

Regular

Name John & Loudean ElliottAddress 18610 Taylor Rd.
Klamath Falls, OR 97603
Jelliott1882@gmail.comChange in POADate Filed 1-23-2023Initial notice date 1-31-2023

DPD issued date

PD issued date 9/27/2023PD notice date 10/31/2023Date of FO 11/20/2023 Vol 189 PageC-Date 10/1/2025COBU due date 10/1/2026

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream WellTrib. of unnamed StreamUse IrrigationCounty Klamath

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G10195Per # G9243Cert # 65944

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

FEES PAID

Date	Amount	Receipt #
1/23/23	\$1,840.00	139952

FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District Klamath Basin Irrigation DistrictAgent Adkins Engineering & Surveying inc - dscalas@adkinsengineering.comCWRE Klamath County

CC's list

☐ - Oversized map - Location



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

November 20, 2023

JOHN & LOUDEAN ELLIOTT
18610 TAYLOR RD
KLAMATH FALLS, OR 97603

REFERENCE: Transfer Application T-14151

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

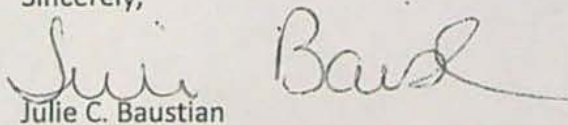
The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,



Julie C. Baustian

Water Rights Services Support
Transfers and Conservation Section

cc: Danette M. Watson, Watermaster Dist. # 17 (via email)
Klamath County
Klamath Basin Irrigation District
Adkins Engineering And Surveying, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE IN
T-14151, Klamath County)	POINT OF APPROPRIATION

Authority

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

Applicant

JOHN ELLIOTT AND LOUDEAN ELLIOTT
18610 TAYLOR RD
KLAMATH FALLS, OR 97603

Findings of Fact

1. On January 23, 2023, JOHN ELLIOTT AND LOUDEAN ELLIOTT filed an application to change the point of appropriation under Certificate 65944. The Department assigned the application number T-14151.
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 June 28, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14151 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 28, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
4. On July 24, 2023, the agent for the applicant submitted a corrected map and table 1 to correct a scrivener's error on the original application.

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.

5. On September 27, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14151 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 3, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The right to be transferred is as follows:

Certificate: 65944 in the name of GARY D. OREM (perfected under Permit G-9243)
Use: IRRIGATION OF 16.3 ACRES
Priority Date: MARCH 4, 1981
Rate: 89.8 GALLONS PER MINUTE
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: ONE WELL in the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	32	SW NW	50 FEET NORTH AND 720 FEET EAST FROM THE W1/4 CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	32	SW NW	16.3

7. The Department received information from the applicant that describes the location of the authorized point of diversion for Certificate 65944 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	32	SW NW	WELL 1 - 2590 FEET SOUTH AND 720 FEET EAST FROM THE NW CORNER OF SECTION 32

8. Transfer Application T-14151 proposes to move the authorized point of appropriation approximately 25 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	32	SW NW	WELL 2 - 2565 FEET SOUTH AND 730 FEET EAST FROM THE NW CORNER OF SECTION 32

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14151.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other existing water rights.
15. All other application requirements are met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-14151 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

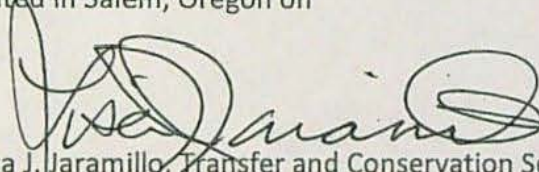
Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-14151 is 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 65944 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 point of appropriation.
4. Water right Certificate 65944 is cancelled.
5. The quantity of water diverted at the new point of appropriation (Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

7. Water use measurement conditions:
- Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation.
 - The water user shall maintain the meters or measuring devices in good working order.
 - The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. 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 change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

NOV 20 2023

Dated in Salem, Oregon on



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

Mailing date: NOV 21 2023

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14151

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Applicant: JOHN & LOUDEAN ELLIOTT 18610 TAYLOR RD KLAMATH FALLS, OR 97603 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A ADKINS ENGINEERING AND SURVEYING 1435 ESPLANADE AVE KLAMATH FALLS, OR 97601 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Klamath Basin Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Klamath County Planning Department Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G10195	G9243	65944	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: January 23, 2023	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1840.00	WM District: 17	ODFW District:
Initial Public Notice: January 31, 2023	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

no newspaper req

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>5/25/23</i> Initials: <i>Scott</i>	Date: <i>6/6/23</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>6/14/23</i> Initials: <i>PKS</i>	Date: <i>6/28/23</i> Initials: <i>Scott</i>	CW sent <i>6/28/23</i>	N/A
PD	Date: <i>8/25/23</i> Initials: <i>Scott</i>	Date: <i>8/26/23</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>9/19/23</i> Initials: <i>PKS</i>	Date: <i>9/21/23</i> Initials: <i>Scott</i>	Date: <i>9/21/23</i>	Date: <i>9/27</i>
FO	Date: <i>9/27/23</i> Initials: <i>Scott</i>	Date: <i>9/28/23</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>10/17/23</i> Initials: <i>PKS</i>	Date: <i>11/9/23</i> Initials: <i>Scott</i>	Date: <i>11/9/23</i>	Date: <i>11/20/2023</i>

Special Issues: *RD sent to DATA 9/21/23 cleared by Data 9/24/23*

Special Order Volume: Vol. _____ Pages _____

WAIT UNTIL AFTER NOV. 2, 23



Oregon

Tina Kotek, Governor

September 21 2023

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

VIA CERTIFIED MAIL AND E-MAIL

Applicant

JOHN ELLIOTT AND LOUDEAN ELLIOTT

18610 TAYLOR RD

KLAMATH FALLS, OR 97603

SUBJECT: Water Right Transfer Application T-14151

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14151. 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 contact me at scott.a.grew@water.oregon.gov or 503-986-0890 503-986-0886 or Patrick.K.Starnes@wrds.state.or.us if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14151
Garrett Steensland, District 17 Watermaster (via e-mail)
Adkins Engineering and Surveying, 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-14151, Klamath County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT OF APPROPRIATION

Authority

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

Applicant

JOHN ELLIOTT AND LOUDEAN ELLIOTT
18610 TAYLOR RD
KLAMATH FALLS, OR 97603

Findings of Fact

1. On January 23, 2023, JOHN ELLIOTT AND LOUDEAN ELLIOTT filed an application to change the point of appropriation under Certificate 65944. The Department assigned the application number T-14151.
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 June 28, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14151 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 28, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
4. On July 24, 2023, the agent for the applicant submitted a corrected map and table 1 to correct a scrivener's error on the original application.

