

T-14180

Regular

T-14180

Name Toelle Ranch LLC / Don McNabb

DESCRIPTION OF WATER RIGHT(S)

Address 72702 Cow Creek Rd / 55777 SE Paulina HwyBurns/Post, OR 97720/97752JRT@BLM.GovName of Stream WellTrib. of Silvies RiverUse IrrigationCounty Harney

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G5950Per # G5648Cert # 46263PR Date 12/1/92

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in POU POA APOADate Filed 2/27/2023

Initial notice date

DPD issued date

PD issued date 7/11/2024PD notice date 7/16/2024Date of FO 9/5/2024 Vol 133 Page 4-8

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID

Date

Amount

Receipt #

2-27-23\$3750.00140205

FEES REFUNDED

Date

Amount

Receipt #

Assignments:

Irrigation District

Agent Scott Montgomery - Scott@apeand5.comCWRE Harney County

CC's list

☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

September 5, 2024

Toelle Ranch LLC
C/O Don McNabb
72702 Cow Creek Rd
Burns, OR 97720

REFERENCE: Transfer Application T-14180

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) 986-35110892 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)
Scott D. Montgomery, Agent
Harney County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-14180, Harney County)	A CHANGE IN POINT OF APPROPRIATION,
)	ADDITIONAL POINTS OF APPROPRIATION,
)	AND A CHANGE IN PLACE OF USE

Authority

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

Applicant

TOELLE RANCH, LLC
DON MCNABB
72702 COW CREEK RD
BURNS, OR 97720

Findings of Fact

1. On February 27, 2023, TOELLE RANCH, LLC; DON MCNABB filed an application to change the point of appropriation, for additional points of appropriation, and to change the place of use under Certificate 46263. The Department assigned the application number T-14180.
2. Notice of the application for transfer was published on March 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 1, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14180 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 3, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. On July 11, 2024, the Department issued a Preliminary Determination proposing to approve deny Transfer T-14180 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 July 16, 2024, and in the Burns Times newspaper on July 17 and 24, 2024 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The Agent for the applicant requested additional time for development from October 1, 2025, to October 1, 2029, due to the costs involved with the proposed wells. Pursuant to OAR 690-380-5140(3), the Department may allow more time.

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

Certificate: 46263 in the name of NORMAN T. AARTUN (perfected under Permit G-5648)
Use: IRRIGATION OF 60.0 ACRES
Priority Date: DECEMBER 7, 1972
Rate: 0.75 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL a tributary of SILVIES RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	32.5 E	WM	13	NW NW	1290 FEET SOUTH AND 630 FEET EAST FROM THE NW CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	32.5 E	WM	13	NW NW	30.0
23 S	32.5 E	WM	13	SW NW	30.0
Total					60.0

7. Transfer Application T-14180 proposes to move the authorized point of appropriation (POA) and add two additional points of appropriation (APOA) with approximate distances from the authorized point as described in the table below:

Type of change	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized POA	Direction from the authorized POA
POA	22 S	32.5 E	WM	25	NE NW	WELL # 3 – 4990 FEET NORTH AND 3520 FEET WEST FROM THE SE CORNER OF SECTION 25	2.68 MILES	North

Type of change	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized POA	Direction from the authorized POA
APOA	22 S	32.5 E	WM	25	SE SW	WELL #1 - 430 FEET NORTH AND 3440 FEET WEST FROM THE SE CORNER OF SECTION 25	1.8 MILE	North
APOA	22 S	32.5 E	WM	25	SE SE	WELL #4 - 750 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 25	2.64 MILES	North

8. Transfer Application T-14180 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32.5 E	WM	25	NE NW	9.7
22 S	32.5 E	WM	25	NW NW	10.1
22 S	32.5 E	WM	25	SW NW	16.0
22 S	32.5 E	WM	25	SE NW	2.0
22 S	32.5 E	WM	25	NE SW	4.7
22 S	32.5 E	WM	25	NW SW	9.0
22 S	32.5 E	WM	25	SW SW	8.5
Total					60.0

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

9. Water has been used within the last five years prior to the submittal of Transfer Application T-14180 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14180.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
13. The proposed changes, as conditioned, would not result in enlargement of the right.
14. The proposed changes, as conditioned, would not result in injury to other existing water rights.
15. All other application requirements are met.

Conclusions of Law

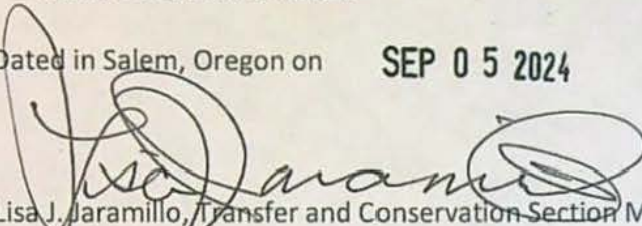
The change in point of appropriation, additional points of appropriation, and change in place of use proposed in Transfer Application T-14180 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation, additional points of appropriation, and change in place of use proposed in Transfer Application T-14180 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 46263 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 place of use.
4. Water right Certificate 46263 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.
5. The quantity of water diverted at the new point of appropriation (Well #3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).
6. The quantity of water diverted at the new additional points of appropriation (Wells #1 and #4), together with that diverted at the original point of appropriation (Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the right.
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 appropriation (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, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **SEP 05 2024**



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

Mailing date: **SEP 06 2024**

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORMAN T. AARTUN
PO BOX 702
BURNS, OR 97720

confirms the right to use the waters of a WELL a tributary of SILVIES RIVER for IRRIGATION of 12.8 ACRES.

This right was perfected under Permit G-5648. The date of priority is DECEMBER 7, 1972. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.16 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the stream.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	32.5 E	WM	13	NW NW	1290 FEET SOUTH AND 630 FEET EAST FROM THE NW CORNER OF SECTION 13

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

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

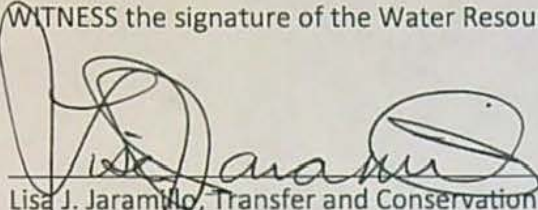
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	32.5 E	WM	13	NW NW	6.0
23 S	32.5 E	WM	13	SW NW	6.8
Total					12.8

This certificate describes that portion of water right Certificate 46263, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 05 2024, approving Transfer Application T-14180.

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

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

WITNESS the signature of the Water Resources Director, affixed SEP 05 2024.

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

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14180

Transfer Specialist: *Jean*

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: TOELLE RANCH LLC 72702 COW CREEK RD BURNS, OR 97720	Agent: SCOTT D. MONTGOMERY PO BOX 767 TERREBONNE, OR 97760	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: County Of Harney planning Department	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G5950	G5648	46263	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: February 27, 2023	Proposed Action(s): POINT OF APPROPRIATION; ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 3750.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 12 Malheur Lake
Initial Public Notice:	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: HARNEY
WM District: 10 <i>Dolly Smallhorn</i> <i>R. Johnson</i>	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

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

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>2/1/24</i> Initials: <i>Jean</i>	Date: <i>2/5/24</i> Initials: <i>Scott</i>	Date: <i>C.C.</i> Initials: _____	Date: _____ Initials: _____	CW Sent: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <i>6/12/24</i> Initials: <i>Jean</i>	Date: <i>6/12/24</i> Initials: <i>Scott</i>	Date: <i>CORAH</i> Initials: <i>Scott</i>	Date: <i>6/24/24</i> Initials: <i>Jean</i> Data Review Date: <i>6/26/24</i>	Date: <i>7/9/24</i>	Date: <i>7/11/24</i>
FO	Date: <i>7/16/24</i> Initials: <i>Jean</i>	Date: <i>8/1/24</i> Initials: <i>Scott</i>	Date: _____ Initials: <i>CORAH</i>	Date: _____ Initials: _____	Date: <i>8/25/24</i> No. of docs for sig: <i>2</i>	Date: <i>9/5/24</i>

Special Issues:

Special Order Volume: Vol. *33* Pages *4-8*

Transfer Cover Sheet

Data OK 6/26/24 ✓

Last Revised 1/26/2023

SMITH Joan M * WRD

From: Scott <Scott@apeands.com>
Sent: Monday, March 18, 2024 9:13 AM
To: SMITH Joan M * WRD
Subject: RE: Transfer Application T-14227 missing from map
Attachments: 96822(1).pdf

Joan,
Here is the e-version of the COBU map of C96822.
Thanks,
Scott
Scott D. Montgomery, Owner/Principal
All Points Engineering & Surveying, Inc.
541-548-5833

