

T-14082

Regular

T-14082

RA

Name Shane & Crystal OtleyAddress 67976 Oil Well Rd.
Burns, OR 97720Change in POU, APOADate Filed 9-1-2022Initial notice date 9-13-2022

DPD issued date

PD issued date 3/16/23PD notice date 3/21/23Date of FO 5/17/2023 Vol 128 Page 374-379

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Silvies River Basin ; Embree Slough BasinUse Irrigation County Harney

Quantity of water (CFS) No. of Acres

Name of ditch

App# G-3164 Per # G-388 Cert # 32082 PR Date 11/8/1956App# G-116754 Per # G-116255 Cert # 94169 PR Date 11/20/2006

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
9-1-2022	\$5110.00	139051
9-1-2022	\$125.00	139049
10-24-2022	\$1,903.48	139398

FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent John A. Short - johnshort@usa.com

CWRE

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14082

Transfer Specialist: Scott

Transfer Type: Regular Transfer

RA

Applicant: SHANE AND CRYSTAL OTLEY 67976 OIL WELL RD BURNS, OR 97720 Email: _____ Phone: _____		Agent: ☐ N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A County Of Harney Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-364	G-388	32082	☒ Yes ☒ No	
☐	G-16754	G-16255	94169	☒ Yes ☒ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: September 1, 2022	Proposed Action(s): APOA; POU	
Fees Pd: 5110.00	WM District: 10	ODFW District:
Initial Public Notice: September 13, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☒	BOR notified (date): ☐ N/A	
Newspaper quote requested: 1-31-23	Request for news \$ sent: 2-9-23	News \$ received: 3/6/23
Request to publish sent:	Affidavit of publication received: 4/3/23	Last day of publication: 3/29/23

BURNS TIMES-HERALD

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 12/6/22 Initials: Scott	Date: 12/10/22 Initials: AED	Date: _____ Initials: _____	Date: 1/18/23 Initials: PKS	Date: 1/18/23 Initials: Scott	CW Sent: 1/19/23	N/A
PD	Date: 1/25/23 Initials: Scott	Date: 4/3/23 Initials: AED	Date: _____ Initials: _____	Date: 2/3/23 Initials: PKS	Date: 2/10/23 Initials: Scott	Date: 3/15/23	Date: 3/16/23
FO	Date: 3/17/23 Initials: Scott	Date: 3/20/23 Initials: AED	Date: _____ Initials: _____	Date: 3/23/23 Initials: PKS	Date: 5/1/23 Initials: Scott	Date: 5/1/23	Date: 5/17/23

Special Issues: PD to DATA - 2/10/23 rcvd 2/13/23

Special Order Volume: Vol. _____ Pages _____

TIME UP 4/28/23



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 17, 2023

SHANE OTLEY
67976 OIL WELL RD
BURNS, OR 97720

REFERENCE: Transfer Application T-14082

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

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

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

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

If you have any questions related to 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@water.oregon.gov.

Sincerely,

Flor Pena
Water Rights Services Support
Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. # 10 (via email)
John A. Short, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING ADDITIONAL
T-14082, Harney County	)	POINTS OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

Authority

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

Applicant

SHANE OTLEY AND
CRYSTAL OTLEY
67976 OIL WELL RD
BURNS, OR 97720

Findings of Fact

1. On September 1, 2022, SHANE OTLEY AND CRYSTAL OTLEY filed an application for additional points of appropriation and changes in place of use under Certificates 32082 and 94169. The Department assigned the application number T-14082.
2. Notice of the application for transfer was published on September 13, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 19, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14082 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 19, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On January 20, 2023, the agent for the applicant requested the completion date of October 1, 2028, to provide time for the construction of the new irrigation system. The Department granted the longer time for completion per OAR 690-380-5140 (3).
5. On March 16, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14082 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 21, 2023, and in the Burns Times-Herald newspaper on March 22 and 29, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The first right to be transferred is as follows:

Certificate: 32082 in the name of JOHN WOOD (perfected under Permit G-388)
Use: IRRIGATION of 26.1 ACRES
Priority Date: NOVEMBER 8, 1956
Rate: 0.33 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of SILVIES RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32 E	WM	5	SE NE	21.5 CHAINS SOUTH AND 11.0 CHAINS WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32 E	WM	5	SE NE	21.0
24 S	32 E	WM	5	NE SE	5.1
Total					26.1

7. Transfer Application T-14082 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Distance from Authorized Well in Miles (mi.)
24 S	32 E	WM	5	NE NE	1	WELL #5 - 730 FEET SOUTH AND 10 FEET WEST FROM THE NE CORNER OF SECTION 5	0.2 mi

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Distance from Authorized Well in Miles (mi.)
24 S	32 E	WM	5	SW NE		WELL #3 – 2540 FEET SOUTH AND 2120 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SE		WELL #2 – 3000 FEET SOUTH AND 1010 FEET WEST FROM THE NE CORNER OF SECTION 5	0.3 mi.
24 S	32 E	WM	5	NE SE		WELL #6 – 3700 FEET SOUTH AND 1060 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SW		WELL #4 – 3600 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mi.

8. Transfer Application T-14082 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32 E	WM	5	SW NE	16.7
24 S	32 E	WM	5	SE NE	7.3
24 S	32 E	WM	5	NE SE	1.0
24 S	32 E	WM	5	NW SE	1.1
Total					26.1

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

Certificate: 94169 in the name of SHANE OTLEY, CRYSTAL OTLEY (perfected under Permit G-16255)

Use: IRRIGATION of 99.7 ACRES

Priority Date: NOVEMBER 20, 2006

Rate: 1.25 CUBIC FEET PER SECOND

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL (HARN 901) IN EMBREE SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32 E	WM	5	SE NE	1470 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G Lot	Acres
24 S	32 E	WM	5	NE NE	1	26.7
24 S	32 E	WM	5	NW NE	2	27.0
24 S	32 E	WM	5	SW NE		31.9
24 S	32 E	WM	5	SE NE		13.0
24 S	32 E	WM	5	NE SE		0.2
24 S	32 E	WM	5	NW SE		0.9
Total						99.7

10. Transfer Application T-14082 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Distance from Authorized Well in Miles (mi.)
24 S	32 E	WM	5	NE NE	1	WELL #5 – 730 FEET SOUTH AND 10 FEET WEST FROM THE NE CORNER OF SECTION 5	0.2 mi
24 S	32 E	WM	5	SW NE		WELL #3 – 2540 FEET SOUTH AND 2120 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SE		WELL #2 – 3000 FEET SOUTH AND 1010 FEET WEST FROM THE NE CORNER OF SECTION 5	0.3 mi.
24 S	32 E	WM	5	NE SE		WELL #6 – 3700 FEET SOUTH AND 1060 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SW		WELL #4 – 3600 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mi.

11. Transfer Application T-14082 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G Lot	Acres
24 S	32 E	WM	5	NE NE	1	27.6
24 S	32 E	WM	5	NW NE	2	27.2
24 S	32 E	WM	5	SW NE		18.1
24 S	32 E	WM	5	SE NE		26.8
Total						99.7

Transfer Review Criteria (OAR 690-380-4010)

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14082.
14. The proposed change would not result in enlargement of the rights.
15. The proposed change would not result in injury to other water rights.
16. All other application requirements are met.

Conclusions of Law

The additional points of appropriation and changes in places of use proposed in Transfer Application T-14082 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

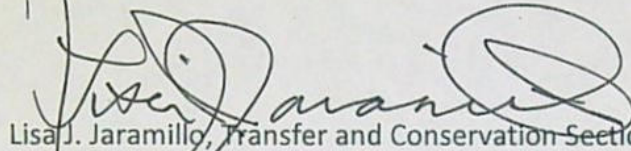
Now, therefore, it is ORDERED:

1. The additional points of appropriation and changes in places of use proposed in Transfer Application T-14082 are approved.
2. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 32082 and 94169 and any related decree.
3. Water right Certificates 32082 and 94169 are cancelled.
4. The quantity of water diverted at the new additional points of appropriation (Wells 2,3,4,5 and 6), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. The former place of use of the transferred rights shall no longer receive water under the rights.
7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

MAY 17 2023



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

Mailing date: **MAY 18 2023**

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 # 140257

INVOICE # _____

RECEIVED FROM: Offey Land and Cattle, LLC
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER T-14082

CASH: ☐ CHECK: # 2105 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 288.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 288.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: 140257 DATED: 3/6/23 BY: [Signature]

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

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 # 140257

INVOICE # _____

RECEIVED FROM: Offey Land and Cattle, LLC
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER T-14082

CASH: ☐ CHECK: # 2105 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 288.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 288.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: 140257 DATED: 3/6/23 BY: [Signature]

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

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-14082

T-14082 filed by Shane Otley and Crystal Otley, 67976 Oil Well Rd, Burns, OR 97720, proposes additional points of appropriation and changes in places of use under Certificates 32082 and 94169. Certificate 32082 allows the use of 0.33 cubic foot per second from a well in Sec. 5, T24S, R32E, WM for irrigation in Sec. 5, T24S, R32E, WM. The applicant proposes additional points of appropriation in Sec. 5, T24S, R32E, WM and to change the place of use within Sec. 5, T24S, R32E, WM. Certificate 94169 allows the use of 1.25 cubic feet per second from a well in Sec. 5, T24S, R32E, WM for irrigation in Sec. 5, T24S, R32E, WM. The applicant proposes additional points of appropriation in Sec. 5, T24S, R32E, WM and to change the place of use within Sec. 5, T24S, R32E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 03/29/2023. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish March 22 and 29, 2023

RECEIVED

APR 03 2023

OWRD
SALEM, OREGON

BURNS TIMES-HERALD

355 N. Broadway, Burns, Oregon 97720

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

(
(S.S.

County of Harney

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

Public Notice: T-14082

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

2 successive and consecutive weeks in the following issues:
Dates of Publication: 22nd & 29th March 2023

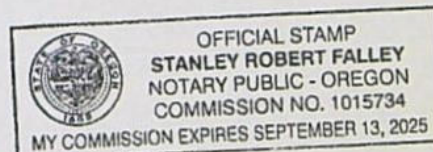
Signed

Terri L. Smith

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

Subscribed and sworn before me this 29 day of March 2023.

Stanley Robert Falley
Notary Public for Oregon



No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 21

Clerk

Deputy

From the Office of _____

Attorney for _____

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Friday, March 17, 2023 8:24 AM
To: GREW Scott A * WRD
Subject: Dates of Publication

Hey Scott,

The dates of publication for T-13724 in the Bend Bulletin are 3/21 and 3/28/2023.

The dates of publication for T-14082 in the Burns Times Herald are 3/22 and 3/29/2023.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



OREGON
WATER
RESOURCES
DEPARTMENT

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

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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

Postmark
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SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

T-14082
SHANE & CRYSTAL OTLEY
67976 OIL WELL RD
BURNS, OR 97720



9590 9402 6293 0274 3184 34

2. Article Number (Transfer from service label)

7021 1970 0001 3950 3174

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Crystal Otley

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Crystal Otley

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
or delivery address below: ☐ No

67976 Oil Well Rd
Burns, OK 97720

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

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

Mail
Mail Restricted Delivery
(30)

4 370 0001 3950 3174



Oregon

Tina Kotek, Governor

March 16, 2022

VIA CERTIFIED MAIL AND E-MAIL

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

Applicant

SHANE OTLEY AND

CRYSTAL OTLEY

67976 OIL WELL RD

BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-14082

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14082. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer file T-14082
Dally Swindlehurst, District 10 Watermaster (via e-mail)
John A. Short, Agent for the applicant (via e-mail)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14082, Harney County	)	PROPOSING APPROVAL OF ADDITIONAL
	)	POINTS OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

Authority

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

Applicant

SHANE OTLEY AND
CRYSTAL OTLEY
67976 OIL WELL RD
BURNS, OR 97720

Findings of Fact

1. On September 1, 2022, SHANE OTLEY AND CRYSTAL OTLEY filed an application for additional points of appropriation and changes in place of use under Certificates 32082 and 94169. The Department assigned the application number T-14082.
2. Notice of the application for transfer was published on September 13, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 19, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14082 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 19, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer
4. On January 20, 2023, the agent for the applicant requested the completion date of October 1, 2028 to provide time for the construction of the new irrigation system. The Department granted the longer time for completion per OAR 690-380-5140 (3).

