

T-14153

T-14153

Regular

Name Kirby W. + Shannon D. IsaacAddress 38098 Hwy 20 E
Burns, OR 97720
Kirbyisaac1977@gmail.comChange in POU APOA POADate Filed 1-23-2023Initial notice date 1-31-2023

DPD issued date _____

PD issued date 11/19/2024PD notice date 11/26/2024Date of FO 1/8/2025 Vol 133 Page 671-675

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Well
WellTrib. of Cow creek
Mortimer CanyonUse Irrigation County Harney

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

Name of ditch _____

App# G10087 Per # G9199 Cert # C-62483 PR Date 1-18-1981App# G8880 Per # G8430 Cert # C-96679 PR Date 7-3-1978

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

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

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

FEES PAID

Date 1/23/23 Amount \$4,360.00 Receipt # 139975

FEES REFUNDED

Date _____ Amount _____ Receipt # _____

Assignments: _____

Irrigation District _____

Agent John Short / water right services - johnshort@usa.comCWRE Harney County

CC's list _____

☐ - Oversized map - Location _____

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14153

Transfer Specialist: *Jon*

Transfer Type: Regular Transfer

Applicant: KIRBY W. & SHANNON D. ISAAC 38098 HWY 20 E BURNS, OR 97720 Email: _____ Phone: _____		Agent: ☐ N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A County Of Harney planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G10087	G 9199	62483	☐ Yes ☒ No	
☐	G 8880	G8430	96679	☐ Yes ☒ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: January 23, 2023	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 4360.00	WM District: 10	ODFW District:
Initial Public Notice: January 31, 2023	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>10/26/23</i> Initials: <i>Jon</i>	Date: <i>10/26/23</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: <i>9/15/24</i> Initials: <i>Jon</i>	Date: <i>9/15/24</i> Initials: <i>Kim</i>	Date: <i>10/29/24</i> Initials: <i>Samah</i>	Date: <i>10/29/24</i> Initials: <i>Samah</i>	Date: <i>10/29/24</i> Initials: <i>Jon</i>	Date: <i>10/31/24</i>	Date: <i>11/8/24</i>
FO	Date: <i>1/20/24</i> Initials: <i>Jon</i>	Date: <i>1/25/24</i> Initials: <i>Kim</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: <i>1/8/25</i>

Special Issues: _____

10/29/24 / Data Entry

Special Order Volume: Vol. 133 Pages 671-675



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 8, 2025

Kirby W. and Shannon Isaac
38098 Hwy 20 E
Burns, OR 97720

REFERENCE: Transfer Application T-14153

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, Joan Smith, by telephone at (503) 979-3511 or by e-mail at Joan.M.Smith@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Donald (dally) S. Swindlehurst, Watermaster Dist. # 10 (via email)
John A. Short, Agent
County of Harney Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14153, Harney County	)	ADDITIONAL POINT OF APPROPRIATION,
	)	A CHANGE IN PLACES OF USE, AND 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

KIRBY W. ISAAC
SHANNON D. ISAAC
38098 HWY 20 E
BURNS, OR 97720

Findings of Fact

1. On January 23, 2023, KIRBY W. ISAAC AND SHANNON D. ISAAC, filed an application for an additional point of appropriation and to change the place of use under Certificate 62483 and to change the point of appropriation and place of use under Certificate 96679. The Department assigned the application number T-14153.
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 November 19, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-14153 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 26, 2024, and in the Burns Times Herald newspaper on November 27 and December 4, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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

4. On October 31, 2023, Special Order Volume 129, Page 264, was approved for Temporary Transfer T-14152. Temporary Transfer T-14152 will need to be cancelled prior to or simultaneous with issuance of a Final Order for T-14153, as it involves all the lands involved in this Transfer Application.
5. On July 1, 2024, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-14153. The draft Preliminary Determination cover letter set forth a deadline of August 1, 2024, 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.
6. On September 10, 2024, the agent for the applicants requested the completion date of October 1, 2029, to allow extra time to complete the changes and install meters. The Department granted the longer time for completion per OAR 690-380-5140 (3).
7. The first right to be transferred is as follows:

Certificate: 62483 in the name of LARRY AND DONNA ROOT (perfected under Permit G-9199)

Use: IRRIGATING 80.0 ACRES

Priority Date: JANUARY 8, 1981

Rate: 0.70 CUBIC FOOT PER SECOND

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

Source: A WELL in the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32.5 E	WM	4	NW NE	2	ON WELL #1 - 1010 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NE NE	1	38.7
23 S	32.5 E	WM	4	NW NE	2	16.5
23 S	32.5 E	WM	4	SE NE		24.8
Total						80.0

8. Transfer Application T-14153 proposes an additional point of appropriation approximately 0.54 mile west from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	32.5 E	WM	4	SE NW	ON WELL #2 - 270 FEET NORTH AND 1320 FEET WEST FROM THE CENTER OF SECTION 4

9. Transfer Application T-14153 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NE NE	1	15.5
23 S	32.5 E	WM	4	NW NE	2	4.8
23 S	32.5 E	WM	4	SW NE		30.3
23 S	32.5 E	WM	4	SE NE		29.4
Total						80.0

10. The second right to be transferred is described as follows:

Certificate: 96679 in the name of JOHN R. PICKETT and SANDRA L. PICKETT (perfected under Permit G-8430)

Use: IRRIGATION OF 37.5 ACRES

Priority Date: JULY 3, 1978

Rate: 0.47 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: A WELL

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32.5 E	WM	4	NW NW	4	WELL "OFF" - 700 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NW NW	4	37.5

11. Transfer Application T-14153 proposes to move the authorized point of appropriation approximately between 0.33 and 0.6 mile west from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32.5 E	WM	4	NW NE	2	ON WELL #1 - 1010 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER OF SECTION 4
23 S	32.5 E	WM	4	SE NW		ON WELL #2 - 270 FEET NORTH AND 1320 FEET WEST FROM THE CENTER OF SECTION 4

12. Transfer Application T-14153 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NE NE	1	12.2
23 S	32.5 E	WM	4	NW NE	2	25.3
Total						37.5

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2200]

13. Water has been used within the last five years prior to the submittal of Transfer Application T-14153 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14153.
15. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
16. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
17. The proposed changes, as conditioned, would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other existing water rights.
19. All other application requirements are met.

Conclusions of Law

The change in point of appropriation, additional point of appropriation, and change in places of use proposed in Transfer Application T-14153 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

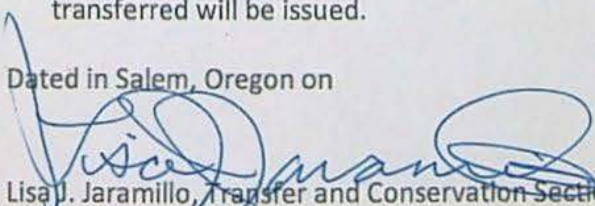
Now, therefore it is ORDERED:

1. The change in point of appropriation, additional point of appropriation, and change in places of use proposed in Transfer Application T-14153 are approved.
2. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 62483, 96679, 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 points of appropriation or the new places of use.
4. Water right Certificates 62483 and 96679 are cancelled.
5. Under Certificate 96679, the quantity of water diverted at the new points of appropriation (ON WELL #1 and ON WELL #2), shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL "OFF").
6. Under Certificate 62483, the quantity of water diverted at the new additional point of appropriation (ON WELL #2) together with that diverted at the original point of appropriation (ON WELL #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (ON WELL #1).
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. The former places of use of the transferred rights shall no longer receive water under the rights.
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - 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.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