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.

5. The right to be transferred is as follows:

Certificate: 65944 in the name of GARY D. OREM (perfected under Permit G-9243)
Use: IRRIGATION OF 16.3 ACRES
Priority Date: MARCH 4, 1981
Rate: 89.8 GALLONS PER MINUTE
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: ONE WELL in the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	32	SW NW	50 FEET NORTH AND 720 FEET EAST FROM THE W1/4 CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	32	SW NW	16.3

6. The Department received information from the applicant that describes the location of the authorized point of diversion for Certificate 65944 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	32	SW NW	WELL 1 - 2590 FEET SOUTH AND 720 FEET EAST FROM THE NW CORNER OF SECTION 32

7. Transfer Application T-14151 proposes to move the authorized point of appropriation approximately 25 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	32	SW NW	WELL 2 - 2565 FEET SOUTH AND 730 FEET EAST FROM THE NW CORNER OF SECTION 32

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14151.

10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-14151 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

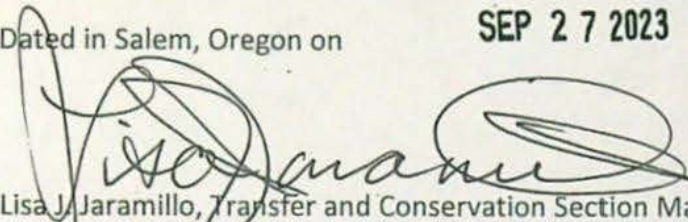
If Transfer Application T-14151 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-14151 is 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 65944 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 point of appropriation.*
4. *Water right Certificate 65944 is cancelled.*
5. *The quantity of water diverted at the new point of appropriation (Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 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 change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

SEP 27 2023



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

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

Protests

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.

GREW Scott A * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Tuesday, September 26, 2023 11:39 AM
To: GREW Scott A * WRD
Cc: MARTIN Duff A * WRD
Subject: PD T-14151, snap 222126
Attachments: PD T-14151.pdf

Hi Scott! (& Nianila?),

This PD has been completed by data without issue!

Thanks & have a great day!

Sheila Buchholz

Data Technician 1

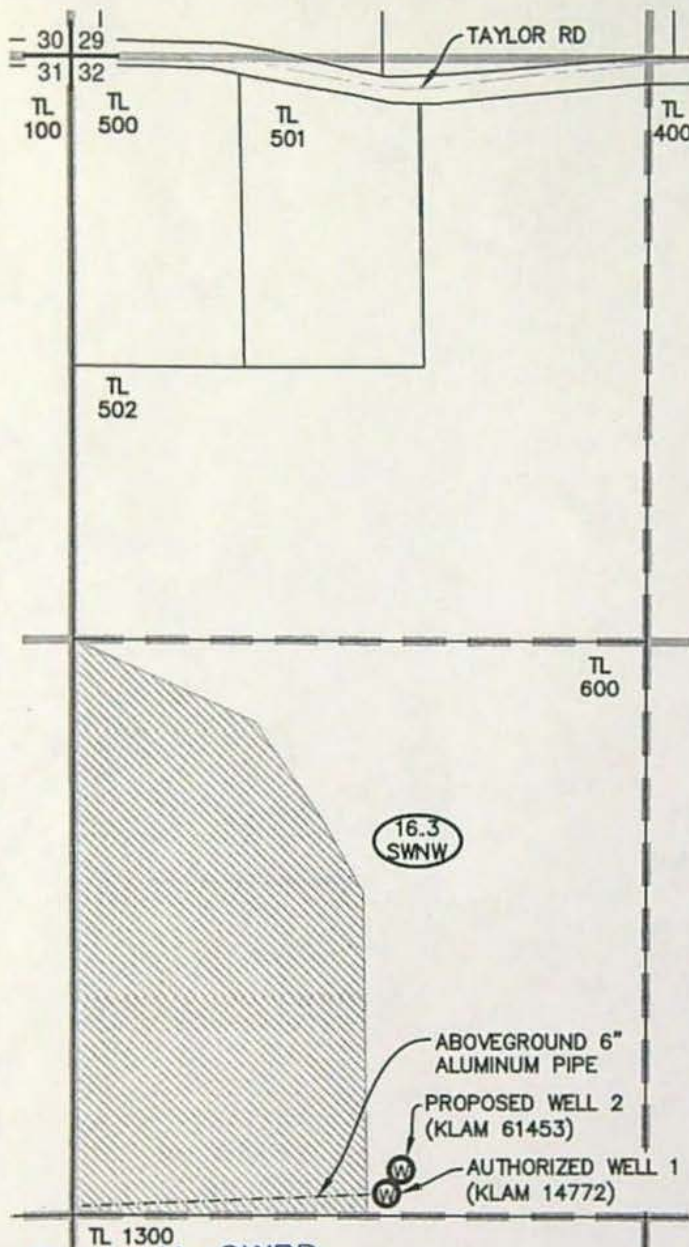
725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

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



LEGEND

	SECTION LINE
	1/4 1/4 LINE
	TAX LOT LINE
	PIPE
	ROAD
	SECTION CORNER
	TAX LOT NUMBER
	POA (WELL)
	CERTIFICATE 65944 TRANSFERRED "TO" LANDS

NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2023 AERIAL PHOTOGRAPHY, KLAMATH COUNTY TAX MAPS, AND OREGON GLO MAPS.

2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

3. DATE OF PRIORITY FOR THIS CERTIFICATE IS MARCH 4, 1981.

WELL LOCATIONS:

AUTHORIZED WELL 1 (KLAM 14772): 2590' SOUTH & 720' EAST FROM THE NORTHWEST CORNER OF SECTION 32.

PROPOSED WELL 2 (KLAM 61453): 2565' SOUTH & 730' EAST FROM THE NORTHWEST CORNER OF SECTION 32.