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

5. The first right to be transferred is as follows:

Certificate: 32082 in the name of JOHN WOOD (perfected under Permit G-388)

Use: IRRIGATION of 26.1 ACRES

Priority Date: NOVEMBER 8, 1956

Rate: 0.33 CUBIC FOOT PER SECOND

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

Source: A WELL, a tributary of SILVIES RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32 E	WM	5	SE NE	21.5 CHAINS SOUTH AND 11.0 CHAINS WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32 E	WM	5	SE NE	21.0
24 S	32 E	WM	5	NE SE	5.1
				Total	26.1

6. Transfer Application T-14082 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Distance from Authorized Well in Miles (mi.)
24 S	32 E	WM	5	NE NE	1	WELL #5 – 730 FEET SOUTH AND 10 FEET WEST FROM THE NE CORNER OF SECTION 5	0.2 mi
24 S	32 E	WM	5	SW NE		WELL #3 – 2540 FEET SOUTH AND 2120 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SE		WELL #2 – 3000 FEET SOUTH AND 1010 FEET WEST FROM THE NE CORNER OF SECTION 5	0.3 mi.
24 S	32 E	WM	5	NE SE		WELL #6 – 3700 FEET SOUTH AND 1060 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SW		WELL #4 – 3600 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mi.

7. Transfer Application T-14082 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32 E	WM	5	SW NE	16.7
24 S	32 E	WM	5	SE NE	7.3
24 S	32 E	WM	5	NE SE	1.0
24 S	32 E	WM	5	NW SE	1.1
Total					26.1

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

Certificate: 94169 in the name of SHANE OTLEY, CRYSTAL OTLEY (perfected under Permit G-16255)

Use: IRRIGATION of 99.7 ACRES

Priority Date: NOVEMBER 20, 2006

Rate: 1.25 CUBIC FEET PER SECOND

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL (HARN 901) IN EMBREE SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32 E	WM	5	SE NE	1470 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	32 E	WM	5	NE NE	1	26.7
24 S	32 E	WM	5	NW NE	2	27.0
24 S	32 E	WM	5	SW NE		31.9
24 S	32 E	WM	5	SE NE		13.0
24 S	32 E	WM	5	NE SE		0.2
24 S	32 E	WM	5	NW SE		0.9
Total						99.7

9. Transfer Application T-14082 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Distance from Authorized Well in Miles (mi.)
24 S	32 E	WM	5	NE NE	1	WELL #5 – 730 FEET SOUTH AND 10 FEET WEST FROM THE NE CORNER OF SECTION 5	0.2 mi
24 S	32 E	WM	5	SW NE		WELL #3 – 2540 FEET SOUTH AND 2120 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SE		WELL #2 – 3000 FEET SOUTH AND 1010 FEET WEST FROM THE NE CORNER OF SECTION 5	0.3 mi.
24 S	32 E	WM	5	NE SE		WELL #6 – 3700 FEET SOUTH AND 1060 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SW		WELL #4 – 3600 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mi.

10. Transfer Application T-14082 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G Lot	Acres
24 S	32 E	WM	5	NE NE	1	27.6
24 S	32 E	WM	5	NW NE	2	27.2
24 S	32 E	WM	5	SW NE		18.1
24 S	32 E	WM	5	SE NE		26.8
					Total	99.7

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14082.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

Determination and Proposed Action

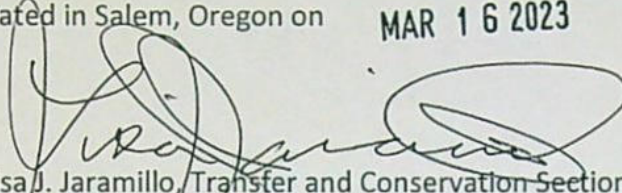
The additional points of appropriation and changes in places of use proposed in Transfer Application T-14082 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14082 is approved, the final order will include the following:

- 1. The additional points of appropriation and changes in places of use proposed in Transfer Application T-14082 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 32082 and 94169 and any related decree.*
- 3. Water right Certificates 32082 and 94169 are cancelled.*
- 4. The quantity of water diverted at the new additional points of appropriation (Wells 2,3,4,5 and 6), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 7. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

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

Dated in Salem, Oregon on **MAR 16 2023**



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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

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

GREW Scott A * WRD

From: MARTIN Duff A * WRD
Sent: Monday, February 13, 2023 9:13 AM
To: GREW Scott A * WRD; KAMIS Nianila * WRD
Subject: RE: RA PD review for T-14082 >>REIMBURSEMENT AUTHORITY <<

Hi Scott,

RA Transfer T-14082 has been reviewed by data, no issues and is ready to be signed.

Time Taken: 1 hour 25 minutes

Thanks,

Duff Martin

Data Tech 2

725 Summer St NE Salem, OR 97301



OREGON
WATER
RESOURCES
DEPARTMENT

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

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Friday, February 10, 2023 1:59 PM
To: MARTIN Duff A * WRD <Duff.A.MARTIN@water.oregon.gov>; KAMIS Nianila * WRD <Nianila.KAMIS@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RA PD review for T-14082 >>REIMBURSEMENT AUTHORITY <<
Importance: High

Dear Data,

REIMBURSEMENT AUTHORITY **REIMBURSEMENT AUTHORITY**

Please review the PD for the REIMBURSEMENT AUTHORITY Transfer Application file T-14082. No remaining right.

REIMBURSEMENT AUTHORITY REIMBURSEMENT AUTHORITY

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890



Oregon

Tina Kotek, Governor

Water Resources Department

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

February 9, 2023

Applicant

SHANE OTLEY AND
CRYSTAL OTLEY
67976 OIL WELL RD
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-14082

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$288.00 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-14082 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than March 11, 2023.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Burns Times-Herald newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by March 11, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section
cc: Transfer file T-14082

X-----

Attached is a check for \$288.00 (PCA #46118) for Newspaper Notice for Transfer T-14082 made out to Oregon Water Resources Department (or WRD)

- "for T-14082 NOTICE" written on front of check

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

Caseworker: Scott Grew

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Wednesday, February 1, 2023 11:32 AM
To: STARNES Patrick K * WRD
Cc: GREW Scott A * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-14082

Hey Scott,

The quote came in for this notice. Total cost is \$288.00.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker
725 Summer Street NE, Suite A, Salem, OR 97301
Office: 503-986-0898 | Work Cell: 503-979-9948



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

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Tuesday, January 31, 2023 10:17 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: Newspaper Estimate for Transfer Application T-14082

Hi Stacy –

Scott will need a quote for the attached **TRANSFER** Application notice to run in the **Burns Times-Herald**. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

GREW Scott A * WRD

From: Bryce Withers <brycewrs@gmail.com>
Sent: Friday, January 20, 2023 1:47 PM
To: GREW Scott A * WRD
Subject: Water Right Transfer Application T-14082 OTLEY
Attachments: 24S32E050000500_Harney County-Otley 3 of 3.pdf; 24S32E050000300_Harney County_List Kit_Otley (2 of 3).pdf; 24S32E050000200_Harney County_Otley (1).pdf

Hi Scott,

Everything looks good on the DPD. Can we please extend the beneficial use deadline to 10/1/2028 in order to provide time for the construction of the new irrigation system.

Attached are the ownership reports for the OFF lands. Thank you!

--

Bryce Withers

Water Right Specialist
(541)408-1400 cell

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
<https://oregonwater.us>



Property Profile

Prepared on January 20, 2023

Prepared For:
Bryce Withers
Water Right Services, LLC

Property Address:
24S32E050000500, Harney County OR
Property Parcel Number:
24S32E050000500

Includes the following:

- Harney County Property and Tax Information
- Tax Maps
- Last Vesting Document

Prepared by:
Lori Takayesu

Please email your customer service requests to prineville@amerititle.com

Serving Crook, Jefferson, Deschutes, Wheeler and Harney Counties!

The following information is provided at no cost and is for informational purposes only. This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, the company assumes no liability for any errors or omissions contained herein.

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

January 20, 2023 1:16:46 pm

Account #		Tax Status	ASSESSABLE
Map #	24S32E050000500	Acct Status	ACTIVE
Code - Tax #	0120-5551	Subtype	NORMAL
Legal Descr	Metes & Bounds - See legal report for full description.		
Mailing Name	OTLEY, SHANE L & CRYSTAL A	Deed Reference #	2014-724
Agent		Sales Date/Price	06-03-2014 / \$480,000.00
In Care Of		Appraiser	COREY HILL
Mailing Address	67976 OIL WELL RD BURNS, OR 97720-9541		
Prop Class	550	MA	SA
RMV Class	550	02	00
		NH	012
		Unit	2157-1

Situs Address(s)				Situs City			
Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %	
0120	Land	187,560			Land	0	
	Impr.	0			Impr.	0	
Code Area Total		187,560	69,670	39,845		0	
Grand Total		187,560	69,670	39,845		0	

				Land Breakdown							
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0120	1	☐		EFRU-2	Farm Use Zoned	100	A	62.50	2	006*	156,250
0120	2	☐		EFRU-2	Farm Use Zoned	100	A	77.70	6	006*	31,310
Grand Total								140.20			187,560

				Improvement Breakdown							
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV		
Grand Total								0	0		

SUMMARY OF TAX ACCOUNT

HARNEY COUNTY TAX COLLECTOR

HARNEY COUNTY COURTHOUSE

BURNS, OREGON 97720

(541) 573-8365

20-Jan-2023

OTLEY, SHANE L & CRYSTAL A
67976 OIL WELL RD
BURNS OR 97720-9541

Tax Account #		Lender Name	581 - OTLEY, SHANE L & CRYSTAL A
Account Status	A	Lender ID	000
Roll Type	Real	Property ID	0120
Situs Address		Interest To	Feb 15, 2023

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$488.92	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$475.85	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$462.94	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$450.93	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$438.21	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$428.78	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$414.26	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$403.91	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$390.74	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$379.14	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$371.82	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$361.41	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$350.82	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$340.67	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$39.45	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$38.36	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$37.28	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$34.01	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$33.03	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$32.08	Nov 15, 2003
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$5,972.61	

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

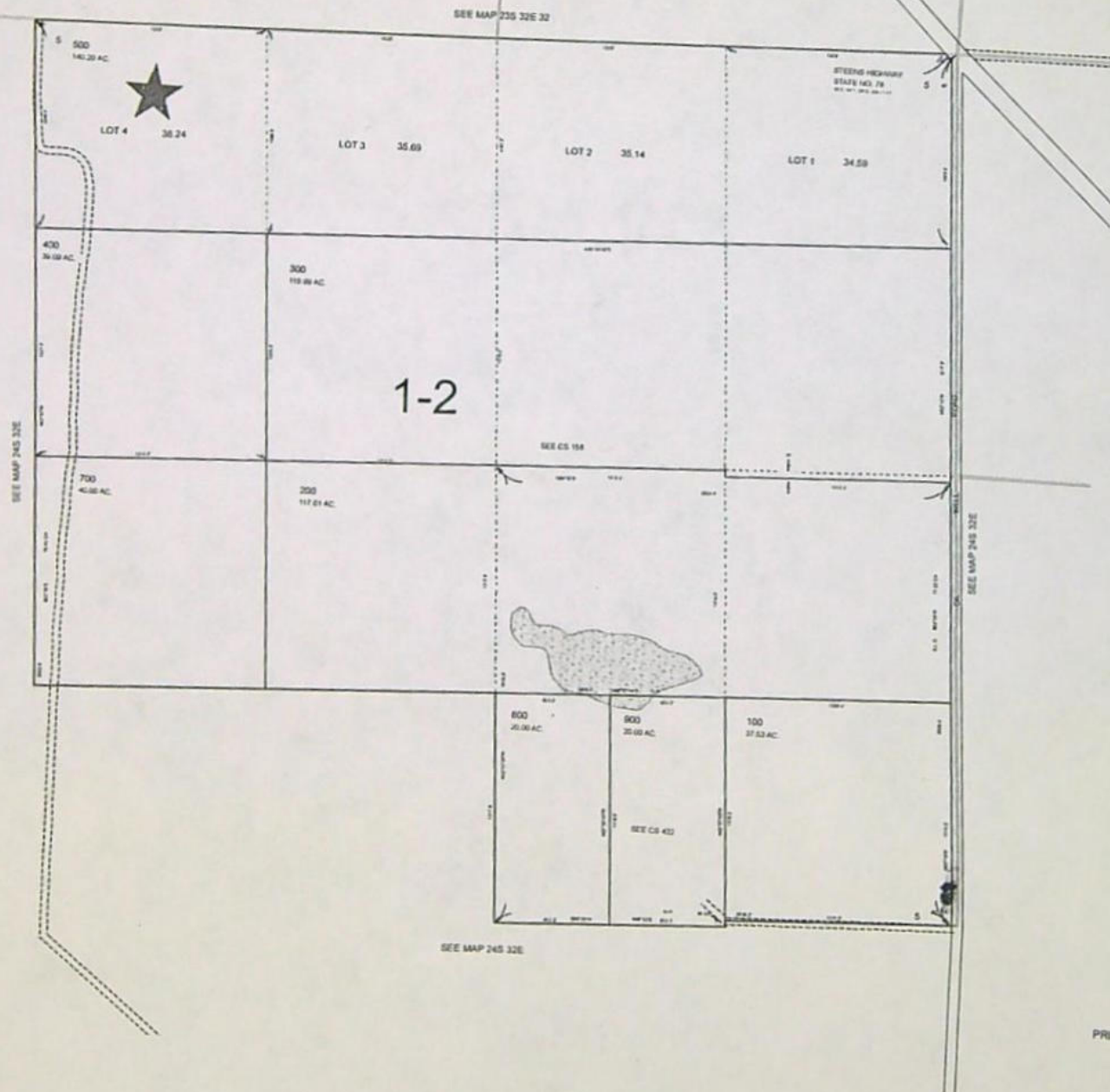
SECTION 5 T.24S. R.32E. W.M.
HARNEY COUNTY
1" = 400'

24S32E05

Cancelled Nos.
600

N
↑
COMPLIMENTS OF
AmeriTitle

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



N
W E
S
PRINTED ON 4/24/2017
24S32E05

SECTION 5 T.24S. R.32E. W.M.
HARNEY COUNTY

N
↑
COMPLIMENTS OF
AmeriTitle

SEE MAP 23S 32E 32

STEENS HIGHWAY
STATE NO. 78
SEE HWY. CHG. 88-17-17

5

LOT 4 36.24

LOT 3 35.69

LOT 2 35.14

LOT 1 34.59

400
39.09 AC

300
118.99 AC.