JAN 08 2025


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

Mailing date: JAN 09 2025

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **144187** 725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172 INVOICE # _____
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: <u>Kirby W Isaac</u>	APPLICATION
BY: <u>Shannon D Isaac</u>	PERMIT
CASH: ☐	TRANSFER <u>T-14153</u>
CHECK: # <u>4127</u> ☒	TOTAL REC'D \$ <u>316.80</u>
OTHER: (IDENTIFY) ☐	

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>46118</u>	\$
<u>0207</u> OTHER: (IDENTIFY) <u>Newspaper Notice</u>	\$ <u>316.80</u>
0243 I/S Lease _____	
0244 Muni Water Mgmt. Plan _____	
0245 Cons. Water _____	

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY) _____		\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **144187** DATED: 11-14-24 BY: [Signature]
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Attached is a check in the amount of \$316.80 (PCA #46118) for Newspaper Notice for Transfer T-14153 made out to Oregon Water Resources Department (or WRD)

- "for T- 14153 NOTICE" written on front of check

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

Caseworker: Joan Smith

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-14153

T-14153 filed by Kirby W. Isaac and Shannon D. Isaac, 38098 HWY 20 E, Burns, OR 97720, proposes an additional point of appropriation and a change in place of use under Certificate 62483, to change the point of appropriation and place of use under Certificate 96679. Certificate 62483 allows the use of 0.7 cubic foot per second (cfs) from a well in Sec. 4, T23S, R32.5E, WM for irrigation in Sec. 4, T23S, R32.5E, WM. The applicant proposes an additional point of appropriation within Sec. 4, T23S, R32.5E, WM and to change the place of use within Sec. 4, T23S, R32.5E, WM. Certificate 96679 allows the use of 0.47 cfs from a well in Sec. 4, T23S, R32.5E, WM, for irrigation in Sec. 4, T23S, R32.5E, WM. The applicant proposes to move the well within Sec. 4, T23S, R32.5E, WM, and to change the place of use within Sec. 4, T23S, R32.5E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 12/04/2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary deter-

mination.

Publish Nov 27 and Dec 4, 2024

BURNS TIMES-HERALD

355 N. Broadway, Burns, Oregon 97720

AFFIDAVIT OF PUBLICATION

Received

DEC 09 2024

OWRD

STATE OF OREGON

(
(S.S.

County of Harney

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

Public Notice: T-14153 Kirby & Shannon Isaac

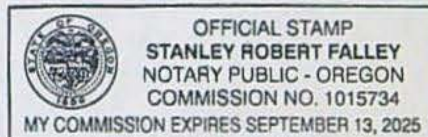
a printed copy of which is hereto annexed, was published in the said newspaper for

2 successive and consecutive weeks in the following issues:
Dates of Publication: 27th November & 4th December 2024

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

Subscribed and sworn before me this 4 day of Dec 2024.

Stanley Robert Falley
Notary Public for Oregon



No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 24

Clerk

Deputy

From the Office of _____

Attorney for _____



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

November 19, 2024

VIA CERTIFIED MAIL AND E-MAIL

KIRBY W. ISAAC
SHANNON D. ISAAC
38098 HWY 20 E
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-14153

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14153. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov, if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14153, Harney County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF APPROPRIATION,
	)	A CHANGE IN PLACES OF USE, AND 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

KIRBY W. ISAAC
SHANNON D. ISAAC
38098 HWY 20 E
BURNS, OR 97720

Findings of Fact

1. On January 23, 2023, KIRBY W. ISAAC AND SHANNON D. ISAAC, filed an application for an additional point of appropriation and to change the place of use under Certificate 62483 and to change the point of appropriation and place of use under Certificate 96679. The Department assigned the application number T-14153.
2. Notice of the application for transfer was published on January 31, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 31, 2023, Special Order Volume 129, Page 264, was approved for Temporary Transfer T-14152. Temporary Transfer T-14152 will need to be cancelled prior to or simultaneous with issuance of a Final Order for T-14153, as it involves all the lands involved in this Transfer 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.

4. On July 1, 2024, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-14153. The draft Preliminary Determination cover letter set forth a deadline of August 1, 2024, 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.
5. On September 10, 2024, the agent for the applicants requested the completion date of October 1, 2029, to allow extra time to complete the changes and install meters. The Department granted the longer time for completion per OAR 690-380-5140 (3).
6. The first right to be transferred is as follows:

Certificate: 62483 in the name of LARRY AND DONNA ROOT (perfected under Permit G-9199)

Use: IRRIGATING 80.0 ACRES

Priority Date: JANUARY 8, 1981

Rate: 0.70 CUBIC FOOT PER SECOND

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

Source: A WELL in the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32.5 E	WM	4	NW NE	2	ON WELL #1 - 1010 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NE NE	1	38.7
23 S	32.5 E	WM	4	NW NE	2	16.5
23 S	32.5 E	WM	4	SE NE		24.8
Total						80.0

7. Transfer Application T-14153 proposes an additional point of appropriation approximately 0.54 mile west from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	32.5 E	WM	4	SE NW	ON WELL #2 - 270 FEET NORTH AND 1320 FEET WEST FROM THE CENTER OF SECTION 4

8. Transfer Application T-14153 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NE NE	1	15.5
23 S	32.5 E	WM	4	NW NE	2	4.8
23 S	32.5 E	WM	4	SW NE		30.3
23 S	32.5 E	WM	4	SE NE		29.4
Total						80.0

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

Certificate: 96679 in the name of JOHN R. PICKETT and SANDRA L. PICKETT (perfected under Permit G-8430)
Use: IRRIGATION OF 37.5 ACRES
Priority Date: JULY 3, 1978
Rate: 0.47 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Source: A WELL

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32.5 E	WM	4	NW NW	4	WELL "OFF" - 700 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NW NW	4	37.5

10. Transfer Application T-14153 proposes to move the authorized point of appropriation approximately between 0.33 and 0.6 mile west from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32.5 E	WM	4	NW NE	2	ON WELL #1 - 1010 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER OF SECTION 4
23 S	32.5 E	WM	4	SE NW		ON WELL #2 - 270 FEET NORTH AND 1320 FEET WEST FROM THE CENTER OF SECTION 4

11. Transfer Application T-14153 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NE NE	1	12.2
23 S	32.5 E	WM	4	NW NE	2	25.3
Total						37.5

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2200]

12. Water has been used within the last five years prior to the submittal of Transfer Application T-14153 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14153.
14. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
16. The proposed changes, as conditioned, would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other existing water rights.
18. All other application requirements are met.

Determination and Proposed Action

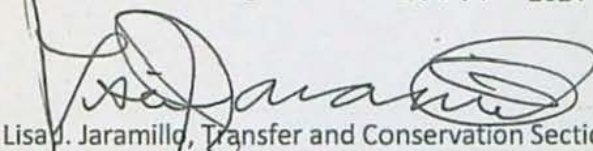
The change in point of appropriation, additional point of appropriation, and change in places of use proposed in Transfer Application T-14153 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14153 is approved, the final order will include the following:

1. *The change in point of appropriation, additional point of appropriation, and change in places of use proposed in Transfer Application T-14153 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 62483, 96679, 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 points of appropriation or the new places of use.*
4. *Water right Certificates 62483 and 96679 are cancelled.*
5. *Under Certificate 96679, the quantity of water diverted at the new points of appropriation (ON WELL #1 and ON WELL #2), shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL "OFF").*

6. Under Certificate 62483, the quantity of water diverted at the new additional point of appropriation (ON WELL #2) together with that diverted at the original point of appropriation (ON WELL #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (ON WELL #1).
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. The former places of use of the transferred rights shall no longer receive water under the rights.
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - 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.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **NOV 19 - 2024**



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

This Preliminary Determination was prepared by Joan Smith, if you have questions regarding the information in this document you may contact me at Joan.M.Smith@water.oregon.gov

Protests

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

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

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

Requests for Standing

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

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

- The requester's name, mailing address and telephone number;

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

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

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

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

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

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

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

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

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14153

GW Reviewer Darrick E. Boschmann Date Review Completed: 10/03/2023

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-14153

Applicant Name: Kirby & Shannon Isaac

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 10/03/2023

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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

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

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

This application is related to certificate 62483 and certificate 96679.