From: SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov>
Sent: Wednesday, March 13, 2024 8:54 AM
To: Scott <Scott@apeands.com>
Subject: Transfer Application T-14227 missing from map

Scott, would you take a look at T-14227, we didn't receive the from map for 96822.
Joan

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

NOTE: Many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

CLAIM OF BENEFICIAL USE MAP

TO ADD A POINT OF APPROPRIATION AND PLACE OF USE

FOR APPLICATION G-17575

JAMES & SUE GILMOUR

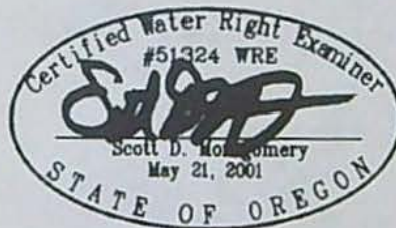
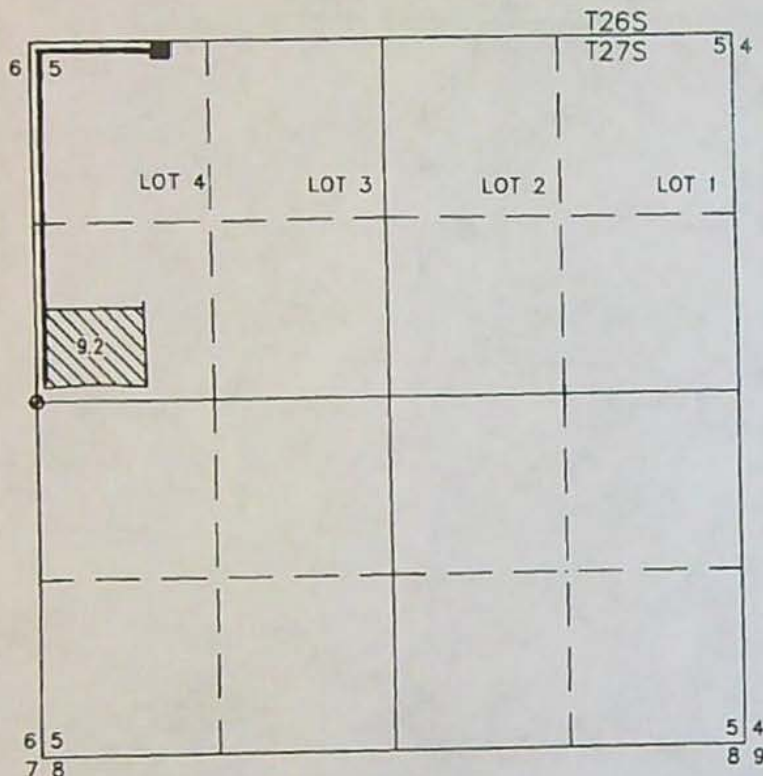
TOWNSHIP 27 SOUTH, RANGE 34 EAST, SECTION 5, W.M.

TAX LOT: 601

RECEIVED

NOV 04 2020

OWRD



RENEWAL DATE: 12/31/2012



9.2 ACRES WATER RIGHTS FROM WELL 2
AND PERMIT G-18086, AS SHOWN. FLOW
METER IS LOCATED 6.5' SOUTH FROM WELL.

WELL 2 (HARN 50318)

LOCATED IN THE NW 1/4 NW 1/4 SECTION 5, T27S
R34E, W.M. AND 35 FEET SOUTH AND 975 FEET EAST
FROM THE NW CORNER OF SECTION 5.

FLOW METER IS APPROXIMATELY 6.5 FEET
SOUTHEAST ALONG DELIVERY PIPE FROM WELL.

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

PREPARED FOR:

JAMES & SUE GILMOUR
30427 STELLMACHER DRIVE
ALBANY, OR 97321

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.
P.O. BOX 767 (CRR) TERREBONNE, OR 97760
(541) 548-5833
www.APEandS.com

CLAIM OF BENEFICIAL USE MAP

TO ADD POINTS OF APPROPRIATION AND PLACE OF USE

FOR APPLICATION G-17575

JAMES & SUE GILMOUR

TOWNSHIP 27 SOUTH, RANGE 33 EAST, SECTIONS 1 & 2, W.M.

TAX LOT: 200

■ HARN 51541 - WELL 1

LOCATED IN THE NW 1/4 NW 1/4 SECTION 1,
T27S R33E, W.M. AND 90' SOUTH AND 235
FEET EAST FROM THE NW CORNER OF
SECTION 1.

FLOW METER LOCATED 5' NORTH FROM WELL.

▲ HARN 51764 - WELL 4

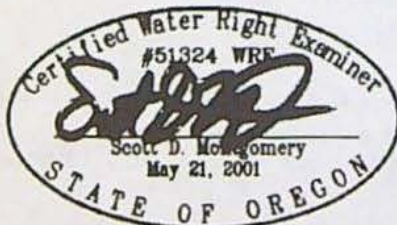
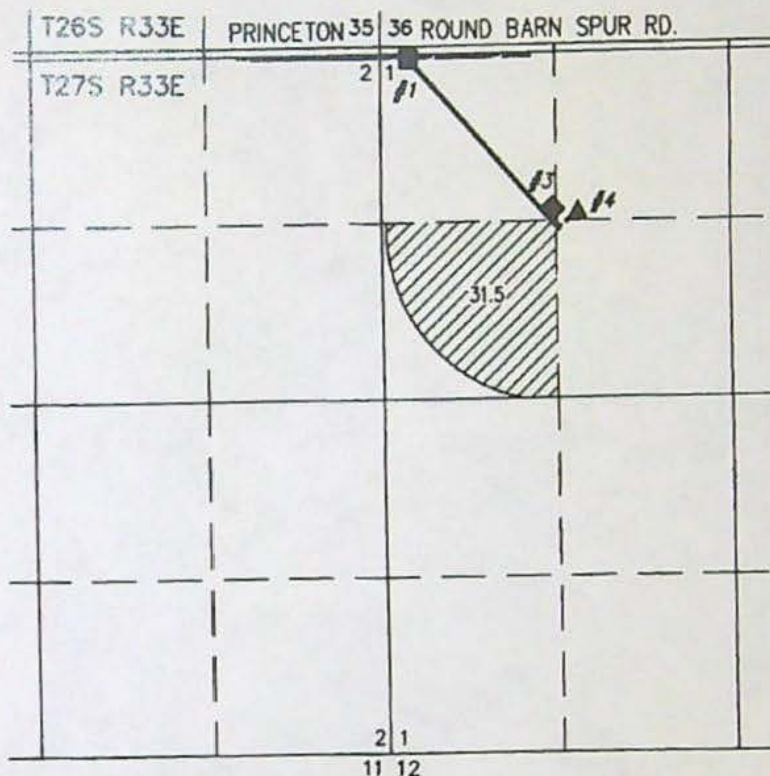
LOCATED IN THE NE 1/4 NW 1/4 SECTION 1,
T27S R33E, W.M. AND 1230 FEET SOUTH AND
1515 EAST FROM THE NW CORNER OF
SECTION 1.

FLOW METER LOCATED ON CENTER PIVOT
43°15'29.94" NORTH AND 118°35'50.32" WEST
IN WGS84 PROJECTION.

◆ HARN 51069 - WELL 3

LOCATED IN THE NW 1/4 NW 1/4 SECTION 1,
T27S R33E, W.M. AND 1195' SOUTH AND 1291
FEET EAST FROM THE NW CORNER OF
SECTION 1.

FLOW METER LOCATED 5' SOUTH FROM WELL.



