

T-14155

Regular

T-14155

Name LCL Properties LLCAddress PO Box 340  
Burns, OR 97720  
lcltylerranch@gmail.comChange in POUDate Filed 1-23-2023Initial notice date 1-31-2023DPD issued date 10-19-2023PD issued date 3/6/2024PD notice date 3/12/2024Date of FO 7/3/2024 Vol 131 Page 497-501Reconsideration Order: 8/29/24 131 1045-1046Clarification Notice - 12/12/24 133 549-550

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

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

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

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

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream WellTrib. of Silvies riverUse Supplemental IrrigationCounty Harney

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

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

App# G5214Per # G 5077Cert # 46974PR Date 6/10/1970App# DecreePer # Silvies river

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

FO on Reconsideration: 1/30/2025 v133 p193

## FEES PAID

Date	Amount	Receipt #
<u>1/23/23</u>	<u>\$2,380.<sup>00</sup></u>	<u>139978</u>

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments: \_\_\_\_\_

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

Agent Scott Montgomery - scott@apeandS.comCWRE Harney County

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

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



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14155

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

*Carney*

<b>Applicant:</b> LCL PROPERTIES LLC PO BOX 340 BURNS, OR 97720	<b>Agent:</b> SCOTT D. MONTGOMERY PO BOX 767 TERREBONNE, OR 97760	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b> Harney County Planning Department	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G 5214	G 5077	46974	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97665
<input type="checkbox"/>	Decree	Silvies River		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions (Support Staff)

Rec'd: January 23, 2023	Proposed Action(s): PLACE OF USE
Fees Pd: 2380.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>
Initial Public Notice:	County sent cc: of Ack Letter <input checked="" type="checkbox"/>
WM District: 10 J R. Johnson	WM Review request sent:
ODFW District:	ODFW Review sent:
Groundwater	GW Review sent:
	Basin: 12 Malheur Lake
	County: HARNEY
	WM Review date received:
	ODFW Review date received:
	GW Review date received:

## Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

## Peer Review:

*Electronic*

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 9/14/23 Initials: CC	Date: 10/3/23 Initials: JRM	Date: 10/13/23 Initials: PLS	Date: 10/19/23 Initials: CC	CW Sent: 10/19/23 WM Sheet <input checked="" type="checkbox"/> ODFW Sheet: <input checked="" type="checkbox"/>	N/A
PD	Date: 10/25/23 Initials: CC	Date: 10/31/23 Initials: AOS	Date: 2/15/24 Initials: PLS	Date: 2/16/24 Initials: CC Data Review Date: 2/26/24	Date: 3/5/24	Date: 3/6/24
FO	Date: 3/19/24 Initials: CC	Date: 3/21/24 Initials: Scott	Date: 6/24/24 Initials: RKS	Date: 6/24/24 Initials: CC	Date: 6/24/24 No. of docs for sig: 2	Date: 7/3/2024

Reconsideration  
Special Issues:

1/17/25  
CC

1/22/25  
Will D.

1/22/25  
CC

1/30/25

1/30/2025

Special Order Volume: Vol. 131 Pages 497-501





# 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 30, 2025

LCL Properties LLC  
PO BOX 340  
Burns, OR 97720

### FINAL ORDER ON RECONSIDERATION

Reference: T-14155

Enclosed is an Order on Reconsideration as recorded in Special Order Vol. 133, Page 793, issued to affirm the final order recorded in Special Order Vol. 131 Page 497.

If you have any questions please contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at [Corey.a.courchane@water.oregon.gov](mailto:Corey.a.courchane@water.oregon.gov).

Sincerely,

David V. Jones Jr  
Water Right Support  
Transfers and Conservation Section

cc: Watermaster Dist. # 10, Donald (dally) S. Swindlehurst *(via email)*  
Agent: Scott D. Montgomery  
Schwabe Williamson and Wyatt, Attorney  
Harney County Planning Department, Local Government

Enclosures

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

In the Matter of Transfer Application T-14155,	)	FINAL ORDER ON RECONSIDERATION
Harney County	)	AFFIRMING A FINAL ORDER
	)	RECORDED IN SPECIAL ORDER
	)	VOLUME 131, PAGES 497-501
	)	
	)	
	)	
	)	

**Authority**

Oregon Revised Statutes ("ORS") 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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 provide the Department's procedures and criteria for evaluating transfer applications. ORS 183.482(1) and OAR 137-003-0675 govern reconsideration of final orders in contested cases.

**Applicant**

LCL PROPERTIES, LLC  
PO BOX 340  
BURNS, OR 97720

**Findings of Fact**

1. On January 23, 2023, LCL Properties, LLC filed an application to change a portion of the places of use under Certificate 46974 and under an adjudicated, un-certificated right (Silvies River, Harney County, 1926 Decree Volume 9, page 79). The Department assigned the application number T-14155.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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 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.



2. On July 3, 2024, a Final Order Approving a Change in Places of Use, recorded in Special Order Volume 131, Pages 497 to 501 ("Final Order"), was issued by the Department. Certificate 46974 was cancelled and remaining right Certificate 97665 was issued.
3. On August 28, 2024, the Department determined that the Final Order described in Finding of Fact #2 should be reconsidered due to questions raised about the potential for enlargement that could result from the place of use transfer involving Certificate 46974.
4. On August 29, 2024, the Department issued a document in this matter titled "Reconsideration of a Final Order Approving a Change in Places of Use, Recorded in Special Order Volume 131, Pages 497-501, and Withdrawal of the Final Order and Remaining Right Certificate" ("Notice of Reconsideration"). The Notice of Reconsideration is recorded in Special Order Volume 131, Pages 1045-1046. The Department mailed a copy of the Notice of Reconsideration to Applicant on August 30, 2024.
5. On December 12, 2024, the Department issued a document in this matter titled "Clarification Concerning Notice of Reconsideration Recorded in Special Order Volume 131, Pages 1045-1046 ("Clarification of Notice of Reconsideration"). The Clarification Concerning Notice of Reconsideration is recorded in Special Order Volume 133, Pages 549-550. The Department mailed a copy of the Clarification Concerning Notice of Reconsideration on December 13, 2024. The Clarification Concerning Notice of Reconsideration provides clarification that: (1) the Notice of Reconsideration is not a final order; (2) during reconsideration of the Final Order, both the Final Order and remaining right Certificate 97665 remain in effect until stayed or changed; and (3) after the Department concludes its reconsideration of the Final Order, the Department will issue a new final order, which may be an order affirming the Final Order.
6. On January 16, 2025, the Department determined evidence indicating the potential for enlargement resulting from the place of use transfer involving Certificate 46974 is insufficient to overcome the Department's previous conclusion that the proposed transfer would not result in enlargement, and that a Final Order on Reconsideration to affirm the Final Order should be issued.
7. The Findings of Fact in the Final Order are incorporated herein.



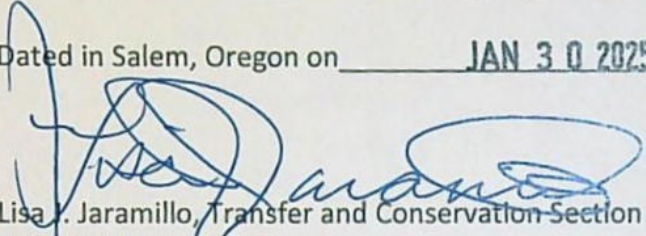
### Conclusions of Law

The conclusions of law in the Final Order are incorporated herein. Under OAR 137-003-0675(6)(a), the Department may enter a new final order on reconsideration affirming the Final Order.

**Now, therefore, it is ORDERED:**

The Final Order is affirmed. Remaining right Certificate 97665 remains in full force and effect.

Dated in Salem, Oregon on JAN 30 2025

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing date: JAN 31 2025



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	CLARIFICATION CONCERNING NOTICE OF
T-14155, Harney County	)	RECONSIDERATION RECORDED IN
	)	SPECIAL ORDER VOLUME 131, PAGES
	)	1045-1046
	)	

**Applicant**

LCL PROPERTIES, LLC  
PO BOX 340  
BURNS, OR 97720

**Clarification**

1. On July 3, 2024, the Department issued a Final Order Approving a Change in Places of Use ("July 3, 2024 Final Order") in this matter. The July 3, 2024 Final Order is recorded in Special Order Volume 131, Pages 497 to 501.
2. On August 29, 2024, the Department issued a document in this matter titled "Reconsideration of a Final Order Approving a Change in Places of Use, Recorded in Special Order Volume 131, Pages 497-501, and Withdrawal of the Final Order and Remaining Right Certificate" ("Notice of Reconsideration"). The Notice of Reconsideration is recorded in Special Order Volume 131, Pages 1045-1046. The Department mailed a copy of the Notice of Reconsideration to Applicant on August 30, 2024.
3. The Notice of Reconsideration includes language incorrectly identifying the Notice of Reconsideration as a final order in other than contested case. In addition, the Notice of Reconsideration incorrectly provides that the July 3, 2024 Final Order "is withdrawn and is of no further force or effect," and "[r]emaining right Certificate 97665 is cancelled and is of no further force or effect."
4. When the Department decides to reconsider a final order issued in a contested case<sup>1</sup> on the Department's own initiative under OAR 137-003-0675(5), the final order remains in effect during reconsideration until stayed or changed. OAR 137-003-0675(8). After the

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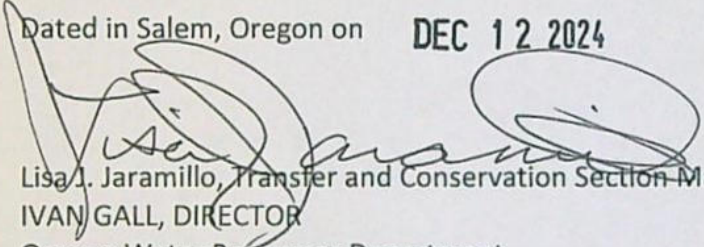
<sup>1</sup> Under ORS 183.310(2)(a)(D), transfer applications such as application T-14155 are contested cases because the Department's rules governing transfer applications provide the opportunity for hearings conducted in accordance with the Administrative Procedures Act. See OAR 690-380-4200(1) & (2).