1-2

SEE CS 158

P 24S 32E

HARNEY COUNTY, OR

DEEDWD

Total: \$56.00

2014-0724

06/03/2014 08:45 AM



00008148201400007240040046

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



RE-RECORDING COVER SHEET ORS 205.244

Any errors in this cover sheet **DO NOT** affect the transactions(s) contained in the instrument itself.

AFTER RECORDING RETURN TO: ORS 205.234(1)(c)

Name AmerititleAddress: 111 W. WashingtonCity/State/Zip Burns Or. 97720

RE-RECORDED TO CORRECT Legal Description _____

AT THE REQUEST OF AmerititlePREVIOUSLY RECORDED AS MICROFILM # 2014-0565

OR BOOK # _____ PAGE # _____

The undersigned hereby certifies the above information to be true and correct.

SIGNATURE _____

Stan Falley Title Officer

PRINTED NAME & TITLE _____

SEND TAX STATEMENTS TO: ORS 205.234(1)(e)

Shane L. Otley67976 Oil Well Rd.Burns Or. 97720DOCUMENT TITLE: Statutory Warranty Deed

ORS 205.234(1)(a)

NAME(S) AND ADDRESS(ES) of DIRECT party(s): ORS 205.234(1)(b)

(i.e. DEEDS: Seller/Grantor - MORTGAGES: Beneficiary/Lender - LIENS: Creditor/Plaintiff)

1. Kent D. Scott2. Darla J. Scott

NAME(S) AND ADDRESS(ES) of INDIRECT party(s): ORS 205.234(1)(b)

(i.e. DEEDS: Buyer/Grantee - MORTGAGES: Grantor - LIENS: Debtor/Defendant)

1. Shane L. Otley2. Crystal A. Otley

LIEN DOCUMENTS: Amount of lien \$ _____ ORS 205.234(1)(f)

ALL DOCUMENTS REQUIRING A REFERENCE NUMBER: ORS 205.160(6)(7)(j)

Original recording information: Book _____ Page _____ Instrument #2014-0565 _____



After recording return to:

Shane L. Otley

67976 Oil Well Road

Burns, OR 97720

Until a change is requested all tax statements shall be sent to the following address:

Shane L. Otley

67976 Oil Well Road

Burns, OR 97720

Escrow No. CT93248HC

Title No. 0093248

SWD r.020212

T

2014-0724

HARNEY COUNTY, OREGON

Page 2 of 4

65

PM



00007950201400005650020028

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Derrin Robinson

Derrin E. Robinson, Harney County Clerk



STATUTORY WARRANTY DEED

Kent D. Scott and Darla J. Scott, as tenants by the entirety,

Grantor(s), hereby convey and warrant to

Shane L. Otley and Crystal A. Otley, husband and wife, as tenants by the entirety,

Grantee(s), the following described real property in the County of HARNEY and State of Oregon free of encumbrances except as specifically set forth herein:

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 32 E., W.M.:

Sec. 5: Lots 1, 2, 3 and 4, SE1/4NW1/4, S1/2NE1/4, NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4. EXCEPTING THEREFROM that portion of Lot 1 conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 5, 1946, in Book 43, Page 385, Deed records and recorded January 30, 1967, Book 87, Page 562, Deed Records.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Acct#: 5574 Code 1-2

TM 24S 32E 05 TL 100

Acct#: 5575 Code 1-2

TM 24S 32E 05 TL 200

Acct#: 5579 Code 1-2

TM 24S 32E 05 TL 300

Acct#: 5551 Code 1-2

TM 24S 32E 05 TL 500

The true and actual consideration for this conveyance is \$480,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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 29 day of April, 14.

Kent D. Scott
Kent D. Scott

Darla J. Scott
Darla J. Scott

State of Oregon
County of Harney

This instrument was acknowledged before me on April 29, 2014 by Kent D. Scott and Darla J. Scott.



Sharla Dawn Calkins
(Notary Public for Oregon)

My commission expires June 17, 2016

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 32 E., W.M.:

Sec. 5: Lots 1, 2, 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$. EXCEPTING THEREFROM that portion of Lot 1 conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 5, 1946, in Book 43, Page 385, Deed records and recorded January 30, 1967, in Book 81, Page 562, Deed Records. ALSO SAVE & EXCEPT the South 36 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$.



Property Profile

Prepared on January 20, 2023

Prepared For:
Bryce Withers
Water Right Services, LLC

Property Address:
67976 Oil Well Road, Burns, OR 97720
Property Parcel Number:
24S32E050000300

Includes the following:

- Harney County Property and Tax Information
- Tax Maps
- Last Vesting Document

Prepared by:
Lori Takayesu

Please email your customer service requests to prineville@amerititle.com

Serving Crook, Jefferson, Deschutes, Wheeler and Harney Counties!

The following information is provided at no cost and is for informational purposes only. This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, the company assumes no liability for any errors or omissions contained herein.

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

January 20, 2023 1:08:54 pm

Account # XXXXXXXXXX Tax Status ASSESSABLE
 Map # 24S32E050000300 Acct Status ACTIVE
 Code - Tax # 0120-5579 Subtype NORMAL
 Legal Descr Metes & Bounds - See legal report for full description.
 Mailing Name OTLEY, SHANE L & CRYSTAL A Deed Reference # 2014-724
 Agent Sales Date/Price 06-03-2014 / \$480,000.00
 In Care Of Appraiser COREY HILL
 Mailing Address 67976 OIL WELL RD
 BURNS, OR 97720-9541

Prop Class 559 MA SA NH Unit
 RMV Class 559 02 00 012 2182-1

Situs Address(s)	Situs City
ID# 67976 OIL WELL RD	BURNS

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0120 Land	208,660			Land	0
Impr.	145,040			Impr.	0
Code Area Total	353,700	258,710	192,429		0
Grand Total	353,700	258,710	192,429		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0120	1	☐		EFRU-2	Farm Use Zoned	100	A	62.50	2	006*	156,250
0120	2	☐		EFRU-2	Farm Use Zoned	100	A	17.50	4	006*	17,500
0120	3	☐		EFRU-2	Farm Use Zoned	100	A	37.99	6	006*	15,310
0120	4	☐		EFRU-2	Farm Use Zoned	100	A	1.00	HS	006*	1,600
0120	6	☐		EFRU-2	Farm Use Zoned	100	A	0.00	IW	006*	6,000
0120					SITE AMENTIES	100					12,000
Grand Total								118.99			208,660

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
0120	6		110	Residential Other Improvements		100	0		1,930
0120	4		311	MAINLINE 8"		100	200		2,640
0120	2	2000	304	GP BUILDING		100	1,440		27,020
0120	1	1993	473	MS Triple wide		100	1,757	E - 76021	113,450
Grand Total								3,397	145,040

SUMMARY OF TAX ACCOUNT
HARNEY COUNTY TAX COLLECTOR
HARNEY COUNTY COURTHOUSE
BURNS, OREGON 97720
(541) 573-8365

20-Jan-2023

OTLEY, SHANE L & CRYSTAL A
67976 OIL WELL RD
BURNS OR 97720-9541

Tax Account #		Lender Name	581 - OTLEY, SHANE L & CRYSTAL A
Account Status	A	Lender ID	000
Roll Type	Real	Property ID	0120
Situs Address	67976 OIL WELL RD BURNS OR 97720	Interest To	Feb 15, 2023

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,416.12	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,406.59	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,957.20	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,949.08	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,936.57	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,937.85	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,914.91	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,909.84	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,351.01	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,282.75	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,240.27	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,217.53	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,233.77	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,170.70	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,954.06	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,901.18	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,848.21	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,687.93	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,640.25	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,469.18	Nov 15, 2003
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$40,425.00	

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 5 T.24S. R.32E. W.M.
HARNEY COUNTY
1" = 400'

24S32E05

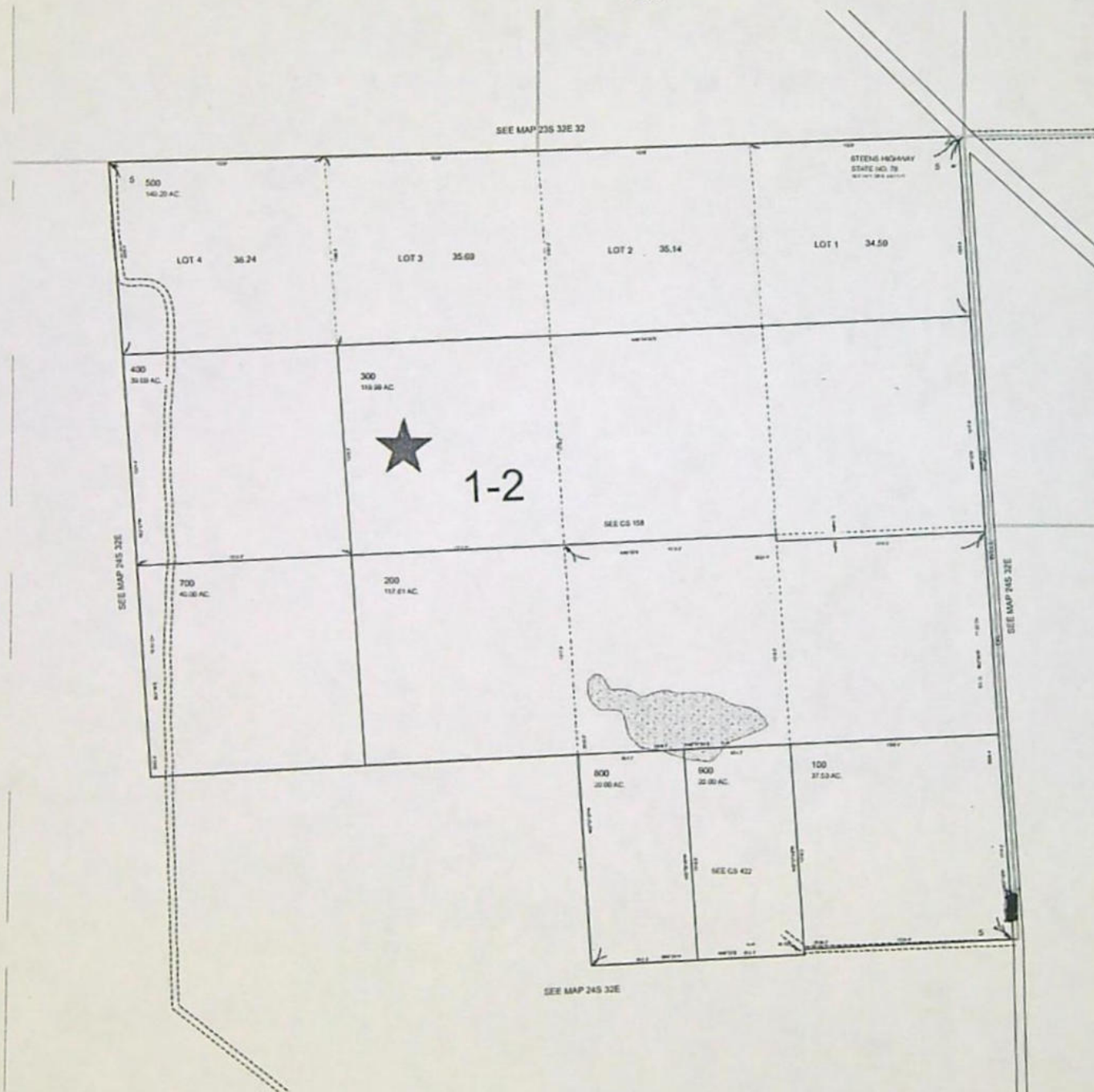
Cancelled Nos.
600



COMPLIMENTS OF
AmeriTitle

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

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



PRINTED ON 4/24/2017

24S32E05

SEE MAP 233 SEE 34

STEENS HIGHWAY
STATE NO. 78
SEE HWY. DRG. 68-17-17

5



COMPLIMENTS OF
AmeriTitle

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

LOT 3 35.69

LOT 2 35.14

LOT 1 34.59

300
118.99 AC.