RENEWAL DATE: 12/31/2020

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



BURIED 6 OR 8 INCH STEEL PIPE

PREPARED FOR:

JAMES & SUE GILMOUR
30427 STELLMACHER DRIVE
ALBANY, OR 97321

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.
P.O. BOX 767 (CRR) TERREBONNE, OR 97760
(541) 548-5833
www.APEandS.com

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **143254**

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

INVOICE # _____

RECEIVED FROM: John L Telle

BY: _____

CASH: ☐ CHECK: # 6730 OTHER: (IDENTIFY) _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14180</u>

TOTAL REC'D \$ 259.20

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____

0207 OTHER: (IDENTIFY) Newspaper Notice \$ 259.20

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **143254**

DATED: 7-5-24 BY: [Signature]

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-14180

T-14180 filed by Toelle Ranch, LLC/

Don McNabb, 72702 Cow Creek RD., Burns, OR 97720, proposes a change in point of appropriation, additional points of appropriation, and a change in place of use under Certificate 46263. The right allows the use of 0.75 cubic foot per second from a well in Sec. 13, T23S, R32.5E, WM for irrigation in Sec. 13, T23S, R32.5E, WM. The applicant proposes to move the point of appropriation to Sec. 25, T22S, R32.5E, WM, additional points of appropriation in Sec. 25, T22S, R32.5E, WM and to change the place of use to Sec. 25, T22S, 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, 07/24/2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish July 17 and 24, 2024

BURNS TIMES-HERALD

355 N. Broadway, Burns, Oregon 97720

AFFIDAVIT OF PUBLICATION

Received

JUL 29 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-14180 Toelle Ranch LLC

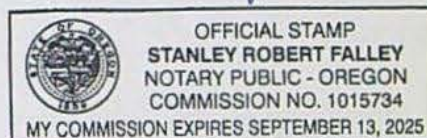
a printed copy of which is hereto annexed, was published in the said newspaper for

2 successive and consecutive weeks in the following issues:
Dates of Publication: 17th & 24th July 2024

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

Subscribed and sworn before me this 24 day of July 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

July 11, 2024

VIA CERTIFIED MAIL AND E-MAIL

TOELLE RANCH LLC/DON MCNABB
72702 COW CREEK RD
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-14180

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14180. 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-14180, Harney County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT OF APPROPRIATION, ADDITIONAL
)	POINTS OF APPROPRIATION, AND A
)	CHANGE IN PLACE OF USE

Authority

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

Applicant

TOELLE RANCH, LLC
DON MCNABB
72702 COW CREEK RD
BURNS, OR 97720

Findings of Fact

1. On February 27, 2023, TOELLE RANCH, LLC; DON MCNABB filed an application to change the point of appropriation, for additional points of appropriation, and to change the place of use under Certificate 46263. The Department assigned the application number T-14180.
2. Notice of the application for transfer was published on March 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 1, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14180 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 3, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. The Agent for the applicant requested additional time for development from October 1, 2025, to October 1, 2029, due to the costs involved with the proposed wells. Pursuant to OAR 690-380-5140(3), the Department may allow more time.

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

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

Certificate: 46263 in the name of NORMAN T. AARTUN (perfected under Permit G-5648)

Use: IRRIGATION OF 60.0 ACRES

Priority Date: DECEMBER 7, 1972

Rate: 0.75 CUBIC FOOT PER SECOND

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

Source: A WELL a tributary of SILVIES RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	32.5 E	WM	13	NW NW	1290 FEET SOUTH AND 630 FEET EAST FROM THE NW CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	32.5 E	WM	13	NW NW	30.0
23 S	32.5 E	WM	13	SW NW	30.0
Total					60.0

6. Transfer Application T-14180 proposes to move the authorized point of appropriation (POA) and add two additional points of appropriation (APOA) with approximate distances from the authorized point as described in the table below:

Type of change	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized POA	Direction from the authorized POA
POA	22 S	32.5 E	WM	25	NE NW	WELL # 3 - 4990 FEET NORTH AND 3520 FEET WEST FROM THE SE CORNER OF SECTION 25	2.68 MILES	North
APOA	22 S	32.5 E	WM	25	SE SW	WELL #1 - 430 FEET NORTH AND 3440 FEET WEST FROM THE SE CORNER OF SECTION 25	1.8 MILE	North
APOA	22 S	32.5 E	WM	25	SE SE	WELL # 4 - 750 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 25	2.64 MILES	North

7. Transfer Application T-14180 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32.5 E	WM	25	NE NW	9.7
22 S	32.5 E	WM	25	NW NW	10.1
22 S	32.5 E	WM	25	SW NW	16.0
22 S	32.5 E	WM	25	SE NW	2.0
22 S	32.5 E	WM	25	NE SW	4.7
22 S	32.5 E	WM	25	NW SW	9.0
22 S	32.5 E	WM	25	SW SW	8.5
Total					60.0

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

8. Water has been used within the last five years prior to the submittal of Transfer Application T-14180 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14180.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed changes, as conditioned, would not result in enlargement of the right.
13. The proposed changes, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation, additional points of appropriation, and change in place of use proposed in Transfer Application T-14180 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

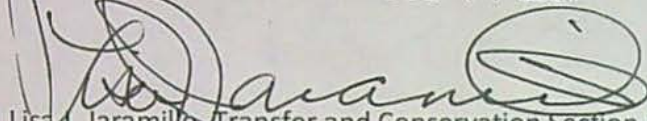
If Transfer Application T-14180 is approved, the final order will include the following:

1. *The change in point of appropriation, additional points of appropriation, and change in place of use proposed in Transfer Application T-14180 are approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 46263 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 place of use.*
4. *Water right Certificate 46263 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.*
5. *The quantity of water diverted at the new point of appropriation (Well #3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).*
6. *The quantity of water diverted at the new additional points of appropriation (Wells #1 and #4), together with that diverted at the original point of appropriation (Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
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 appropriation (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, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on JUL 11 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 any questions regarding the contents of 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.

SMITH Joan M * WRD

From: COURCHANE Corey A * WRD
Sent: Friday, June 14, 2024 8:22 AM
To: SMITH Joan M * WRD
Subject: RE: T-14180 PD coordinator review request

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Joan,

I have completed coordinator review of T-14180 PD, saving copies with track changes. Great job!

Thank you,

Corey

**COREY A COURCHANE |
ALLOCATION OF CONSERVED WATER**

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Work cell: 503 979-3917 | Fax: 503 986-0901
Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, June 12, 2024 3:10 PM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>; HENDERSON Sarah A * WRD <Sarah.A.HENDERSON@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: T-14180 PD coordinator review request

Good afternoon Corey and Sarah,

Glad you made it back OK!

I just peer reviewed the PD for T-14180. Here is the scan.

Thank you so much for your help!

Best,
Scott

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

SMITH Joan M * WRD

From: SMITH Joan M * WRD
Sent: Tuesday, June 25, 2024 3:44 PM
To: Scott; JRToelle@BLM.gov
Cc: SWINDLEHURST Donald S * WRD
Subject: T-14180 pd news notice letter
Attachments: T-14180-newspaper quote letter.docm

Follow Up Flag: Follow up
Flag Status: Flagged

SUBJECT: Water Right Transfer Application T-14180

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$259.20 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-14180 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than July 25, 2024.**

What happens next...

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

If we do not receive payment for newspaper notice by July 25, 2024, a Preliminary Determination may be issued denying the application as incomplete.

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

NOTE: OWRD offices are now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, however, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day (M-F). OWRD's Salem office is closed for customer service drop-ins from Noon - 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

SMITH Joan M * WRD

From: Scott <Scott@apeands.com>
Sent: Friday, May 24, 2024 1:05 PM
To: SMITH Joan M * WRD
Cc: Jr Toelle; Neecee
Subject: FW: 636911AM: 39192 Palomino Lane, Burns, OR 97720: McNab
Attachments: Property Profile Cover Sheet Burns_2.doc; 23S 32V 13 500 10984.pdf; assessor map_2.pdf; 20150104.pdf

Joan,

Please find attached to this email the Property Profile for the "from" lands of T-14180. I've reviewed the DPD and didn't find any inconsistencies with our application or scrivener's errors. I noticed your letter stipulated a written response, but in the past, we've okayed these with email replies. So, I'm hoping this message takes care of the review reply. I've been assured by one of the applicants that both are okay with the DPD, also. Please let me know if you have any questions or concerns.

Thanks,

Scott

Scott D. Montgomery, Owner/Principal
All Points Engineering & Surveying, Inc.
541-548-5833

-----Original Message-----

From: Stan Falley <Stan.Falley@amerititle.com>
Sent: Friday, May 24, 2024 10:48 AM
To: Neecee <Neecee@apeands.com>; Scott <Scott@apeands.com>
Subject: 636911AM: 39192 Palomino Lane, Burns, OR 97720: McNab

Stan Falley | Title Officer | AmeriTitle, LLC
111 W Washington | Burns, OR 97720
Phone 541.573.2039 | Fax 541.573.5844

*****CONSUMER PROTECTION ALERT: Please call our branch and verify wire transfer instructions verbally with your escrow officer prior to wiring funds.*****



Property Profile

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

Property Address:
39192 Palomino Lane, Burns, OR 97720
Property Parcel Number:
23S 32V 13 500

Includes the following:

- Tax Information
- Plat Map
- Last Vesting Document

Prepared by:
Stan Falley
May 24, 2024

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

Serving Harney County!