Department concludes its reconsideration, the Department must enter a new final order, which may be an order affirming the existing order. OAR 137-003-0675(6)(a). The Department's declaration that it will reconsider a final order necessarily precedes issuance of a new final order that will constitute the Department's final action on the subject application. As such, a declaration that the Department will reconsider a final order is not a "final order" under the Administrative Procedures Act. See ORS 183.310(6)(b) (defining "Final Order" and providing that "'Final Order' does not include any tentative or preliminary agency declaration or statement that . . . [p]recedes final agency action").

5. The Department therefore provides clarification that: (1) the Notice of Reconsideration is not a final order; (2) during reconsideration of the July 3, 2024 Final Order, both the July 3, 2024 Final Order and remaining right Certificate 97665 remain in effect until stayed or changed; and (3) after the Department concludes its reconsideration of the July 3, 2024 Final Order, the Department will issue a new final order, which may be an order affirming the July 3, 2024 Final Order.

Dated in Salem, Oregon on **DEC 12 2024**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing date: **DEC 13 2024**





# 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

August 29, 2024

LCL Properties LLC

PO Box 340

Burns, OR 97720

### FINAL ORDER ON RECONSIDERATION

Reference: T-14155

Enclosed is an Order on Reconsideration as recorded in Special Order Vol. 131, Page 1045, issued to withdraw and supersede the final order recorded in Special Order Vol. 131 Page 497. The final order recorded in Special Order Vol. 131 Page 497 is of no further force or effect.

If you have any questions please contact your caseworker, Corey Courchane, or Lisa Jaramillo by telephone at (503) 871-1889 or by e-mail at [lisa.j.jaramillo@water.oregon.gov](mailto:lisa.j.jaramillo@water.oregon.gov).

Sincerely,

Elyse D. Richman

Water Right Support

Transfers and Conservation Section

cc: Watermaster Dist. # 10, Donald (dally) S. Swindlehurst *(via email)*

Agent: Scott D. Montgomery

Harney County Planning Department, Local Government

Enclosures



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-14155, Harney County

) RECONSIDERATION OF A FINAL ORDER  
) APPROVING A CHANGE IN PLACES OF  
) USE, RECORDED IN SPECIAL ORDER  
) VOLUME 131, PAGES 497-501, AND  
) WITHDRAWAL OF THE FINAL ORDER AND  
REMAINING RIGHT CERTIFICATE

**Authority**

This order is issued pursuant to Oregon Administrative Rules (OAR) 137-003-0675(5), where within 60 days after the date of an order in contested case, the agency may, on its own initiative, reconsider the final order.

**Applicant**

LCL PROPERTIES, LLC  
PO BOX 340  
BURNS, OR 97720

**Findings of Fact**

1. On January 23, 2023, LCL Properties, LLC filed an application to change a portion of the places of use under Certificate 46974 and under an adjudicated, un-certificated right (Silvies River, Harney County, 1926 Decree Volume 9, page 79). The Department assigned the application number T-14155.
2. On July 3, 2024, a Final Order Approving a Change in Places of Use, recorded in Special Order Volume 131, Pages 497-501, was issued by the Department. Certificate 46974 was cancelled and remaining right Certificate 97665 was issued.
3. On August 28, 2024, the Department determined that the Final Order described in Finding of Fact #2 should be reconsidered due to questions raised about the potential for enlargement that could result from the place of use transfer involving Certificate 46974. On its own motion, the Department is withdrawing its order and remaining right certificate for purposes of reconsideration pursuant to the authority in OAR 137-003-0675(5).

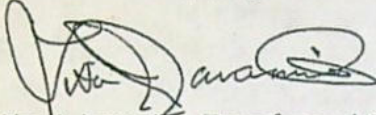
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review 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.



Now, therefore, it is ORDERED:

1. The order recorded at Special Order Volume 131, Pages 497-501 is withdrawn and is of no further force or effect.
2. Remining right Certificate 97665 is cancelled and is of no further force or effect.

Dated in Salem, Oregon on **AUG 29 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing date: **AUG 30 2024**





# 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

July 3, 2024

LCL Properties, LLC  
PO Box 340  
Burns, OR 97720

REFERENCE: Transfer Application T-14155

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, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at [Corey.a.courchane@water.oregon.gov](mailto:Corey.a.courchane@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Rights Services Support  
Transfers and Conservation Section

cc: Donald (dally) S. Swindlehurst, Watermaster Dist. # 10 (via email)  
Scott D. Montgomery, Agent  
Harney County Planning Department, Local Government

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING OF A CHANGE
T-14155, Harney County	)	IN PLACES OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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**

LCL PROPERTIES, LLC  
PO BOX 340  
BURNS, OR 97720

**Findings of Fact**

1. On January 23, 2023, LCL Properties, LLC filed an application to change a portion of the places of use under Certificate 46974 and under an adjudicated, un-certificated right (Silvies River, Harney County, 1926 Decree Volume 9, page 79). The Department assigned the application number T-14155.
2. Notice of the application for transfer was published on January 31, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 19, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14155 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 20, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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 March 6, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-14155 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 12, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 46974 in the name of SAM &/OR ARLICE GUNDERSON (perfected under Permit G-5077)

**Use:** SUPPLEMENTAL IRRIGATION OF 90.1 ACRES

**Priority Date:** JUNE 10, 1970

**Rate:** 1.13 CUBIC FEET 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:** WELL NO. 2, a tributary of SILVIES RIVER

**Authorized Point of Appropriation:**

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	31 E	WM	16	NW SE	WELL NO. 2 - 2780 FEET SOUTH AND 2910 FEET EAST FROM THE NW CORNER OF SECTION 16

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	NE NE	40.5
23 S	31 E	WM	16	NW NE	0.9
23 S	31 E	WM	16	SW NE	0.1
23 S	31 E	WM	16	SE NE	35.5
23 S	31 E	WM	16	NE SE	13.1
Total					90.1

6. Transfer Application T-14155 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	NW NE	9.0
23 S	31 E	WM	16	SW NE	36.1
23 S	31 E	WM	16	NE NW	2.8
23 S	31 E	WM	16	SE NW	29.7
23 S	31 E	WM	16	NE SW	11.5
23 S	31 E	WM	16	NW SE	1.0
Total					90.1



7. The portion of the second right to be transferred is as follows:

**Decree:** Silvies River, Harney County, 1926, Volume 9, Page 79 in the name of  
PACIFIC LIVESTOCK COMPANY

**Use:** IRRIGATION OF 34.2 ACRES

**Priority Date:** 1887

**Source:** SILVIES RIVER

**Authorized Point of Diversion:**

Ditch
HOMER MACE DITCH DAMS IN LAMPSHIRE NEWMAN AND MCGLIMMERY AND FOLEY SLOUGHS

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	NE NE	29.5
23 S	31 E	WM	16	NW NE	4.0
23 S	31 E	WM	16	SW NE	0.4
23 S	31 E	WM	16	SE NW	0.3
Total					34.2

8. Transfer Application T-1415514155 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	SW NE	18.4
23 S	31 E	WM	16	NE NW	2.8
23 S	31 E	WM	16	SE NW	13.0
Total					34.2

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]**

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 water delivery 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-14155.
11. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed changes, as conditioned, would not result in enlargement of the rights.
13. The proposed changes, as conditioned, would not result in injury to other existing water rights.



14. All other application requirements are met.

#### Conclusions of Law

The change in places of use proposed in Transfer Application T-14155 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

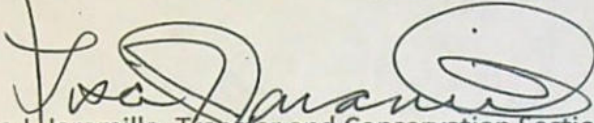
#### Now, therefore, it is ORDERED:

1. The change in places of use proposed in Transfer Application T-14155 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 46974 and the Silvies River, Harney County, 1926 Decree, and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.
4. Water right Certificate 46974 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The Silvies River, Harney County decree, 1926, contains descriptions of the right to be transferred; the rights described and/or identified under the name Pacific Livestock Company, are cancelled.
6. The former places of use of the transferred rights shall no longer receive water under the rights.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.



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

Dated in Salem, Oregon on **JUL 3 - 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing date: **JUL 5 - 2024**



## STATE OF OREGON

## COUNTY OF HARNEY

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SAM &/OR ARLICE GUNDERSON  
 RT. 1, BOX 102  
 BURNS, OR 97720

confirms the right to use the waters of WELL NO. 2, a tributary of SILVIES RIVER for SUPPLEMENTAL IRRIGATION of 163.9 ACRES.

This right was perfected under Permit G-5077. The date of priority is JUNE 10, 1970. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.05 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	31 E	WM	16	NW SE	2780 FEET SOUTH AND 2910 FEET EAST FROM THE NW CORNER OF SECTION 16

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	SW NE	3.4
23 S	31 E	WM	16	SE NE	5.3
23 S	31 E	WM	16	NE SW	3.3
23 S	31 E	WM	16	NE SE	29.7
23 S	31 E	WM	16	NW SE	42.2
23 S	31 E	WM	16	SW SE	37.2
23 S	31 E	WM	16	SE SE	42.8
Total					163.9

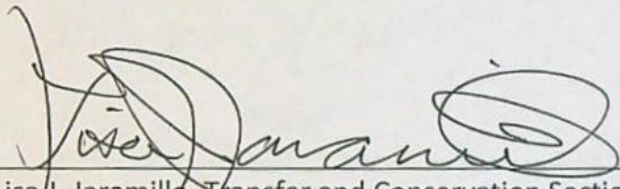


This certificate describes that portion of water right Certificate 46974, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 3 - 2024, approving Transfer Application T-14155.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed JUL 3 - 2024.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

July 3, 2024

Sam & Arlice Gunderson  
Rt. 1, Box 102  
BURNS, OR 97720

RE: Water Right Certificate 97665 – Remaining Right

The enclosed water right *may* be appurtenant to land you own. This water right certificate describes the water right that remains UNCHANGED as a result of Transfer Application T-14155.

The enclosed document (Certificate 97665) **does NOT confirm** the validity or status of the water right regarding the provisions of Oregon Revised Statute 540.610 pertaining to forfeiture or abandonment.

Please feel free to call the Department's Customer Service Group at (503) 986-0801, if you have any questions.

Sincerely,

Elyse Richman  
Water Right Services Support  
Transfers and Conservation Section



## **COURCHANE Corey A \* WRD**

---

**From:** GRAHAM Elisabeth A \* WRD  
**Sent:** Monday, February 26, 2024 11:00 AM  
**To:** COURCHANE Corey A \* WRD; WRD\_DL\_is\_data\_techs  
**Subject:** RE: LCL Properties, T-14155

Hi Corey,

This has been processed and mapped.

