

T-13997

Temporary - DROUGHT

T-13997

Name Cheyne Brothers, LLCAddress PO Box 49 / 11649 Depot
Malin, OR 97632
fenterss@gmail.comChange in POU, POADate Filed 5-2-2022Initial notice date 5-17-2022

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 9/20/2022 Vol 125 Page 10910

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Klamath River BasinUse Supplemental Irrigation County Klamath

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

Name of ditch _____

App# G-15315 Per # G-17708 Cert # _____ PR Date 3/9/2001

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

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

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

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

FEES PAID		
Date	Amount	Receipt #
<u>5-2-2022</u>	<u>\$250.00</u>	<u>138053</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list _____

☐ - Oversized map - Location _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 20, 2022

CHEYNE BROTHERS LLC
PO BOX 49
MALIN, OR 97623

REFERENCE: Temporary Drought Transfer Application T-13997

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

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

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

Sincerely,

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

cc: Danette M. Watson, Watermaster Dist. #17 (via email)

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13997, Klamath County)	EMERGENCY USE DROUGHT TEMPORARY
)	CHANGE IN PLACE OF USE AND CHANGE
)	IN POINT OF APPROPRIATION

Authority

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

Applicant

CHEYNE BROTHERS, LLC
PO BOX 49/1649 DEPOT
MALIN, OR 97632

Findings of Fact

1. On May 2, 2022, CHEYNE BROTHERS, LLC, filed an application to temporarily change the place of use and change the point of appropriation under Permit G-17708 for the remainder of the 2022 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13997.
2. Notice of the application for transfer was published on May 17, 2022, pursuant to OAR 690-380-4000.
3. The portion of the permit to be temporarily transferred is as follows:

Certificate:	G-17708 in the name of LEE R. SUKRAW and CHEYNE BROTHERS, LLC.
Use:	SUPPLEMENTAL IRRIGATION of 99.5 ACRES
Priority Date:	MARCH 9, 2001
Rate:	1.24 CUBIC FEET PER SECOND

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

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the period from March 1 to September 30 and further limited to 1.0 acre foot per acre for each acre irrigated during the period from October 1 to March 1, not to exceed 3.0 acre feet per acre in any year.

Period of Use: YEAR ROUND

Source: ONE WELL in KLAMATH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	9 E	WM	28	NE NW	WELL 9 - 960 FEET SOUTH AND 222 FEET WEST FROM THE N1/4 CORNER OF SECTION 28

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	9 E	WM	28	NE NW	1	6.5
40 S	9 E	WM	28	NW NW	1	8.3
40 S	9 E	WM	28	NW NW	6	8.42
40 S	9 E	WM	28	SE NW	1	0.2
40 S	9 E	WM	29	NW SE		20.0
40 S	9 E	WM	29	SW SE		40.36
40 S	9 E	WM	32	SE SE		15.72
Total						99.5

4. Temporary Transfer Application T-13997 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	9 E	WM	3	NE NE	38.7
41 S	9 E	WM	3	NW NE	26.3
41 S	9 E	WM	3	SW NE	34.5
Total					99.5

5. Temporary Transfer Application T-13997 proposes to temporarily change the point of appropriation approximately 2.0 miles from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	9 E	WM	34	SW NE	POA 2 - 400.7 FEET SOUTH AND 81.6 FEET WEST FROM THE NE 1/16 CORNER OF SECTION 34

Temporary Drought Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The Governor issued an executive order on March 4, 2022, declaring a state of drought emergency in Klamath County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
9. The proposed changes would not result in enlargement of the rights.
10. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

Conclusions of Law

The temporary change in place of use and point of appropriation proposed in Temporary Drought Transfer Application T-13997 are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

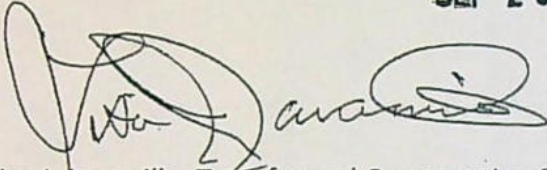
Now, therefore, it is ORDERED:

1. The temporary changes in place of use and point of appropriation proposed in Temporary Drought Transfer Application T-13997 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2022 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. The quantity of water diverted at the proposed temporary point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. The proposed change in place of use and point of appropriation shall revert to the authorized place of use and point of appropriation at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.

6. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Permit G-17708.
7. The use of the remaining water right described by Permit G-17708 shall continue to be in accordance with the terms and conditions of Permit G-17708.

Dated in Salem, Oregon on

SEP 20 2022



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

Mailing Date:

SEP 21 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13997

Transfer Specialist: *Arila*

Transfer Type: Drought Transfer

Applicant: CHEYNE BROTHERS LLC 1649 DEPOT RD/PO BOX 49 MALIN, OR 97623 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-15315	G-17708		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: May 2, 2022	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 250.00	WM District: 17	ODFW District:
Initial Public Notice: UNAVAILABLE	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>8/29/22</i> Initials: <i>Arila</i>	Date: <i>8/30/22</i> Initials: <i>Joan</i>	Date: _____ Initials: _____	Date: <i>8/31/22</i> Initials: <i>PLCS</i>	Date: <i>9/1/22</i> Initials: <i>AW</i>	Date: <i>9/1/22</i>	Date: <i>9/12/2022</i>

Special Issues: _____

Special Order Volume: Vol. *125* Pages *6916*

4/27

Transfer Fee

250-

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PERIOD ENDING	HOURS	RATE	EARNINGS			DEDUCTIONS				TOTAL DEDUCTIONS	NET PAY
			AMOUNT EARNED AT REGULAR RATE	OVERTIME AND OTHER	TOTAL EARNINGS	WITHHOLDING U.S. INC. TAX	SOCIAL SECURITY	MEDICARE TAX	STATE INCOME TAX		