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

Harney County
2023 Real Property Assessment Report
 Account 10984

Map 23S32V13-00-00500
 Code - Tax ID 0420 - 10984

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description

Mailing MC NAB, DON JR & ANNA
 39204 PALOMINO LN
 BURNS OR 97720-9863

Deed Reference # 2012-1099
 Sales Date/Price 08-27-2012 / \$0
 Appraiser TONI WILSON

Property Class 551 MA SA NH
 RMV Class 551 04 00 042

Site	Situs Address	City
------	---------------	------

Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
0420	Land	221,190		Land	0
	Impr	0		Impr	0
Code Area Total		221,190	151,900	46,620	0
Grand Total		221,190	151,900	46,620	0

Land Breakdown										
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
0420	1			EFRU-2	Farm Use Zoned	109	77.50 AC	2	006*	211,190
	2			EFRU-2	Farm Use Zoned	100	0.00 AC	IW	006*	10,000
	Code Area Total						77.50 AC			

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct		Trended RMV

SUMMARY OF TAX ACCOUNT

HARNEY COUNTY TAX COLLECTOR

HARNEY COUNTY COURTHOUSE

BURNS, OREGON 97720

(541) 573-8365

24-May-2024

MC NAB, DON JR & ANNA
39204 PALOMINO LN
BURNS OR 97720-9863

Tax Account #		Lender Name	464 - MCNAB, DON & ANNA
Account Status	A	Lender ID	000
Roll Type	Real	Property ID	0420
Situs Address		Interest To	May 24, 2024

Tax Summary

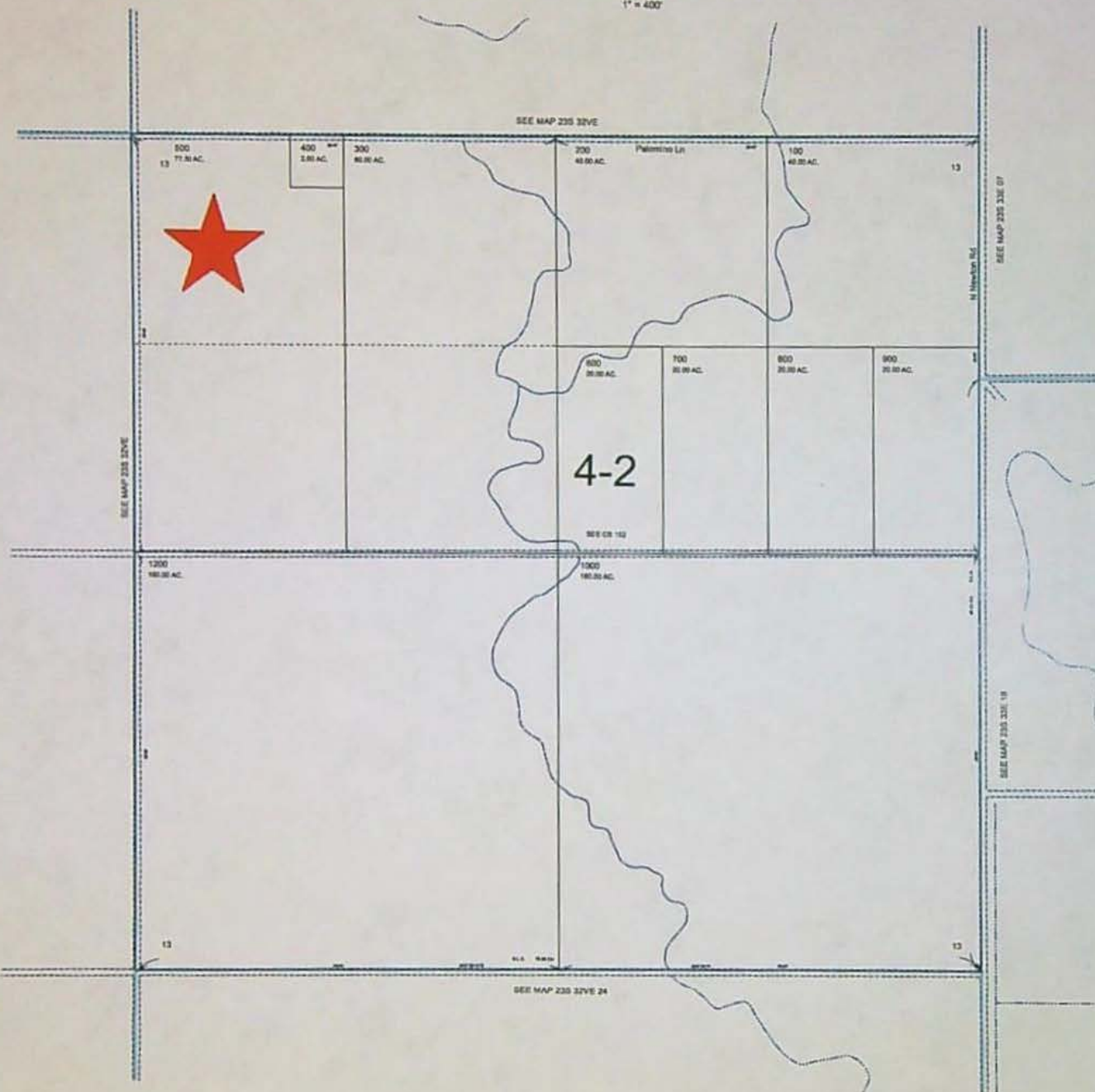
Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2023	ADVALOREM	\$595.88	\$568.11	\$27.77	\$0.00	\$568.11	Nov 15, 2023
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$551.59	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$535.50	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$519.92	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$504.78	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$490.09	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$475.81	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$308.43	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$299.54	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$290.88	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$282.47	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$274.32	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$32.12	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$31.18	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$30.29	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$29.40	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$28.56	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$27.72	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$26.92	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$26.13	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$25.38	Nov 15, 2003
Total		\$595.88	\$568.11	\$27.77	\$0.00	\$5,359.14	

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 13 T.23S. R.32 1/2E. W.M.
HARNEY COUNTY

1" = 400'

23S32VE13



Unrecorded Note
100 (2010)

COMPLIMENTS OF
AmeriTitle

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



PRINTED ON 7/16/2018

23S32VE13

200

300

400

681

2332W13

3,5,9,10

Page 1 - Statutory Warranty Deed
Escrow No. 29990AM



After recording return to:
Don McNab Jr. and Anna McNab

Until a change is requested all tax statements
shall be sent to the following address:
Don McNab Jr. and Anna McNab

File No. 29990AM

HARNEY COUNTY, OR 2015-0104
DEEDWD
Total: \$46.00 01/30/2015 03:18 PM



THI:

00009447201500001040020022

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

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



STATUTORY WARRANTY DEED

Diana L. Chase,

Grantor(s), hereby convey and warrant to

Don McNab Jr. and Anna McNab, husband and wife, as Tenants by the Entirety,

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

Land in Harney County, Oregon, as follows:

In Twp. 23 S., R. 32 1/2 E., W.M.:

Sec. 13: ~~N1/2NW1/4, S1/2NW1/4, NW1/4, NE1/4.~~

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

23S 32V 13 200 10035

23S 32V 13 300 10985

23S 32V 13 400 10007

23S 32V 13 500 10984

The true and actual consideration for this conveyance is \$325,000.00.

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 30 day of January.

Diana L. Chase
Diana L. Chase

State of Oregon } ss
County of Harney }

On this 30 day of January, 2015, before me, SHARLA CALKINS, a Notary Public in and for said state, personally appeared DIANA L. CHASE, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

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

Sharla Calkins
Notary Public for the State of OR
Residing at: Winn
Commission Expires: June 17, 2016



Groundwater Transfer Review Summary Form

Transfer/PA # T- 14180

GW Reviewer Darrick E. Boschmann Date Review Completed: 11/13/2023

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-14180

Applicant Name: Toelle Ranch LLC

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 11/13/2023

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 46263 which authorizes groundwater pumping from one well (POD 1 = HARN 649) for primary irrigation of 72.8 acres in the Malheur Lake Basin. The following changes are proposed:

1. Add 3 APOA (#1 = HARN 52771; #3 = HARN 52770; #4 = HARN 52421*) located over 3 miles to the north.
2. Move 60 acres of the POU to 22S/32.5E-25.

*The application Table 1 incorrectly lists HARN 52411 which is a well located 23S/33E-3. The Application map lists and depicts HARN 52421, which is assumed to be the intended well.

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 Older basin fill hydrostratigraphic unit. 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 northeastern part of Harney Valley and are located along groundwater flow paths flowing generally southwestward 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 more than 3 miles to the north of the currently authorized well. This will result in an incremental increase in interference with wells to the north.

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 nearest perennial surface water source is the perennial reach of Cow Creek, which is located over 1.5 miles to the north, and upgradient of the proposed APOA.