Thank you,  
Lisa

---

**From:** COURCHANE Corey A \* WRD <Corey.A.COURCHANE@water.oregon.gov>  
**Sent:** Thursday, February 22, 2024 10:13 AM  
**To:** WRD\_DL\_is\_data\_techs <WRD\_DL\_is\_data\_techs@water.oregon.gov>  
**Subject:** LCL Properties, T-14155

Good morning,

The PD for T-14155 is ready for review, only 1 RR cert.

Thank you,

Corey



SILVIES RIVER.--- Harney and Grant Counties (Vol. 9, page 135)

\*\*\* all lands in Harney Valley, irrigated or to be irrigated from Silvies River of its branches or tributaries, and all lands not in Harney Valley, irrigated or to be irrigated from Silvies River are entitled to not to exceed one-eightieth of one cubic foot of water per second for each acre of such lands; provided that the total quantity of water diverted during an irrigation season shall not exceed two acre feet per acre; that all lands not in Harney Valley, irrigated or to be irrigated from tributaries of Silvies River are entitled to not to exceed one-sixtieth of one cubic foot of water per second for each acre of such lands, provided that the total quantity of water diverted during an irrigation season shall not exceed two acre feet per acre provided, however, that when the ditches, canals, headgates, measuring devices, and other irrigation systems necessary to permit a determination with reasonable accuracy of the amount of water necessary for the irrigation of such lands shall be constructed and actual tests have been made, the amount allowed by this decree may be changed by the Circuit Court and the duty of water will be left open for further determination at a future time.

Vol. 9, page 136  
20th

\*\*\*the irrigation season \*\*\* extends from March to September 1st of each year; provided, however, that as irrigation depends upon climatic conditions and changes in the season, the season hereby fixed shall not prevent water users awarded a right herein to use the water of the Silvies River and its tributaries for the purposes of irrigation according to their relative rights of priority, and its quantities in accordance with this decree, at other time when such use will be beneficial to the land the crops grown thereon when the ground is not frozen and the same can be used without needless waste.

Vol. 9, page 130

That all claimants herein for water for irrigation shall be entitled to use such water for stock and domestic purposes. That the right to the diversion and use of the water for stock and domestic purposes shall be continued by such claimants and such water users at any time during the year and such diversion shall be according to the dates of priority of such claimants, and such use shall be limited to the quantity of water reasonably necessary for stock and domestic purposes; that for stock purposes the amount to be so diverted and used shall not exceed the rate of one tenth of one cubic foot per second for each one thousand head of stock; that during the irrigation season the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season includes the water for stock and domestic purposes, \* \* \* \*



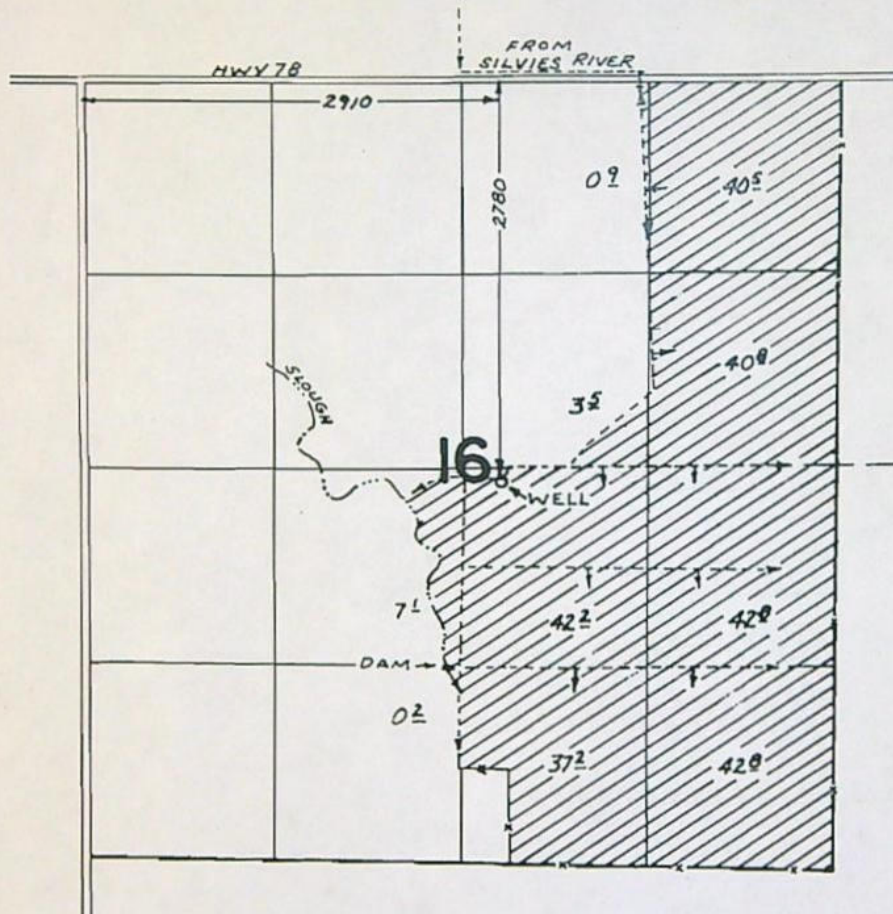
\* \* \*two and one-half acre feet of water \* \* \* including the loss by seepage from the diversion point to the lands. That the flow of water necessary to make said two and one-half acre feet, if taken continuously, would be at the rate of one-eightieth of a second foot per acre for one hundred days.

\* \* \* that in no case shall any water user be entitled to divert more than two and one-half acre feet per acre in one season, \* \* \*

That all claimants herein to water for irrigation shall be entitled to use such water for stock and domestic purposes; that the right to the use of water for stock and domestic purposes is hereby confirmed and entitles the owner of such water right to divert and use such a quantity of water as is reasonably necessary for his household and stock use; the amount so diverted and used shall not exceed the rate of one-fortieth of one cubic foot per second for each one thousand (1000) head of stock and the quantity diverted for irrigation purposes during the irrigation season shall include when it is so diverted, such an amount as may be reasonably necessary for said stock and domestic purposes, and the right to divert and use the waters of said streams and their tributaries for stock and domestic purposes continues throughout the year.



T.23S.R.31E.W.M.



FINAL PROOF SURVEY  
UNDER

Application No. G-5214 Permit No. G-5077  
IN NAME OF

SAM & OR ARLICE GUNDERSON

Surveyed AUG. 12, 1976, by R. MUCKEN



Oregon Water Resources Department  
Water Rights Platcard Report

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

Search Criteria

Meridian: Willamette ▼ Township: 23 South ▼ Range: 31 East ▼ Section: 16 ▼ Records per Page: 999

Search

Platcards Maps!  
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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Cert:9604 OR CN Additional Info: PACIFIC LIVESTOCK CO. App: U69 Permit: U62 Cert: 9604		9/18/1931	IRRIGATION	CN																				
<a href="#">Select</a> Decree:Vol:9 Page:79 [ Silvie's River, 1926 ] * T14155 Additional Info: PEILA RANCHES INC. Decree: SILVIE'S RIVER, 1926		12/31/1887	IRRIGATION					40	13	21.5	40		28	10.5	17	40	40	40	40	40	40	40	40	
<a href="#">Select</a> Cert:46974 OR * Additional Info: SAM & ARLICE GUNDERSON App: G5214 Permit: G5077 Cert: 46974		T14155 6/10/1970	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					40.5	0.9	3.5	40.8					3.3					42.8	42.2	37.2	42.8

Acreage Legend: 12.25 Regular acreage    ~~12.25~~ Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified

From + TO  
 No layering issues





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

March 6, 2024

VIA CERTIFIED MAIL AND E-MAIL

### **Applicant**

LCL PROPERTIES, LLC  
PO BOX 340  
BURNS, OR 97720

**SUBJECT: Water Right Transfer Application T-14155**

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14155. 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, 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 Department's notice.

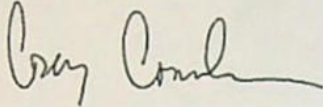
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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 do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: T-14155  
Donald Swindlehurst, District 10 Watermaster (*via e-mail*)  
Scott D. Montgomery, 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-14155, Harney County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	PLACES OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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**

LCL PROPERTIES, LLC  
PO BOX 340  
BURNS, OR 97720

**Findings of Fact**

1. On January 23, 2023, LCL Properties, LLC filed an application to change a portion of the places of use under Certificate 46974 and under an adjudicated, un-certificated right (Silvies River, Harney County, 1926 Decree Volume 9, page 79). The Department assigned the application number T-14155.
2. Notice of the application for transfer was published on January 31, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 19, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14155 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 20, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



4. The portion of the first right to be transferred is as follows:

**Certificate:** 46974 in the name of SAM &/OR ARLICE GUNDERSON (perfected under Permit G-5077)  
**Use:** SUPPLEMENTAL IRRIGATION OF 90.1 ACRES  
**Priority Date:** JUNE 10, 1970  
**Rate:** 1.13 CUBIC FEET 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:** WELL NO. 2, a tributary of SILVIES RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	31 E	WM	16	NW SE	WELL NO. 2 - 2780 FEET SOUTH AND 2910 FEET EAST FROM THE NW CORNER OF SECTION 16

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	NE NE	40.5
23 S	31 E	WM	16	NW NE	0.9
23 S	31 E	WM	16	SW NE	0.1
23 S	31 E	WM	16	SE NE	35.5
23 S	31 E	WM	16	NE SE	13.1
Total					90.1

5. Transfer Application T-14155 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	NW NE	9.0
23 S	31 E	WM	16	SW NE	36.1
23 S	31 E	WM	16	NE NW	2.8
23 S	31 E	WM	16	SE NW	29.7
23 S	31 E	WM	16	NE SW	11.5
23 S	31 E	WM	16	NW SE	1.0
Total					90.1

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

**Decree:** Silvies River, Harney County, 1926, Volume 9, Page 79 in the name of PACIFIC LIVESTOCK COMPANY  
**Use:** IRRIGATION OF 34.2 ACRES  
**Priority Date:** 1887



Source: SILVIES RIVER

**Authorized Point of Diversion:**

Ditch
HOMER MACE DITCH DAMS IN LAMPSHIRE NEWMAN AND MCGLIMMERY AND FOLEY SLOUGHS

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	NE NE	29.5
23 S	31 E	WM	16	NW NE	4.0
23 S	31 E	WM	16	SW NE	0.4
23 S	31 E	WM	16	SE NW	0.3
Total					34.2

7. Transfer Application T-1415514155 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	16	SW NE	18.4
23 S	31 E	WM	16	NE NW	2.8
23 S	31 E	WM	16	SE NW	13.0
Total					34.2

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]**

8. 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.
9. A water delivery 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-14155.
10. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed changes, as conditioned, would not result in enlargement of the rights.
12. The proposed changes, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.