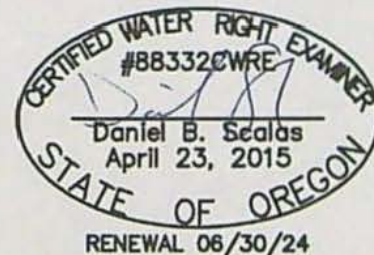
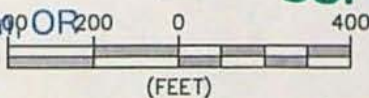
Received by OWRD

JUL 24 2023

Salmon, OR



SUPERSEDING



AL ADKINS
ENGINEERING & SURVEYING

o / 541.884.4666
w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

7/25/2023

ENGINEERING • SURVEYING • PLANNING • TESTING

4055-01

TRANSFER APPLICATION MAP

FOR
JOHN ELLIOTT AND LOUDEAN ELLIOTT
T40S, R11E, SEC. 32, WM
KLAMATH COUNTY, OREGON
CERTIFICATE 65944
APPLICATION G-10195
PERMIT G-9243

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 # 65944

Description of Water Delivery System

System capacity: 0.39 cubic feet per second (cfs)

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 diverted from Well 1 (KLAM 14772) to the west approximately 760' through 6" aluminum mainline pipe. From there, 3" aluminum lateral sprinkler lines are tied into risers located on the mainline approximately every 60'.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 14772	40	S	11	E	32	SW	NW	600	2,590' South & 720' East from the Northwest Corner of Section 32
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	KLAM 61453	40	S	11	E	32	SW	NW	600	2,565' South & 730' East from the Northwest Corner of Section 32

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

- | | |
|--|---|
| <input 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 checked="" 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.

Received by OWRD

JUL 24 2023

SUPERSEDING

Salem, OR

GREW Scott A * WRD

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Monday, July 24, 2023 3:09 PM
To: GREW Scott A * WRD
Cc: jelliott1882@gmail.com; Dan Scalas
Subject: Transfer T-14151 Revisions

You don't often get email from bmckinney@adkinsengineering.com. [Learn why this is important](#)

Hi Scott,

It appears there were two errors in the Permanent Transfer application T-14151 that we submitted for John and Loudean Elliott. On the map, the well location for the Proposed Well 2 (KLAM 61453) should be "2565' south & 730' EAST from the northwest corner of section 32". Also, on page seven of the application the measured distance for Well 2 should say "2565' south & 730' EAST from the northwest corner of section 32". Do you need us to submit a new map and page seven with the corrections?

Thanks,



Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

GREW Scott A * WRD

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Tuesday, August 8, 2023 11:02 AM
To: GREW Scott A * WRD; John Elliott
Cc: Dan Scalas
Subject: RE: Application T-14151 Ownership Report
Attachments: 4055-01 Elliott Certificate 65944 Permanent Transfer Map signed and revised.pdf

Scott,

Attached is the revised transfer map. Please let me know if you need anything else.

Thanks,



Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

From: Bryce McKinney
Sent: Monday, August 7, 2023 11:56 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>; John Elliott <jelliott1882@gmail.com>
Cc: Dan Scalas <DScalas@adkinsengineering.com>
Subject: RE: Application T-14151 Ownership Report

Scott,

Please see the attached amended page 7. We can send you the amended map tomorrow.

Thanks,



Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Friday, August 4, 2023 10:59 AM

To: John Elliott <jelliott1882@gmail.com>

Cc: Bryce McKinney <BMcKinney@adkinsengineering.com>; Dan Scalas <DScalas@adkinsengineering.com>; GREW Scott

A * WRD <Scott.A.GREW@water.oregon.gov>

Subject: RE: Application T-14151 Ownership Report

John,

I have received your Report of Ownership.

Once I receive the amended pages I can move forward on the preliminary determination.

Thank you,
Scott

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

From: John Elliott <jelliott1882@gmail.com>
Sent: Friday, August 4, 2023 7:47 AM
To: GREW Scott A * WRD <scott.a.grew@water.oregon.gov>
Subject: Application T-14151 Ownership Report

Scott,
Attached is the Ownership Report concerning our property.
Please acknowledge receipt.
Thank you for your continued assistance.
John Elliott
541-281-9786

Sent from my iPhone

GREW Scott A * WRD

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Monday, August 7, 2023 11:56 AM
To: GREW Scott A * WRD; John Elliott
Cc: Dan Scalas
Subject: RE: Application T-14151 Ownership Report
Attachments: 4055-01 Elliott Permanent Transfer Application Certificate 65944 - page 7 revised.pdf

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Please see the attached amended page 7. We can send you the amended map tomorrow.

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a / 1435 Esplanade Ave, Klamath Falls, OR 97601
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Subject: Application T-14151 Ownership Report

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John Elliott

541-281-9786

Sent from my iPhone



300 Klamath Ave., Klamath Falls, OR 97601
PHONE (541)883-3401 FAX (541)882-0620

STATUS OF RECORD TITLE

FSBO

August 2, 2023
Title Number: 599231AM
Title Officer: Jenni Addy
Fee: \$200.00

Your Reference No.

We have searched the status of record title as to the following described property:

The SW1/4 NW1/4 of Section 32, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, together with a perpetual right of way and easement for roadway purposes, being 20 feet in width along and parallel with the Westerly boundary of the NW1/4 NW1/4 of Section 32, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Vestee:

John W. Elliott and Loudean Elliott, as Tenants by the Entirety

and dated as of July 13, 2023 at 7:30 a.m.

Received by OWRD

Said property is subject to the following on record matters:

AUG 04 2023

Salem, OR

Tax Information:

Taxes assessed under Code No. 018 Account No. 104862 Map No. 4011-03200-00600
NOTE: The 2022-2023 Taxes: \$3,372.69, are Paid

Taxes assessed under Code No. 018 Account No. 602306 Map No. 4011-03200-00600
NOTE: The 2022-2023 Taxes: \$19.38, are Paid

1. The 2023-2024 Taxes: A lien not yet due or payable.
2. 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.
3. Special Assessment disclosed by the Klamath tax rolls:
For: Fire Patrol Surcharge
4. Special Assessment disclosed by the Klamath tax rolls:
For: Klamath Lake Grazing
5. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Klamath Basin Improvement District.
(No inquiry has been made)

6. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
7. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: State of Oregon Department of Environmental Quality
Recorded: August 23, 1988
Volume: M88, page 13596
8. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$145,000.00
Trustor/Grantor: John W. Elliott and Loudean Elliott
Trustee: First American Title Insurance Company
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Stearns Lending, Inc.
Dated: July 18, 2013
Recorded: July 23, 2013
Instrument No.: 2013-008357