Certificate 62483 authorizes groundwater pumping from one well (POD 1 = HARN 633) for primary irrigation of 80.0 acres in the Malheur Lake Basin. The following changes are proposed:

1. Add one APOA (HARN 52924) within the same section.
2. Rearrange the POU within the same section.

Certificate 96679 authorizes groundwater pumping from one well (POD 1 = HARN 635) for primary irrigation of 37.5 acres in the Malheur Lake Basin. The following changes are proposed:

1. Add two APOA (HARN 633; HARN 52924) within the same section.
2. Rearrange the POU within the same section.

Note: this application appears to be identical to temporary transfer application T-14152.

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

☒ Yes ☐ No Comments: The authorized and proposed wells develop groundwater occurring in the Younger basin fill and Older basin fill hydrostratigraphic units. Groundwater occurs in multiple hydrostratigraphic units, and groundwater within these units is hydraulically connected, making a single groundwater system composed of multiple hydrostratigraphic units (Gingerich and others, 2022).

In general, groundwater in the Harney Basin flows from several upland recharge areas to a common discharge area near Malheur and Harney Lakes, with some apparent discharge to the Malheur Basin through one area along the eastern margin. While the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system depending on groundwater flow-paths from recharge to discharge areas. In general, within these sub-watersheds water within the aquifer system is sourced from a common recharge area and can therefore be considered a single source. The currently authorized wells and the proposed wells are all within the northern part of Harney Valley and are located along groundwater flow paths flowing southward toward Malheur Lake.

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

☐ Yes ☒ No _____

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

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

☒ Yes ☐ No Comments: The proposed APOA are located up to approximately 0.5 miles east, southwest, and southeast of the currently authorized wells. This will result in an incremental increase in interference with wells in those directions.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: _____

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

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

☐ Yes ☒ No Comments: The proposed APOA are not located significantly closer to perennial reaches of surface water than the currently authorized wells.

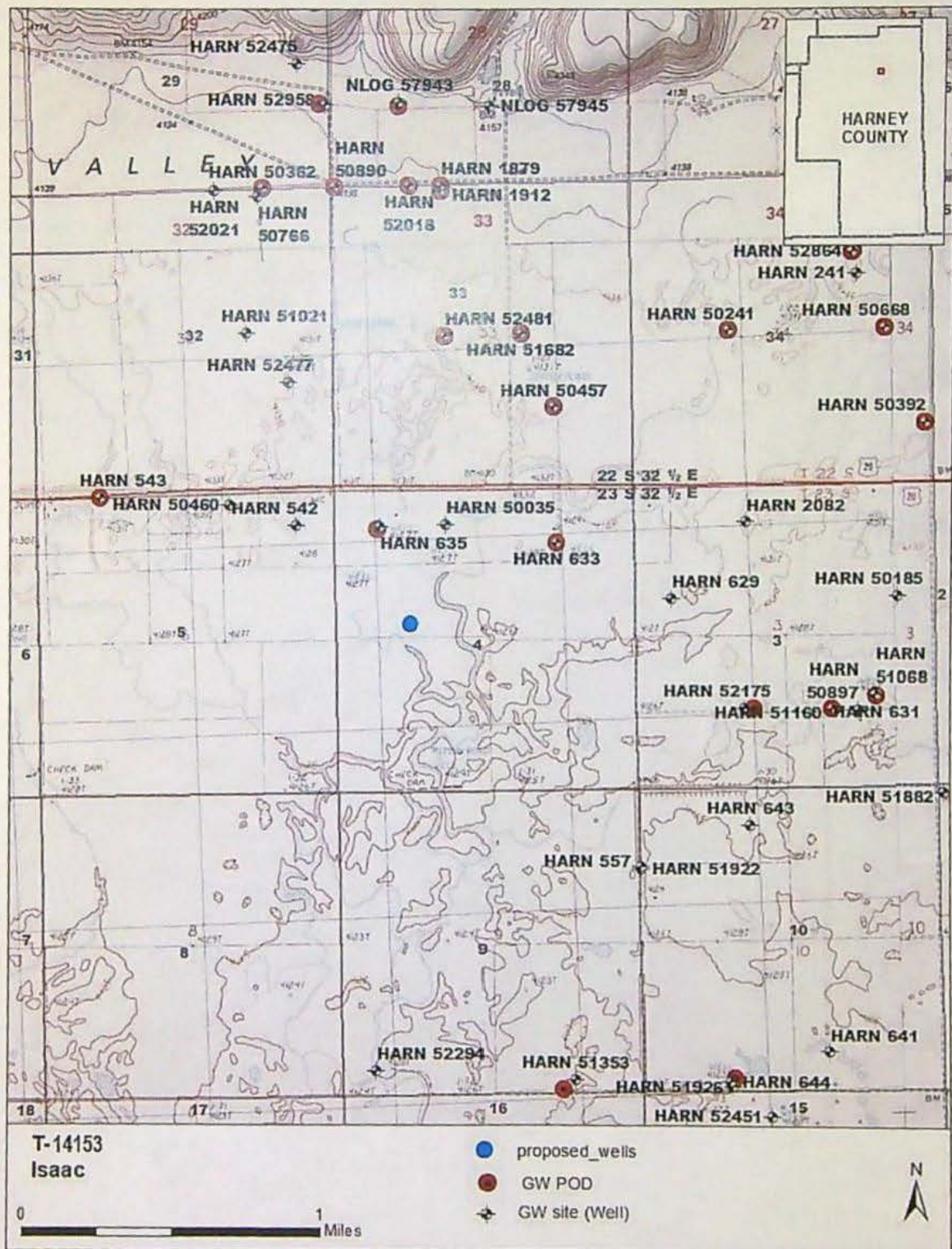
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

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: _____
7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
8. Any additional comments: none.



Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 14153

Review Due Date: _____

Applicant Name: Kirby W. Isaac & Shannon D. Isaac

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

Reviewer(s): Dally Swindlehurst

Date of Review: 02/23/23

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No text here
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No text here If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
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 text here
7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. ☒ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A text here Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

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

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

OR ☐ at each new point of diversion/appropriation

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

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

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

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

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

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

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

☐ Weir

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14153

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

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

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

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

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

Approval of an Alternate Measurement Device

T- _____

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

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

Watermaster signature_____
District_____
Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 25, 2023

KIRBY W. & SHANNON D. ISAAC
38098 HWY 20 E
BURNS, OR 97720

Reference: Application T-14153

On January 23, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$4360.00. Receipt number 139975 is enclosed.