### Determination and Proposed Action

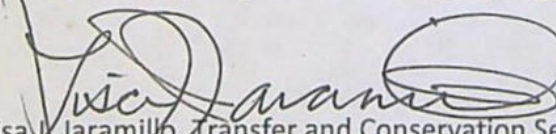
The change in places of use proposed in Transfer Application T-14155 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14155 is approved, the final order will include the following:*

1. *The change in places of use proposed in Transfer Application T-14155 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 46974. and the Silvies River, Harney County, 1926 Decree, and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new places of use.*
4. *Water right Certificate 46974 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The Silvies River, Harney County decree, 1926, contains descriptions of the right to be transferred; the rights described and/or identified under the name Pacific Livestock Company, are cancelled.*
6. *The former places of use of the transferred rights shall no longer receive water under the rights.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**MAR 6 - 2024**

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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov).



## **Protests**

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

## **Requests for Standing**

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:



- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.



**Notice Regarding Servicemembers:** Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.





## Property Profile

Prepared For:  
Denise Montgomery  
All Points Engineering & Surveying, Inc.

Property Address:  
23S31E16-00-00101 OR  
Property Parcel Number:  
23S31E16-00-00101

Includes the following:

- Last Vesting Document

**OWRD RECEIVED**

courchca, 10/23/2023, 9:36:35 AM

Prepared by:  
Lori Takayesu  
October 23, 2023

Please email your customer service requests to [prineville@amerititle.com](mailto: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, OR 2022-0398  
DEED-WD 03/22/2022 01:59:01 PM  
Pgs= 7 \$111.00  
I, Derrin Robinson, County Clerk for Harney  
County, Oregon certify that the instrument  
identified herein was recorded in the Co.  
Clerk's records.



*Derrin Robinson*  
Derrin E. Robinson, Harney County Clerk

Until a change is requested, all tax  
statements shall be sent to:  
LC&L Properties, LLC  
An Oregon Limited Liability Company  
PO Box 340  
Burns OR 9772

After recording return to:  
AmeriTitle  
111 W Washington Street  
Burns OR 97720

#### WARRANTY DEED

Douglas K. and Tamra L. Gunderson, Grantors, convey and warrant to LC&L Properties, LLC, an Oregon  
Limited Liability Company, Grantee, the following described real property free of encumbrances except as  
specifically set forth herein:

**The real property is described on Exhibit A attached hereto  
and by this reference incorporated herein**

**SUBJECT TO AND TOGETHER WITH:**

**Exceptions to Title are described on Exhibit B attached hereto  
And by this reference incorporated herein**

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 195.335 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 22.010 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 195.335 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.

The true consideration for this conveyance is \$2,427,500.00

Return To:

**AmeriTitle** 503128Am

WARRANTY DEED (Gunderson to LC&L Properties) -- Page 1 of 7  
143019.0/d1/19-Oct-15/tm

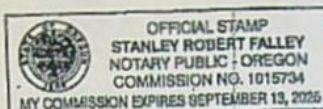


Dated this 17<sup>th</sup> day of March, 2022.

Douglas K. Gunderson  
Douglas K. Gunderson

Tamra L. Gunderson  
Tamra L. Gunderson

State of Oregon )  
County of Harney ) ss.



The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of MARCH, 2022 by Douglas K. Gunderson.

Stan R. Falley  
Notary Public for Oregon  
My commission expires: 9-13-2025

State of Oregon )  
County of Harney ) ss.

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of March, 2022 by Tamra L. Gunderson.

Stan R. Falley  
Notary Public for Oregon  
My commission expires: 9-13-2025

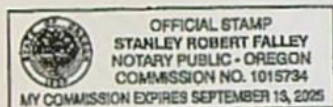




EXHIBIT A

(Legal Description)

Land in Harney County, Oregon, as follows:

In Twp. 23 S., R. 31 E., W.M.:

Sec. 10: W $\frac{1}{2}$ , SAVE & EXCEPT that portion conveyed to the State Of Oregon, by and through its State Highway Commission, by deed recorded May 18, 1967, in Book 82, Page 386, Deed Records.

Sec. 15: W $\frac{1}{2}$ , SAVE & EXCEPT that portion conveyed to the State Of Oregon, by and through its State Highway Commission, by deed recorded May 18, 1967, in Book 82, Page 386, Deed Records.

A parcel of land located in Sec. 16, Twp. 23 S., R. 31 E., W.M., Harney County, Oregon, more particularly described as follows:

Parcel No. 2 of Partition Plat No. 2021-2090, recorded December 28, 2021, Instrument No. 2021-2090, Harney County Records and also described as follows:

In Twp. 23 S., R. 31 E., W.M.:

Sec. 16: All, SAVE & EXCEPT Beginning at a point which is 22 feet South and 3108 feet East of the Northwest corner of said Sec. 16;

thence N. 89°52' E., along the Southerly right of way line of the Burns-Crane Highway, 500.0 feet;

thence S. 0°08' E. 1000.0 feet;

thence S. 89°52' W. 1324.0 feet;

thence N. 0°08' W. 560.0 feet;

thence S. 89°52' W. 990.0 feet;

thence N. 0°08' W. 440.0 feet;

thence N. 89°52' E., along the Southerly right of way line of the Burns-Crane Highway, 1814.0 feet to the place of beginning.

ALSO SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by Deeds recorded October 24, 1966, in Book 81, Page 221, recorded July 15, 1996, Instrument No. 961467 and recorded September 19, 1996, Instrument No. 961870, Deed Records.

ALSO SAVE & EXCEPT Parcel No. 1 of Partition Plat No. 2021-2090, recorded December 28, 2021, Instrument No. 2021-2090.

In Twp. 24 S., R. 32 $\frac{1}{2}$  E., W.M.:

Sec. 17: E $\frac{1}{2}$ .

Sec. 19: Lots 3 and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E1/2NE1/4, SE $\frac{1}{4}$ , SAVE & EXCEPT that portion of Lot 4, conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded June 10, 1946, in Book 43, Page 236, Deed Records.

ALSO SAVE & EXCEPT that portion conveyed to the State Of Oregon, by and through its State Highway Commission, by deed recorded May 18, 1967, in Book 82, Page 386, Deed Records

Sec. 20: NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , E1/2NW1/4, W1/2NW1/4.

Sec. 21: NW $\frac{1}{4}$ .

Sec. 29: W1/2, SAVE & EXCEPT that portion of the SW $\frac{1}{4}$  conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded September 16, 1946, in Book 44, Page 263, Deed Records, ALSO SAVE & EXCEPT that portion conveyed to the State Of Oregon, by and through its State Highway Commission, by deed recorded May 18, 1967, in Book 82, Page 386, Deed Records

File No.: 503128M

Page 9

Sec. 30: E $\frac{1}{2}$ NE $\frac{1}{4}$ , and that portion of the SE $\frac{1}{4}$  lying and being Northeasterly of the



highway right of way, SAVE & EXCEPT that portion conveyed to the State Of Oregon, by and through its State Highway Commission, by deed recorded May 18, 1967, in Book 82, Page 386, Deed Records

Sec. 31: All that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying Northeasterly of the highway right of way.

Sec. 32: NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and all that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$  lying Northeasterly of the Highway right of way; SAVE & EXCEPT that portion of the E $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded September 16, 1946, in Book 44, Page 263, Deed Records. ALSO SAVE & EXCEPT that portion acquired by the State of Oregon, by and through its State Highway Commission by Condemnation dated April 1, 1947 and filed April 2, 1947, in Book "M", Page 236, of the Circuit Court Journal of Harney County, Oregon, ALSO SAVE & EXCEPT that portion conveyed to the State Of Oregon, by and through its State Highway Commission, by deed recorded May 18, 1967, in Book 82, Page 386, Deed Records.

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 32 $\frac{1}{2}$  E., W.M.:

Sec. 19: South one-half of Lot 1 and all of Lot 2.



EXHIBIT B  
(Exceptions)

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Easements, encumbrances, or claims thereof, not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
4. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
5. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Lee Iland, as to a full interest therein.  
Recorded: July 28, 1940  
Book: 39, Page 97 (Affects the E1/2SE1/4 of Sec. 19; SW1/4 of Sec. 20; NW1/4 of Sec. 29; E1/2NE1/4 of Sec. 30; Twp. 24 S., R. 32 1/2 E., W.M.)
6. The provisions contained in Deed from Pacific Live Stock Company,  
Recorded: June 27, 1941,  
Book/Page: Book: 39, Page: 443.  
As follows: Subject, however, to rights of way for all present and existing roads, telephone, telegraph, electric power and pipe lines, drainage ditches, canals, and other reclamation and irrigation works. (Affects a parcel in the SW1/4NW1/4 of Sec. 16, Twp. 23 S., R. 31 E., W.M.)
7. The provisions contained in deed from T. Allen Jones and Ruth A. Jones, husband and wife, to the State of Oregon, by and through its State Highway Commission.  
Recorded: December 3, 1941,  
Book/Page: Book: 39, Page: 580. (Affects the NE1/4 of Sec. 16, Twp. 23 S., R. 31 E., W.M.)
8. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Lee Iland, as to a full interest therein.  
Recorded: October 15, 1942  
Book: 40, Page 214 (Affects the SE1/4 of Sec. 30, Twp. 24 S., R. 32 1/2 E., W.M.)
9. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Harney County, Oregon, as to a full interest therein.  
Recorded: February 18, 1945  
Book: 41, Page 576 (Affects the NW1/4 of Sec. 21, Twp. 24 S., R. 32 1/2 E., W.M.)
10. The provisions contained in deed from Harney County, Oregon,  
Recorded: February 16, 1945,  
Book/Page: 41/576  
As follows: reserving a right for a right of way for county roads. (Affects the NW1/4 of Sec. 21,, Twp. 24 S., R. 32 1/2 E., W.M.)
11. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Harney County, Oregon, as to a full interest therein.  
Recorded: July 16, 1948  
Book: 43, Page 488 (Affects the NE1/4 of Sec. 20; NE1/4, E1/2NW1/4 of Sec. 32, Twp. 24 S., R. 32 1/2 E., W.M.)
12. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Alfred L. Brown and Leason M. Brown, as to a full interest therein.  
Recorded: July 8, 1946  
Book: 43, Page 402 (Affects the E1/2SE1/4 of Sec. 19; SW1/4, NE1/4 of Sec. 20; NW1/4 of Sec. 21; W1/2 of Sec. 29; E1/2NE1/4 of Sec. 30; NE1/4, E1/2NW1/4 of Sec. 32, Twp. 24 S., R. 32 1/2 E., W.M.)



13. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Mary H. Brown, as to a full interest therein.  
Recorded: June 8, 1948  
Book: 49, Page 69 (Affects the E1/2SE1/4 of Sec. 19; SW1/4, NE1/4 of Sec. 20; NW1/4 of Sec. 21; W1/2 of Sec. 29; E1/2NE1/4 of Sec. 30; NE1/4, E1/2NW1/4 of Sec. 32, Twp. 24 S., R. 32 1/2 E., W.M.)
14. An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein.  
Lessor: Edith E. Prettyman  
Lessee: Hamey County Lease Estates, Ltd., an Estate in Joint Tenancy  
Recorded: August 28, 1948  
Book/Page: Book: 2, Page: 313 (Affects Lots 3 and 4, W1/2SE1/4 of Sec. 19, Twp. 24 S., R. 32 1/2 E., W.M.)
15. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Hamey County, Oregon, as to a full interest therein.  
Recorded: June 9, 1951  
Book: 53, Page 531 (Affects the NE1/4 of Sec. 17, Twp. 24 S., R. 32 1/2 E., W.M.)
16. The provisions contained in deed from Hamey County, Oregon,  
Recorded: June 9, 1951,  
Book/Page: 53/531:  
As follows: reserving a right for a right of way for county roads. (Affects the NE1/4 of Sec. 17, Twp. 24 S., R. 32 1/2 E., W.M.)
17. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from State of Oregon, as to a full interest therein.  
Recorded: September 17, 1951  
Book: 54, Page 104 (Affects the SE1/4 of Sec. 17, Twp. 24 S., R. 32 1/2 E., W.M.)
18. Reservation of Oil, gas, minerals, including the terms and provisions contained therein, in deed from Hayden H. Hiatt and Ruth Hiatt, husband and wife, as to a full interest therein.  
Recorded: December 28, 1957  
Book: 64, Page 325 (Affects the W1/2SE1/4 of Sec. 19, Twp. 24 S., R. 32 1/2 E., W.M.)
19. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: California-Pacific Utilities Company, a corporation  
Recorded: October 22, 1962  
Book: 72, Page: 106 (Affects land in Sec. 15, Twp. 23 S., R. 31 E., W.M.)
20. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: California-Pacific Utilities Company, a corporation  
Recorded: November 1, 1962  
Book: 72, Page: 157 (Affects the N1/2N1/2 of Sec. 16, Twp. 23 S., R. 31 E., W.M.)
21. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: California-Pacific Utilities Company, a corporation  
Recorded: January 19, 1968  
Book: 83, Page: 559 (Affects the S1/2 of Sec. 16, Twp. 23 S., R. 31 E., W.M.)
22. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: United Telephone Company of the Northwest, an Oregon corporation  
Recorded: July 14, 1969  
Book: 86, Page: 537 (Affects the S1/2SW1/4 of Sec. 16, Twp. 23 S., R. 31 E., W.M.)
23. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: California-Pacific Utilities Company, a corporation  
Recorded: June 15, 1970  
Book: 89, Page: 136 (Affects the SW1/4SW1/4 of Sec. 10, Twp. 23 S., R. 31 E., W.M.)



24. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: California-Pacific Utilities Company, a corporation  
Recorded: November 5, 1973  
Book: 95, Page: 461 (Affects the NW1/4 of Sec. 10, Twp. 23 S., R. 31 E., W.M.)
25. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: PTI  
Recorded: December 15, 1997  
Instrument No.: 972649 (Affects the E1/2 of Sec. 17, Twp. 24 S., R. 32 1/2 E., W.M.)
26. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Geoff Greg, his heirs, successors and assigns  
Recorded: April 5, 2007  
Instrument No.: 20070720 (Affects the S1/2 of Sec. 19, N1/2 of Sec. 28, Twp. 24 S., R. 32 1/2 E., W.M.)
27. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Mathew J. McCleary and Joann C. McCleary, their heirs, successors and assigns  
Recorded: December 23, 2008  
Instrument No.: 20082156 (Affects the S1/2 of Sec. 19; N1/2 of Sec. 29, Twp. 24 S., R. 32 1/2 E., W.M.)  
Re-recorded: December 29, 2008  
Instrument No.: 20082164
28. Reservation of a Life Estate in Grant and Gaye Gunderson as to a portion of the Property.





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

October 19, 2023

VIA E-MAIL

### Applicant

LCL PROPERTIES, LLC

PO BOX 340

BURNS, OR 97720

Reference: Water Right Transfer Application T-14155

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-14155. 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 November 20, 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 NOVEMBER 20, 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;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land 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_to_transfer_form.pdf)

#### **Conditions of your water right...**

The Watermaster has required a water measurement device(s) at the 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, 2025.** 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. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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

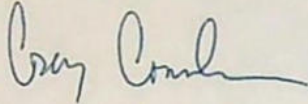
1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company 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 November 20, 2023, a Preliminary Determination may be issued denying the application as incomplete.**



Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane".

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14155  
Donald Swindlehurst, District 10 Watermaster *(via e-mail)*  
Scott D. Montgomery, Agent for the applicant *(via e-mail)*

encs



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 # 46974**

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		
23	S	31	E	16	NE	NE	101		40.5	IS	#2	1970	POU	23	S	31	E	16	NW	NE	101		9.0	IS	#2	1970		
23	S	31	E	16	NW	NE	101		0.9	IS	#2	1970	POU	23	S	31	E	16	SW	NE	101		36.1	IS	#2	1970		
23	S	31	E	16	SW	NE	101		0.1	IS	#2	1970	POU	23	S	31	E	16	NE	NW	101		2.8	IS	#2	1970		
23	S	31	E	16	SE	NE	101		35.5	IS	#2	1970	POU	23	S	31	E	16	SE	NW	101		29.7	IS	#2	1970		
23	S	31	E	16	NE	SE	101		13.1	IS	#2	1970	POU	23	S	31	E	16	NE	SW	101		11.5	IS	#2	1970		
													POU	23	S	31	E	16	NW	SE	101		1.0	IS	#2	1970		
TOTAL ACRES:									90.1						TOTAL ACRES:									90.1				

Additional remarks: \_\_\_\_\_.





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 # Silvie's River Decree**

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	Acre	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	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
23	S	31	E	16	NE	NE	101		29.5	IR	Mace Dams	1887	POU	23	S	31	E	16	SW	NE	101		18.4	IR	Mace Dams	1887
23	S	31	E	16	NW	NE	101		4.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NE	NW	101		2.8	IR	Mace Dams	1887
23	S	31	E	16	SW	NE	101		0.4	IR	Mace Dams	1887	POU	23	S	31	E	16	SE	NW	101		13.0	IR	Mace Dams	1887
23	S	31	E	16	SE	NW	101		0.3	IR	Mace Dams	1887	POU													
				TOTAL ACRES					34.2											TOTAL ACRES			34.2			

TOTAL ACRES:		34.2			TOTAL ACRES:		34.2	
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# 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- 14155

Review Due Date: \_\_\_\_\_

Applicant Name: LCL Properties, LLC

Proposed Changes: ☒ POU ☐ POD ☒ POA type text here ☐ USE ☐ OTHER

Reviewer(s): Dally Swindlehurst

Date of Review: 02/22/23

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No  
Generally characterize the frequency of any regulation or explain why regulation has not occurred: Regulated for senior rights
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 type text here If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: \_\_\_\_\_. ☒ N/A type text here
7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_. ☒ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No



9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☒ Yes ☐ No If "Yes", explain: High flood years i believe they would recieve
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 type text here
- 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 type text here 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- 14155

☒ 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





# 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 31, 2023

LCL PROPERTIES LLC  
PO BOX 340  
BURNS, OR 97720

Reference: Application T-14155

On January 23, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2380.00. Receipt number 139978 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.

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 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.