1-2

SEE CS 158

200
117.61 AC.

1317.8'

N02°10'W

ROAD

WELL

77.22 CH

S02°14'W

G.L.O.

SEE MAP 24S 32E

OIL

HARNEY COUNTY, OR

DEEDWD

Total: \$56.00

2014-0724

06/03/2014 08:45 AM



00008148201400007240040046

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



RE-RECORDING COVER SHEET ORS 205.244

Any errors in this cover sheet DO NOT affect the transactions(s) contained in the instrument itself.

AFTER RECORDING RETURN TO: ORS 205.234(1)(c)

Name AmerititleAddress: 111 W. WashingtonCity/State/Zip Burns Or. 97720

RE-RECORDED TO CORRECT Legal Description _____

AT THE REQUEST OF AmerititlePREVIOUSLY RECORDED AS MICROFILM # 2014-0565

OR BOOK # _____ PAGE # _____

The undersigned hereby certifies the above information to be true and correct.

SIGNATURE _____

Stan Falley Title Officer

PRINTED NAME & TITLE _____

SEND TAX STATEMENTS TO: ORS 205.234(1)(e)

Shane L. Otley67976 Oil Well Rd.Burns Or. 97720DOCUMENT TITLE: Statutory Warranty Deed

ORS 205.234(1)(a)

NAME(S) AND ADDRESS(ES) of DIRECT party(s): ORS 205.234(1)(b)

(i.e. DEEDS: Seller/Grantor - MORTGAGES: Beneficiary/Lender - LIENS: Creditor/Plaintiff)

1. Kent D. Scott2. Darla J. Scott

NAME(S) AND ADDRESS(ES) of INDIRECT party(s): ORS 205.234(1)(b)

(i.e. DEEDS: Buyer/Grantee - MORTGAGES: Grantor - LIENS: Debtor/Defendant)

1. Shane L. Otley2. Crystal A. Otley

LIEN DOCUMENTS: Amount of lien \$ _____ ORS 205.234(1)(f)

ALL DOCUMENTS REQUIRING A REFERENCE NUMBER: ORS 205.160(6)(7)(j)

Original recording information: Book _____ Page _____ Instrument #2014-0565 _____



After recording return to:

Shane L. Otley

67976 Oil Well Road

Burns, OR 97720

Until a change is requested all tax statements
shall be sent to the following address:

Shane L. Otley

67976 Oil Well Road

Burns, OR 97720

Escrow No. CT93248HC

Title No. 0093248

SWD r.020212

T

2014-0724

HARNEY COUNTY, OREGON

Page 2 of 4

65

PM



00007950201400005650020028

I, Derrin Robinson, County Clerk for Harney
County, Oregon certify that the instrument
identified herein was recorded in the Clerk
records.

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



STATUTORY WARRANTY DEED

Kent D. Scott and Darla J. Scott, as tenants by the entirety,

Grantor(s), hereby convey and warrant to

Shane L. Otley and Crystal A. Otley, husband and wife, as tenants by the entirety,

Grantee(s), the following described real property in the County of HARNEY and State of Oregon free of
encumbrances except as specifically set forth herein:

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 32 E., W.M.:

**Sec. 5: Lots 1, 2, 3 and 4, SE1/4NW1/4, S1/2NE1/4, NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4.
EXCEPTING THEREFROM that portion of Lot 1 conveyed to the State of Oregon, by and
through its State Highway Commission, by deed recorded July 5, 1946, in Book 43, Page 385,
Deed records and recorded January 30, 1967, Book 87, Page 562, Deed Records.**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Acct#: 5574 Code 1-2

TM 24S 32E 05 TL 100

Acct#: 5575 Code 1-2

TM 24S 32E 05 TL 200

Acct#: 5579 Code 1-2

TM 24S 32E 05 TL 300

Acct#: 5551 Code 1-2

TM 24S 32E 05 TL 500

The true and actual consideration for this conveyance is \$480,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this
deed and those shown below, if any:

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 29 day of April, 14.

Kent D. Scott
Kent D. Scott

Darla J. Scott
Darla J. Scott

State of Oregon
County of Harney

This instrument was acknowledged before me on April 29, 2014 by Kent D. Scott and Darla J. Scott.



Sharla Dawn Calkins
(Notary Public for Oregon)

My commission expires June 17, 2016

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 32 E., W.M.:

Sec. 5: Lots 1, 2, 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$. EXCEPTING THEREFROM that portion of Lot 1 conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 5, 1946, in Book 43, Page 385, Deed records and recorded January 30, 1967, in Book 81, Page 562, Deed Records. ALSO SAVE & EXCEPT the South 36 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$.



Property Profile

Prepared on January 20, 2023

Prepared For:

Bryce Withers

Water Right Services, LLC

Property Address:

24S32E050000200, Harney County OR

Property Parcel Number:

24S32E050000200

Includes the following:

- Harney County Property and Tax Information
- Tax Maps
- Last Vesting Document

Prepared by:

Lori Takayesu

Please email your customer service requests to prineville@amerititle.com

Serving Crook, Jefferson, Deschutes, Wheeler and Harney Counties!

The following information is provided at no cost and is for informational purposes only. This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, the company assumes no liability for any errors or omissions contained herein.

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

January 20, 2023 12:58:05 pm

Account #		Tax Status	ASSESSABLE
Map #	24S32E050000200	Acct Status	ACTIVE
Code - Tax #	0120-5575	Subtype	NORMAL
Legal Descr	Metes & Bounds - See legal report for full description.		
Mailing Name	OTLEY, SHANE L & CRYSTAL A	Deed Reference #	2014-724
Agent		Sales Date/Price	06-03-2014 / \$480,000.00
In Care Of		Appraiser	COREY HILL
Mailing Address	67976 OIL WELL RD BURNS, OR 97720-9541		

Prop Class	551	MA	SA	NH	Unit
RMV Class	551	02	00	012	2179-1

Situs Address(s)		Situs City				
Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0120	Land	47,400			Land	0
	Impr.	3,000			Impr.	0
Code Area Total		50,400	20,500	3,893		0
Grand Total		50,400	20,500	3,893		0

					Land Breakdown					Trended	
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	RMV
0120	1	☐		EFRU-2	Farm Use Zoned	100	A	117.61	6	006*	47,400
Grand Total								117.61			47,400

Improvement Breakdown										Trended RMV
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #		
0120	2		302	CORRAL	100	0				2,500
0120	1		390	MISCELL	100	0				500
Grand Total								0		3,000

SUMMARY OF TAX ACCOUNT
HARNEY COUNTY TAX COLLECTOR
HARNEY COUNTY COURTHOUSE
BURNS, OREGON 97720
(541) 573-8365

20-Jan-2023

Tax Account #	██████████	Lender Name	581 - OTLEY, SHANE L & CRYSTAL A
Account Status	A	Lender ID	000
Roll Type	Real	Property ID	0120
Situs Address		Interest To	Feb 15, 2023

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$47.81	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$46.61	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$45.40	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$44.27	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$43.08	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$42.19	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$40.81	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$39.81	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$38.56	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$37.45	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$36.75	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$35.77	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$34.74	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$33.74	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$32.84	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$31.94	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$31.05	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$28.33	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$27.52	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$26.74	Nov 15, 2003
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$745.41	

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

January 20, 2023 1:02:17 pm

Account #		Tax Status	NONASSESSABLE
Map #	24S32E050000200M1	Acct Status	ACTIVE
Code - Tax #	0120-7102	Subtype	NORMAL
Legal Descr	Metes & Bounds - See legal report for full description.		
Mailing Name	KERLEY, E & SCHMOKE, C	Deed Reference #	See Record
Agent		Sales Date/Price	See Record
In Care Of		Appraiser	
Mailing Address	1916 NE CLACKAMAS PORTLAND, OR 97232		
Prop Class	012	MA	SA
RMV Class	012	02	00
		NH	Unit
		012	2808-1

Situs Address(s)		Situs City	
Code Area	RMV	MAV	Value Summary AV
Grand Total	0	0	0

Code Area		Plan Zone		Value Source		Land Breakdown		Trended RMV	
ID#	RFPD	Ex	Zone	Value Source	TD%	LS	Size	Land Class	LUC
Grand Total						0.00		0	

Code Area		Yr Built		Stat Class		Improvement Breakdown		Total		Trended RMV	
ID#	Yr Built	Stat Class	Description	TD%	Sq. Ft.	Ex%	MS Acct #	Sq. Ft.	Ex%	MS Acct #	Trended RMV
Grand Total						0		0		0	

SUMMARY OF TAX ACCOUNT

HARNEY COUNTY TAX COLLECTOR

HARNEY COUNTY COURTHOUSE

BURNS, OREGON 97720

(541) 573-8365

20-Jan-2023

Tax Account #		Lender Name	
Account Status	A	Lender ID	
Roll Type	Real	Property ID	0120
Situs Address		Interest To	Feb 15, 2023

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
	Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 5 T.24S. R.32E. W.M.
HARNEY COUNTY

1" = 400'

24S32E05

Cancelled Nos.
600

N
↑
COMPLIMENTS OF
AmeriTitle

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

1-2



SEE MAP 245 32E



PRINTED ON 4/24/2017

24S32E05

N
 ↑
 COMPLIMENTS OF
 AmeriTitle

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

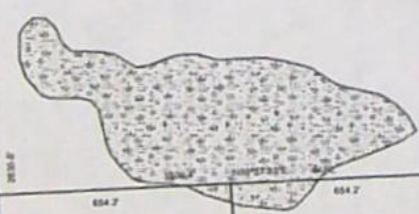
1-2

300
 118.99 AC.

200
 117.61 AC.



SEE CS 158



800
 20.00 AC.

900
 20.00 AC.

100
 37.53 AC.

SEE CS 422

ROAD
 WELL
 SEE MAP 24S 32E

W

HARNEY COUNTY, OR

DEEDWD

Total: \$56.00

2014-0724

06/03/2014 08:45 AM



00008148201400007240040046

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



RE-RECORDING COVER SHEET ORS 205.244

Any errors in this cover sheet **DO NOT** affect the transactions(s) contained in the instrument itself.

AFTER RECORDING RETURN TO: ORS 205.234(1)(c)

Name AmerititleAddress: 111 W. WashingtonCity/State/Zip Burns Or. 97720

RE-RECORDED TO CORRECT Legal Description _____

AT THE REQUEST OF AmerititlePREVIOUSLY RECORDED AS MICROFILM # 2014-0565

OR BOOK # _____ PAGE # _____

The undersigned hereby certifies the above information to be true and correct.

SIGNATURE _____

Stan Falley Title Officer

PRINTED NAME & TITLE _____

SEND TAX STATEMENTS TO: ORS 205.234(1)(e)

Shane L. Otley67976 Oil Well Rd.Burns Or. 97720DOCUMENT TITLE: Statutory Warranty Deed

ORS 205.234(1)(a)

NAME(S) AND ADDRESS(ES) of DIRECT party(s): ORS 205.234(1)(b)

(i.e. DEEDS: Seller/Grantor - MORTGAGES: Beneficiary/Lender - LIENS: Creditor/Plaintiff)

1. Kent D. Scott2. Darla J. Scott

NAME(S) AND ADDRESS(ES) of INDIRECT party(s): ORS 205.234(1)(b)

(i.e. DEEDS: Buyer/Grantee - MORTGAGES: Grantor - LIENS: Debtor/Defendant)

1. Shane L. Otley2. Crystal A. Otley

LIEN DOCUMENTS: Amount of lien \$ _____ ORS 205.234(1)(f)

ALL DOCUMENTS REQUIRING A REFERENCE NUMBER: ORS 205.160(6)(7)(j)

Original recording information: Book _____ Page _____ Instrument #2014-0565 _____



After recording return to:

Shane L. Otley
67976 Oil Well Road
Burns, OR 97720

Until a change is requested all tax statements
shall be sent to the following address:

Shane L. Otley
67976 Oil Well Road
Burns, OR 97720

Escrow No. CT93248HC
Title No. 0093248
SWD r.020212

T

2014-0724

HARNEY COUNTY, OREGON

Page 2 of 4

65

PM



00007950201400005650020028

I, Derrin Robinson, County Clerk for Harney
County, Oregon certify that the instrument
identified herein was recorded in the Clerk
records.