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

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

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

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

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

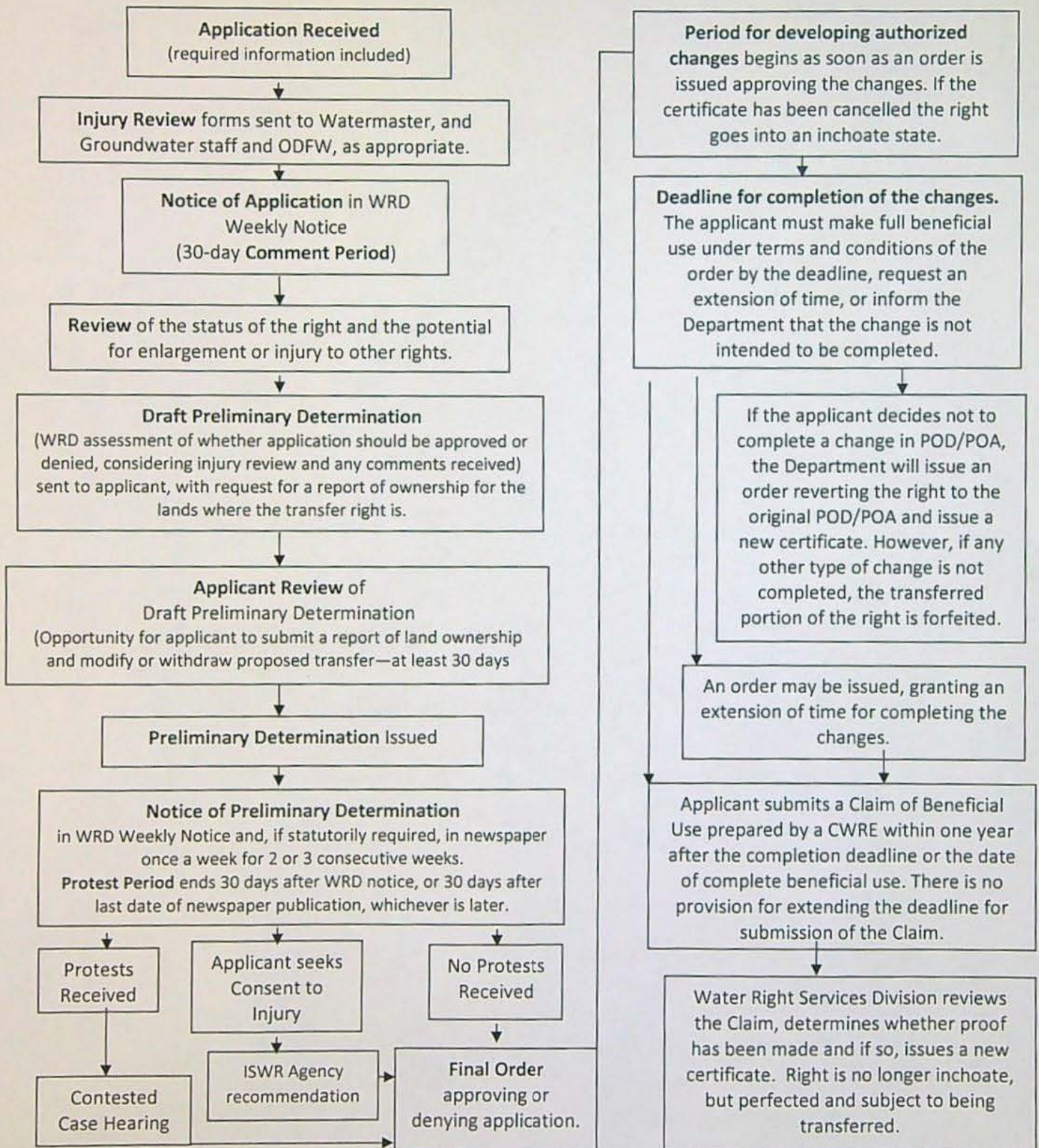
If you have any questions, please contact the Transfer Section at (503) 979-9931.

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

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **139975**

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

INVOICE # _____

RECEIVED FROM: Kirby L. Isaac
BY: Shannon D. Isaac

APPLICATION	
PERMIT	
TRANSFER	T-14153

CASH: ☐ CHECK: # 3654 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$4,360.9

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$

0203 GROUND WATER \$

0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: **139975**

DATED: 11/23/23

BY: [Signature]

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

JAN 23 2023

OWRD

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? 2 List them here: C-62483 & C-96679**
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):

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

Other/Explanation _____

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

Part 2 of 5 – 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)

[illegible]

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

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 KIRBY W. ISAAC & SHANNON D. ISAAC			PHONE NO. 208-599-1251	ADDITIONAL CONTACT NO.
ADDRESS 38098 HWY 20 E			FAX NO.	
CITY BURNS	STATE OR	ZIP 97720	E-MAIL kirbyisaac1977@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 JOHN A. SHORT / WATER RIGHT SERVICES, LLC			PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 1830			FAX NO.	
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
CHANGE 2 CERTIFICATES TO A NEW PLACE OF USE AND TO 2 CONNECTED POINTS OF APPROPRIATION.

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

Check One Box

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

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By my signature below, I confirm that I understand:

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

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

Kirby W. Isaac
Applicant signature

KIRBY W. ISAAC
Print Name (and Title if applicable)

1-12-23
Date

Shannon D. Isaac
Applicant signature

SHANNON D. ISAAC
Print Name (and Title if applicable)

1-12-23
Date

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

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME SAME AS APPLICANT			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: ☒ Applicant ☐ Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 62483**Description of Water Delivery System**

System capacity: 0.70 cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

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

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)
ON WELL #1	☒ Authorized ☐ Proposed	HARN 633/ 52426	23	S	32.5	E	4	NW NE	L2 1010' S, 1360' W OF NE COR SEC 4
ON WELL #2	☐ Authorized ☒ Proposed	HARN 52924 / L-136139	"	"	"	"	"	SE NW	270' N, 1320' W OF CEN 1/4 COR SEC 4

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

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

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

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

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 # 62483

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
										POU / APOA	23	S	32.5	E 4 NE NE	300/100	L1	15.5	IR	ON WELL 1-2	1981			
										"	"	"	"	" NW NE	300	L2	4.8	"	"	"			
										"	"	"	"	" SW NE	100		30.3	"	"	"			
										"	"	"	"	" SE NE	100		29.4	"	"	"			
TOTAL ACRES							TOTAL ACRES																80.0

Additional remarks:

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: _____

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

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

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 96679

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Description of Water Delivery System

System capacity: 0.47 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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

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 "OFF"	☒ Authorized ☐ Proposed	HARN 635	23	S	32.5	E	4	NW NW	L4 700' S, 800' E of NW COR SEC 4
ON WELL #1	☐ Authorized ☒ Proposed	HARN 633/ 52426 / L-118172	"	"	"	"	4	NW NE	L2 1010' S, 1360' W OF NE COR SEC 4
ON WELL #2	☐ Authorized ☒ Proposed	HARN 52924 / L-136139	"	"	"	"	"	SE NW	270' N, 1320' W OF CEN 1/4 COR SEC 4

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

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

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

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

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 # 96679

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
										POU / POA	23	S	32.5	E 4 NE NE	100/ 300	L1	12.2	IR	ON WELL 1-2	1979			
										"	"	"	"	" NW NE	100/ 300	L2	25.3	"	"	"			
						TOTAL ACRES												TOTAL ACRES	37.5				

Additional remarks:

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: C-62483.

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

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

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of HARNEY) ss

I, KIRBY W. ISAAC, in my capacity as OWNER,

mailing address 38098 HWY 20 E BURNS, OR 97720

telephone number (208)599-1251, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 62483; **OR**

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

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

AND

- ☒ Confirming Certificate # 96679 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)

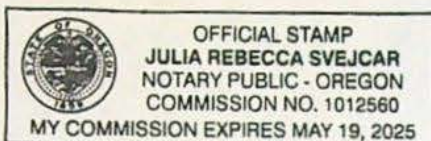
(continues on reverse side)

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

Thibault W. Assoc
Signature of Affiant

1-12-23
Date

Signed and sworn to (or affirmed) before me this 12th day of January, 2023.