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

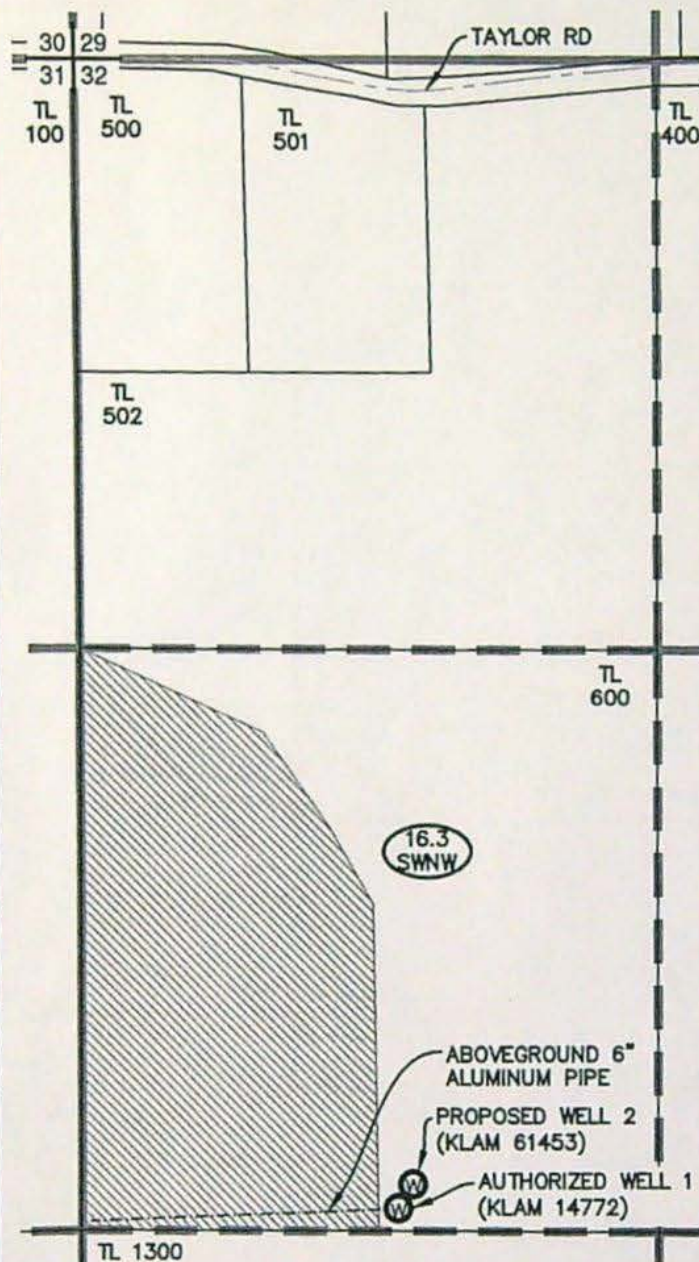
THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

Received by OWRD

AUG 04 2023

Salem, OR



LEGEND

	SECTION LINE
	1/4 1/4 LINE
	TAX LOT LINE
	PIPE
	ROAD
	SECTION CORNER
	TAX LOT NUMBER
	POA (WELL)
	CERTIFICATE 65944 TRANSFERRED "TO" LANDS

NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2023 AERIAL PHOTOGRAPHY, KLAMATH COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
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1/18/2023

4055-01

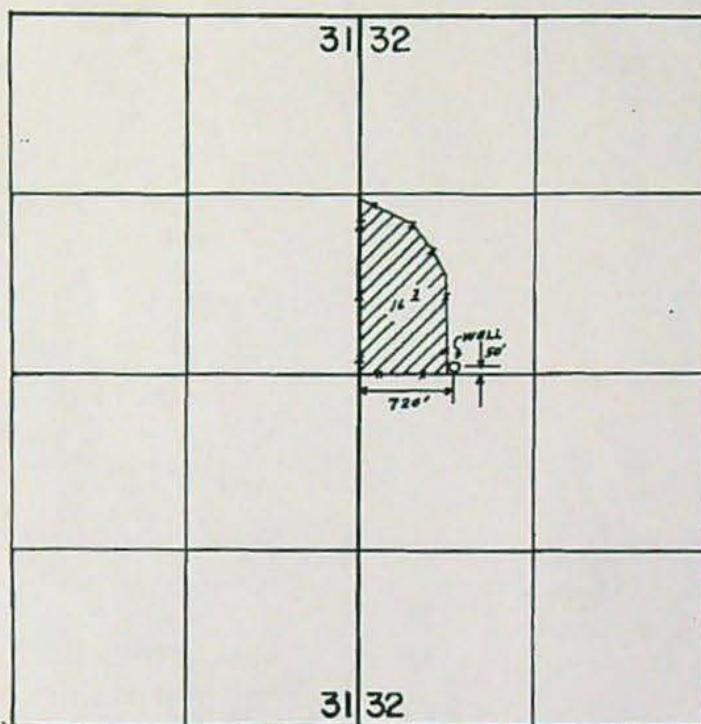
TRANSFER APPLICATION MAP

FOR
JOHN ELLIOTT AND LOUDEAN ELLIOTT
T40S, R11E, SEC. 32, WM
KLAMATH COUNTY, OREGON
CERTIFICATE 65944
APPLICATION G-10195
PERMIT G-9243

10151

65944

T. 40S., R. 11E., W.M.



SCALE: 1"=1320'

FINAL PROOF SURVEY UNDER

Application No. G-10195 Permit No. G-9243.....
IN NAME OF

GARY D. OREM

Surveyed AUG. 18, 1987, by V.L. CHURCH.....

14151

ITS 1987-P6

3-20-87

d.c.

GREW Scott A * WRD

From: John Elliott <jelliott1882@gmail.com>
Sent: Thursday, July 27, 2023 12:59 PM
To: GREW Scott A * WRD
Cc: Dan Scalas; SKILES Tom D * WRD
Subject: Re: T-14151 - Issuance of Draft Preliminary Determination - Action Required!

With the correction of the "TO" location in Item 5 of the Draft Preliminary Determination respecting Application T-14151, which will remove "WEST" and replace it with "EAST", I accept the terms and conditions of the Draft Preliminary Determination. I understand that Bryce McKinney of Adkins Engineering and Scott Grew have coordinated amendments to the Application and maps to correct the location description.

I asked our local title company, Amerititle, to prepare the Ownership Report. They made a copy of OWRD's instructions regarding the preparation of the report. The fee for that has been paid. It should be ready within two weeks and will be forwarded to OWRD promptly following my review.

Please confirm your receipt of this acceptance.

Please contact me at 541-281-9786 should you need any clarification or have any questions.

Thank you for your continued assistance.

John Elliott
Transfer Application T-14151

On Wed, Jun 28, 2023 at 11:47 AM GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov> wrote:

June 28, 2023

VIA E-MAIL

Applicant

JOHN ELLIOTT AND LOUDEAN ELLIOTT

18610 TAYLOR RD

KLAMATH FALLS, OR 97603

Reference: Water Right Transfer Application T-14151

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-14151. 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 July 28, 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 July 28, 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).