STATE OF OREGON
WATER RESOURCES DEPARTMENT725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

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

RECEIPT # 138053

INVOICE #

RECEIVED FROM: Cheyne Brothers, LLC
BY: _____CASH: ☐ CHECK: # 13942 OTHER: (IDENTIFY) ☐APPLICATION
PERMIT
TRANSFER 1-13997
TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

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

WATER RIGHTS:
0201 SURFACE WATER EXAM FEE 0202 \$
0203 GROUND WATER EXAM FEE 0204 \$
0205 TRANSFER EXAM FEE \$ 250.00

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

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 138053

DATED: 5-2-2022 BY: Mindy Cudde

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

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

RECEIPT # 138053

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RECEIVED FROM: Cheyne Brothers, LLC
BY: _____CASH: ☐ CHECK: # 13942 OTHER: (IDENTIFY) ☐APPLICATION
PERMIT
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TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

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

WATER RIGHTS:
0201 SURFACE WATER EXAM FEE 0202 \$
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WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$
LANDOWNER'S PERMIT EXAM FEE 0220 \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 138053

DATED: 5-2-2022 BY: Mindy Cudde

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

Michelle Angell assisted w/app.

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



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☐ Part 1 – Completed Minimum Requirements Checklist.
- ☐ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☐ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☐ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred?** 1 **List them here:** G-17708
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☐ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year** _____ **End Year** _____
- ☐ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☐ Completed Temporary Transfer Application Map.
- ☒ **Completed** Evidence of Use Affidavit and supporting documentation.
- ☒ **Current recorded** deed for the land **from** which the authorized place of use is temporarily being moved.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » »	2	
3	Do you propose to change the place of use for a non-irrigation use? <input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3	3	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	<div>RECEIVED</div> <div>MAY 02 2017</div> <div>OWEB</div>
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » »	7	
7	Subtract line 6 from line 5 » » » » » » » » » » » Transfer Fee:	7	

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FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: center;">1.24 (2a)</div> Subtract 1.0 from the number in 2a above: <u>24</u> (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: <u>1</u> (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »		
2		2	50.00
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	250.00

1. 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 ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. 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 2a would be only 0.56 cfs , since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

Part 4 of 5 – Applicant Information and Signature

Applicant Information


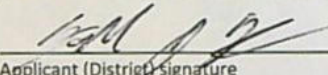
APPLICANT/BUSINESS NAME <u>Cheyne Brothers LLC</u>		PHONE NO. <u>541-723-2005</u>	ADDITIONAL CONTACT NO.
ADDRESS <u>1649 Depot, P.O. Box 49</u>		FAX NO.	
CITY <u>Malin</u>	STATE <u>OR</u>	ZIP <u>97632</u>	E-MAIL <u>fenterss@gmail.com</u>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL 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		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
DUE TO DROUGHT, AND NO DROUGHT PERMITS. WE NEED WATER ON FIELDS THAT ARE IN IRRIGATION DISTRICT
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

  Scott J Fenters Manager 4/22/22
Applicant (District) signature Print Name (and Title if applicable) Date

Applicant (District) signature Print Name (and Title if applicable) Date

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

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

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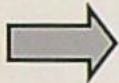
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 6-17708

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Description of Water Delivery System

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System capacity: 1.24 cfs cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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

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)
POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 59347	40 S	09 E	28	NE NW	300	960.5' + 222' W from N CORNER Sec 28
POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	KLAM 55747	40 S	09 E	34	SW NE	200	400.7' S + 81.6' W NE ¼ ¼
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # _____

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	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		$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
"	"	"	" " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
TOTAL ACRES													TOTAL ACRES											

Additional remarks:

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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 Temporary Changes to Water Right Certificate # G-17708

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901	
40S	9	E	28	NE	NW		1	6.50	Irrigation	POA #1			POU	41S	9	E	3	NE	NE	100		38.7		POA #2			
				NW	NW		1	8.30									3	NW	NE			26.3					
				NW	NW		6	8.42									3	SW	NE			34.5					
				SE	NW		6	0.20																			
40S	9	E	29	SW	SE		4300		40.36																		
				NW	SE	"			20.00																		
40S	9	E	32	SE	SE		5600		15.72																		
TOTAL ACRES													99.5	TOTAL ACRES													99.5

Additional remarks:

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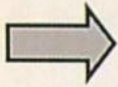
Water Right Certificate # _____

For Place of Use Changes

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

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



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

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

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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Klamath Basin/County Drought Transfer Applications**Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)**

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

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

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

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

KLAM 59347

10/1/2015

WELL I.D. LABEL# 120005
START CARD # 1026735
ORIGINAL LOG #

Page 1 of 1

(1) LAND OWNER

Owner Well I.D. _____
First Name LEE Last Name SUKRAW
Company _____
Address 1881 LOWER KLAMATH LAKE RD.
City KLAMATH FALLS State OR Zip 97603

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stl Plstc Wld Thrld
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 480.00 ft.

BORE HOLE

Dia	From	To	Material	From	To	Amt	sacks/lbs
24	0	248	Cement w/5% Bentonite	0	78	65	S
20	248	380			Calculated	60	
12	380	480			Calculated		

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

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

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stl Plstc Wld Thrld
20 2 78 .250 20 78 148 .375
Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method plasma cutter

Screens Type _____

Perf/Screen	Casing/Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/pipe size
Perf	Casing	20	148	248	.125	3	4200	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

2000		280	1
------	--	-----	---

Temperature 88 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County KLAMATH Twp 40.00 S N/S Range 9.00 E E/W WM
Sec 28 NE 1/4 of the NW 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

☒ Street address of well ☐ Nearest address

1850 LOWER KLAMATH LAKE RD.
KLAMATH FALLS, OR. 97603

(10) STATIC WATER LEVEL

Date	SWL (psi)	+ SWL (ft)
Existing Well / Pre-Alteration		
Completed Well	9/29/2015	72