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



STATUTORY WARRANTY DEED

Kent D. Scott and Darla J. Scott, as tenants by the entirety,

Grantor(s), hereby convey and warrant to

Shane L. Otley and Crystal A. Otley, husband and wife, as tenants by the entirety,

Grantee(s), the following described real property in the County of HARNEY and State of Oregon free of
encumbrances except as specifically set forth herein:

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 32 E., W.M.:

**Sec. 5: Lots 1, 2, 3 and 4, SE1/4NW1/4, S1/2NE1/4, NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4.
EXCEPTING THEREFROM that portion of Lot 1 conveyed to the State of Oregon, by and
through its State Highway Commission, by deed recorded July 5, 1946, in Book 43, Page 385,
Deed records and recorded January 30, 1967, Book 87, Page 562, Deed Records.**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Acct#: 5574 Code 1-2	TM 24S 32E 05 TL 100
Acct#: 5575 Code 1-2	TM 24S 32E 05 TL 200
Acct#: 5579 Code 1-2	TM 24S 32E 05 TL 300
Acct#: 5551 Code 1-2	TM 24S 32E 05 TL 500

The true and actual consideration for this conveyance is **\$480,000.00**.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this
deed and those shown below, if any:

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.

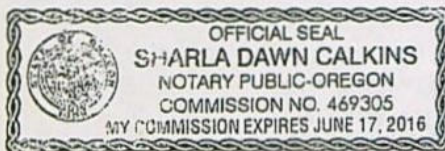
Dated this 29 day of April, 14.

Kent D. Scott
Kent D. Scott

Darla J. Scott
Darla J. Scott

State of Oregon
County of Harney

This instrument was acknowledged before me on April 29, 2014 by Kent D. Scott and Darla J. Scott.



Sharla Dawn Calkins
(Notary Public for Oregon)

My commission expires June 17, 2016

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 32 E., W.M.:

Sec. 5: Lots 1, 2, 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$. EXCEPTING THEREFROM that portion of Lot 1 conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 5, 1946, in Book 43, Page 385, Deed records and recorded January 30, 1967, in Book 81, Page 562, Deed Records. ALSO SAVE & EXCEPT the South 36 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 19, 2023

VIA E-MAIL

Applicant

SHANE OTLEY AND

CRYSTAL OTLEY

67976 OIL WELL RD

BURNS, OR 97720

Reference: Water Right Transfer Application T-14082

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14082. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by February 18, 2023.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by February 18, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must

indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by February 18, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer file T-14082
Dally Swindlehurst, District 10 Watermaster *(via e-mail)*
John A. Short, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-14082, Harney County

)
)
)
)
)
)
D R A F T
PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF ADDITIONAL
POINTS OF APPROPRIATION AND A
CHANGE IN PLACE OF USE

Authority

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

Applicant

SHANE OTLEY AND
CRYSTAL OTLEY
67976 OIL WELL RD
BURNS, OR 97720

Findings of Fact

1. On September 1, 2022, SHANE OTLEY AND CRYSTAL OTLEY filed an application for additional points of appropriation and changes in place of use under Certificates 32082 and 94169. The Department assigned the application number T-14082.
2. Notice of the application for transfer was published on September 13, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The first right to be transferred is as follows:

Certificate: 32082 in the name of JOHN WOOD (perfected under Permit G-388)
Use: IRRIGATION of 26.1 ACRES
Priority Date: NOVEMBER 8, 1956
Rate: 0.33 CUBIC FOOT PER SECOND

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

Source: A WELL, a tributary of SILVIES RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32 E	WM	5	SE NE	21.5 CHAINS SOUTH AND 11.0 CHAINS WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32 E	WM	5	SE NE	21.0
24 S	32 E	WM	5	NE SE	5.1
Total					26.1

4. Transfer Application T-14082 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Distance from Authorized Well in Miles (mi.)
24 S	32 E	WM	5	NE NE	1	WELL #5 – 730 FEET SOUTH AND 10 FEET WEST FROM THE NE CORNER OF SECTION 5	0.2 mi
24 S	32 E	WM	5	SW NE		WELL #3 – 2540 FEET SOUTH AND 2120 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SE		WELL #2 – 3000 FEET SOUTH AND 1010 FEET WEST FROM THE NE CORNER OF SECTION 5	0.3 mi.
24 S	32 E	WM	5	NE SE		WELL #6 – 3700 FEET SOUTH AND 1060 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SW		WELL #4 – 3600 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mi.

5. Transfer Application T-14082 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32 E	WM	5	SW NE	16.7
24 S	32 E	WM	5	SE NE	7.3
24 S	32 E	WM	5	NE SE	1.0
24 S	32 E	WM	5	NW SE	1.1
				Total	26.1

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

Certificate: 94169 in the name of SHANE OTLEY, CRYSTAL OTLEY (perfected under Permit G-16255)

Use: IRRIGATION of 99.7 ACRES

Priority Date: NOVEMBER 20, 2006

Rate: 1.25 CUBIC FEET PER SECOND

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL (HARN 901) IN EMBREE SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32 E	WM	5	SE NE	1470 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	32 E	WM	5	NE NE	1	26.7
24 S	32 E	WM	5	NW NE	2	27.0
24 S	32 E	WM	5	SW NE		31.9
24 S	32 E	WM	5	SE NE		13.0
24 S	32 E	WM	5	NE SE		0.2
24 S	32 E	WM	5	NW SE		0.9
					Total	99.7

7. Transfer Application T-14082 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Distance from Authorized Well in Miles (mi.)
24 S	32 E	WM	5	NE NE	1	WELL #5 – 730 FEET SOUTH AND 10 FEET WEST FROM THE NE CORNER OF SECTION 5	0.2 mi
24 S	32 E	WM	5	SW NE		WELL #3 – 2540 FEET SOUTH AND 2120 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SE		WELL #2 – 3000 FEET SOUTH AND 1010 FEET WEST FROM THE NE CORNER OF SECTION 5	0.3 mi.
24 S	32 E	WM	5	NE SE		WELL #6 – 3700 FEET SOUTH AND 1060 FEET WEST FROM THE NE CORNER OF SECTION 5	0.4 mi.
24 S	32 E	WM	5	NE SW		WELL #4 – 3600 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mi.

8. Transfer Application T-14082 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G Lot	Acres
24 S	32 E	WM	5	NE NE	1	27.6
24 S	32 E	WM	5	NW NE	2	27.2
24 S	32 E	WM	5	SW NE		18.1
24 S	32 E	WM	5	SE NE		26.8
Total						99.7

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14082.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation and changes in places of use proposed in Transfer Application T-14082 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14082 is approved, the final order will include the following:

- 1. The additional points of appropriation and changes in places of use proposed in Transfer Application T-14082 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 32082 and 94169 and any related decree.*
- 3. Water right Certificates 32082 and 94169 are cancelled.*
- 4. The quantity of water diverted at the new additional points of appropriation (Wells 2,3,4,5 and 6), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 7. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14082

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

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

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

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

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

Approval of an Alternate Measurement Device

T- _____

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

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

Watermaster signature_____
District_____
Date

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14082

GW Reviewer Darrick E. Boschmann Date Review Completed: 11/01/2022

Summary of Same Source Review:

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

Summary of Injury Review:

- ☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

- ☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-14082

Applicant Name: Otley

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 11/01/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 11/7/22

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: _____

_____ This application is related to certificates 32082 and 94169.

_____ Certificate 32082 authorizes groundwater pumping from one well (POD 1 = HARN 901) for primary irrigation of 26.1 acres in the Malheur Lake Basin. The following changes are proposed:

- _____ 1. Add 5 APOA ("Well #2" = HARN 619; "Well #3" = not constructed; "Well #4" = not constructed; "Well #5" = not constructed; "Well #6" = not constructed)
- _____ 2. Rearrange the POU.

_____ Certificate 94169 authorizes groundwater pumping from one well (POD 1 = "Well #1" = HARN 901) for primary irrigation of 99.7 acres in the Malheur Lake Basin. The following changes are proposed:

- _____ 1. Add 5 APOA ("Well #2" = HARN 619; "Well #3" = not constructed; "Well #4" = not constructed; "Well #5" = not constructed; "Well #6" = not constructed)
- _____ 2. Rearrange the POU.

_____ Note: this application appears to be identical to previous application T-13133.

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

☒ Yes ☐ No Comments: _____

The currently authorized well develops groundwater from the Younger basin fill and Older basin fill hydrostratigraphic units. The proposed wells will also develop groundwater from these units.

Groundwater occurs in multiple hydrostratigraphic units, and groundwater within these units is hydraulically connected, making a single groundwater system composed of multiple hydrostratigraphic units (Gingerich and others, 2022).

In general, groundwater in the Harney Basin flows from several upland recharge areas to a common discharge area near Malheur and Harney Lakes, with some apparent discharge to the Malheur Basin through one or more areas along the eastern margin. While the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system depending on groundwater flow-paths from recharge to discharge areas. In general, within these sub-watersheds water within the aquifer system is sourced from a common recharge area and can therefore be considered a single source.

All authorized and proposed wells are located within a <1 mile radius.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

☐ Yes ☒ No _____

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: The proposed APOA are located northeast and southwest of the currently authorized well. This will result in an incremental increase in interference with existing wells in those directions.

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: Any increase in interference with existing wells will not meet the standard for substantial or undue interference given the thickness of the aquifer system in the Harney Basin.

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 APOAs are up to ~0.65 miles closer to Embree Slough and East Fork Silvies River.

- 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: Embree Slough

☒ Minimal ☐ Significant

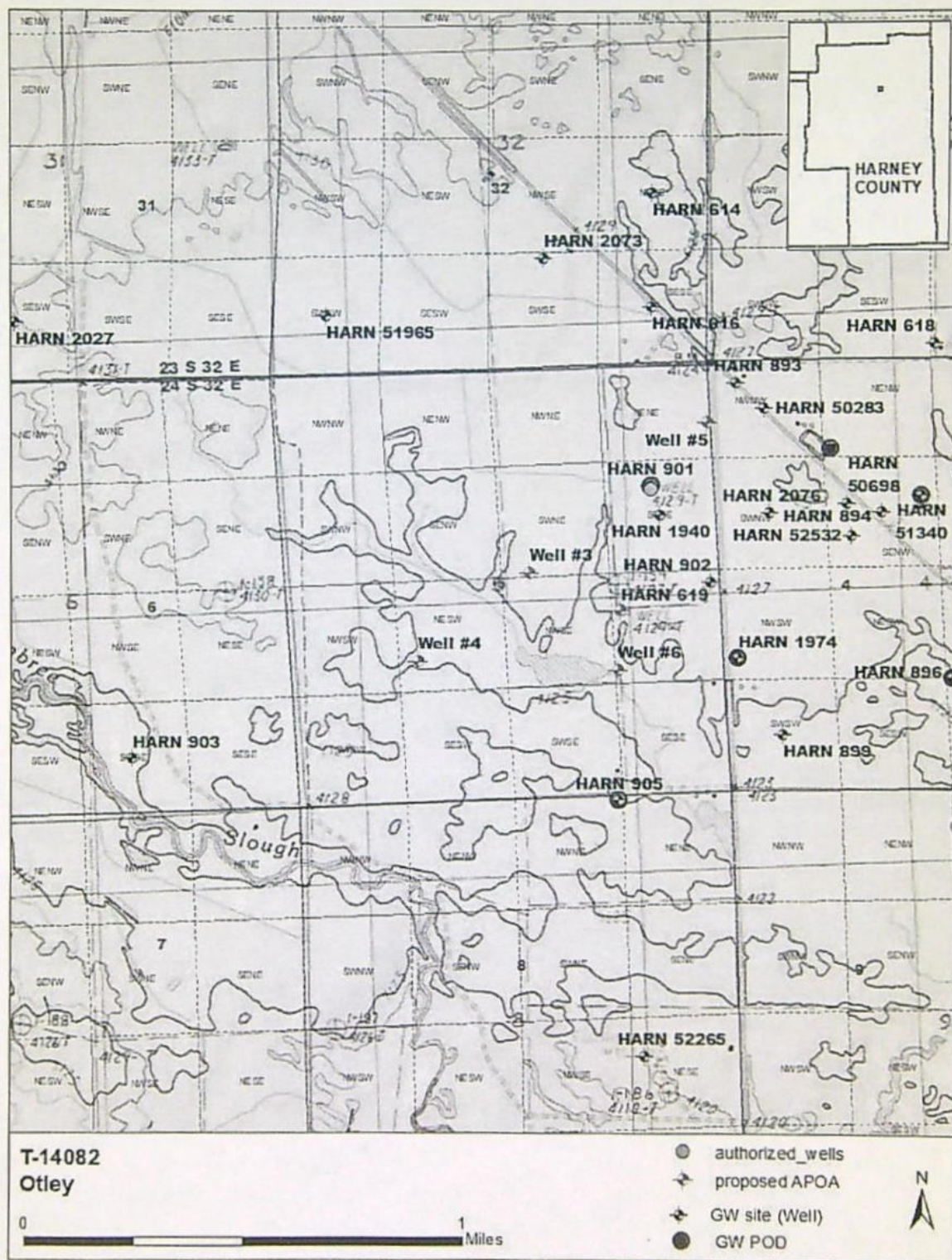
Stream: E Fk. Silvies R.