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

June 28, 2023

VIA E-MAIL

Applicant

JOHN ELLIOTT AND

LOUDEAN ELLIOT

18610 TAYLOR RD

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

Conditions of your water right...

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

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

What happens next...

Once the preliminary determination is issued a publication period is required. 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 July 28, 2023, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14151
Garrett Steensland, District 17 Watermaster *(via e-mail)*
Adkins Engineering And Surveying, Agent for the applicant *(via e-mail)*

encs

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14151

Review Due Date:

Applicant Name: John Elliott and Loudean Elliot

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

Reviewer(s): Garrett Steensland

Date of Review: 04/11/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", answer the following:

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

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

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

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

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

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

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

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

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

☒ Yes ☐ No If "Yes", explain:

Applicant appears to propose moving all use to this POA with well that has deeper bottom. Would look to groundwater review to see if it impacts groundwater similar to original POA.

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

Please see groundwater review, and add totalizing flowmeter to new POA.

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14151



In order to avoid enlargement of the right or injury to other rights, a **totalizing flowmeter** 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: Garrett Steensland

District: 17

Address: 3125 Crosby Ave

City/State/Zip: Klamath Falls, OR 97601

Phone: 541-883-4182

Email: garrett.m.steensland@water.oregon.gov

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14151

GW Reviewer Grayson Fish Date Review Completed: 4/23/2023

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

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

Application: T-14151

Applicant Name: John and Loudean Elliott

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

Reviewer(s): Grayson Fish

Date of Review: 4/24/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 4/24/23

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

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

1. Basic description of the changes proposed in this transfer: The applicant's previous authorized POA "Well 1" (KLAM 14772) associated with Certificate 65944 has gone dry. The applicant seeks to change the authorized POA to proposed POA "Well 2" (KLAM 61453). No POU changes are proposed.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Both authorized POA "Well 1" (KLAM 14772) and proposed POA "Well 2" (KLAM 61453) extend into Tertiary volcanics of the Winema Volcanic Field.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☐ Yes ☒ No Comments: The proposed POA "Well 2" is approximately 25' feet away from the authorized POA "Well 1". No change in interference with other water rights is expected.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☐ No If yes, explain: _____

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

☐ Yes ☒ No Comments: The proposed POA "Well 2" is approximately 25' feet away from the authorized POA "Well 1". No change in interference with another surface water source is expected.

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

Stream: _____ ☐ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

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

☐ Yes ☐ No Comments: N/A

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

8. Any additional comments: _____

T-14151





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 25, 2023

JOHN & LOUDEAN ELLIOTT
18610 TAYLOR RD
KLAMATH FALLS, OR 97603

Reference: Application T-14151

On January 23, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Receipt number 139952 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be as the original POD

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 from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

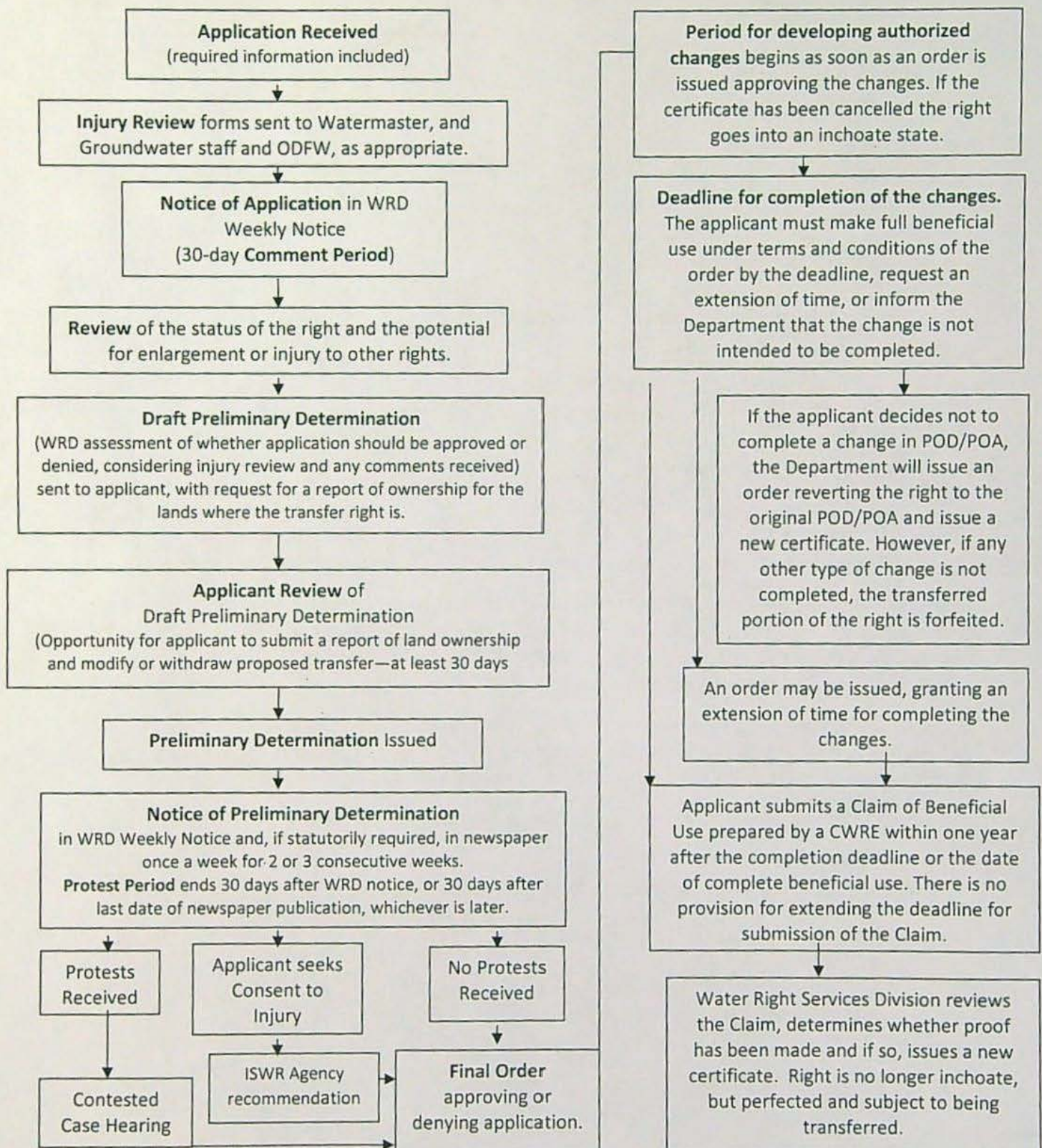
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #17, Danette M. Watson (*via email*)
Klamath County
Adkins Engineering and Surveying, Agent
Irrigation District: Klamath Basin & Ann Reece (if in District)

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 # **139952**

INVOICE # _____

RECEIVED FROM: John W Elliott
BY: Quinn L Elliott

APPLICATION	
PERMIT	
TRANSFER	<u>T-14151</u>

CASH: ☐ CHECK: # 3116 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1840.00

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 46110
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	<u>\$1,840.00</u>	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219 \$ _____
	LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

**RECEIVED
OVER THE COUNTER**

RECEIPT: **139952** DATED: 1-23-2003 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.