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 108.00

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
9/29/2015	108	480	2000		72

(11) WELL LOG

Ground Elevation _____

Material	From	To
Brown sand and soft brown sandstone	0	32
grey clay	32	66
red cinder, basalt and green claystone	66	72
basalt	72	84
green claystone with basalt	84	92
soft red cinder w green claystone/basalt	92	108
broken/fractured basalt	108	118
basalt with red cinders	118	122
broken basalt w mineral deposits	122	138
basalt with red cinders	138	146
basalt	146	154
broken basalt with mineral deposits	154	178
basalt with grey clay	378	418
broken basalt	418	426
fractured basalt with clay	426	480

Date Started 7/1/2015

Completed 9/29/2015

(unbonded) Water Well Constructor Certification

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

License Number 1940

Date 10/1/2015

Signed BENJAMIN FRY (E-filed)

(bonded) Water Well Constructor Certification

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

License Number 1355

Date 10/1/2015

Signed ARTHUR L FRY (E-filed)

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:



Oregon Water Resources Department Groundwater Information System Mapping Tool

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

Find Resources

Well Log:

Well Tag: L

WL Max Date:



[i](#) Drag a box on the map to select.

[x](#) Clear

[Download results from GWIS](#)

Well was not found.

POA #1

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Identify

Layers

Wells



POA #2

WELL I.D. #1

(1) LAND OWNER Well Number 3
 Name Liskey Farms Inc
 Address 4650 Lower Klamath Lake Rd
 City Klamath Falls State OR Zip 97603

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☒ Industrial ☐ Irrigation
☒ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval ☐ Yes ☐ No Depth of Completed Well 17 ft.
 Explosives used ☐ Yes ☐ No Type Amount

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
30"	0	282				

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

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

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☐ Outside ☐ None
 Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
☐ Perforations Method
☐ Screens Type Material

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

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

	Pump	Bailer	Air	Flowing
Yield gal/min				<input type="checkbox"/> Artesian
Drawdown				
Drill stem at				
Time				
1 hr.				

Temperature of water 199°F Depth Artesian Flow Found
 Was a water analysis done? ☐ Yes By whom
 Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other
 Depth of strata:

(9) LOCATION OF WELL by legal description:
 County Klamath Latitude Longitude
 Township 40 S N or S Range 9 E B or W. WM.
 Section 34 ACA SW 1/4 of NE 1/4
 Tax Lot 200 Lot Block Subdivision
 Street Address of Well (or nearest address) 4650 Lower Klamath Lake Rd

(10) STATIC WATER LEVEL:
17 ft. below land surface. Date 15 Dec 1954
 Artesian pressure lb. per square inch Date

(11) WATER BEARING ZONES:
 Depth at which water was first found

From	To	Estimated Flow Rate	SWL
274	282	4500 gpm	17

(12) WELL LOG:
 Ground Elevation

Material	From	To	SWL
Top Dirt	0	3	
Hard Pan	3	6	
Yellow Chalk	6	24	
Blue & Yellow Chalk alternate	24	184	
Clay with streaks of hard shale	184	260	
Hard Blue Shale	260	274	
Pumice gravel with lots of water	274	282	17

Date started Completed 15 Dec 1954

SOURCE OF DATA/INFO

Ground Water Right Applications G-16813
 (see attached sheet)

COMPILED BY: GERALD H. GRONNIN
OWRD Hydrogeologist

DATE: 20 March 2007

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WELL INFORMATION REPORT

11/16/2000

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#3

#3 Well

LISKY HOT WELL BY SHOP DEC. 15, 1954
8" Well

Same well
8" to 20"
diameter

0----3 Top Dirt
3----6 Hard Pan
6---24 Yellow Chalk
24-185 Blue and Yellow Chalk Alternate
185-260 Clay with streaks of Hard shale
260-274 Hard Blue shale
274-277½ Pumice Gravel with lots of water.

Temperatures at 45' Luke warm
145' 109 Degrees
240' 124 "
260' 129 "
270' 140 "
277½' 170 "

277½ Feet of 8" hole at \$2.00 -----\$555.00

WELL OUT BY FEED LOT 8"

0-----3 Top dirt
3-----16 Chalk
16-----17 Hard rocky clay
17-----53 Clay with streaks of shale

Water Test 50 Gallons per minute drawing the
water down to 35'

Temperature 170 Degrees

53' of 8" hole at \$2.00 -----\$106.00
Total -----\$661.00

All to apply on Leveling job.

LISKY HOT WELL BY SHOP

Reamed from 8" hole to 20" hole.

0-----3 Top Dirt
3-----6 Hard pan
6-----24 Yellow Chalk
24----184 Blue and yellow chalk alternate
184---260 Clay with streaks of hard shale
260---274 Hard Blue shale
274---282 Pumice gravel with lots of water

Temperature when pumping 4500 Gal. Per min.
199 Degrees.

Static water Level 17 feet.

Pumping level at 4500 Gal. 19 Feet.

282 Feet of 20" hole at \$5.00 -----\$1410.00

KLAM 55747

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FEB 27 2007

WATER RESOURCES DEPT
SALEM, OREGON

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Oregon Water Resources Department
Groundwater Information System Mapping Tool

725 Summer St NE, Sale

Find Resources

Well Log:

Well Tag:
L

WL Max
Date:

Drag a box on the map to select.
Clear

POA #2

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Other Search

Identify

Layers

Wells

Search...



STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEE R. SUKRAW
1881 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OREGON 97603

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This superseding permit is issued to correctly describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-12319 and approved by Special Order Vol. 103, Page 329, entered October 21, 2016, and a correcting order approved by Special Order Vol. 103, Page SS2, entered December 7, 2016 and to describe an extension of time for complete application of water approved September 15, 2009. This permit supersedes Permit G-17641.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15315

SOURCE OF WATER: NINE WELLS IN KLAMATH RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 1166.59 ACRES

MAXIMUM RATE: 14.58 CUBIC FEET PER SECOND

~~14.58~~ 6600 gpm

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 9, 2001

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	9 E	WM	28	SE NE	WELL 1 - 2200 FEET SOUTH AND 1300 FEET WEST FROM THE NE CORNER OF SECTION 28
40 S	9 E	WM	29	SW SE	WELL 2 - 1380 FEET WEST FROM THE SE CORNER OF SECTION 29
40 S	9 E	WM	29	NE SW	WELL 3 - 2635 FEET NORTH AND 2933 FEET WEST FROM THE SE CORNER OF SECTION 29
40 S	9 E	WM	28	NW NW	WELL 4 - 800 FEET SOUTH AND 650 FEET EAST FROM THE NW CORNER OF SECTION 28
40 S	9 E	WM	27	SE SW	WELL 5 - 1200 FEET NORTH AND 2600 FEET EAST FROM THE SW CORNER OF SECTION 27
40 S	9 E	WM	27	SE SW	WELL 6 - 1150 FEET NORTH AND 2600 FEET EAST FROM THE SW CORNER OF SECTION 27

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	9 E	WM	28	SE NE	WELL 7 - 2520 FEET SOUTH AND 46 FEET WEST FROM THE NE CORNER OF SECTION 28
39 S	9 E	WM	28	SE NE	WELL 8 - 2324 FEET SOUTH AND 22 FEET WEST FROM THE NE CORNER OF SECTION 28
40 S	9 E	WM	28	NE NW	WELL 9 - 960 FEET SOUTH AND 222 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 28

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the period from March 1 to September 30 and further limited to 1 acre foot per acre for each acre irrigated during the period from October 1 to March 1, not to exceed 3 acre feet per acre in any year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	9 E	WM	27	SW NW		5.00
40 S	9 E	WM	27	NE SW	2	15.00
40 S	9 E	WM	27	NW SW	1	20.00
40 S	9 E	WM	27	NW SW	5	8.06
40 S	9 E	WM	27	NW SW	6	11.53
40 S	9 E	WM	27	SW SW	7	49.00
40 S	9 E	WM	27	SE SW	3	23.00
40 S	9 E	WM	27	SE SW	4	9.78
40 S	9 E	WM	28	SW NE	5	4.86
40 S	9 E	WM	28	SW NE	9	15.00
40 S	9 E	WM	28	SW NE	2	2.70
40 S	9 E	WM	28	SE NE	3	20.10
40 S	9 E	WM	28	SE NE	4	8.36
40 S	9 E	WM	28	NE NW	1	9.70
40 S	9 E	WM	28	NW NW	1	8.30
40 S	9 E	WM	28	NW NW	6	8.42
40 S	9 E	WM	28	SW NW		38.83
40 S	9 E	WM	28	SE NW	8	31.29
40 S	9 E	WM	28	SE NW	1	0.20
40 S	9 E	WM	28	NE SE	10	36.23
40 S	9 E	WM	28	NW SE		39.49
40 S	9 E	WM	28	SW SE		39.82
40 S	9 E	WM	28	SE SE		39.77
40 S	9 E	WM	29	SW NE		39.93
40 S	9 E	WM	29	SE NE		40.79
40 S	9 E	WM	29	SW NW		41.51
40 S	9 E	WM	29	SE NW		40.66
40 S	9 E	WM	29	NE SW		38.63
40 S	9 E	WM	29	NW SW		41.32
40 S	9 E	WM	29	SW SW		37.96
40 S	9 E	WM	29	SE SW		37.20
40 S	9 E	WM	29	NW SE		40.87

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40 S	9 E	WM	29	SW SE		40.36
40 S	9 E	WM	32	NE NE		40.92
40 S	9 E	WM	32	NW NE		41.00
40 S	9 E	WM	32	SW NE		40.89
40 S	9 E	WM	32	SE NE		40.75
40 S	9 E	WM	32	NE SE		40.56
40 S	9 E	WM	32	NW SE		40.77
40 S	9 E	WM	32	SW SE		39.15
40 S	9 E	WM	32	SE SE		38.88
Total						1166.59

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Permit Amendment T-12319 Conditions

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Water use measurement conditions:

- Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation, new and existing.
- The water user shall maintain the meters or measuring devices in good working order.
- 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.

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2012 and 2017.

- At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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Existing Permit Conditions

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Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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 permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has BegunSeven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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 and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and

D. Certify the accuracy of all measurements and calculations submitted to the Department.

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

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

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee'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 permit. 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.

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, 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 wells shall be constructed 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 water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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This permit 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.

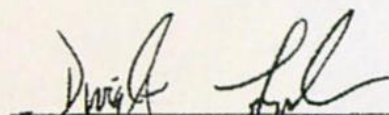
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use was to be made on or before October 1, 2007. By extension of Time Final Order dated September 15, 2009, the deadline for complete application of water to use was extended to October 1, 2017. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued DEC 07 2016, 2016



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

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REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

mailed 2/23/21

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

Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

1. Lee R. Sukraw

(Name of Current Holder of Record)

1881 Lower Klamath Lake Road Klamath Falls, OR 97603 541-891-8740
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☐ hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- ☒ hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # G-15315; Permit # G-17708; Transfer # T-12319;

Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

Cheyne Brothers, LLC

(Name of New Owner)

1649 Depot, PO Box 49 Malin OR 97632 541-723-2005
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

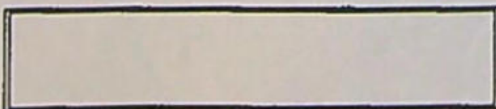
LS I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 17th day of Feb, 2021.
(Day) (Month) (Year)