- 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

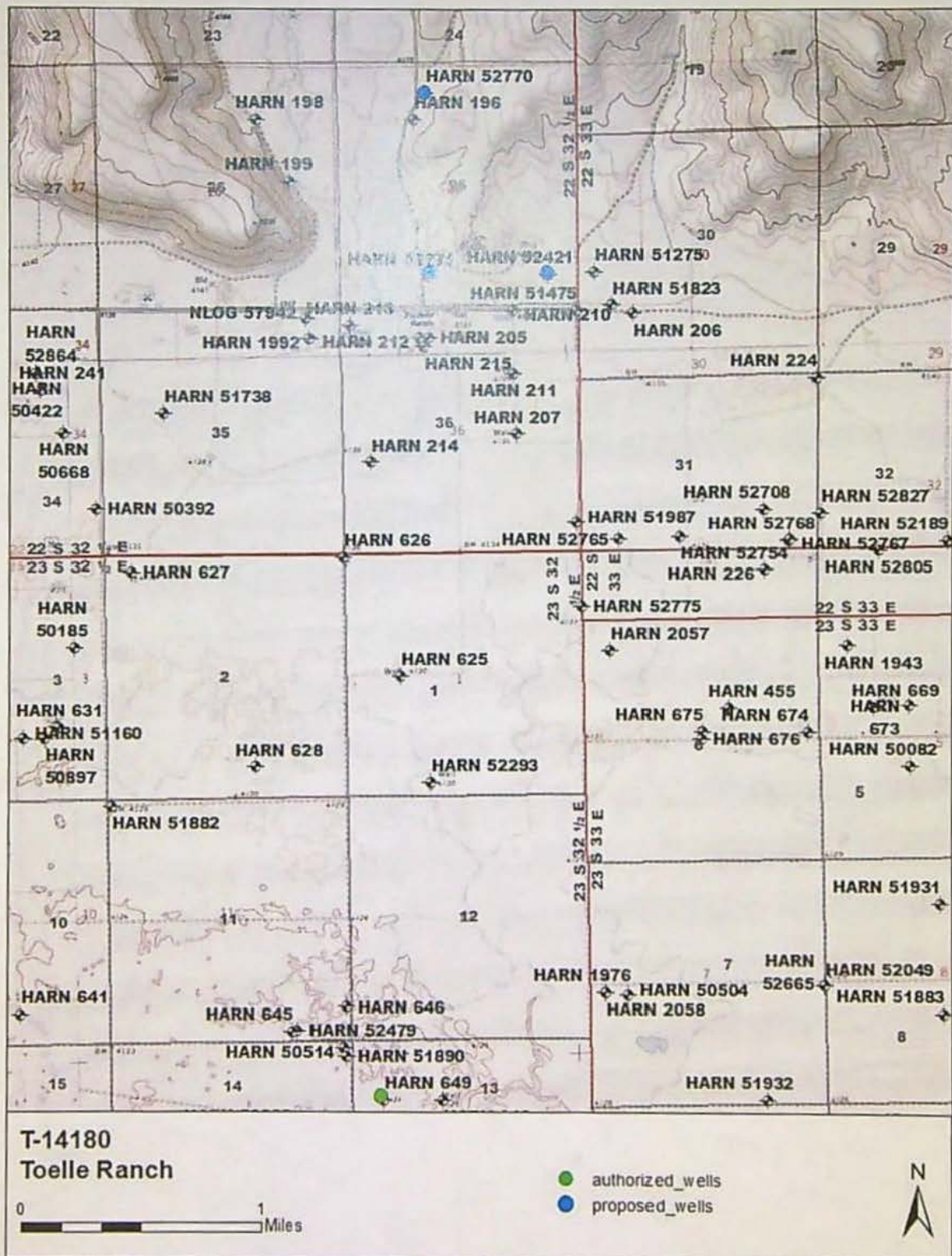
Provide context for minimal/significant impact: _____

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- 14180

Review Due Date: _____

Applicant Name: Toelle Ranch, LLC/Don McNabb

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

Reviewer(s): Dally Swindlehurst

Date of Review: 03/24/23

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

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

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- 14180

☒ 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

March 6, 2023

TOELLE RANCH LLC
72702 COW CREEK RD
BURNS, OR 97720

DON MCNABB
55777 SE PAULINA HWY
POST, OR 97752

Reference: Application T-14180

On February 27, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$3750.00. Receipt number 140205 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 Oregon Department of Fish and Wildlife to determine if a fish screen is needed *and* 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.

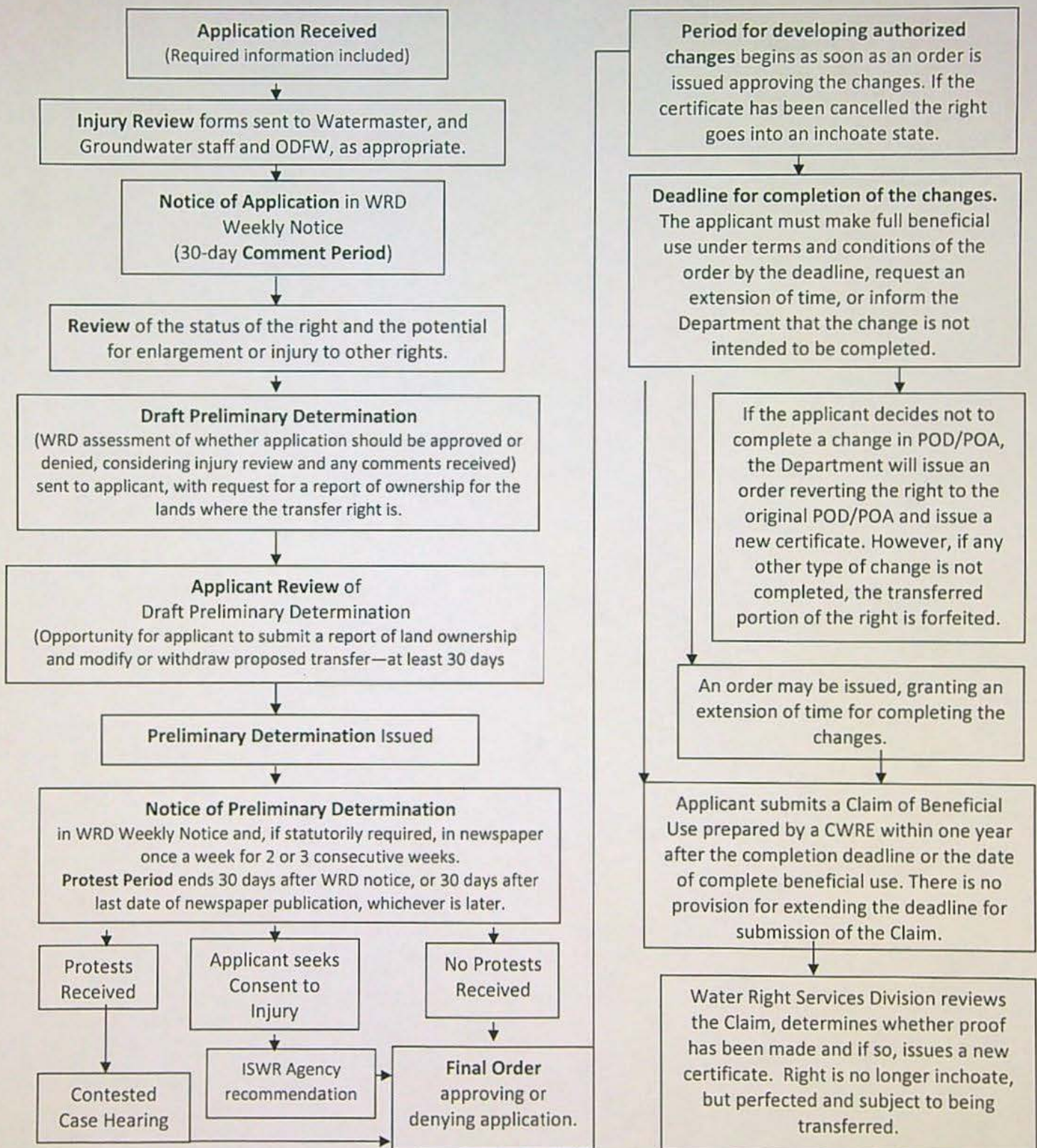
If you have any questions, please contact the Transfer Section at (503) 979-9931.

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

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **140205**

INVOICE # _____

RECEIVED FROM: John B Toelle

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-14180</u>

CASH: ☐ CHECK: # 1284 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3,750.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **140205**

DATE: 2-27-2023 BY: Mindy Carlson

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

FEB 27 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? 1 List them here: C-46263**
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 (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

\$1,360
RECEIVED
FEB 27 2023
OWRD

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 \$1360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i>	RECEIVED FEB 27 2012 OWRD
2	Multiply line 2b by \$1090 and enter »	2 \$1090
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in line 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>	
3	Multiply line 3b by \$610 and enter »	3 0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (4a)</u> Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: multiply the number of additional wells by \$820 <u>(4b)</u>	
4	Add line 4a to line 4b and enter »	4 \$1300
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.75 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.25 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c)</u> and multiply	
5	5c by \$410, then enter on line 5 »	5 0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6 \$3750
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	
7	If no box is applicable, enter 0 on line 7 »	7 0
8	Subtract line 7 from line 6 » Transfer Fee:	8 \$3750

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Toelle Ranch, LLC/Don McNabb		PHONE NO. 541-510-9891	ADDITIONAL CONTACT NO.
ADDRESS 72702 Cow Creek Rd/55777 SE Paulina Hwy,		FAX NO.	
CITY Burns/Post	STATE OR	ZIP 97720/97752	E-MAIL JRToelle@BLM.gov
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 Scott D Montgomery		PHONE NO. 541-548-5833	ADDITIONAL CONTACT NO. 541-420-0401
ADDRESS PO Box 767		FAX NO.	
CITY Terrebonne	STATE OR	ZIP 97760	E-MAIL scott@apeands.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:
Move part of an existing wheelline system approximately 2 ½ miles north to a location with better ground for farming.