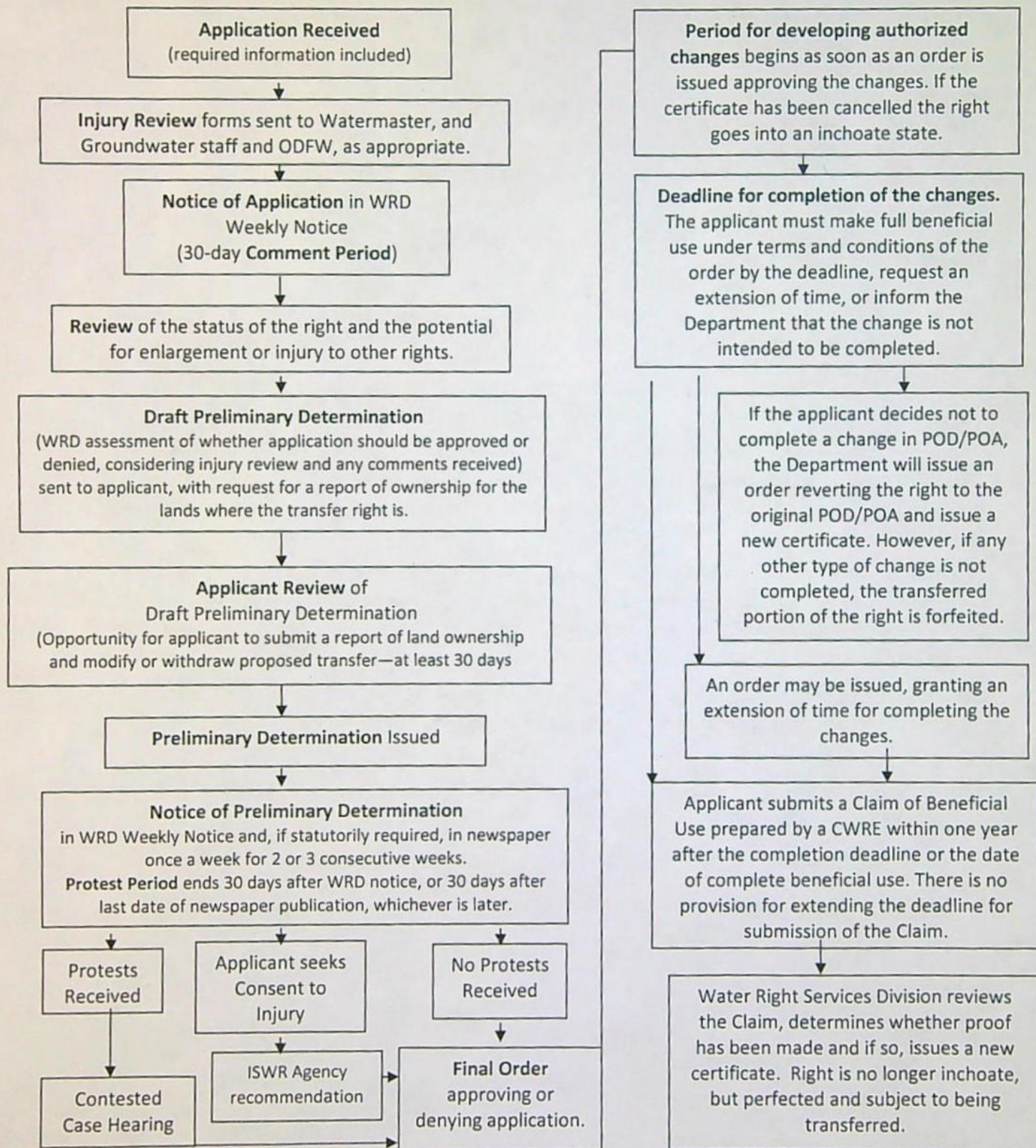
Cc: Watermaster Dist. #10, J R. Johnson (*via email*)  
Harney County  
Scott D. Montgomery, Agent

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 # **139978**

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

RECEIVED FROM: LC # L Properties LLC

BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14155</u>

CASH: ☐ CHECK: # 489 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$2,380.00

**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 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ <u>2,380.00</u>	

**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: **139978**

DATED: 1/23/23

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.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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: **C-46974 & Silvies River Decree**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

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

### (For Staff Use Only)

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

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

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



JAN 23 2023

## Part 2 of 5 – Transfer Application Map

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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/](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°).



## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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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).

### TACS



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>LCL Properties, LLC</b>			PHONE NO. <b>541-589-1025</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 340</b>			FAX NO.	
CITY <b>Burns</b>	STATE <b>OR</b>	ZIP <b>97720</b>	E-MAIL <b>lcltylerranch@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Scott D Montgomery</b>			PHONE NO. <b>541-548-5833</b>	ADDITIONAL CONTACT NO. <b>541-420-0401</b>
ADDRESS <b>PO Box 767</b>			FAX NO.	
CITY <b>Terrebonne</b>	STATE <b>OR</b>	ZIP <b>97760</b>	E-MAIL <b>scott@apeands.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
Propose to move water rights place of use from flood irrigation system to low pressure center pivot sprinkler configuration

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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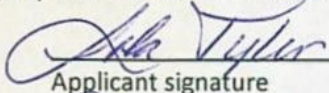
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By my signature below, I confirm that I understand:

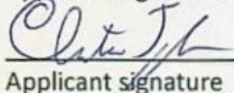
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Burns 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

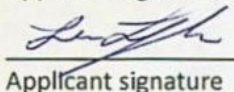
Lola Tyler, Member  
Print Name (and Title if applicable)

1/9/23  
Date

  
Applicant signature

Clinton Tyler, Member  
Print Name (and Title if applicable)

1-9-23  
Date

  
Applicant signature

Levi Tyler, Member  
Print Name (and Title if applicable)

1/9/23  
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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
NA				
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

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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. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME <b>NA</b>	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 <b>NA</b>	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 <b>Harney County</b>	ADDRESS <i>360 N Alvord</i>	
CITY <i>Burns</i>	STATE <i>OR</i>	ZIP <i>97720</i>

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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 # 46974

### Description of Water Delivery System

System capacity: 3.18 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 the authorized well & conveyed into a flood irrigation system

**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)
#2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 463	23 S	31 E	16	NW	SE	101	2780' S & 2910' E from NW cor, Sec 16

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of 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)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 46974**

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				
23	S	31	E 16	NE NE	101		40.5	IS	#2	1970	POU	23	S	31	E 16	NW NE	101		9.0	IS	#2	1970		
23	S	31	E 16	NW NE	101		0.9	IS	#2	1970	POU	23	S	31	E 16	SW NE	101		39.5	IS	#2	1970		
23	S	31	E 16	SW NE	101		3.5	IS	#2	1970	POU	23	S	31	E 16	SE NE	101		5.3	IS	#2	1970		
23	S	31	E 16	SE NE	101		40.8	IS	#2	1970	POU	23	S	31	E 16	NE NW	101		2.8	IS	#2	1970		
23	S	31	E 16	NE SW	101		3.3	IS	#2	1970	POU	23	S	31	E 16	SE NW	101		29.7	IS	#2	1970		
23	S	31	E 16	NE SE	101		42.8	IS	#2	1970	POU	23	S	31	E 16	NE SW	101		14.8	IS	#2	1970		
23	S	31	E 16	NW SE	101		42.2	IS	#2	1970	POU	23	S	31	E 16	NE SE	101		29.7	IS	#2	1970		
23	S	31	E 16	SW SE	101		37.2	IS	#2	1970	POU	23	S	31	E 16	NW SE	101		43.2	IS	#2	1970		
23	S	31	E 16	SE SE	101		42.8	IS	#2	1970	POU	23	S	31	E 16	SW SE	101		37.2	IS	#2	1970		
											POU	23	S	31	E 16	SE SE	101		42.8	IS	#2	1970		
TOTAL ACRES:							254.0					TOTAL ACRES:							254.0					

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: Decree.

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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**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](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
#2	See Well log									



**CERTIFICATE # Silvies River Decree**

**Description of Water Delivery System**

System capacity: 6.125 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 dammed up from unnamed slough to flood irrigate the place of use.

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

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)
Homer Mace ditch dams	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	23 S	31 E	16	ALL	ALL	101	No POD tie of record found

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of 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)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # Silvies River Decree**

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						
23	S	31	E	16	NE	NE	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NE	NE	101		10.5	IR	Mace Dams	1887
23	S	31	E	16	NW	NE	101		13.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NW	NE	101		9.0	IR	Mace Dams	1887
23	S	31	E	16	SW	NE	101		21.5	IR	Mace Dams	1887	POU	23	S	31	E	16	SW	NE	101		39.5	IR	Mace Dams	1887
23	S	31	E	16	SE	NE	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	SE	NE	101		40.0	IR	Mace Dams	1887
23	S	31	E	16	NW	NW	101		28.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NE	NW	101		2.8	IR	Mace Dams	1887
23	S	31	E	16	SW	NW	101		10.5	IR	Mace Dams	1887	POU	23	S	31	E	16	NW	NW	101		28.0	IR	Mace Dams	1887
23	S	31	E	16	SE	NW	101		17.0	IR	Mace Dams	1887	POU	23	S	31	E	16	SW	NW	101		10.5	IR	Mace Dams	1887
23	S	31	E	16	NE	SW	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	SE	NW	101		29.7	IR	Mace Dams	1887
23	S	31	E	16	NW	SW	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NE	SW	101		40.0	IR	Mace Dams	1887
23	S	31	E	16	SW	SW	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NW	SW	101		40.0	IR	Mace Dams	1887
23	S	31	E	16	SE	SW	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	SW	SW	101		40.0	IR	Mace Dams	1887
23	S	31	E	16	NE	SE	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	SE	SW	101		40.0	IR	Mace Dams	1887

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23	S	31	E	16	NW	SE	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NE	SE	101		40.0	IR	Mace Dams	1887		
23	S	31	E	16	SW	SE	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	NW	SE	101		40.0	IR	Mace Dams	1887		
23	S	31	E	16	SE	SE	101		40.0	IR	Mace Dams	1887	POU	23	S	31	E	16	SW	SE	101		40.0	IR	Mace Dams	1887		
													POU	23	S	31	E	16	SE	SE	101		40.0	IR	Mace Dams	1887		
TOTAL ACRES:									490.0						TOTAL ACRES:									490.0				

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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: C46974.

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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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**AND/OR**

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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
NA										

14155



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of HARNEY

I, CLINTON TYLER, in my capacity as MEMBER OF LCL PROPERTIES, LLC,

mailing address PO BOX 340, BURNS, OR 97720

telephone number (541)589-1025, 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 # 46974 & SILVIES RIVER DECREE; **OR**

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

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

OR

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

(continues on reverse side)

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

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

[Signature]

Signature of Affiant

1-9-23

Date

Signed and sworn to (or affirmed) before me this 9 day of Jan, 2023.



[Signature]  
Notary Public for Oregon

My Commission Expires: March 15, 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 <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Customer #:	
Payment Terms:	NET 10TH 2% 15 DAYS
Invoice #:	4176958
Invoice Date	01/20/21
Due Date	02/10/21
Total Due	\$10,422.90
*Total if Paid in Full by 02/04/2021	\$10,214.89

Page 1 of 1

PHONE: (541) 573-2622

WWW.EDSTAUB.COM

LCL TYLER RANCH LLC PRA

PO BOX 340  
BURNS, OR 97720

VISIT WWW.EDSTAUB.COM TO PAY ONLINE

Make Check Payable to: ED STAUB & SONS PETROLEUM

Amount Enclosed: \$

Remit To:  
ED STAUB & SONS PETROLEUM  
PO BOX 488  
KLAMATH FALLS, OR 97601

00001256200004176958000104229000010214897

Customer Name		Delivery/Service Address	Cust #	Invoice #	Inv Date
LCL TYLER RANCH LLC PRA		71185 FRY RD - BURNS, OR 97720		4176958	1/20/21
Quantity	Item Number	Description	Unit Price		TOTAL
5550.00	WINTERIZED PREMI	WINTERIZED PREMIUM DYED DIESEL PO #: ORDER BY LEVI Internal Tank: KLAMATH RAIL FUEL COST ADJ Delivered By: on	\$1.873964		\$10,400.50
		05 Fed Lust:	\$0.00100		\$5.55
		05 Fed Oil Spill B5 Dsl :	\$0.00204		\$11.30
		06 OR Load Fee:	\$0.00100		\$5.55
			\$1.8780		\$10,422.90

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Tank/Equipment: Fuel Tank - DYED DIESEL TRANSPORT LOAD -

For Fuel or Service At:

71185 FRY RD - BURNS, OR 97720

Sub Total	\$10,400.50
Charges	\$0.00
Tax Total	\$22.40
TOTAL DUE	\$10,422.90

*Prompt Pay Discount	- \$208.01
*Total if Paid in Full by 02/04/2021	\$10,214.89

\*Credit/Debit card payments not accepted on wholesale deliveries

PO#: ORDER BY LEVI

Used generator on/off between  
May 6-24th used approx 150 gal.