Signature of Current Holder of Record Lee R. Sukraw

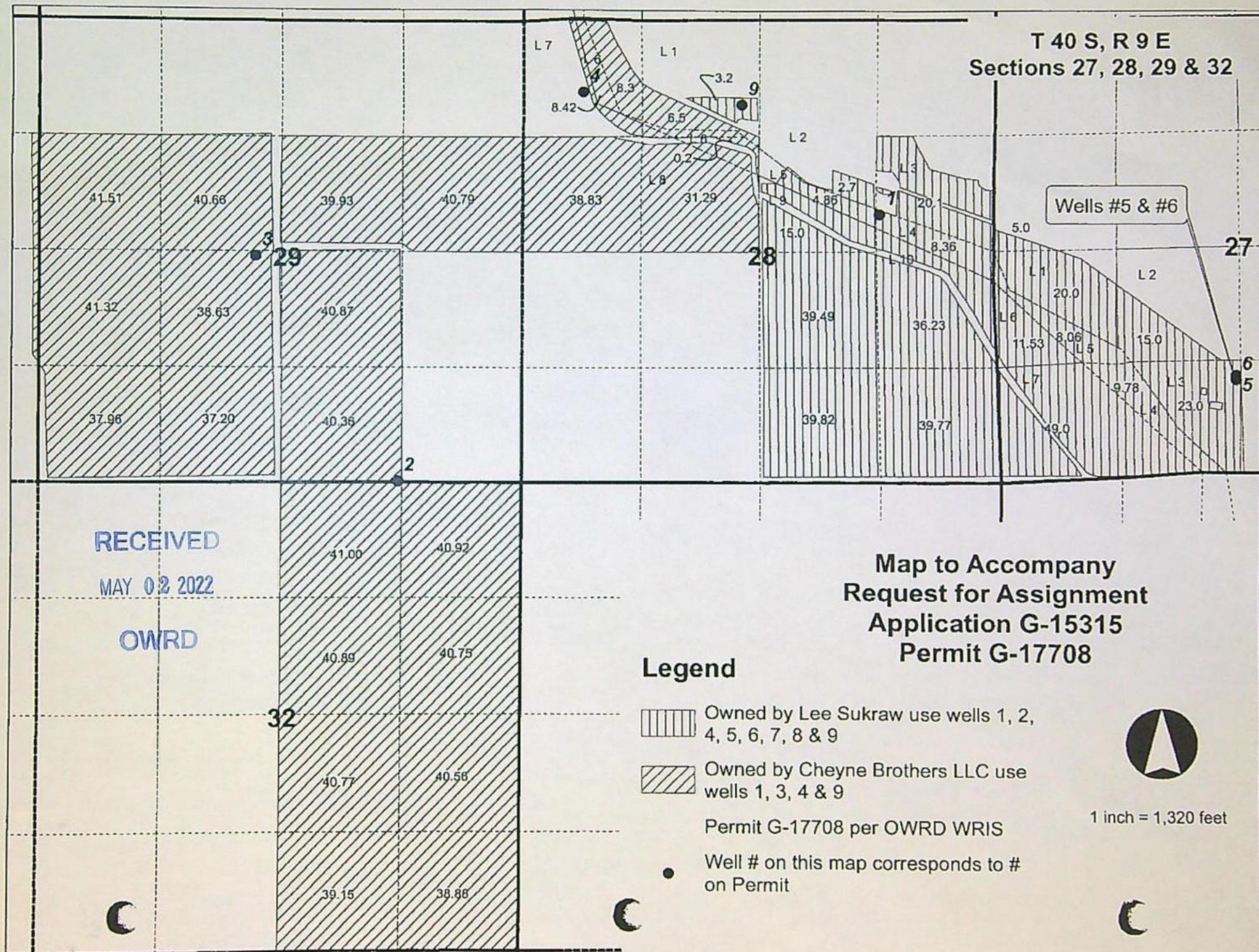
Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

T 40 S, R 9 E
Sections 27, 28, 29 & 32



Land Use Information Form

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

Applicant: Scott Fenters
First Last

Mailing Address: PO Box 49

Malin OR 97632 Daytime Phone: 541-723-2005
City State Zip

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:
40S	9E	28			1, 4 600+ lot	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	irrigation
40S	9E	29		4300		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
40S	9E	32		5600		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
41S	9E	3		100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	↓

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

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: _____ ☐ 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:

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): _____
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Name: Lynne Gallagher Title: Planner II
 Signature: Lynne Gallagher Phone: 541-851-3614 Date: 4/21/22
 Government Entity: Klamath County Planning Dept.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



2020-016513

Klamath County, Oregon

12/18/2020 09:39:01 AM

Fee: \$92.00

THIS SPACE RESERVED FOR

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After recording return to:

Cheyne Brothers LLC, an Oregon limited liability
company

James C. Cheyne, PO Box 49

Malin, OR 97632

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

Cheyne Brothers LLC, an Oregon limited liability
company

James C. Cheyne, PO Box 49

Malin, OR 97632

File No. 412253AM

STATUTORY WARRANTY DEED

Sukraw Properties, LLC, an Oregon Limited Liability Company,

Grantor(s), hereby convey and warrant to

Cheyne Brothers LLC, an Oregon limited liability company,

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

SEE ATTACHED EXHIBIT "A"

The true and actual consideration for this conveyance is \$5,858,660.00.

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 14 day of Dec, 2020

Sukraw Properties, LLC

By: Lee R. Sukraw

Lee R. Sukraw, Member

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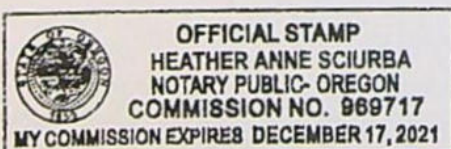
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State of Oregon } ss
County of Klamath }

On this 14 day of December, 2020, before me, Heather Sciurba a Notary Public in and for said state, personally appeared LEE, SUKRAW known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

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

Heather Sciurba
Notary Public for the State of Oregon
Residing at: Klamath Falls OR
Commission Expires: 12/17/2021



MAY 02 2022

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Page 3 Statutory Warranty Deed
Escrow No. 412253AM
Exhibit "A"

Township 40 South, Range 9 East of the Willamette Meridian, Klamath County Oregon:

PARCEL 1: Sections 28 & 29: Those portions of the SW1/4 NW1/4, Lot 6, and Lot 8, Section 28, lying Southerly and Westerly of the centerline of the Klamath Drainage District North Canal as the same is presently located and constructed, and the SE1/4 NE1/4 and E1/2 SW1/4 NE1/4 of Section 29, all in Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at a point on the Section line common to Sections 28 and 29, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon at the Northeast corner of the SE1/4 NE1/4 of said Section 29, from which the section corner common to Sections 20, 21, 28 and 29, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon bears North 0 degrees 12 1/2' East 1317.5 feet distant; thence North 89 degrees 50 1/4' West 2058.3 feet to a point; thence South 0 degrees 07 1/4' East 16.5 feet to an iron pin reference monument; thence South 0 degrees 07 1/4' East 1302.2 feet to a point from which an iron pin reference monument bears South 0 degrees 07 1/4' East 19.3 feet distant; thence South 89 degrees 52 1/4' East 2050.9 feet to the quarter-section corner common to the said Sections 28 and 29; thence in Section 28, South 89 degrees 48 1/2' East 2643.9 feet to the center quarter-section corner of said Section 28; thence North 0 degrees 06 1/4' East along the North-South centerline of said Section 28, 620.8 feet to a point on the centerline of the Klamath Drainage District North Canal; thence following the centerline of said canal, North 89 degrees 54 1/2' West 56.0 feet to a point; thence North 0 degrees 06' East 485.2 feet to a point; thence North 72 degrees 11' West 500.9 feet to a point; thence South 87 degrees 52 1/2' West 667.5 feet to a point; thence North 78 degrees 02 1/2' West 403.3 feet to a point; thence North 39 degrees 28' West 6.4 feet to a point; thence leaving the centerline of said canal, North 89 degrees 49 1/4' West 1042.7 feet more or less to the point of beginning.

PARCEL 2: Section 32: The E1/2 E1/2

PARCEL 3: A tract of land in Klamath County, Oregon, described as follows:

In Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Section 29: W1/2 SW1/4 NE1/4, S1/2 NW1/4, SW1/4, W1/2 SE1/4, EXCEPTING THEREFROM that tract in the SW1/4 SW1/4, being a right of way 180 feet in width, conveyed to the United States of America by instrument recorded January 20, 1945 in Book 172 at page 351, Deed Records of Klamath County, Oregon. AND ALSO EXCEPTING that portion conveyed to the United States of America by Deed recorded April 2, 1976 in Volume M76, page 4625, Microfilm Records of Klamath County, Oregon.

Section 32: W1/2 E1/2

PARCEL 4: A piece or parcel of land situate in the NW1/4 of Section 28, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at an intersection of the North line of said Section 28 and the center line of the lower Klamath Lake Road as presently located and constructed; thence Southeasterly along the center line of said road to its intersection with the North-South center line of said Section 28; thence Southerly along said North-South center line 221.4 feet, more or less, to a point on the center line of the Klamath Drainage District North Canal extended Easterly; thence Westerly 58.9 feet to the centerline of the Klamath Drainage District North Canal; thence Northerly along said North Canal center line extended and along the North Canal center line to its intersection with the Northerly line of said Section 28; thence Easterly along the section line to the point of beginning.

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 Klamath) ss

I, Scott Fenters, in my capacity as Manager

mailing address P O Box 49, Malin, OR 97632

telephone number (541) 723-2005, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation

☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the entire place of use for
Certificate # G-17708; 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)
G-17708	40	S	9	E		28		1	14.8
↓ V	1"		"			11		6	8.62
	40	S	9	E		29	SWSE	4300	40.36
	1"		"			11	NWSE	4300	20.00
	40	S	9	E		32	SESE	5600	15.72

OR

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

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): _____
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

4/22/22
Date

Signed and sworn to (or affirmed) before me this 22 day of April, 2022.