Julia R. Svejcar
Notary Public for Oregon

My Commission Expires: May 19, 2025

Supporting Documents	Examples
☒ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☒ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☐ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU — www.oregonexplorer.info/imagery OWRD — www.wrd.state.or.us Google Earth — earth.google.com TerraServer — www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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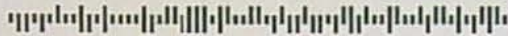
HARNEY ELECTRIC COOPERATIVE INC.
277 Lottery Lane • PO Box 587
Hines, Oregon 97738-0587

OWNED BY THOSE WE SERVE

BURNS OFFICE TELEPHONE (541) 573-2061
OROVADA SERVICE CENTER (775) 272-3336

KIRBY ISAAC
SHANNON ISAAC
38098 HIGHWAY 20 E
BURNS OR 97720-9466

C-1 P-2



- PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE TO RECEIVE THE 20% DISCOUNT.
- FAILURE TO RECEIVE BILL DOES NOT EXEMPT YOU FROM MONTHLY PAYMENT. IF YOU DON'T GET A BILL, CALL HEC.

BILLING SUMMARY	Billing Date	07/06/2022
	Billing Forward	0.00
	Current Billing	1,957.10
	Discount if Paid by	07/25/2022 -391.42
	Amount Due if Paid by	07/25/2022 1,565.68
	Amount Due After	07/25/2022 1,957.10

Account #. [REDACTED]

Page 1 of 1

Account #	Meter #	R A T E	M U L T	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
[REDACTED]	80044934	IR1	1.0	44768	44813	45	3.26		
15 HP		REG		06/01/22	07/01/22	15	130.08		133.34 *
[REDACTED]	78545997	IR1	1.0	221896	241419	19523	1,415.42		
60HP IRR + PIVOT		REG		06/01/22	07/01/22	42	-55.32		1,360.10 *
[REDACTED]	84281937	IR1	1.0			0			
60HP IRR		REG		06/02/22	07/01/22		463.66		463.66 *

fd 7-25-22

Payments Received Since Last Billing \$820.27

RECEIVED

JAN 23 2023

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14153



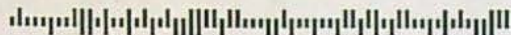
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277 Lottery Lane • PO Box 587
Hines, Oregon 97738-0587

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BILLING SUMMARY	Billing Date	08/04/2022
	Billing Forward	0.00
	Current Billing	2,213.82
	Discount if Paid by	08/25/2022 -442.76
	Amount Due if Paid by	08/25/2022 1,771.06
	Amount Due After	08/25/2022 2,213.82

Account #: [REDACTED]

Page 1 of 1

Account #	Meter #	RATE	MULT	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
[REDACTED]	80044934	IR1	1.0	44813	45901	1088	78.88		
15 HP		REG		07/01/22	08/01/22	19	54.45		133.33 *
[REDACTED]	78545997	IR1	1.0	241419	263720	22301	1,616.82		
60HP IRR + PIVOT		REG		07/01/22	08/01/22	42			1,616.82 *
[REDACTED]	84281937	IR1	1.0		12997	12997	942.28		
60HP IRR		REG		07/01/22	07/31/22	63	-478.61		463.67 *

pl.
8-11-22

RECEIVED

JAN 23 2023

OWRD

Payments Received Since Last Billing \$1,565.68

14153



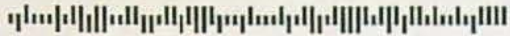
HARNEY ELECTRIC COOPERATIVE INC.
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C-1 P-2



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BILLING SUMMARY

Billing Date	09/07/2022
Billing Forward	0.00
Current Billing	3,472.60
Discount if Paid by	09/25/2022 -694.51
Amount Due if Paid by	09/25/2022 2,778.09
Amount Due After	09/25/2022 3,472.60

Page 1 of 1

Account #: [REDACTED]

Account #	Meter #	R A T E	M U L T	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
[REDACTED]	80044934	IR1	1.0	45901	46088	187	13.56		
15 HP		REG		08/01/22	09/01/22	19	-13.55		.01 *
[REDACTED]	78545997	IR1	1.0	263720	293892	30172	2,187.47		
60HP IRR + PIVOT		REG		08/01/22	09/01/22	42			2,187.47 *
[REDACTED]	84281937	IR1	1.0	12997	36912	23915	1,733.84		
60HP IRR		REG		07/31/22	09/01/22	58	-448.72		1,285.12 *

al 9-14-22

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JAN 23 2023

Payments Received Since Last Billing \$1,771.06

OWRD

14153



HARNEY ELECTRIC COOPERATIVE INC.
277 Lottery Lane • PO Box 587
Hines, Oregon 97738-0587

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C-1 P-2



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BILLING SUMMARY

Billing Date	10/05/2022
Billing Forward	0.00
Current Billing	2,186.76
Discount if Paid by	10/25/2022 -437.35
Amount Due if Paid by	10/25/2022 1,749.41
Amount Due After	10/25/2022 2,186.76

Account #: [REDACTED]

Page 1 of 1

Account #	Meter #	R A T E	M U L T	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
[REDACTED]	80044934	IR1	1.0	46088	46203	115	8.34		
15 HP		REG		09/01/22	10/01/22	9	-8.33		.01 *
[REDACTED]	78545997	IR1	1.0	293892	309879	15987	1,159.06		
60HP IRR + PIVOT		REG		09/01/22	10/01/22	42			1,159.06 *
[REDACTED]	84281937	IR1	1.0	36912	51087	14175	1,027.69		
60HP IRR		REG		09/01/22	10/01/22	61			1,027.69 *

Bl 10-13-22

RECEIVED

JAN 23 2023

OWRD

Payments Received Since Last Billing \$2,778.09

14153



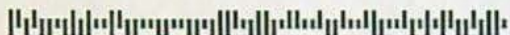
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BILLING SUMMARY	Billing Date	11/07/2022
	Billing Forward	0.00
	Current Billing	884.00
	Discount if Paid by	11/25/2022 -176.80
	Amount Due if Paid by	11/25/2022 707.20
	Amount Due After	11/25/2022 884.00

Account #: [REDACTED]

Page 1 of 1

Account #	Meter #	RATE	MULT	Previous Reading	Present Reading	KWH Used	Energy Charge	Other Charge	Security Light
Service Description				Service From:	Service To:	Demand Used	Demand/HP Charge	Tax Charge	Gross* Amount
[REDACTED]	80044934	IR1	1.0	46203	46265	62	5.12		
15 HP		REG		10/01/22	11/01/22	9	-5.11		.01*
[REDACTED]	78545997	IR1	1.0	309879	317207	7328	604.56		
60HP IRR + PIVOT		REG		10/01/22	11/01/22	42			604.56*
[REDACTED]	84281937	IR1	1.0	51087	54474	3387	279.43		
60HP IRR		REG		10/01/22	11/01/22	59			279.43*

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JAN 23 2023

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14153

Date:	10/07/2022	Receipt #	Carcass Number	Back Tag	Ear Tag	Disposition	USDA Tag	Producer	Live Wt	Hot Wt.
1			436	566	4150	Passed		4K Cattle/Tony Bott		675
2			437	567	30	Passed		4K Cattle/Tony Bott		405
Less Brand Inspection										
Total										1,080
									AVG.	540.00