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 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.


Donald Toelle
Applicant signature

Donald Toelle, Member

Print Name (and Title if applicable)

12/15/22
Date

Don McNabb
Applicant signature

Don McNabb, Owner

Print Name (and Title if applicable)

1-28/23
Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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

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

IRRIGATION DISTRICT NAME NA	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 NA	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Harney County Planning	ADDRESS 360 N Alvord Ave	
CITY Burns	STATE OR	ZIP 97720

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

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

Table 2. Description of Changes to Water Right Certificate # 46263

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
23	S	32 ½	E	13	NW	NW	500		30.0	IR	Well	1972	POU/POA APOA	22	S	32 ½	E	25	NE	NW	401		9.7	IR	1,3,4	1972	
23	S	32 ½	E	13	SW	NW	500		30.0	IR	Well	1972	POU/POA/ APOA	22	S	32 ½	E	25	NW	NW	400		10.1	IR	1,3,4	1972	
													POU/POA/ APOA	22	S	32 ½	E	25	SW	NW	400		16.0	IR	1,3,4	1972	
													POU/POA/ APOA	22	S	32 ½	E	25	SE	NW	400		2.0	IR	1,3,4	1972	
													POU/POA/ APOA	22	S	32 ½	E	25	NE	SW	400		4.7	IR	1,3,4	1972	
													POU/POA/ APOA	22	S	32 ½	E	25	NW	SW	400		2.7	9.0	IR	1,3,4	1972
													POU/POA/ APOA	22	S	32 ½	E	25	SW	SW	400		8.5	IR	1,3,4	1972	
TOTAL ACRES:						60.0							TOTAL ACRES:						60.0								

Additional remarks: Only 60.0 acres of the 72.8 acres are being transferred. The remaining 12.8 acres are unchanged.

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 46263

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Description of Water Delivery System

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System capacity: 0.91 cubic feet per second (cfs) OR

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_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped from the authorized well & conveyed to a wheelline system that irrigates the place of use.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 649	23 S	32 1/2 E	13	NW NW	500	1290' S & 630' E from the NW cor, Sec 13
#1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52771	22 S	32 1/2 E	25	SE SW	400	430' N & 3440' W from the SE cor, Sec 25
#3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52770	22 S	32 1/2 E	25	NE NW	400	4990' N & 3520' W from the SE cor, Sec 25
#4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52411	22 S	32 1/2 E	25	SE SE	400	750' N & 1200' W from the SE cor, Sec 25

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

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


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

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

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: G-17244.

 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
See Well logs										

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

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I, DON McNABB, in my capacity as OWNER,
mailing address 55777 SE PAULINA HWY, POST, OR 97752
telephone number (541) _____, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 46263; OR

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

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

OR

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

(continues on reverse side)

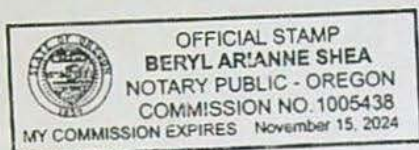
3. The water right was used for: (e.g., crops, pasture, etc.): _____

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.

Donald M. Sub Jr.
Signature of Affiant

1.11.23
Date

Signed and sworn to (or affirmed) before me this 11 day of January, 2023.



BSP
Notary Public for Oregon

My Commission Expires: November 15, 2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water <u>RECEIPT OF FIELD PREP IN FALL 2016</u>	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input checked="" type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers <u>SITE PHOTOS</u>	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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T23S R 32.5E, W.M.

June 2018 aerial imagery from NRCS Gateway website imported into ArcMap GIS software in statewide Lambert projection.



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0 0.25 0.5 Miles

Owens Hay, LLC

c/o Oster Professional Group
77 W Adams
Burns, OR 97720

Invoice

Date	Invoice #
9/23/2016	574

Bill To
Don McNabb

PAID

Ship To
RECEIVED FEB 27 2023 OWRD

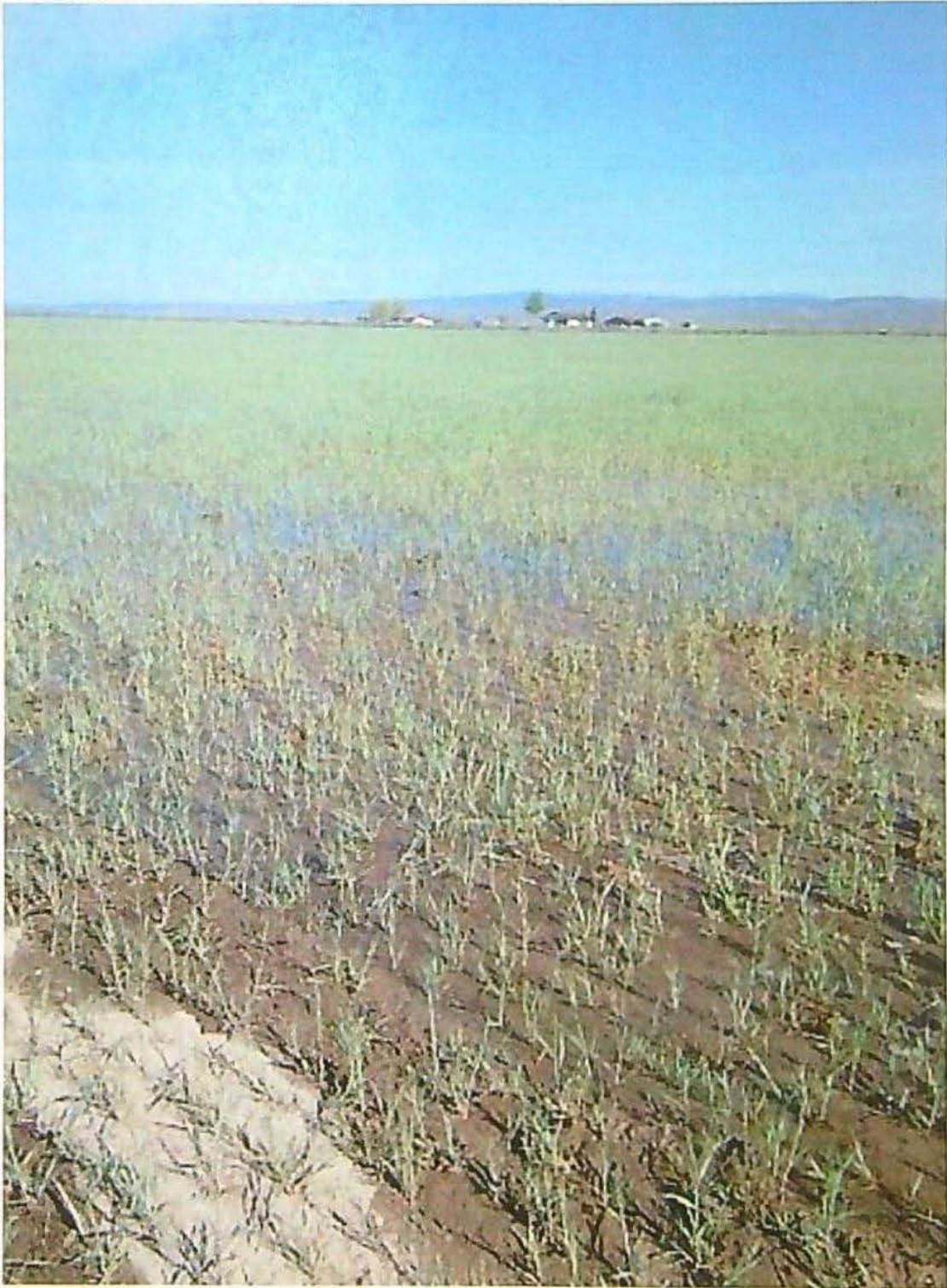
P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			9/23/2016			
Quantity	Item Code	Description			Price Each	Amount
190	Custom Work	Acres Brush Beating and Rye Drilling			0.00	0.00

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Scott

From: Don McNab <donmcnab1@gmail.com>
Sent: Friday, October 7, 2022 12:43 PM
To: Scott
Subject: Re: Owens Hay Invoice

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My mistake. We planted early fall of '17. 1st of Oct. Grazed and irrigated it spring and summer of '18.