Jordan Fenters
Notary Public for Oregon

My Commission Expires: 12/5/2025

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

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Map 1 of 6

40 09 28

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

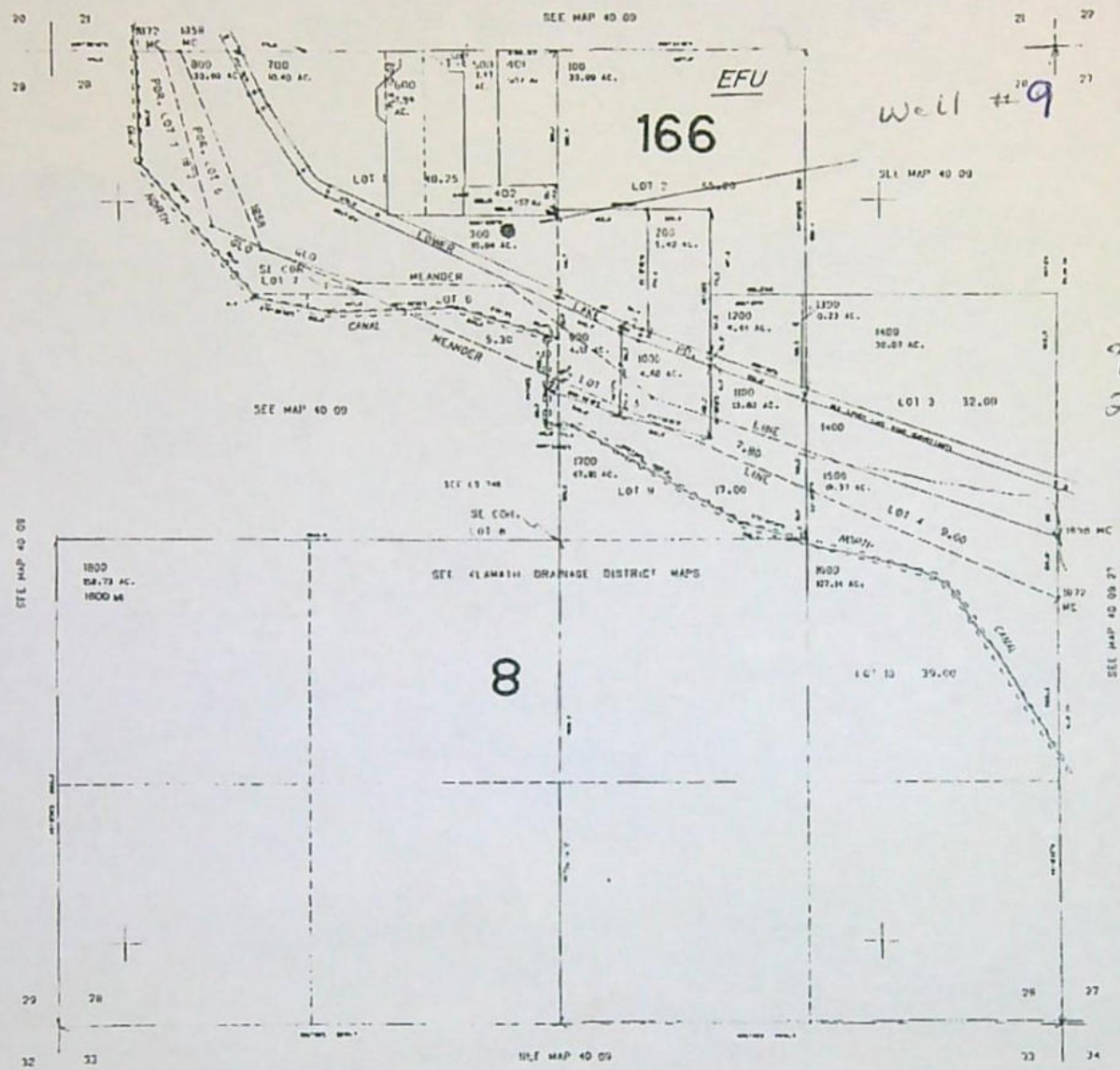
SECTION 28 T.40S. R.09E. W.M.
KLAMATH COUNTY
T-400

RECEIVED BY OWRD

MAR 21 2016

SALEM, OR

1 12319



Well #9

POA #1
Well #9
960 feet S &
222 feet W,
from N corner,
Section 28

Scale
1" = 400'

144600

40 09 28

OWRD

MAY 02 2022

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40 09 34

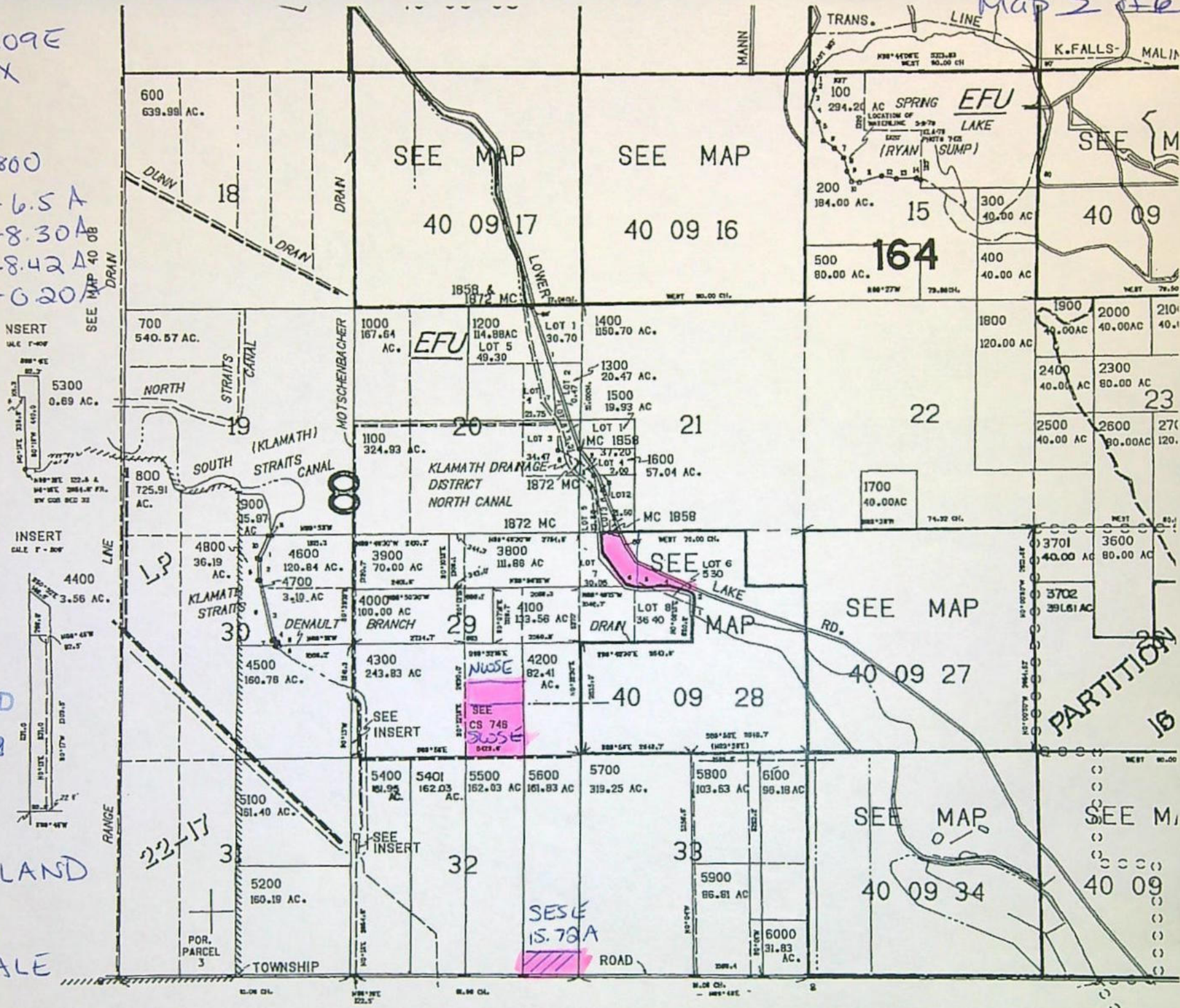
Map 3 of 6

G-LOT 1 - 6.5 A
1 - 8.30 A
6 - 8.42 A
6 - 0.20 A

Sec 32
15.72A

OWRD

NOT TO SCALE



REVISED 08-03-2018

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

40 09
& INDEX

CANCELLED NO.
199MI INCLUDES
200MI - 400MI
800MI - 2100MI
2200M2, 2300MI
2500MI, 2600M2
2700MI, 3500M2
3700M2, 6200M2
8400MI

