeands.com)>; Dominic Carollo <[dcarollo@carollolegal.com](mailto:dcarollo@carollolegal.com)>  
**Subject:** FW: Duane Martin Ranches Drought Transfer Application

Joan,  
I'm forwarding you the application paperwork I prepared. There is one map that serves as both "from" and "to". Please let me know if you need more.  
Thanks,  
Scott  
*Scott D. Montgomery, Owner/Principal  
All Points Engineering and Surveying, Inc.*

---

**From:** Scott  
**Sent:** Thursday, May 05, 2022 1:38 PM  
**To:** Dominic Carollo <[dcarollo@carollolegal.com](mailto:dcarollo@carollolegal.com)>  
**Subject:** Duane Martin Ranches Drought Transfer Application

Dominic:

Attached to this message are the forms to apply for an Emergency Drought Transfer. The LUCS and Use Affidavit are copies from the Temporary Transfer Application we prepared in February. I'm hopeful these can be used again, as less than 3 months have passed since they were submitted. If everything looks good, just need Duane's signature and a check for \$200 to OWRD.

Thanks,  
Scott



OREGON



WATER RESOURCES  
DEPARTMENT

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Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Duane Martin Ranches, LP

2021 State Hwy 88, Lone OR 95640

Transaction Type: Transfer

Fees Received: \$ 200.00

Cash

Check:

Check No. 85206

Name(s) on Check: Duane Martin livestock

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 Lounien

(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.





CAROLLO LAW GROUP LLC  
LAND • WATER • WILDLIFE | NATURAL RESOURCE LAW

MAIL: P.O. BOX 2456, ROSEBURG, OR 97470 | PHYSICAL: 2315 OLD HWY 99 S, ROSEBURG, OR 97471  
PHONE: 541-957-5900 | FAX: 541-957-5923 | [WWW.CAROLLOLEGAL.COM](http://WWW.CAROLLOLEGAL.COM)

DOMINIC CAROLLO, MANAGING ATTORNEY

EMAIL: [dcarollo@carollolegal.com](mailto:dcarollo@carollolegal.com)

May 5, 2022

OWRD  
725 Summer Street NE, Ste. A  
Salem, Or. 97301-1271

**Re:** Emergency Drought Transfer

To whom it may concern,

Enclosed please find the application for Emergency Drought Transfer of Water Right with the following attachments:

1. Application for Emergency Drought Transfer of Water Right;
2. Map;
3. Evidence of Use Affidavit;
4. Signed LUCS;
5. Check for \$200.00

The original LUCS and Use Affidavit were submitted previously with Transfer Application T-13941, on March 7, 2022. Please refer to this transfer application for the original documents.

Please let me know if you need anything further to facilitate approval of the application for Emergency Drought Transfer of water rights that is presented.

Sincerely,

Dominic M. Carollo

cc: clients  
Enclosures

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Regular Temporary Water Right Transfer Application Checklist

Checked by Joan

Date 5/10/22

Drought

**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.**

POU/POA  
cert  
41860

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? No "to" map
- 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? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
 N/A  Form D needed from \_\_\_\_\_ (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

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

TO MAP?