Sent from my iPhone

On Oct 7, 2022, at 9:46 AM, Scott <Scott@apeands.com> wrote:

Don,

Those pictures need to be October 2017 to count for us. [REDACTED]

[REDACTED] So, the rest looks good. You and JR need to decide quickly if you want to put this in. I recommend by the end of the month.

Thanks,

Scott

*Scott D. Montgomery, Owner/Principal
All Points Engineering & Surveying, Inc.
541-548-5833*

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

HARN 52771

WELL I.D. LABEL# 131956

START CARD # 1041463

ORIGINAL LOG #

1/30/2019

(1) LAND OWNER

Owner Well I.D. #1
First Name JOHN Last Name TOELLE
Company
Address P.O. BOX 2
City BURNS State OR Zip 97720

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Std Plstc Wld Thrd
Material From To Amt sacks/lbs
Seal:

(3) DRILL METHOD

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

(4) PROPOSED USE

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

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 407.00 ft.

BORE HOLE			SEAL			Amt	sacks/
Dia	From	To	Material	From	To		
20	0	58	Cement w/5% Bentonite	0	58	42	S
12	58	407			Calculated	38	
					Calculated		

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

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

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

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing Liner Dia + From To Gauge Std Plstc Wld Thrd
Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temp casing ☐ Yes Dia _____ From + _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type		Material		# of	Tele/
Perf/	Casing/ Screen	Scr/slot	Slot		
Screen Liner	Dia	From	To	width	length

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
500		160	1

Temperature 65 °F Lab analysis ☐ Yes By _____Water quality concerns? ☐ Yes (describe below) TDS amount 315 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 22.00 S N/S Range 32.50 E E/W WM
Sec 25 SE 1/4 of the SW 1/4 Tax Lot 400
Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

☐ Street address of well ☒ Nearest address

72989 COW CREEK RD BURNS OR 97720

(10) STATIC WATER LEVEL

Date	SWL (psi)	+	SWL (ft)
Existing Well / Pre-Alteration			
Completed Well	1/7/2019		35
Flowing Artesian?	<input type="checkbox"/>	Dry Hole?	<input type="checkbox"/>

WATER BEARING ZONES

Depth water was first found 65.00

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
1/7/2019	65	407	500			35

(11) WELL LOG

Ground Elevation _____

Material	From	To
topsoil	0	4
gravel	4	43
hard claystone	43	65
pumice	65	87
hard fractured claystone	87	133
broken lava	133	147
hard fractured claystone	147	317
soft broken claystone	317	331
hard broken claystone	331	336
fractured claystone	336	407
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Date Started 12/10/2018 Completed 1/7/2019

(unbonded) Water Well Constructor Certification

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

License Number 1940 Date 1/30/2019

Signed BENJAMIN FRY (E-filed)

(bonded) Water Well Constructor Certification

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

License Number 1355 Date 1/30/2019

Signed ARTHUR FRY (E-filed)

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 14180

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

HARN 52421

9/8/2015

WELL I.D. LABEL# 118659
START CARD # 1027061
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. 14" IRR #4
First Name JOHN Last Name TOELLE
Company
Address PO BOX 2
City BURNS State OR Zip 97720

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

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

(3) DRILL METHOD

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

(4) PROPOSED USE

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

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 485.00 ft.

BORE HOLE			SEAL			sacks/ lbs
Dia	From	To	Material	From	To	
18	0	20	Bentonite Chips	0	50	50 S
14	20	485			Calculated	46.5
					Calculated	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other POURED AND TAMPED

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)
Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type Material

Perf/	Casing/	Screen	Dia	From	To	Screen/slot	Slot	# of	Tele/
Screen	Liner					width	length	slots	pipe size

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
250		465	1

Temperature 60 °F Lab analysis ☐ Yes By

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

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 22.00 S N/S Range 32.50 E E/W WM
Sec 25 SE 1/4 of the SE 1/4 Tax Lot 400
Tax Map Number Lot
Lat " or DMS or DD
Long " or DMS or DD
☒ Street address of well ☐ Nearest address

72989 COW CREEK ROAD

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration
Completed Well 8/10/2015 78
Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 78.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
	78	465	250		78

(11) WELL LOG

Ground Elevation

Material	From	To
TOPSOIL - CLAY LOAM	0	1
CLAY - BROWN	1	10
CLAYSTONE - BROWN W/ SMALL GRAVEL	10	35
PUMICE - GRAY	35	40
CLAYSTONE - GREEN	40	185
CLAYSTONE - BROWN & GREEN W/PUMICE	185	195
CLAYSTONE - GRAY HARD	195	215
PUMICE & ASH	215	240
CLAYSTONE - GREEN	240	285
SANDSTONE - GRAY BLUE	285	330
SANDSTONE/CLAYSTONE MIX BLUE	330	400
CLAYSTONE - GRAY	400	485
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FEB 27 2023		
OWRD		

Date Started 8/4/2015 Completed 8/10/2015

(unbonded) Water Well Constructor Certification

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

License Number Date

Signed

(bonded) Water Well Constructor Certification

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

License Number 1424 Date 9/8/2015

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional) Tim Riley 541-573-5495

ORIGINAL - WATER RESOURCES DEPARTMENT

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

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

HARN 52770

WELL I.D. LABEL# L131958

START CARD # 1041713

1/23/2019

ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. #3
First Name JOHN Last Name TOELLE
Company
Address 72989 COW CREEK RD BURNS OR 97720
City BURNS State OR Zip 97720

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

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

(3) DRILL METHOD

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

(4) PROPOSED USE

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

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 278.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
20	0	58	Cement	0	58	35	S
14	58	278				Calculated	35
						Calculated	

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

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

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

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	<input checked="" type="checkbox"/>	2	58	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____Temp casing ☐ Yes Dia _____ From + _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type _____ Material _____

Perf/	Casing/Screen	Screen Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000		170	1

Temperature 60 °F Lab analysis ☐ Yes By _____Water quality concerns? ☐ Yes (describe below) TDS amount 197 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 22.00 S N/S Range 32.50 E E/W WM

Sec 25 NE 1/4 of the NW 1/4 Tax Lot 401

Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD

Long _____ " or _____ DMS or DD

☐ Street address of well ☒ Nearest address

72989 COW CREEK RD BURNS OR 97720

(10) STATIC WATER LEVEL

Date	SWL (psi)	+	SWL (ft)
Existing Well / Pre-Alteration			
Completed Well	1/22/2019		53
Flowing Artesian?	<input type="checkbox"/>	Dry Hole?	<input type="checkbox"/>

WATER BEARING ZONES

Depth water was first found 89.00

SWL Date From To Est Flow SWL (psi) + SWL (ft)

1/22/2019	89	278	1000		53

(11) WELL LOG

Ground Elevation _____

Material	From	To
clay	0	10
very hard broken clay/sandstone	10	24
large gravel	24	31
hard cemented gravel conglomerate	31	32
grey claystone	32	40
broken claystone	40	43
grey claystone	43	89
fractured dirty grey clay	89	155
broken brown clay	155	225
multi colored cinder	225	278
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FEB 27 2023		
OWRE		

Date Started 1/9/2019 Completed 1/22/2019

(unbonded) Water Well Constructor Certification

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

License Number 1940 Date 1/23/2019

Signed BENJAMIN FRY (E-filed)

(bonded) Water Well Constructor Certification

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

License Number 1355 Date 1/23/2019

Signed ARTHUR FRY (E-filed)

Contact Info (optional) 14180

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)
County of _____)ss
County of _____)

We, Don McNab, Jr. and Anna McNab in our capacity as deeded owners,

mailing address 55777 SE Paulina Hwy, Post, OR 97752-2004,

telephone number _____, duly sworn depose and say that We

consent to the proposed change(s) to Water Right Certificate Number 46263

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

(transfer number, if known)

submitted by Toelle Ranch, LLC

on the property in tax lot number(s) 400 & 500,

Section 13 Township 23 North/South Range 32-1/2 East/West, W.M.,

located at 39192 Palomino Lane, Burns, OR 97720

(site address)

Signature of Affiant

1/11/23
Date

Signature of Affiant

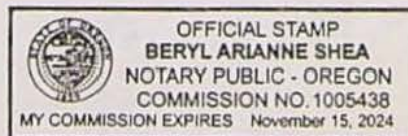
1/11/23
Date

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Subscribed and Sworn to before me this 11 day of January, 2023.



Notary Public for Oregon

My commission expires Nov. 15, 2024.