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.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 65944**
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: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

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 checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	\$0
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in line 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 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 checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (4a)</u> Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter »	4	\$480
	Do you propose to change the place of use or character of use? <input checked="" 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 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 \$410, then enter on line 5 »		
5		5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,840
	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	\$1,840

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 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 ac x 0.0125 cfs/ac = 0.56 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*).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME John Elliott and Loudean Elliott		PHONE NO. 541-281-9786	ADDITIONAL CONTACT NO.
ADDRESS 18610 Taylor Rd.			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL jelliott1882@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Adkins Engineering & Surveying, Inc.		PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.
ADDRESS 1435 Esplanade Ave.			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL dscalas@adkinsengineering.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
The applicant's authorized well (KLAM 14772) has recently run dry. The applicant is proposing to transfer all of the authorized place of use to the new well (KLAM 61453) located approximately 25' northeast of the authorized well.

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

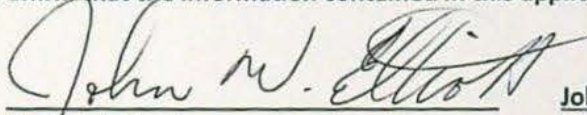
Check One Box

- ☒ 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.

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: Herald and News.
- 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.

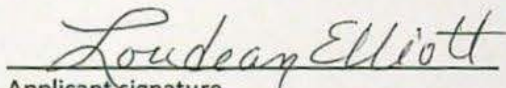
I (we) affirm that the information contained in this application is true and accurate.


Applicant signature

John Elliott - Owner

Print Name (and Title if applicable)

1/19/2023
Date


Applicant signature

Loudean Elliott - Owner

Print Name (and Title if applicable)

1/19/2023
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*

Check the following boxes that apply:

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

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

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

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

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

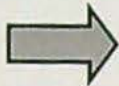
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME Klamath Basin Irrigation District	ADDRESS 6640 Kid Ln.	
CITY Klamath Falls	STATE OR	ZIP 97603

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Klamath County	ADDRESS 305 Main St.	
CITY Klamath Falls	STATE OR	ZIP 97601

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 # 65944

Description of Water Delivery System

System capacity: 0.39 cubic feet per second (cfs)

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 diverted from Well 1 (KLAM 14772) to the west approximately 760' through 6" aluminum mainline pipe. From there, 3" aluminum lateral sprinkler lines are tied into risers located on the mainline approximately every 60'.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 14772	40 S	11 E	32	SW NW	600	2,590' South & 720' East from the Northwest Corner of Section 32
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	KLAM 61453	40 S	11 E	32	SW NW	600	2,565' South & 730' West from the Northwest Corner of Section 32

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

- | | |
|--|---|
| <input 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 checked="" 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.

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 # 65944

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POA	40	S	11	E 32 SW NW	600		16.3	Primary Irrigation	Well 2	1981		
TOTAL ACRES:												TOTAL ACRES:						16.3				

Additional remarks: _____.

14151

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: **KA 1000.**



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 # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY D. OREM
HC 62 BOX 18
MERRILL, OREGON 97633

confirms the right to use the waters of ONE WELL in the LOST RIVER BASIN for the purpose of IRRIGATING 16.3 ACRES.

The right has been perfected under Permit G-9243. The date of priority is MARCH 4, 1981. The right is limited to not more than 89.8 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 NW 1/4, SECTION 32, T 40 S, R 11 E, W.M.; 50 FEET NORTH AND 720 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 32.

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.

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

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

SW 1/4 NW 1/4, 16.3 ACRES
SECTION 32
TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

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 JUNE 10, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 65944.

G-10195.LLC

Pump Capacity Calculation Sheet

using Department designed formula:

Date: 1/13/2023

Well 1

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 20
Efficiency = 7.04 (submersible)
Lift = 133
PSI = 90

Results Calculated

$(hp)(\text{efficiency}) = 140.8$
Head based on psi = 228.6
Total dynamic head = 361.6
(head + lift)

Pump Capacity = 0.39 cubic feet per second

(2a) PRE-ALTERATION









































[illegible]

(5) BORE HOLE CONSTRUCTION

BORE HOLE			SEAL				sacks/
Dia	From	To	Material	From	To	Amt	lbs
					Calculated		
					Calculated		
					Calculated		
					Calculated		

FILTER PACK			
From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
									
									
									
									

(7) PERFORATIONS/SCREENS

[illegible]

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

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

Water Quality Concerns

[illegible]

(10) STATIC WATER LEVEL

[illegible]

(11) WELL LOG

[illegible]

Comments/Remarks

This is a replacement irrigation well as the original one had to many issues to be able and deepen. I have attached the water right info. The system would not accept the information in (4b) Water Rights. I will be charged the \$300 fee but I feel it should be removed as this will be the well for the existing certificate.

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

KLAM 61453

9/22/2022

Map of Hole

STATE OF OREGON WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department

725 Summer St NE, Salem OR 97301
(503)986-0900



LOCATION OF WELL

Latitude: 42.04627900 Datum: WGS84

Longitude: -121.55830400

Township/Range/Section/Quarter-Quarter Section:

WM40.00S11.00E32SWNW

Address of Well:

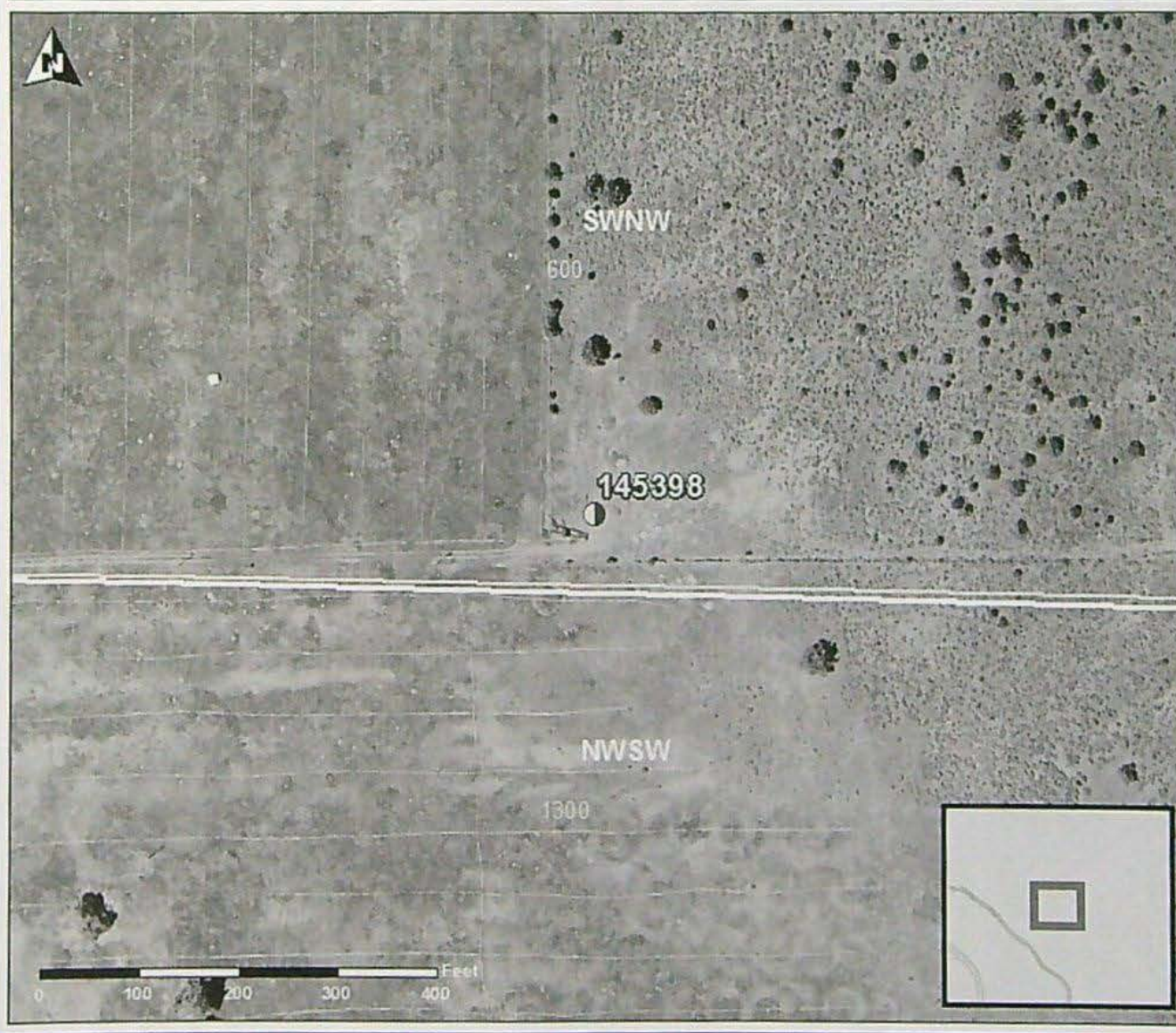
18610 TAYLOR RD., KLAMATH FALLS, OR 97603

Well Label: 145398

Printed: September 13, 2022

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



14151

9/22/2022

Map of Hole

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY D. OREM
HC 62 BOX 18
MERRILL, OREGON 97633

confirms the right to use the waters of ONE WELL in the LOST RIVER BASIN for the purpose of IRRIGATING 16.3 ACRES.

The right has been perfected under Permit G-9243. The date of priority is MARCH 4, 1981. The right is limited to not more than 89.8 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

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

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

SW 1/4 NW 1/4, 16.3 ACRES
SECTION 32
TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

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 JUNE 10, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 65944.

G-10195.LLC

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WATER SUPPLY WELL REPORT - continuation page

KLAM 61453

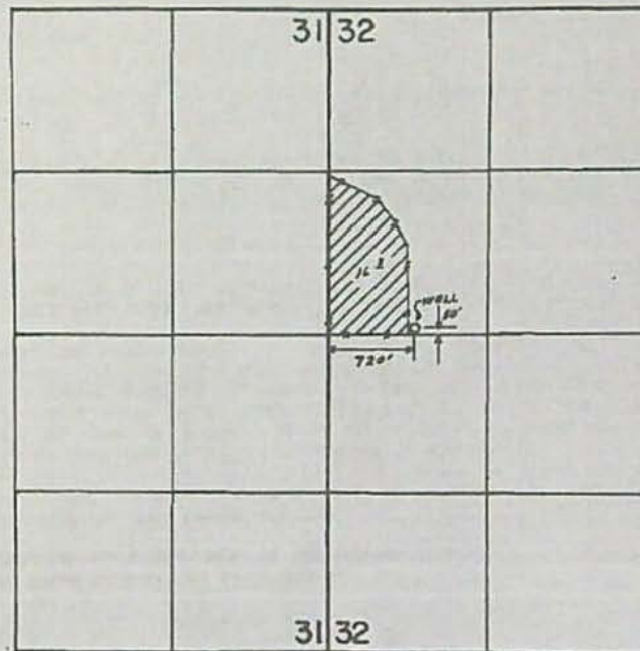
9/22/2022

Map of Hole

6-7442

65944

T. 40S., R. 11E., W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

 Application No. G-10195 Permit No. G-9243
 IN NAME OF

GARY D. OREM

Surveyed AUG. 18, 1987, by V.L. CHURCH

14151

 3-20-87
 ITS 1987-P6 ddc

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

State Well No.

APR 29 1977

State Permit No.

WATER RESOURCES DEPT.

(1) OWNER:

Name Mr Gary Orem
Address Merrill, Oregon 97633

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

10" Diam. from 0 ft. to 20 ft. Gage 250
" Diam. from " ft. to " ft. Gage "
" Diam. from " ft. to " ft. Gage "

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

d: gal./min. with ft. drawdown after hrs.
Air Lifted from 250 feet approx 400 G.P.M.
" for two hours "

Ballor test gal./min. with " drawdown after " hrs.

Artesian flow g.p.m.

Temperature of water 72 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in. for 80 feet to 260
Number of sacks of cement used in well seal 8 3/4 sacks
Number of sacks of bentonite used in well seal
Brand name of bentonite
Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.
Was a drive shoe used? ☐ Yes ☒ No Plug Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Klamath Driller's well number
SW 1/4 NW 1/4 Section 32 T. 40S R. 11E W.M.

Bearing and distance from section or subdivision corner Approx
750 feet west and 2500 feet south of the
N.W. corner of S 32 T 40S R 11E

(11) WATER LEVEL: Completed well.