RECEIVED

JAN 23 2023

OWRD

269

1080

190^{cc}

2052.00

14153

HOWARD RANCH

BOB HOWARD

P.O. Box 123 • Hammett, ID 83627

(208) 590-2651 • (208) 590-0139

DATE 11-25-22

TO _____

FROM KIRBY ISAAC

IN ☐ TRANSFER ☐ DEAD ☐ OUT ☐

HAULERS _____

SEX _____ SEX _____

HEAD	WEIGHT	HEAD	WEIGHT
9	5380	57	33565
8	5010	8	4985
8	4625	8	4968
8	4915	3	1790
8	4640	76	45305
8	4480	-2	-1105
8	4510	74	44200
57	33565		
GROSS		GROSS	.03
SHRINK %		SHRINK %	42879

NET WT. 621 NET WT. 42879
PRICE 2.10 PRICE 2.10
AMOUNT 1304.10 AMOUNT 890.04590
AVE WT. _____ AVE WT. 579

91350
- 70000

SIGNED 24350

RECEIVED

JAN 23 2023

OWRD

Check Date 06/10/2022

Vendor Number: 66842

Check No. 0026357336

Invoice number	Invoice date	Voucher ID	Gross amount	Discount Taken	Paid Amount
PO-47401	6/9/22	C10-AP000306015	90,290.29	0.00	90,290.29

92 head steers

Acrt Beef

KIRBY ISAAC

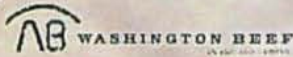
RECEIVED

JAN 23 2023

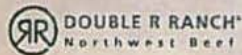
OWRD

Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount
0026357336	06/10/2022	90,290.29	0.00	90,290.29

OUR OPERATIONS



OUR BRANDS



14153

Check Date 03/17/2022

Vendor Number: 66842

Check No. 0026353662

Invoice number	Invoice date	Voucher ID	Gross amount	Discount Taken	Paid Amount
PO-47031	3/17/22	C10-AP000297239	2,226.51	0.00	2,226.51

2 HRS

AGRI Beef

KIRBY ISAAC

RECEIVED

JAN 23 2023

OWRD

Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount
0026353662	03/17/2022	2,226.51	0.00	2,226.51

OUR OPERATIONS



WASHINGTON BEEF

AB^{to}C

LIVESTOCK

OUR BRANDS

DOUBLE R RANCH
Northwest BeefSRF 極
SHAKE RIVER FARMSSt. Helens
BEEFRANCHO
ELORO

14153

* (Deduct Codes: J-Jersey, F-Fat, B-Buckshot, L-Longhorn, O-Other, S-Size)

14153

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN R. PICKETT
SANDRA L. PICKETT
37820 HWY 20 E
BURNS OR 97720

confirms the right to the use of water perfected under the terms of Permit G-8430. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-8880

SOURCE OF WATER: A WELL

PURPOSE OR USE: IRRIGATION OF 37.5 ACRES

MAXIMUM RATE: 0.47 CUBIC FOOT PER SECOND

DATE OF PRIORITY: JULY 3, 1978

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The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32.5 E	WM	4	NW NW	4	700 FEET SOUTH AND 800 FEET EAST FROM NW CORNER, SECTION 4

The amount of water used for irrigation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32.5 E	WM	4	NW NW	4	37.5

The well(s) shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works shall include an air line and pressure gauge or an access port for measuring line, adequate to determine the water level elevation in the well at all times.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described subject to existing rights including the existing minimum flow policies established by the Water Policy Review Board.

Issued SEP 30 2022



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

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JAN 23 2023

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

WATER RESOURCES DEPARTMENT.
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)

State Well No. 23S/32/2E-4

State Permit No. 6-8432

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JUL 3 1978

(1) OWNER:

Name Bruce And Jean Boldenow
Address 1411 HORSE SHOE RANCH
STAN 2-14614 Burns, Ore. 97220

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

12" Diam. from 0 ft. to 90 ft. Gage 0.250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☐ No.

Type of perforator used NA

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 NA

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? Bruce Boldenow

Yield: 410 gal./min. with 40 ft. drawdown after 8 hrs.

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

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Grout

Well sealed from land surface to 18 ft.

Diameter of well bore to bottom of seal 18 in.

Diameter of well bore below seal 12 in.

Number of sacks of cement used in well seal 20 sacks

How was cement grout placed? By Hand And

Tamped.

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

Did any strata contain unusable water? ☒ Yes ☐ No

Type of water? Alkali depth of strata 45'

Method of spalling strata off Casing

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

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Harney Driller's well number 423 T. 15 S. 32 E. 1/2 W. 1/2
1/4 1/4 Section 423 T. 15 S. 32 E. 1/2 W. 1/2

Bearing and distance from section or subdivision corner
410 ft from N Boundary in E 1/2 of
Lot 4

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft.

Static level 7 ft. below land surface. Date 6-17-78

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12

Depth drilled 210 ft. Depth of completed well 210 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
Soil	1	3	
Hard Pan	3	6	
Soil	6	18	
Sandy Blue Clay	18	43	
Sand & Gravel	43	44	128
Sandy Blue Clay	44	87	
Muck	87	93	
Dry Green Clay	93	142	
Blue Clay	142	179	
White Pumice	179	200	WB
Dry Green Clay	200	210	

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JAN 23 2023

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Work started June 10 1978 Completed June 17 1978

Date well drilling machine moved off of well June 19 1978

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] Bruce Boldenow Date 19 June, 1978
(Drilling Machine Operator)

Drilling Machine Operator's License No.

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 Bruce E. Boldenow
(Person, firm or corporation) (Type or print)

Address Stan 2-14614

[Signed] Bruce Boldenow
(Water Well Contractor)

Contractor's License No. Date June 19, 1978

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

14153

14153

WATER SUPPLY WELL REPORT -
continuation page

HARN 52426

WELL I.D. LABEL# L118172

START CARD # 1027634

ORIGINAL LOG #

9/16/2015

(2a) PRE-ALTERATION

[illegible]

(5) BORE HOLE CONSTRUCTION

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

FILTER PACK			
From	To	Material	Size

(6) CASING/LINER

[illegible]

(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

Cleaned out well and set liner to prevent caving

14153

NOTICE TO WATER WELL CONTRACTOR
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WATER RESOURCES DEPARTMENT
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)

State Well No.

State Permit No.

235/32'2E-490
638
HARNEY
G-9179

(1) OWNER:

Name Larry Root & Donna Root
Address St. Rt. 2-14692 Hwy 20
Burns, Oregon 97720

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐
Driven ☒
Jettied ☐
Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

12" Diam. from 0 ft. to 73 ft. Gage 0.250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) 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

Is a pump test made? ☒ Yes ☐ No. If yes, by whom? Driller
Yield: 600 gal./min. with 90 ft. drawdown after 48 hrs.

Test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 52° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Grout
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal 21 sacks
How was cement grout placed?
From The bottom upwardly with pressure
grout pump & trieme pipe.