☒ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

The nearest proposed APOA is still ~0.65 miles from Embree Slough and >1 mile from E. Fork Silvies River. Any increase in interference should be minimal.

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: _____
7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
8. Any additional comments: none.



Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 14082

Review Due Date: _____

Applicant Name: Shane & Crystal Otley

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

Reviewer(s): Dally Swindlehurst

Date of Review: 10/05/22

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 Type text here
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 Type text here
If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: N/A
6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____. ☒ N/A
7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. ☒ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A Type text here Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

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

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

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

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

☐ A Headgate should be required prior to diverting water.

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

a. **Before water use may begin** under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing)

OR ☐ at each new point of diversion/appropriation

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

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

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

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

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

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

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

☐ Weir

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14082

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

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

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

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

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

Approval of an Alternate Measurement Device

T- _____

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

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

Watermaster signature_____
District_____
Date

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

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

**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 # **139398**

INVOICE # _____

RECEIVED FROM: Orley Landand Cattle
BY: LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-14082</u>

CASH: ☐ CHECK: # 2084 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,903.48

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R 11394-23 \$
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,903.48
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	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **139398**

DATE: 10/24/2022 BY: [Signature]

RECEIVED

OCT 24 2022

OWRD

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-394-23

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Shane and Crystal Otley, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Shane and Crystal Otley	Name: Water Right Services, LLC
Title: Transfer Advisor	Contact:	Contact: Bryce Withers
Address: 725 Summer Street, NE, Suite A	Address: 67976 Oil Well Rd	Address: PO Box 1830
Salem, OR 97301-1266	Burns, OR 97720	Bend, OR 97709
Phone: 503 979-3511	Phone:	Phone: (541) 389-2837
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email:	Email: johnshort@usa.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14082)

- Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- Consideration.**
 - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,903.48. Applicant agrees to pay the full amount of \$1,903.48 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

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

For Applicant:

Cynthia A. Otley
Name/Title: Cynthia Otley, member

10/18/22
Date

For OWRD:

Dwight French
Dwight French – Administrator

10/25/2022
Date

Mail signed Agreement to:

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

SHANE & CRYSTAL OTLEY R11-394-23 T-14082

Review Step	Est. Time	Hourly Multiplier	Total Est. Hours	Individual	Hourly Rate	Est. Cost
Front Desk Staff receipts received AA funds	0.25		0.25	Caseworker	\$56.56	\$14.14
Transfer Support process Application	0.50		0.50	NRS1 - Stacy	\$34.46	\$17.23
Administrator signs AA	0.02		0.02	Dwight	\$101.85	\$2.04
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet	0.25		0.25	NRS1 - Stacy	\$34.46	\$8.62
NRS 2 completes initial review of file for deficiencies	1.50	26%	1.89	Caseworker	\$56.56	\$106.90
NRS 2 consults with Kelly and/or Lisa	0.00	26%	0.00	Caseworker	\$56.56	\$0.00
NRS 2 writes and sends deficiency ltr (email and hard copy)	0.50	26%	0.63	Caseworker	\$56.56	\$35.63
NRS 2 addresses correspondence from app/agent regarding deficiencies	1.00	26%	1.26	Caseworker	\$56.56	\$71.27
Watermaster completes review	2.00		2.50	District WM	\$56.74	\$113.48
Groundwater completes review	3.00		4.00	GW Staff	\$67.36	\$269.44
NRS 2 completes DPD, PN	3.00	26%	3.78	Caseworker	\$56.56	\$213.80
Transfer staff peer reviews DPD, PN	1.00		1.00	Transfer Staff	\$56.56	\$56.56
Transfer Analyst completes policy check at DPD stage	1.00		0.50	Kelly	\$70.81	\$70.81
NRS 2 sends DPD to app/agent by email and/or mail	0.15	26%	0.19	Caseworker	\$56.56	\$10.69
NRS 2 drafts and sends revised DPD	1.00	26%	1.26	Caseworker	\$56.56	\$71.27
NRS 2 completes PD	0.50	26%	0.63	Caseworker	\$56.56	\$35.63
Transfer Staff peer reviews PD	0.50		0.50	Transfer Staff	\$56.56	\$28.28
Transfer Analyst peer reviews PD	0.50		0.50	Kelly	\$70.81	\$30.30
Data Center reviews PD AND RR: (RR where applicable)	2.00		2.00	Data Staff	\$45.06	\$90.12
Transfer Analyst completes peer review of PN review for newspaper noticing	1.00		1.00	Kelly	\$70.81	\$70.81
Transfer Support requests newspaper quote for PN publishing	0.50		0.50	OS2 Support - Ju	\$35.67	\$17.84
NRS 2 sends publishing fee request to applicant	0.50	26%	0.63	Caseworker	\$56.56	\$35.63
Transfer Support processes fee and newspaper publishing	0.50		0.50	NRS1 - Stacy	\$34.46	\$17.23
Transfer Support processes public notice (dept notice)	0.30		0.30	OS2 Support - Ju	\$35.67	\$10.70
Administrator signs PD	0.02		0.02	Lisa	\$82.79	\$1.66
Transfer Support issues PD, updates WRIS, copy to file, and mails hard copy to applicant	0.33		0.33	OS2 Support - Ju	\$35.67	\$11.77
NRS 2 completes FO	2.00	26%	2.52	Caseworker	\$56.56	\$142.53
Transfer Analyst peer reviews FO	0.50		0.50	Kelly	\$70.81	\$35.41
Administrator signs FO	0.02		0.02	Lisa	\$82.79	\$1.66
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy	0.33		0.33	OS2 Support - Ju	\$35.67	\$11.77
NRS 1 closes out RA Contract	0.50		0.50	NRS1 - Stacy	\$34.46	\$17.23
TOTAL ESTIMATE HOURS			30.25			
					TOTAL	\$1,903.48

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **139049**

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

INVOICE # _____

RECEIVED FROM: O'Hea Land and Cattle, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14082

CASH: ☐ CHECK: # 2002 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 41124 R11394.23 \$ _____
0412 OTHER: (IDENTIFY) Transfer/Reimbursement Authority \$ 125.00
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$ _____	CARD#	_____
0210	MONITORING WELLS	\$ _____	CARD#	_____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **139049**

DATED: 9-1-2022 BY: _____



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
☒	Transfer Application	Transfer Number T-14082

Applicant Information		Applicant's Representative/Contact
Name:	Shane & Crystal Otley	Bryce Withers/Water Right Services, LLC
Address:	67976 Oil Well Rd Burns, OR 97720	PO Box 1830 Bend, OR 97709
Phone:		541-389-2837
Fax:		
E-Mail Address:		johnshort@usa.com

I understand the following:

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

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

RECEIVED

SEP 01 2022 RECEIVED

OWRD AUG 18 2022

OWRD

I certify that I am the (check one):

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

Name: Bryce Withers

Signature: Bryce Withers

OWRD USE ONLY: Reimbursement Authority Number: R11-394-23



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 9, 2022

SHANE AND CRYSTAL OTLEY
67976 OIL WELL RD
BURNS, OR 97720

Reference: Application T-14082

On September 1, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$5110.00. Our receipt number 139051 is enclosed.

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

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

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

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

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

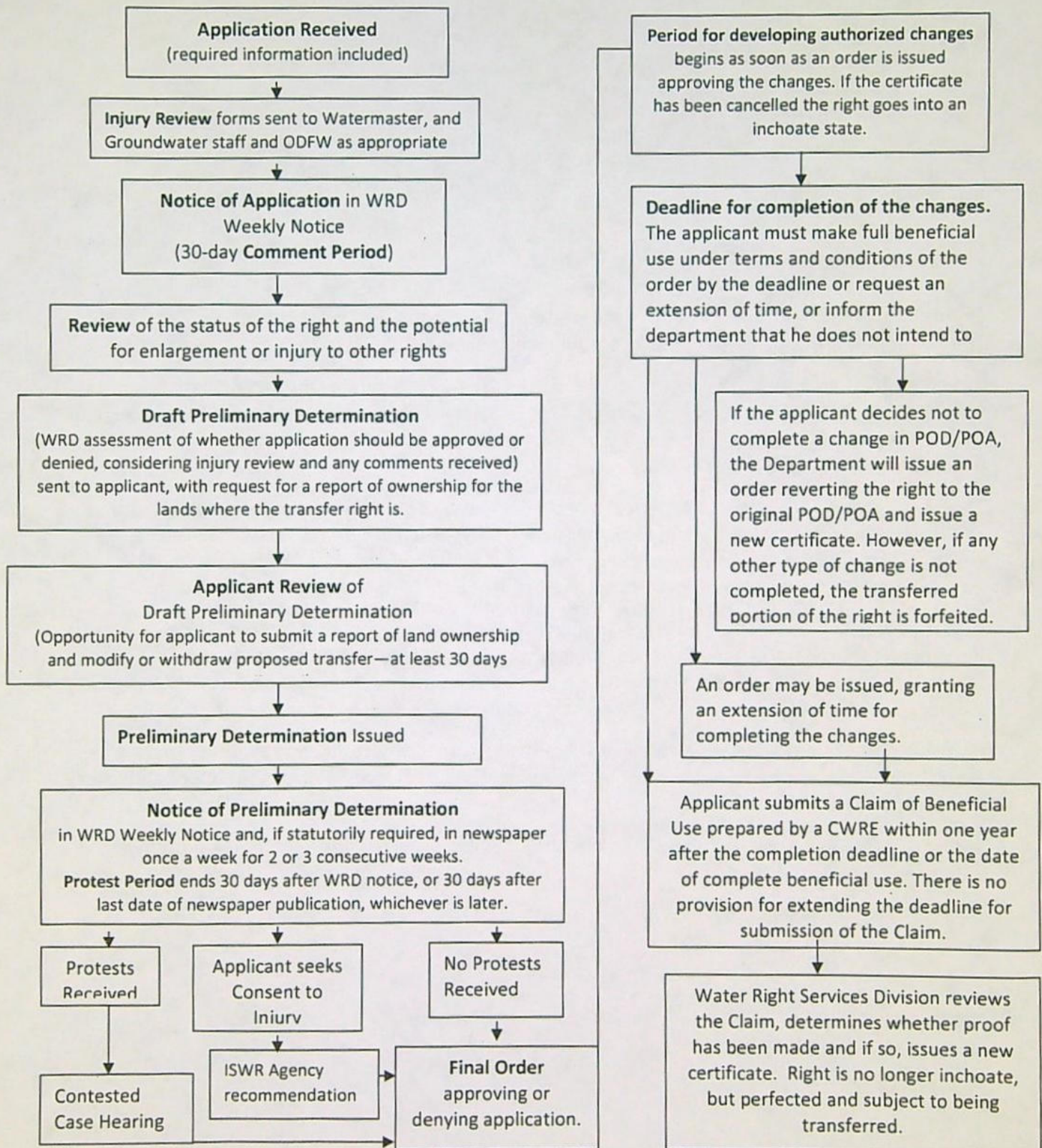
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)
John A. Short, Agent
Harney County

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **139051**

INVOICE # _____

RECEIVED FROM: Atley Land and Cattle, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14082</u>

CASH: ☐ CHECK: # 20063 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 5110.00

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	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$ <u>5110.00</u>
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
LANDOWNER'S PERMIT		
OTHER (IDENTIFY)		

EXAM FEE
\$
\$
\$ <u>5110.00</u>
EXAM FEE
\$

RECORD FEE
\$
\$
LICENSE FEE
\$
\$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **139051**

DATED: 9-1-2002 BY: [Signature]

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

RECEIVED

AUG 18 2022

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

SEP 01 2022

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: 32082 & 94169**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

OWRD

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

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FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME SHANE OTLEY & CRYSTAL OTLEY		PHONE NO. 541-589-5805	ADDITIONAL CONTACT NO.
ADDRESS 67976 OIL WELL RD		FAX NO.	
CITY BURNS	STATE OR	ZIP 97720	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME JOHN A. SHORT / WATER RIGHT SERVICES, LLC		PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 1830		FAX NO.	
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.COM
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
RECONFIGURATION & ADDITIONAL POINTS OF APPROPRIATION.