CANCELLED NO.
299 MI INCLUDES
3500 MI, 3700 MI
8200 MI
6400
6401
4900
5000

PARCEL	100
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LINE SEC 20 & 22

PARCEL 4100

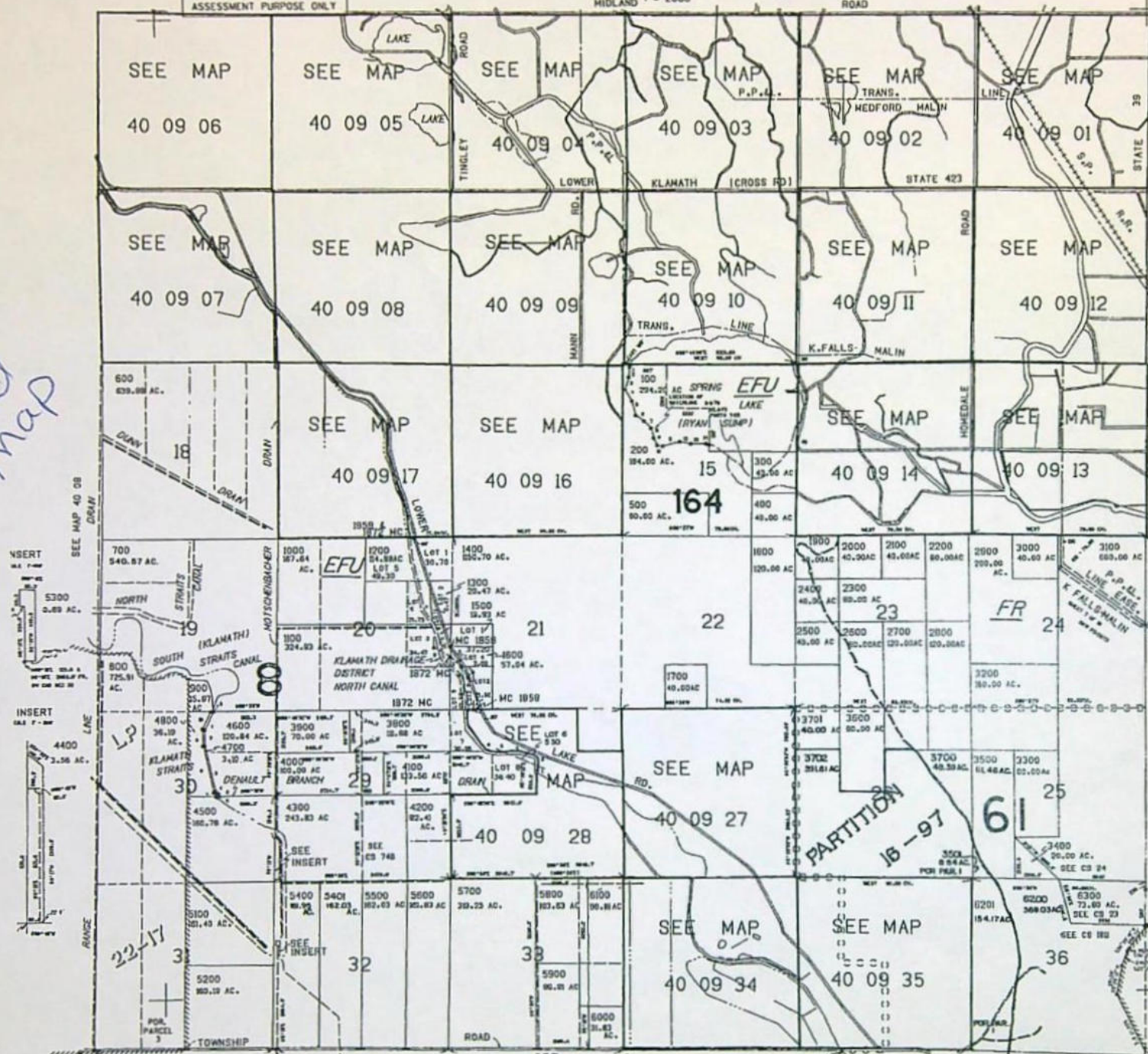
PARCEL 4700

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40 09
& INDEX

41 09
& INDEX

TOLAND

Map 12 of 16

Liskey Ground

Write a description for your map.

Legend



Lower Klamath Lake Rd

65.0 Acres

34.5 Acres

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MAY 02 2022

OWRD

Google Earth



2000 ft



Evidence of Use

Date 5/4/22

DROUGHT

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

Drought

T-13997

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☒ 2. Are fees included and correct? 251
If not, the correct fee would be: _____, so the amount missing is: _____

☒ 3. Part 4 of application: Have all the applicants listed at the top of the page sig.
If not, whose signature is missing? _____

☒ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued to the same applicant, list the number of the remaining certificate on the left side of Table 2, list its number _____ and check the #4 box at _____ in the checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☐ N/A ☐ Form D needed from _____ (district)

☒ 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

IN - Klamath Drainage District # Scott White

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

App G-15315

Permit G-17708

3/14/2019.pks