Depth at which water was first found 150 ft.
Static level 133 ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 10 inch for 80 feet
Depth drilled 260 ft. Depth of completed well 260 ft.

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

MATERIAL	From	To	SWL
Top soil	0	1	
Brown lava	1	80	
Brown lava conglomerate	80	100	
Brown grey lava	100	150	
Crevice in lava	150	151	133
Grey an brown lava	150	240	
Broken lava all colors	240	260	133

Work started February 19 Completed March 1977
Date well drilling machine moved off of well March 19 77

Drilling Machine Operator's Certification:

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

[Signed] James T. Woody Date 3/20, 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1012

Water Well Contractor's Certification:

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

Name Wilson Drilling Contractor Inc.
(Person, firm or corporation) (Type or print)

Address P.O. Box 136, Merrill, Oregon 97633

[Signed] Walter L. Wilson
(Water Well Contractor)

Contractor's License No. 169 Date 3/20/1977

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45856-119

14151

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of KLAMATH

I, JOHN ELLIOTT, in my capacity as OWNER,

mailing address 18610 TAYLOR RD., KLAMATH FALLS, OR 97603

telephone number (541) 281-9786, 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 # 65944; 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)

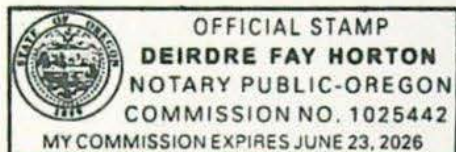
3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE

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

John W. Elliott
Signature of Affiant

1/19/2023
Date

Signed and sworn to (or affirmed) before me this 19 day of January 2023.



Deirdre Horton
Notary Public for Oregon

My Commission Expires: June 23, 2026

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

Date: July 5, 2018



14151

Land Use Information Form



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

Applicant(s): John Elliott and Loudean Elliott

Mailing Address: 18610 Taylor Rd.

City: Klamath Falls

State: OR

Zip Code: 97603

Daytime Phone: 541-281-9786

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>40S</u>	<u>11E</u>	<u>32</u>	<u>SW NW</u>	<u>600</u>	<u>Forestry/Range</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Primary Irrigation</u>

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

Merrill, Klamath County, Oregon

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.20 ☒ 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:

The applicant's authorized well (KLAM 14772) has recently run dry. The applicant is proposing to transfer all of the authorized place of use to the new well (KLAM 61453) located approximately 25' northeast of the authorized well.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

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

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

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

Name: Erik Nobels Title: Planning Dir
 Signature: [Signature] Phone: 541-851-5640 Date: 1-18-2023
 Government Entity: Klamath County

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

Receipt for Request for Land Use Information

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



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

Ownership Update for Certificated Rights Only

NO FEES ARE REQUIRED TO SUBMIT THIS FORM

NOTICE: A certificate of water right typically stays with the land. To track water right ownership, the Department requests that this form be submitted to the Department. To update multiple rights, a separate form is required for each right. If you have any questions about this form, please contact your local watermaster, or call the Water Resources Department at (503) 986-0900.

Note: Use the assignment form to change ownership on pending applications, permits, transfers, groundwater registrations, or limited licenses.

Current Landowner Information				
Name:	John Elliott and Loudean Elliott			
Mailing Address:	18610 Taylor Rd.			
City:	Klamath Falls	State:	OR	Zip: 97603
Phone:	541-281-9786	Email:	jelliott1882@gmail.com	

Property Information				
County:	Klamath	Township:	40S	Range: 11E
Tax Lot #:	600	Section:	32	
Street Address of Water Right:	18610 Taylor Rd., Klamath Falls, OR 97603			
Water Right Information				
Application:	G-10195			
Permit:	G-9243			
Certificate:	65944			
Are all the lands associated with this water right owned by the requestor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
(If no, include a map showing the portion of the water right involved)				

Signature and Date		
Name of individual completing form:	John Elliott	
Phone or email:	541-281-9786 / jelliott1882@gmail.com	Date: 1/19/2023
Signature of requestor:		

The Department does not change names on water right certificates. This form will be placed in the file for future reference only. If mailed, the Department will not provide acknowledgment of receipt.

This form can be mailed to the address above or sent by email to wrd_dl_customerservice@water.oregon.gov

Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]



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

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

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

1. APPLICANT INFORMATION

NAME JOHN ELLIOTT AND LOUDEAN ELLIOTT			PHONE (HM)	
PHONE (WK) 541-281-9786		CELL		FAX
ADDRESS 18610 TAYLOR RD.				
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL** JELLIOTT1882@GMAIL.COM	

2. DISTRICT or WATER SUPPLIER INFORMATION

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

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.	G-10195	G-9243	65944	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

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

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

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

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

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

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

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

COMMENTS OR ADDITIONAL INFORMATION

4. APPLICANT'S SIGNATURE

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

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

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

John W. Elliott John W. Elliott 1/19/2023
Applicant Signature Name (print) Date

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

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

The district/water supplier certifies the following:

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

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

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

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

Gene R. Souza Gene R. Souza 17 Jan 2023
Signature of District Manager /Water Supplier Name (print), Title Date



RECEIVED

JAN 23 2023

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: John and Laureen Elliott
18610 Taylor Rd. Blomath Falls, OR 97603

Transaction Type: Transfer Application

Fees Received: \$ 1840.00

☐ Cash

☒ Check:

Check No. 3118

Name(s) on Check: John and Laureen Elliott

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by:

Dante Luong

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

14151



Letter of Transmittal

To: OWRD

Date: January 20, 2023

RE: Transfer Cert. 65944

We are sending you:

- ☒ Attached
☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Pay
Requests
☐ Specifications ☐ Submittals ☐ Change orders ☐ Sign & Return ☐ Other

Copies	Date	Description
1	1/19/23	Application for Permanent Transfer Cert# 65944

These are transmitted as checked below:

- ☒ For approval
☒ For your use
☐ As requested
☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections

Sincerely,

A handwritten signature in blue ink that reads 'Deirdre Horton'.

Deirdre Horton
Front Office Manager

CC: 4055-01
Delivered via: UPS

Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T-

Checked by <u>Dante</u>	Type of Change(s) Proposed: <u>NO</u> other changes allowed other than those listed	
Date _____		
Fee Received: \$1840	<input type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input checked="" type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$1840		How many rights to be Transferred? <u>1</u>
Deficiencies and Observations: Under an Irrigation district for KA 1000		Certificate #(s) <u>65944</u>

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 Klamath Basin Irrigation 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

14151

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	