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

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: BURNS- TIMES HERALD.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

Applicant signature

Applicant signature

Print Name (and Title if applicable)

Print Name (and Title if applicable)

Date

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No*

*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☐ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
N/A				
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME HARNEY COUNTY PLANNING DEPARTMENT	ADDRESS 360 N. ALVORD AVE	
CITY BURNS	STATE OR	ZIP 97720

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 additional rows to tables within the form.

CERTIFICATE # 32082

Description of Water Delivery System

System capacity: 0.33 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **WATER IS PUMPED FROM WELL AND PIPED TO PIVOT.**

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	☒ Authorized ☐ Proposed	HARN 901	24	S	32	E	5	SE	NE	TL 300	1470' S, 730' W of NE Cor S5
Well #2	☐ Authorized ☒ Proposed	HARN 52201 & 619 / L-115043	24	S	32	E	5	NE	SE	TL 200	3000' S, 1010' W of NE Cor S5
Well #3	☐ Authorized ☒ Proposed		24	S	32	E	5	SW	NE	TL 300	2540' S, 2120' W of NE Cor S5
Well #4	☐ Authorized ☒ Proposed		24	S	32	E	5	NE	SW	TL 200	3600' S, 3480' W of NE Cor S5
Well #5	☐ Authorized ☒ Proposed		24	S	32	E	5	NE	NE	TL 500/ GL 1	730' S, 10' W of NE Cor S5
Well #6	☐ Authorized ☒ Proposed		24	S	32	E	5	NE	SE	200	3700' S, 1060' W of NE Cor S5

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

- | | |
|---|--|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☒ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water
POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 32082

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POU, APOA	24	S	32	E 5 SW NE	300		16.7	IR	Wells 1 - 6	1956		
										"	24	S	32	E 5 SE NE	300		7.3	IR	"	"		
										"	24	S	32	E 5 NE SE	200		1.0	IR	"	"		
										"	24	S	32	E 5 NW SE	200		1.1	IR	"	"		
TOTAL ACRES:											TOTAL ACRES:						26.1					

Additional remarks: _____.

Revised 7/1/2021

Permanent Transfer Application Form – Page 9 of 14

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Certificate # 32082

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.

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

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

Ground water supplemental Permit or Certificate # N/A;

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

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

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

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

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

AND/OR

- ☒ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -spe rate (cfs gpm). If I than full r of water r
Wells 3,4,5,6	No		346'	12"	1-213'	0-20'	60-330'	36'	Clay	

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CERTIFICATE # 94169**Description of Water Delivery System**System capacity: 1.25 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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

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	☒ Authorized ☐ Proposed	HARN 901	24	S	32	E	5	SE NE	TL 300 1470' S, 730' W of NE Cor S5
Well #2	☐ Authorized ☒ Proposed	HARN 52201 & 619 / L-115043	24	S	32	E	5	NE SE	TL 200 3000' S, 1010' W of NE Cor S5
Well #3	☐ Authorized ☒ Proposed		24	S	32	E	5	SW NE	TL 300 2540' S, 2120' W of NE Cor S5
Well #4	☐ Authorized ☒ Proposed		24	S	32	E	5	NE SW	TL 200 3600' S, 3480' W of NE Cor S5
Well #5	☐ Authorized ☒ Proposed		24	S	32	E	5	NE NE	TL 500/ GL 1 730' S, 10' W of NE Cor S5
Well #6	☐ Authorized ☒ Proposed		24	S	32	E	5	NE SE	200 3700' S, 1060' W of NE Cor S5

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

- | | |
|---|--|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☒ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water
POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 32082

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POU, APOA	24	S	32	E 5 NE NE	500	GL 1	27.6	IR	Wells 1-6	2006		
										"	24	S	32	E 5 NW NE	500	GL 2	27.2	IR	"	"		
										"	24	S	32	E 5 SW NE	300		18.1	IR	"	"		
										"	24	S	32	E 5 SE NE	300		26.8	IR	"	"		
TOTAL ACRES:												TOTAL ACRES:						99.7				

Additional remarks: _____.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.



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

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

Ground water supplemental Permit or Certificate # N/A.

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

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

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

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

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

AND/OR

- ☒ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Wells 3,4,5,6	No		346'	12"	1-213'	0-20'	60-330'	36'	Clay	

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Land Use Information Form



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

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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.

Land Use Information Form



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

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Applicant(s): Shane Otley & Crystal Otley

Mailing Address: 67976 Oil Well Rd

City: Burns

State: OR

Zip Code: 97720

Daytime Phone: _____

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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>24 S</u>	<u>32 E</u>	<u>05</u>		<u>200</u>	<u>EFRU-2</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>24 S</u>	<u>32 E</u>	<u>05</u>		<u>300</u>	<u>EFRU-2</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>24 S</u>	<u>32 E</u>	<u>05</u>		<u>500</u>	<u>EFRU-2</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

Harney County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 1.58 ☒ 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:

Reconfiguration and additional points of appropriation.

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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For Local Government Use Only

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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): HE20 3.020 / EPA 1-2
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Brandon McMillan Title: Planning Director
 Signature: [Signature] Phone: (541) 573-6655 Date: 1/25/2022
 Government Entity: Harney County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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)
County of DESCHUTES) ss

I, JOHN A. SHORT, in my capacity as WATER RIGHT SPECIALIST,

mailing address PO BOX 1830 BEND, OR 97709

telephone number (541)389-2837, being first duly sworn depose and say:

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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 # 32082 & 94169; 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)

AND/OR

- ☒ Confirming Certificate # 94169 has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: _____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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Signature of Affiant

January 20, 2022
Date

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Signed and sworn to (or affirmed) before me this 20 day of January, 2022.



Linda Lee Miller
Notary Public for Oregon

My Commission Expires: July 12, 2025

Supporting Documents	Examples
☒ 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
☒ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☐ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

C4 Cattle Co. LLC

PO Box 844
OR 97732-0844

Invoice

Date	Invoice #
5/17/2021	2021-7

Bill To
Otley Land and Cattle

PAID
05/20/2021

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P.O. No.	Terms	Project
	Net 15	

Quantity	Description	Rate	Amount
19	8"x30' aluminum main line \$4.50/foot	135.00	2,565.00
1	Irrigation Hose	80.00	80.00
2	main line turn on valve	100.00	200.00
		Total	\$2,845.00

scotley@live.com

From: Gena Harvey <gharvey@hec.coop>
Sent: Tuesday, June 1, 2021 1:03 PM
To: scotley@live.com
Subject: METER #175302 READINGS FOR 5/23-5/29
Attachments: sendTo3638046994847614137.pdf

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Crystal,
Here you go. Let us know if we can be of further assistance.

Gena

GENA HARVEY
Accountant
Harney Electric Cooperative, Inc.
PO Box 587 - 277 Lottery Lane
Hines, OR 97738
gharvey@hec.coop
(541)573-2061



Interval Reading Date/Time	Reading	Demand Rdg	KVAR Reading	Usage/Day	Meter #
5/29/2021 3:25	151501	28.55	56,734.00	0	80045043
5/28/2021 3:25	151501	28.55	56,734.00	474	80045043
5/27/2021 3:25	151027	28.55	56,561.00	300	80045043
5/26/2021 3:26	150727	28.55	56,452.00	495	80045043
5/25/2021 3:25	150232	28.55	56,266.00	231	80045043
5/24/2021 3:27	150001	28.55	56,180.00	0	80045043
5/23/2021 3:29	150001	28.55	56,180.00	0	80045043
THIS READING COMES AT NIGHT, SO THE READING ON EACH DAY IS ACTUALLY FROM THE DAY BEFORE.					

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STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SHANE OTLEY
CRYSTAL OTLEY
67976 OIL WELL ROAD
BURNS OR 97720

confirms the right to the use of water perfected under the terms of Permit G-16255. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16754

SOURCE OF WATER: A WELL (HARN 901) IN EMBREE SLOUGH BASIN

PURPOSE OR USE: IRRIGATION OF 99.7 ACRES

MAXIMUM RATE: 1.25 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 20, 2006

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32 E	WM	5	SE NE	1470 FEET SOUTH AND 730 FEET WEST FROM NE CORNER, SECTION 5

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	32 E	WM	5	NE NE	1	26.7	24 S	32 E	WM	5	SE NE		13.0
24 S	32 E	WM	5	NW NE	2	27.0	24 S	32 E	WM	5	NE SE		0.2
24 S	32 E	WM	5	SW NE		31.9	24 S	32 E	WM	5	NW SE		0.9

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Measurement, recording and reporting conditions:

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the right. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The water user shall report annual March static water-level measurements whether or not the well is used. The reference level against which future measurements will be compared is 26.50 feet below ground surface. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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Application G-16754.ra.klk

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Certificate 94169

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Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

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

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

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

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

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

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

Issued DEC 06 2018

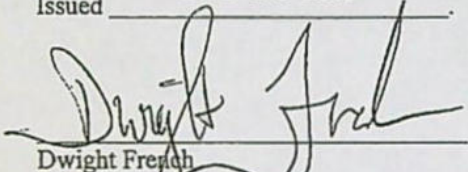
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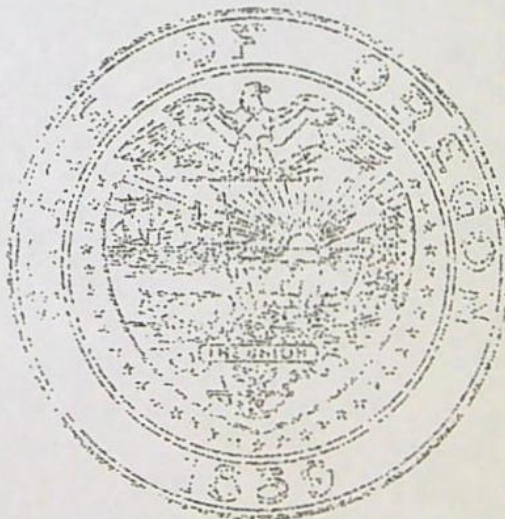
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Dwight French
Water Right Services Division Administrator, for
Thomas M. Ryler, Director
Oregon Water Resources Department



NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON
within 30 days from the date
of well completion.

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MAR 24 1975

STATE ENGINEER
SALEM, OREGON

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

Do not write above this line

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NOV 4 1974

STATE ENGINEER
SALEM, OREGON

State Well No.

245/32E-5ad

State Permit No.

Harney 90.1

(1) OWNER:

Name John Woods

Address Burns, Oregon 97720

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

12" Diam. from plus 1 ft. to 60 ft. Gage 250

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

" " " "

" " " "

Ball test 150 gal./min. with 15 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used bentonite slurry

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 15 in.

Diameter of well bore below seal 12 in.

Number of sacks of cement used in well seal 0 sacks

Number of sacks of bentonite used in well seal 200# #

Brand name of bentonite bulk

Number of pounds of bentonite per 100 gallons
of water 1000 lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☒ Yes ☐ No

Type of water? sand depth of strata 10-15'

Method of sealing strata off casing

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Harney

Driller's well number

SE 1/4 NE 1/4 Section 5 T. 24 S. 32 E W.M.

Bearing and distance from section or subdivision corner

100' W of E section line & 100' N of
center section line

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft.

Static level 25 ft. below land surface. Date 9-23-74

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12"

Depth drilled 346 ft. Depth of completed well 346 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
brown topsoil	0	3	
sandy plowman	3	10	
fine sand w/water	10	15	10
blue clay	15	50	
blue clay w/ med. gravel	50	53	
greenish blue clay	53	70	
brown clay	70	103	
brown claystone	103	130	45
brown sandy claystone	130	280	
multi-color clay	280	346	25

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Work started 9-6 74 Completed 9-23 74

Date well drilling machine moved off of well 9-25 74

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Forrest Skinner Date 10-31, 1974

(Drilling Machine Operator)

Drilling Machine Operator's License No. 10

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Skinner & Sons

(Person, firm or corporation)

(Type or print)

Address Crane, Ore. 97732

[Signed] Catherine Skinner

(Water Well Contractor)

Contractor's License No. 372 Date 10-31-74

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NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM 10, OREGON within 30 days from the date of well completion.

MAY 23 1966

WATER WELL REPORT

STATE OF OREGON
SALEM, OREGON (Please type or print)

State Well No.

23/32-33

State Permit No.

(1) OWNER:

Name JOHN WOODS

Address Hansen, Oreg

(2) LOCATION OF WELL:

County Hansen Driller's well number

1/4 Section T. R. W.M.

Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
12" Diam. from 0 ft. to 213-6" Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Model No.

Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Bentonite

Depth of seal ft. Was a packer used?

Diameter of well bore to bottom of seal 14 in.