Was a drive shoe used? ☒ Yes ☐ No Plugs 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 HARNEY Driller's well number 1
NE 1/4 NE 1/4 Section 4 T. 23S R. 32E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 12 ft.
Static level 10 ft. below land surface. Date 12/14/80
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12"

Depth drilled 365 ft. Depth of completed well 365 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
Soil	0	3	0
Clay (Brown)	3	12	0
Gravel (med.)	12	13	12
Clay (green)	13	73	12
Rock (brn. shale)	73	75	12
Clay (blue)	75	347	12
Pumice (white)	347	352	10
Clay (green)	352	365	10

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DEC 30 1980

WATER RESOURCES DEPT
SALEM, OREGON

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JAN 23 2023

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Work started 12/03/80 19 Completed 12/23/ 19
Date well drilling machine moved off of well 12/24/ 80 19 80

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) Larry Root Date 12/26/ 19 80
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1173

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 Larry Root & Sons (Type or print)
Address ST. RT. 2-14692 Hwy 20 Burns, Oregon 97720

(Signed) Larry Root (Water Well Contractor)

Contractor's License 781 Date 12/26 19 80

HARN 633 For Official Use Only:		
Received Date: _____	County Well Log ID # <u>HARN 633</u>	Well Identification Tag # <u>35535</u>

WELL IDENTIFICATION APPLICATION FORM

RECEIVED

BUYER/CURRENT WELL OWNER:

Name: Andy Root

JUL 01 1999

WATER RESOURCES UCP1
SALEM, OREGON

Mailing Address: HC 73 174 Harney Road

City: Burns State: OR Zip: 97720 Phone: (541) 493-3645

WELL LOCATION:

County: Harney Owner's Well Number: # 1

Township: 22 N or S, Range: 32 1/2 E or W, Section: 33 NE 1/4 NW 1/4

Tax Lot Number: 2200 Type of Well: water supply IRR monitoring _____

Street Address of Well (if different from above): _____

WELL INFORMATION: (do not complete remainder of application if well log is available)

Start Card Number: 20911 Approx. Construction Date: _____

Well Constructor: _____

Name of Owner at Time of Construction: _____

Well Depth (in feet): _____ Static Water Level (in feet): _____

Diameter of Exposed Well Casing (in inches): _____

Does this well have a formal water right associated with it? Yes: yes No: _____

If Yes: Application #: G-14678 Permit #: G-13539 Certificate #: _____

Please Return Completed Form to:

Larry D. McQueen
Well Identification Program
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Harney)

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JAN 23 2023
OWRD

We John & Sandra Pickett in our capacity as owners,

mailing address 37820 Hwy 20 E, Burns, OR 97720,

telephone number 208-599-1251, duly sworn depose and say that We

consent to the proposed change(s) to Water Right Certificate Number 96679

described in a Water Right Transfer Application (T-TBD),

(transfer number, if known)

submitted by Kirby & Shannon Isaac

on the property in tax lot number(s) 600 & 700,

Section 04 Township 23 South Range 32.5 East, W.M.,

located at 37820 Hwy 20 E, Burns, OR 97720.

(site address)

John R. Pickett
Signature of Affiant

10-12-2022
Date

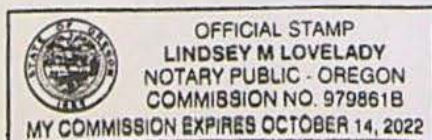
Sandra L. Pickett
Signature of Affiant

10-12-2022
Date

Subscribed and Sworn to before me this 12 day of October, 20 22.

L. Lovelady
Notary Public for Oregon

My commission expires 10/14/2022



Land Use Information Form

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

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JAN 23 2023

OWRD

Applicant(s): KIRBY W. ISAAC & SHANNON D. ISAAC

Mailing Address: 38098 HWY 20 E

City: BURNS

State: OR

Zip Code: 97720

Daytime Phone: 208-599-1251

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:
23S	32.5 E	4		100	EFRU-2	☒ Diverted	☒ Conveyed	☒ Used	IRRIGATION
"	"	"		300	EFRU-2	☒ Diverted	☒ Conveyed	☒ Used	IRRIGATION

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

HARNEY COUNTY.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 1.17 ☒ 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:

FOR TWO CERTIFICATES: CHANGE PLACE OF USE AND CHANGE TO 2 CONNECTED
POINTS OF APPROPRIATION.

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

See bottom of Page 3. →

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): Hcz 3.020 / EFLV-2
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Name: Brandon McMullan Title: Planning Director

Signature: [Signature] Phone: (541) 573-6655 Date: 12/1/2022

Government Entity: Harney County

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

Receipt for Request for Land Use Information

Applicant name: _____

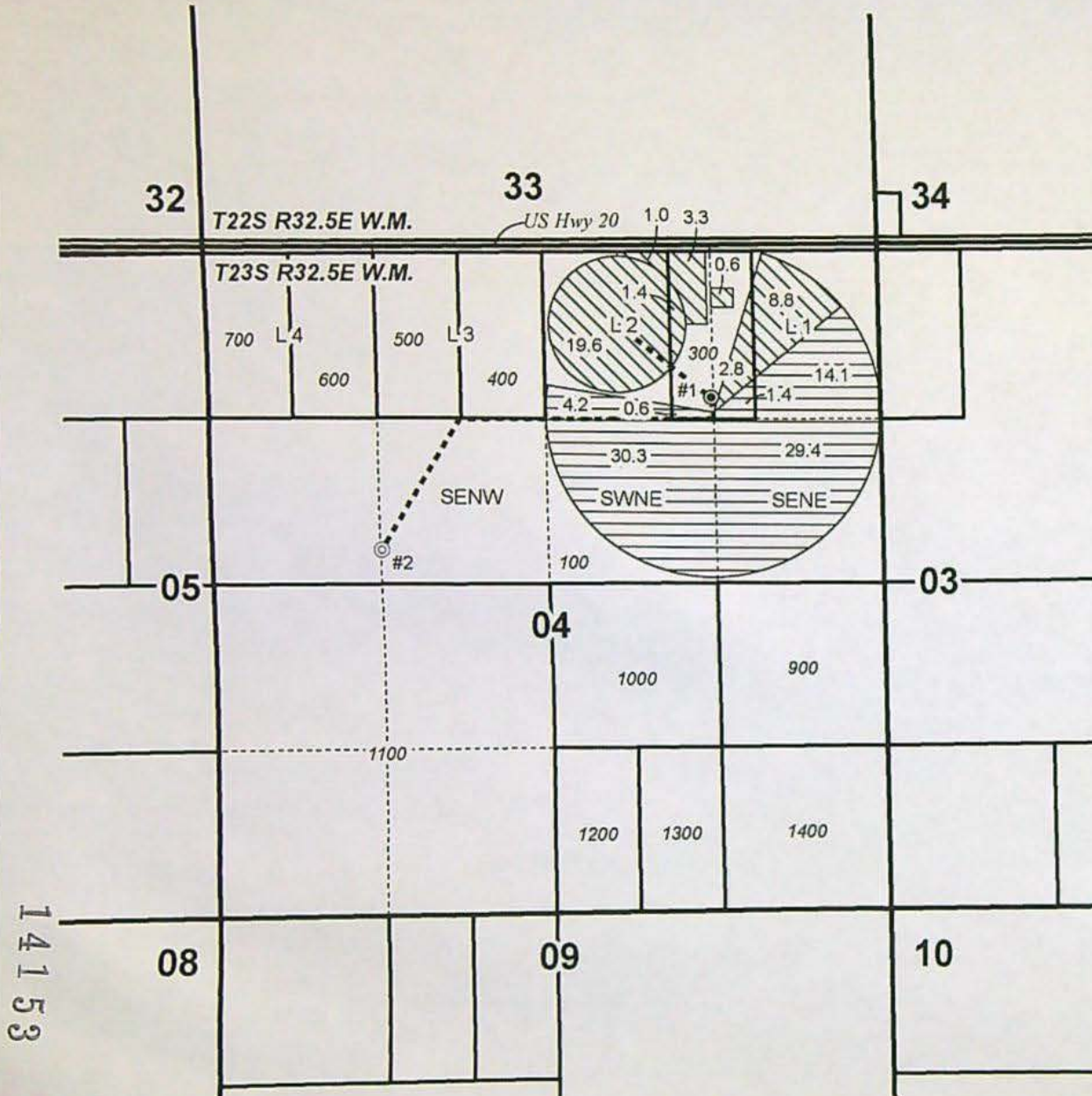
City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