PAST DUE INVOICES ARE SUBJECT TO A FINANCE CHARGE OF 1.5% PER MONTH (18% APR)

California Proposition 65 Warning:

**WARNING:** Chemicals known to the State of California to cause cancer, birth defects or other reproductive harm are created by the combustion of propane. This product contains chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm.

FOR CHEMICAL EMERGENCY: CALL INFOTRACK 1-800-535-5053 24 hours/7 days

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# STATEMENT

Account #	Statement Date
[REDACTED]	05/15/20
<b>Amount Due</b>	<b>\$1,280.86</b>

Page 1 of 2

PHONE: (541) 573-2622

VISIT WWW.EDSTAUB.COM TO PAY ONLINE

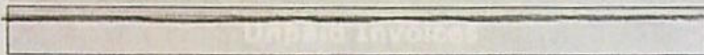


Lcl Tyler Ranch Llc Pra  
PO Box 340  
Burns, OR 97720-0340

Remit To:

**09-BURNS**  
**PO BOX 488**  
**KLAMATH FALLS, OR 97601**

Please Return This Portion With Your Payment



Date	Due By	Invoice #	Description	Total	Remaining
			Cardlock Transactions Prior to 05/01/20	\$163.21	\$22.80
5/8/20	6/10/20	2428387	Delivery: 855.80 gals. OR DYED DIESEL at 71185 FRY RD	\$1,258.06	\$1,258.06
5/15/20	5/25/20		Cardlock Transaction from 05/01/20 - 05/15/20	\$0.00	\$0.00

## Cardlock Transaction Detail for Period 5/1/20 - 5/15/20

Prev Odom:

Tran #	Driver	Date	Time	Site #	Prod	Odometer	Qty	MPG	Price	Tax	Amount
Total for							0.000				\$0.00

*Used generator May 18<sup>th</sup> - 25<sup>th</sup> used approx 70 gal.*

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**Total Amount Due**

**\$1,280.86**

Current	31 - 60 Days	61 - 90 Days	91 - 120 Days	Over 120 Days
\$1,280.86	\$0.00	\$0.00	\$0.00	\$0.00

PAST DUE INVOICES ARE SUBJECT TO A FINANCE CHARGE OF 1.5% PER MONTH (18% APR)

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# SureTap Springs

PO Box 872  
Burns OR 97720  
(541)-589-3772  
CCB # 224791

*Pd 9/24/22  
check 452*

Date	Invoice #
9-12-22	4177

Bill To:

LCL Ranch  
Po box 340  
Burns or 97720

Description	Quantity	Rate	Amount
Service work to pull irrigation pump from 60'			\$ 480.00
Service work to set test pump at 80'. Started test pump and well will produce 1125 gpm. Tried to lower pump to 120' and could only lower pump to 90' hitting something in well. Ran 16 hr test and well produces 1150 gpm.	Set and pull		\$ 1800.00
	Run time		\$ 3200.00
Static 42'			
1150 gpm at 85'			

Balance Due	\$ 5,480.00

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All Invoices Due 15 days from Date of Service

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Google Earth

August 2022

Location of generator at well: 43.578128,-119.009066

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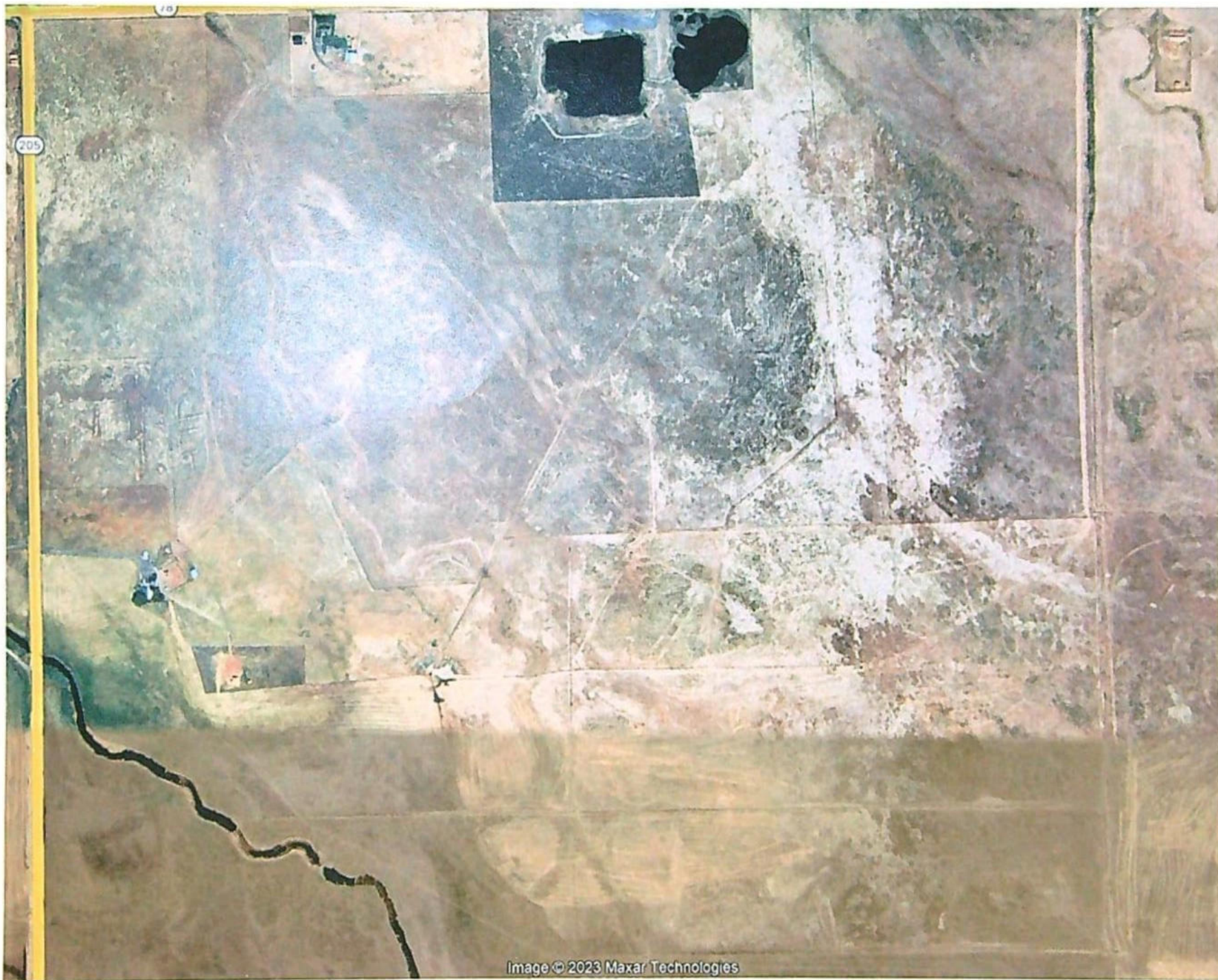


Image © 2023 Maxar Technologies

Google Earth

August 2020

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Earth View 360, 2019

JAN 23 2023

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# ArcGIS Web Map



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1/9/2023, 3:34:55 PM

Tax Lot

County Boundary

OSIP 2017

Red: Band\_1

Green: Band\_2

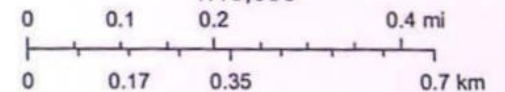
Blue: Band\_3

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1:18,056



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team, Maxar

Web AppBuilder for ArcGIS



# 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): Clinton Tyler, Member LCL Properties, LLC

Mailing Address: PO Box 340

City: Burns

State: OR

Zip Code: 97720

Daytime Phone: 541-589-1025

## 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>23S</u>	<u>31E</u>	<u>16</u>	<u>NW NE</u>	<u>101</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
<u>23S</u>	<u>31E</u>	<u>16</u>	<u>SW NE</u>	<u>101</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
<u>23S</u>	<u>31E</u>	<u>16</u>	<u>SE NE</u>	<u>101</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
<u>23S</u>	<u>31E</u>	<u>16</u>	<u>NE NW</u>	<u>101</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
<u>23S</u>	<u>31E</u>	<u>16</u>	<u>SE NW</u>	<u>101</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
<u>23S</u>	<u>31E</u>	<u>16</u>	<u>NE SW</u>	<u>101</u>	<u>EFRU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
<u>23S</u>	<u>31E</u>	<u>16</u>	<u>NW SE</u>	<u>101</u>	<u>EFRU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

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

Harney

## 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: 1.1    ☒ 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:

Irrigation system changed from flood to center pivot sprinkler

**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.

Revised 2/8/2010

Land Use Information Form - Page 2 of 3

WR / FS

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## For Local Government Use Only

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

### Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HCZO 3.020 (EPLV-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:	
		<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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JAN 23 2023	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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: Brendan McMillan Title: Planning Director

Signature: [Signature] Phone: (541) 573-6655 Date: 12/27/2022

Government Entity: Henry 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: \_\_\_\_\_