Were any loose strata cemented off? ☐ Yes ☒ No Depth

Was a drive shoe used? ☒ Yes ☐ No

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? Depth of strata

Method of sealing strata off

(10) WATER LEVELS:

Static level 12 ft. below land surface Date 7-12-65

Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

" " " "

" " " "

Boiler test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing

Depth drilled 270 ft. Depth of completed well 62 ft. unfinished

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOP SOIL	0	3
HARD PAN	3	8
COURSE SAND CLAY MIX	8	40
BLUE CLAY	40	50
FINE GRAVEL	50	51
BLUE CLAY GRAVEL MIX	51	80
BLACK SAND	80	110
BLUE CLAY	110	156
BLUE CLAY SAND MIX	156	205
GREEN CLAY	205	270

well unfinished well
more back in 60 and
finish.

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AUG 18 2022

OWRD

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Work started July 1 1965 Completed ? 19

Date well drilling machine moved off of well July 19 1965

(13) PUMP:

Manufacturer's Name

Type: H.P.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME John W. Rosenberg

(Person, firm or corporation)

(Type or print)

Address Box 443 Burns Oreg

Drilling Machine Operator's License No. 269

[Signed] John W. Rosenberg

(Water Well Contractor)

Contractor's License No. 272 Date 1-29-1966

(USE ADDITIONAL SHEETS IF NECESSARY)

Well Locations:

Well #1 (HARN 901): 1470' S, 730' W of NE Cor Sec 5

Well #2 (HARN 52201 & 619/L-115043): 3000' S, 1010' W of NE Cor Sec 5

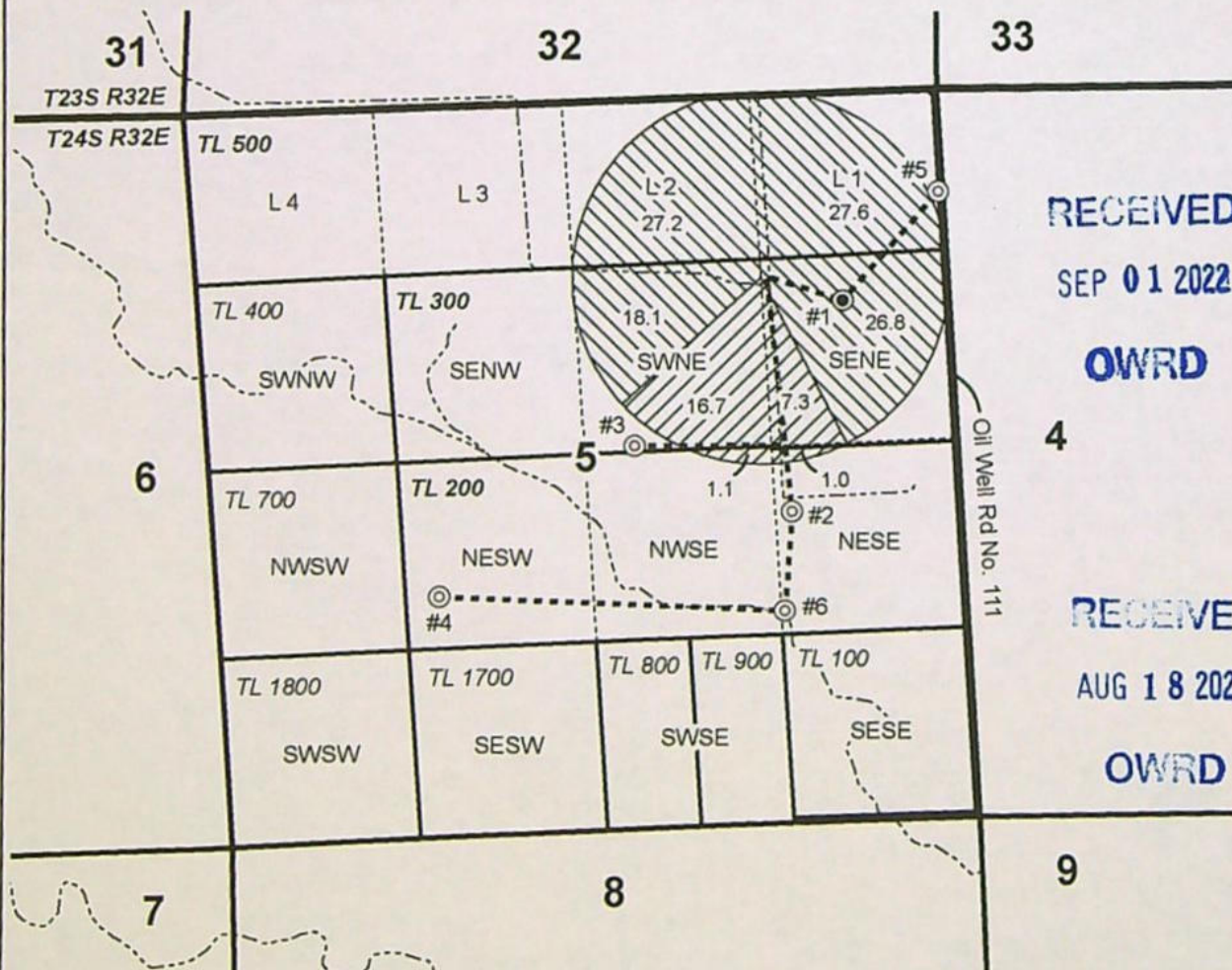
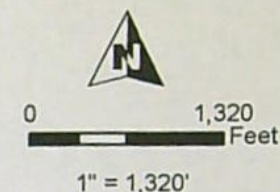
Well #3: 2540' S, 2120' W of NE Cor Sec 5

Well #4: 3600' S, 3480' W of NE Cor Sec 5

Well #5: 730' S, 10' W of NE Cor Sec 5

Well #6: 3700' S, 1060' W of NE Cor Sec 5

**T24S R32E, WM,
HARNEY COUNTY, OR**



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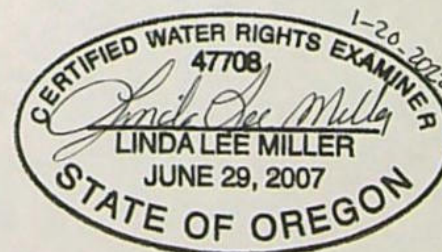
4

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- ⊙ Authorized Well
- ⊙ Proposed APOA Well
- Pipeline
- POU IR CERT 32082 "ON" 11/8/1956
- POU IR CERT 94169 "ON" 11/20/2006
- Township
- Section
- Quarter Quarter
- Un-named Streams
- Tax Lot



RENEWAL DATE 12/31/2022



**TRANSFER "ON" MAP
Shane & Crystal Otley**

Certificates 32082 & 94169

Date: 1/17/2022

This map is not intended
to provide legal dimensions
or locations of property
ownership lines.

WATER RIGHT SERVICES, LLC

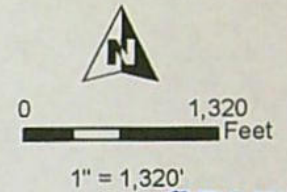
PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US CCB # 197121

johnshort@usa.com

541-389-2837

**T24S R32E, WM,
HARNEY COUNTY, OR**



RECEIVED

SEP 01 2022

OWRD

- Authorized Well
- Un-named Streams
- Pipeline
- POU IR CERT 32082 "OFF" 11/8/1956
- POU IR CERT 94169 "OFF" 11/20/2006
- Township
- Section
- Quarter Quarter
- Tax Lot

RECEIVED

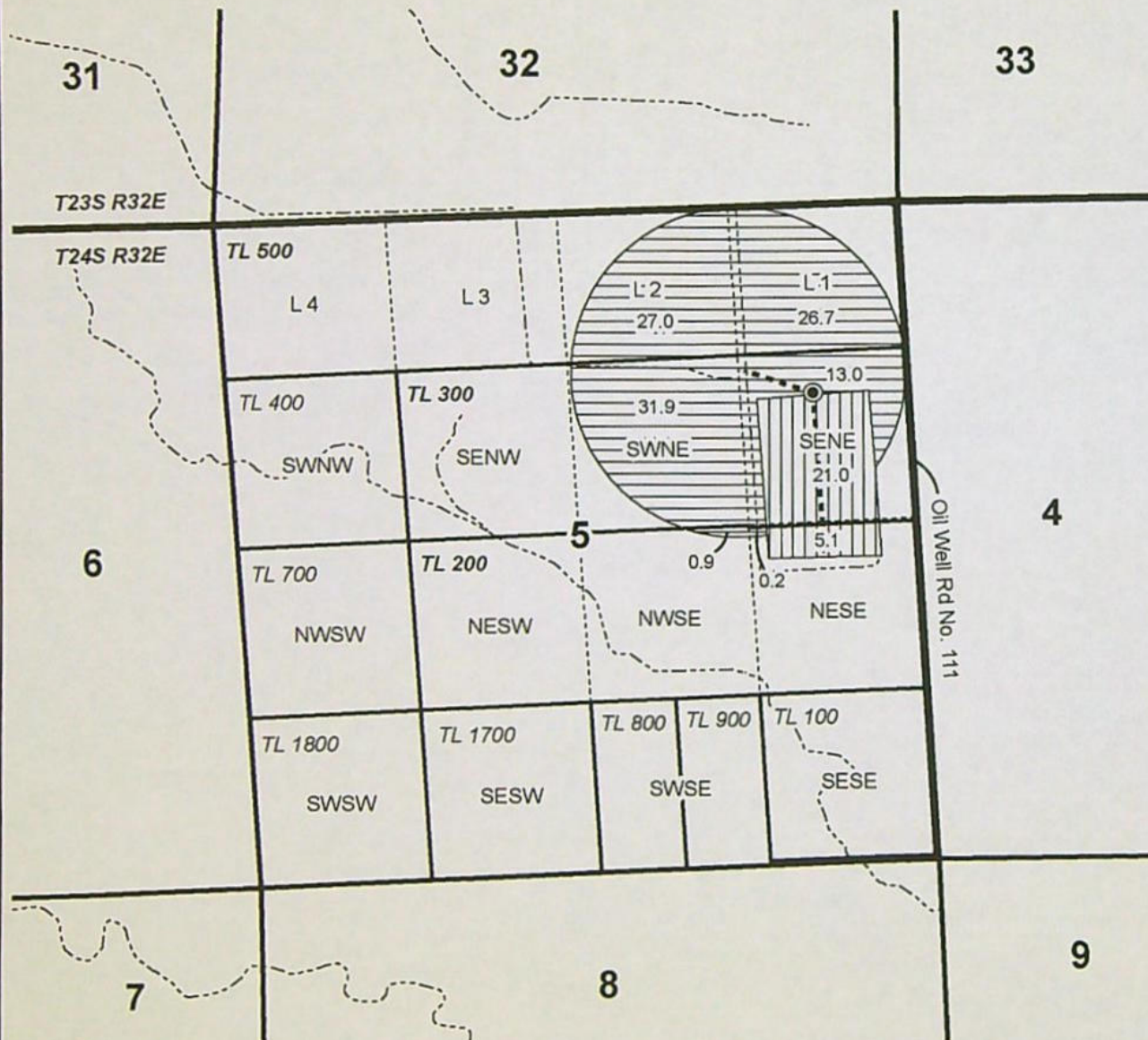
AUG 18 2022

OWRD

Well (HARN 901) Location:
S 1470', W 730' of NE Cor Sec 5



RENEWAL DATE 12/31/2022



**TRANSFER "OFF" MAP
Shane & Crystal Otley**

Certificates 32082 & 94169

Date: 1/17/2022

This map is not intended
to provide legal dimensions
or locations of property
ownership lines.

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US CCB # 197121

johnshort@usa.com

541-389-2837



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 22, 2022

RECEIVED

SEP 01 2022

Shane and Crystal Otley
67976 Oil Well Road
Burns, OR 97720

OWRD

Regarding your Reimbursement Authority (RA) Application, RA Fee and Permanent Transfer Application for Certificates 32082 and 94169, received August 18, 2022:

The reason for this return is as follows:

- The fee for the transfer application did not accompany the application. We are not able to hold applications, nor able to process the Reimbursement Authority Application for a transfer that has not been accepted by the Department. As a result, we are returning the Reimbursement Authority fee of \$125.00 to you.

Please do not hesitate to contact me, at arla.l.davis@water.oregon.gov, if you have any questions.

Kindest regards,

Arla L Davis

Transfer Caseworker, Reimbursement Authority
Transfer and Conservation Section

Cc: OWRD Fiscal
Bryce Withers, Water Right Services, LLC, Agent (via e-mail)

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14082

Checked by: <u>Aula</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	☒ POU	POD	APOD
Date: <u>9/2/22</u>		Gov Action	Surface to Ground	USE	POA	☒ APOA
Fee Received: <u>5110</u> ✓						
Calculated Fee: <u>5110</u> ✓			How many rights to be Transferred? <u>2</u>			
Additional Observations: <u>RA</u>		Certificate # <u>32082</u> <u>94169</u>				

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

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

OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

[illegible]