**T23S R32.5E, WM
HARNEY COUNTY, OR**



0 1,320 Feet
1" = 1320'



● Well - Authorized C-62483

⊙ Well - APOA

----- PIPELINE_ON

POU IR C-62483 1/8/1981 "ON"

POU IR C-96679 7/3/1978 "ON"

— Section

----- Quarter Quarter

Tax Lot

Well #1 (HARN 633 & HARN 52426 / L-118172):
1010' S, 1360' W of NE Cor Sec 4

Well #2 (HARN 52924 / L-136139)
270' N, 1320' W of Cen 1/4 Cor Sec 4

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RENEWAL DATE 12/31/2022

PERMANENT TRANSFER MAP - "ON MAP"

Kirby Isaac

C-62483 1/8/1981 Priority
C-96679 7/3/1978 Priority

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

Date: 12/1/2022

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US CCB # 197121
johnshort@usa.com 541-389-2837

-32 33

T22S R32.5E W.M.

US HWY-20

T23S R32.5E W.M.

-05 04

T23S R32.5E, WM HARNEY COUNTY, OR



0 400 Feet

1" = 400'

- Well
- Meter
- Pipeline
-  POU IR C-96679 "OFF"
- Section
- Quarter Quarter
-  Tax Lot

Well (HARN 635) Location:
700' S, 800' E of NW Cor Sec 4



RECEIVED RENEWAL DATE 12/31/2022

JAN 23 2023

OWRD



14153

SWNW

SENW

PERMANENT TRANSFER MAP - "OFF MAP 1 OF 2"

Kirby Isaac

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US CCB # 197121

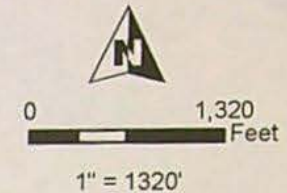
johnshort@usa.com

541-389-2837

Date: 11/29/2022

C-96679 7/3/1978 Priority

**T23S R32.5E, WM
HARNEY COUNTY, OR**



- Well - Authorized
- Pipeline
- POU IR C-62483 "OFF"
- Township
- Section
- Quarter Quarter
- Tax Lot

Well (HARN 633 & HARN 52426 / L-118172) Location:
1010' S, 1360' W of NE Cor Sec 4

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OWRD



RENEWAL DATE 12/31/2022

PERMANENT TRANSFER MAP - "OFF MAP 2 OF 2"
Kirby Isaac

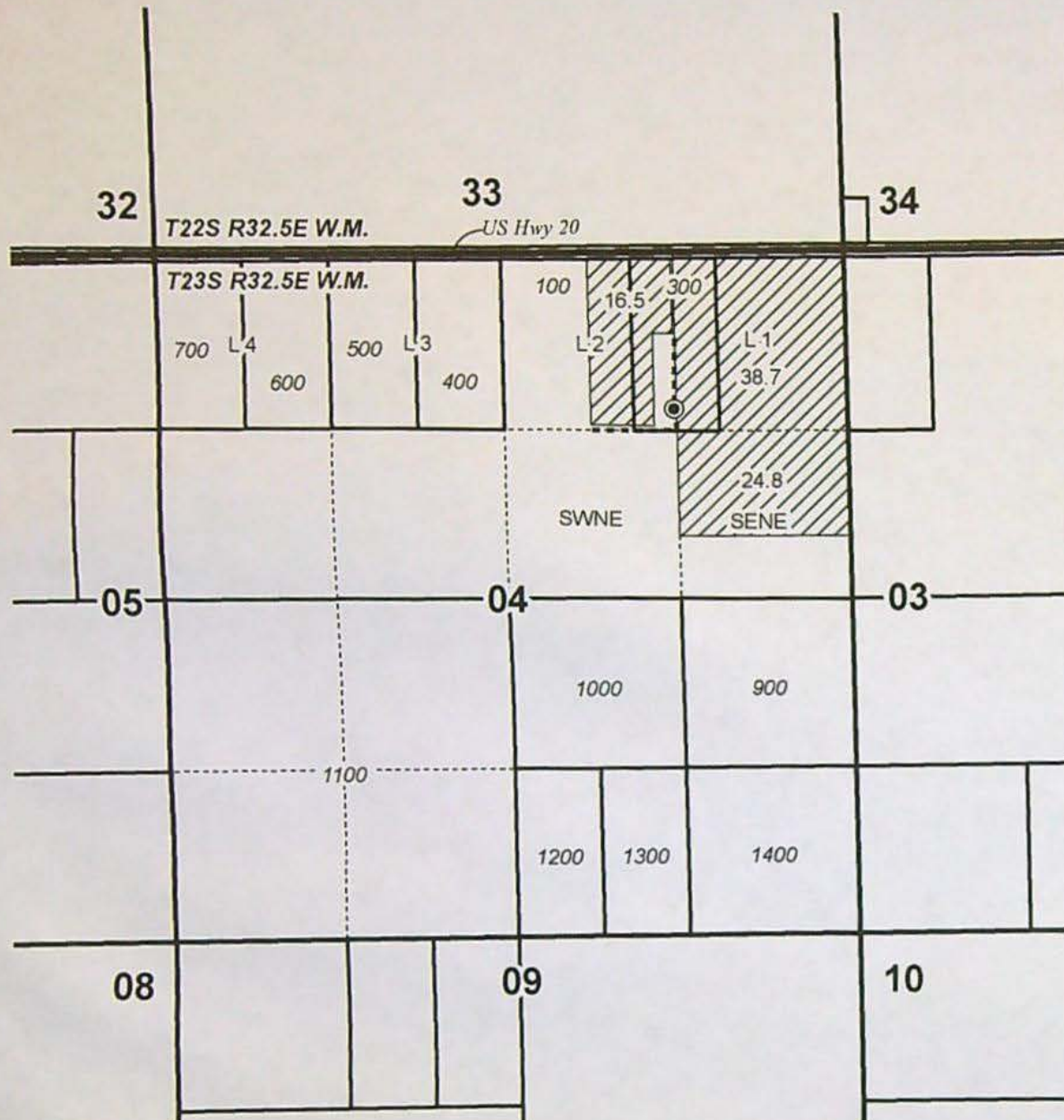
Date: 11/29/2022

C-62483 1/8/1981 Priority

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

WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US CCB # 197121
johnshort@usa.com 541-389-2837

14153



Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T- 14153

Checked by Dante _____	Type of Change(s) Proposed: <u>NO</u> other changes allowed other than those listed	
Date <u>1-24-2023</u>		
Fee Received: \$4360	☒ POU ☐ POD ☐ APOD ☐ POA ☒ APOA ☐ USE	
Calculated Fee: \$4360		How many rights to be Transferred? <u>2</u>
Deficiencies and Observations: <u>2 Certs with both POU and APOA Changes</u>		Certificate #(s) <u>62483</u> <u>96679</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 _____
- ☒ 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

14153

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: ☐ Place of Use ☐ Character of Use ☐ 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? ☐ No: enter 0 » ☐ Yes: enter \$410 »		
4		4	0
	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » ☐ 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: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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	