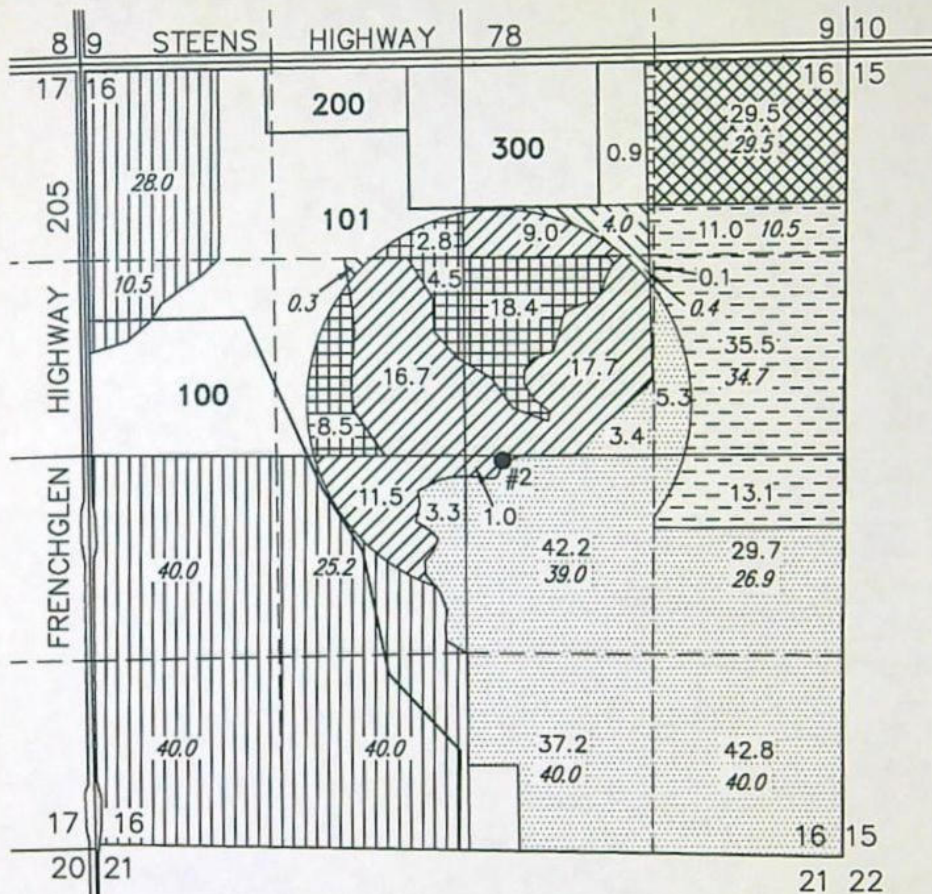
# MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE ON SILVIES RIVER DECREE & CERTIFICATE 46974 FOR LCL PROPERTIES, LLC

RECEIVED

JAN 23 2023

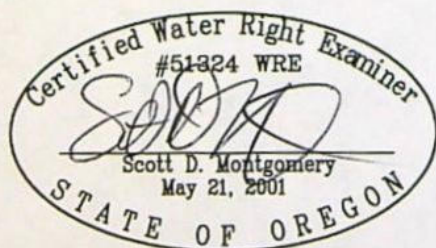
OWRD

TAX LOT 101  
IN SECTION 16, TOWNSHIP 23 SOUTH, RANGE 31 EAST, W.M.  
HARNEY COUNTY, OREGON



- #2 (HARN 463) LOCATED IN THE NW 1/4 SE 1/4 SECTION 16, AND 2780' S AND 2910' E FROM THE NW CORNER OF SECTION 16.

183.7 ACRES IR FROM DECREE  
REMAIN, AS SHOWN.



RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER  
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL  
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

- 34.2 ACRES IR FROM DECREE & 34.2 ACRES IS FROM  
CERTIFICATE 46974 TRANSFERRED "ON", AS SHOWN.
- 55.9 ACRES IS FROM CERTIFICATE 46974 TRANSFERRED  
"ON" & 55.9 ACRES REMAIN FROM DECREE, AS SHOWN.
- 4.7 ACRES IR FROM DECREE TRANSFERRED "OFF", AS  
SHOWN.
- 59.6 ACRES IS FROM CERTIFICATE 46974 TRANSFERRED  
"OFF" & 58.3 ACRES IR FROM DECREE REMAIN, AS SHOWN.
- 1.0 ACRES IS FROM CERTIFICATE 46974 TRANSFERRED  
"OFF", AS SHOWN.
- 29.5 ACRES IR FROM DECREE & 29.5 ACRES IS FROM  
CERTIFICATE 46974 TRANSFERRED "OFF", AS SHOWN.
- 157.9 ACRES IR FROM DECREE & 163.9 ACRES IS FROM  
CERTIFICATE 46974 REMAIN, AS SHOWN.

PROJECT No. 22-180

PREPARED AT THE REQUEST OF:

LCL PROPERTIES, LLC  
P.O. BOX 340  
BURNS, OR 97720

ALL POINTS ENGINEERING  
& SURVEYING, INC.



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

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STATE ENGINEER  
Salem, Oregon

OBSERVATION WELL

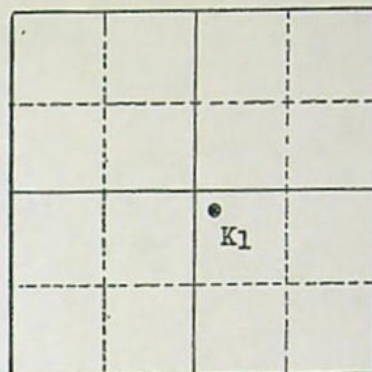
Well Record

STATE WELL NO. 23/31-16K(1)  
COUNTY Harney  
APPLICATION NO. U-69  
G-2171

OWNER: LLOYD H. HILL Harney 463 MAILING ADDRESS: \_\_\_\_\_  
Allen Jones Pacific Livestock Co. CITY AND STATE: \_\_\_\_\_

LOCATION OF WELL: Owner's No. \_\_\_\_\_  
NW 1/4 SE 1/4 Sec. 16 T. 23 S. R. 31 W. W.M.

Bearing and distance from section or subdivision  
corner S 45° 55' E 4077' from NW cor. Sec. 16



Section 16

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

TYPE OF WELL: Drilled Date Constructed \_\_\_\_\_

Depth drilled 300 Depth cased 300

CASING RECORD:

Cased to 300 feet  
12 inch set from 0 to 117 feet  
8 inch set from 155 to 300 feet

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FINISH:

OWRD

Perforations from 30 to 117 feet and from 160 to 240 feet

AQUIFERS:

Gravel

WATER LEVEL:

See page 159, WSP 841

PUMPING EQUIPMENT: Type was equipped with turbine H.P. 25  
Capacity \_\_\_\_\_ G.P.M.

WELL TESTS:

Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

USE OF WATER not used Temp. \_\_\_\_\_ °F. \_\_\_\_\_, 19.

SOURCE OF INFORMATION U-69 USGS WSP 841

DRILLER or DIGGER \_\_\_\_\_

ADDITIONAL DATA:

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

REMARKS:

Well 65 in U.S.G.S. report WSP 841  
Pumped at 1100 gpm when well was in operation



State Well No. 23/31-16K(1)  
County Harney  
Application No. U-69

Owner: Pacific Livestock Co. Owner's No. .....

Driller: P. S. Weitenhiller & A. A. Durand Date Drilled                     

[illegible]

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STATE ENGINEER  
Salem, Oregon

State Well No. 23/31-16 K(1)

County HARNEY

Application No. \_\_\_\_\_

## Water Level Record

OWNER: Pacific Livestock Co.

OWNER'S NO. \_\_\_\_\_

Description of measuring point: Top of pump base at L.S.D.

Well #65 in WSP 841

Date	Water Level Feet (above) (below) Land Surface	Remarks	Date	Water Level Feet (above) (below) Land Surface	Remarks
8-12-30	9.6	Well being drilled, depth 37' at this time.	9-7-31	10.09	
8-27-30	9.3	53' deep	9-14-31	10.19	
10-22-30	12.00	200' deep	9-21-31	10.21	
5-12-31	9.75		9-28-31	10.21	
5-18-31	9.00		10-5-31	10.21	
6-1-31	11.44		10-14-31	10.25	
6-15-31	13.36		10-19-31	10.26	
6-22-31	10.19		10-26-31	10.26	
6-29-31	9.62		11-10-31	10.29	
7-6-31	9.53		12-5-31	10.27	
7-12-31	9.54		1-6-32	10.71	
7-20-31	9.57		5-10-32	5.19	
7-27-31	9.68		6-24-32	5.41	
8-3-31	9.80		7-7-32	6.17	
8-10-31	9.91		8-3-32	7.39	
8-17-31	9.91				
8-24-31	9.97		7-18-56	5.41	
8-31-31	10.00		12-15-60	9.17	

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JAN 23 2023

OWRD

REMARKS: \_\_\_\_\_



State Well No. 23/31-16 K(11)

County HARNEY

Application No. ....

## Water Level Record

OWNER: PACIFIC LIVESTOCK CO. OWNER'S NO. .....

Description of measuring point: HOLE IN PUMP BASE FLANGE AT L.S.D. ON W. SIDE

[illegible]

REMARKS:





**ALL POINTS**  
**ENGINEERING & SURVEYING, INC.**  
P.O. Box 767 (CRR)  
Terrebonne, Oregon 97760

RECEIVED  
JAN 23 2023  
OWRD

**TRANSMITTAL**

To: Oregon Water Resources Dept  
725 Summer St NE, Suite A  
Salem, OR 97301-1266

Date:  
Attention: Transfers  
RE: Applications for Transfer

[X] Prints ☐ Plans ☐ Plat ☐ Specifications.

Attached is an Applications for Transfer on Certificate 46974 & Silvies River Decree for LC & L Properties.

If you have any questions please don't hesitate to call or email me.

Copies	No.	Description
1	1	App for Transfer (15 pages letter bond)
1	2	Transfer Map (1 pages bond)
1	3	Evid of Use Affidavit w/supporting doc (11 pages letter bond)
1	4	Land Use Form (1 page letter bond)
1	5	Well log (4 pages letter bond)
1	6	Check for \$2380

Signed: \_\_\_\_\_

14155



# Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T-14155

Checked by Dante _____	Type of Change(s) Proposed: <u>NO</u> other changes allowed other than those listed	
Date <u>1-24-2023</u>		
Fee Received: \$2380	<input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$2380		How many rights to be Transferred? 2
Deficiencies and Observations:		Certificate #(s) 46974 Silvies River Decree

If OK, check box; if not, fill in.

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (compare with OAR 690-380-3220-may need to return)  
If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☐ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- ☐ 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 \_\_\_\_\_

Revised 12/2022.krf

14155



## Permanent Transfer Application Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » » » » » » » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter \$410 » » » » » » » » » » » » » » » » » » » » » »		
4		4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » » » » » » » »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	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 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » » » » » Transfer Fee:	8	