Land Use Information Form



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

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Applicant(s): John R Toelle, Toelle Ranch LLC

Mailing Address: 72702 Cow Creek Rd

City: Burns

State: OR

Zip Code: 97720

Daytime Phone: 541-510-9891

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>NENW</u>	<u>401</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>NW</u> <u>NW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>SW NW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>SE NW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>NE SW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>NW SW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>SW SW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>SE SW</u>	<u>400</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>SW SE</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>32</u> <u>1/2 E</u>	<u>25</u>	<u>SE SE</u>	<u>400</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR</u>

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

Harney

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FEB 27 2023

OWRD

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): EPFLU - 1/Hcz0 3.010
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

--

Name: Brendon McMullen Title: Planning Director

Signature: [Signature] Phone: (541) 573-6655 Date: 12/27/22

Government Entity: Harvey County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE AND ADD A POINT OF APPROPRIATION FOR TOELLE RANCH, LLC

SECTIONS 25 & 26, TOWNSHIP 22 SOUTH, RANGE 32-1/2 EAST, W.M.

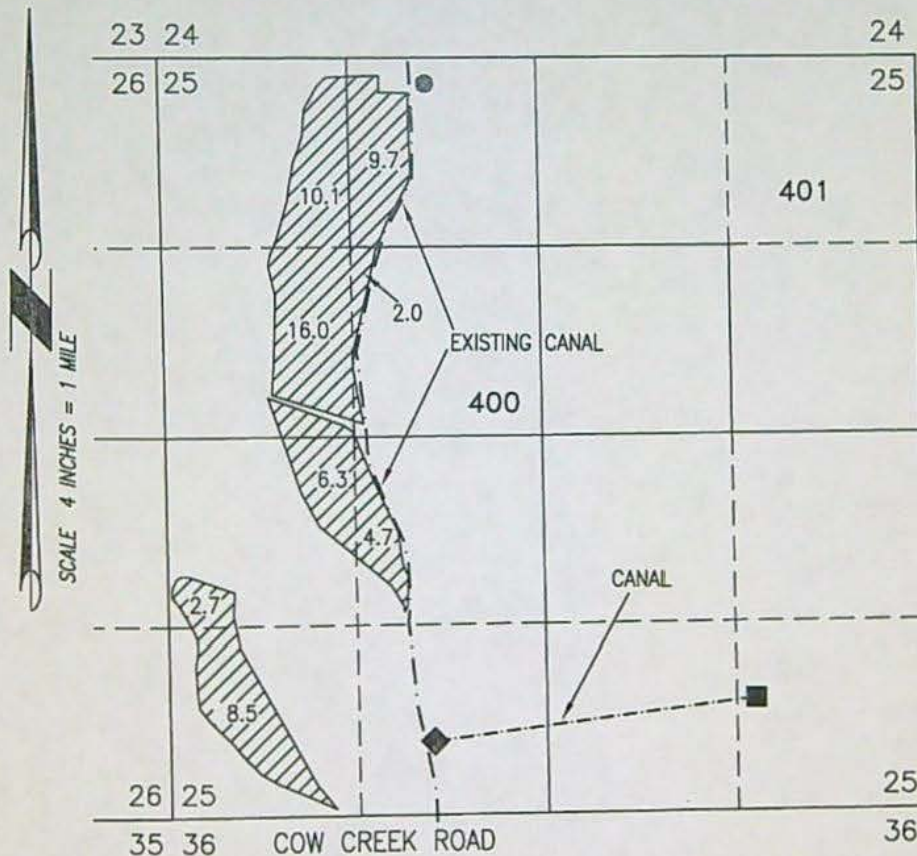
TAX LOTS: 400 & 401

"TO"

RECEIVED

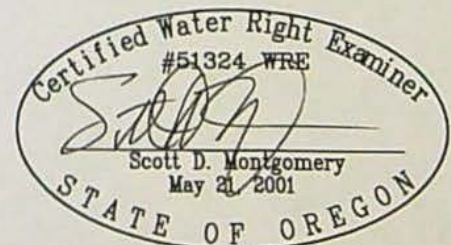
FEB 27 2023

OWRD



60.0 ACRES IR WATER
RIGHTS FROM C46263

- ◆ WELL #1 (HARN 52771) IN THE SE 1/4 OF THE SW 1/4 SECTION 25 & 430' NORTH & 3440' WEST FROM THE SE CORNER SECTION 25.
- WELL #3 (HARN 52770) IN THE NE 1/4 OF THE NW 1/4 SECTION 25 & 4990' NORTH & 3520' WEST FROM THE SE CORNER SECTION 25.
- WELL #4 (HARN 52421) IN THE SE 1/4 OF THE SE 1/4 SECTION 25 & 750' NORTH & 1200' WEST FROM THE SE CORNER SECTION 25.



RENEWAL DATE: 12/31/2024

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

PROJECT No. 22-001

PREPARED AT THE REQUEST OF:

TOELLE RANCHES, LLC
72702 COW CREEK ROAD
BURNS, OR 97720

ALL POINTS ENGINEERING
& SURVEYING, INC.

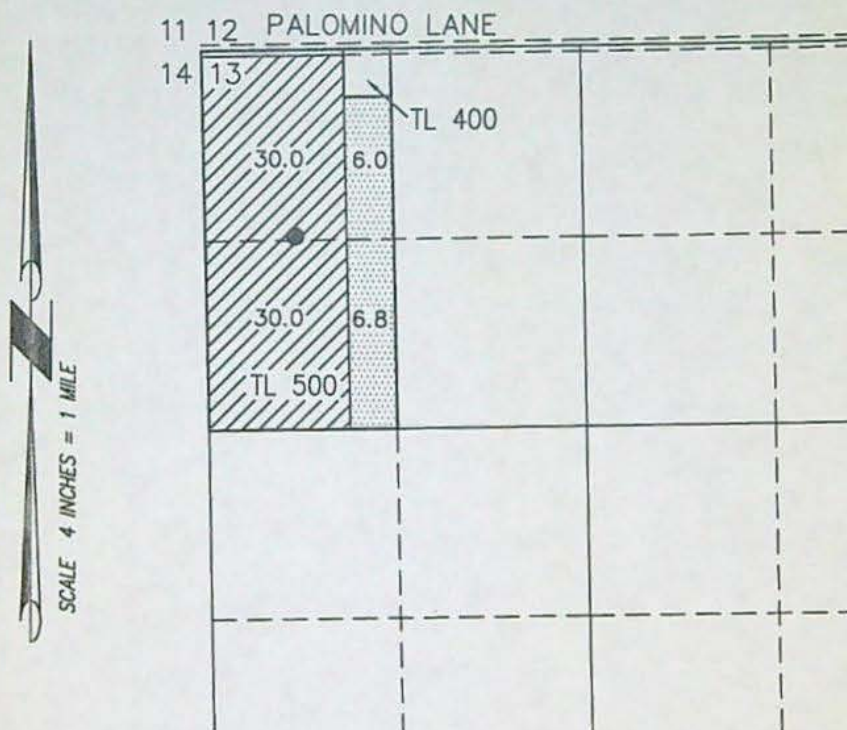


P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com

14180

MAP TO ACCOMPANY APPLICATION TO CHANGE PLACE OF USE AND ADD A POINT OF APPROPRIATION FOR TOELLE RANCH, LLC

SECTION 13, TOWNSHIP 23 SOUTH, RANGE 32-1/2 EAST, W.M.
TAX LOT: 500
"FROM"

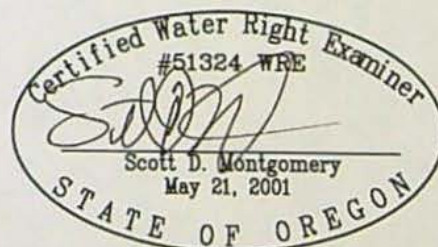


60.0 ACRES IR WATER RIGHTS
FROM C46263 TRANSFERRED,
AS SHOWN



12.8 ACRES IR WATER RIGHTS
FROM C46263 REMAIN, AS
SHOWN

- WELL HARN 649 (AUTHORIZED)
LOCATED IN THE NW 1/4 NW 1/4
SECTION 13, T23S R32-1/2E, W.M. AND
1290 FEET SOUTH AND 630 FEET EAST
FROM THE NW CORNER SECTION 13.



RENEWAL DATE: 12/31/2024

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

PROJECT No. 22-001

PREPARED AT THE REQUEST OF:
TOELLE RANCHES, LLC
72702 COW CREEK ROAD
BURNS, OR 97720

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



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

14180



ALL POINTS
ENGINEERING & SURVEYING

P.O. Box 767
Terrebonne, Oregon 97760

RECEIVED
FEB 27 2023
OWRD

TRANSMITTAL

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

Date: 2/23/2023 Job: 22-001

Attention: Transfer Section

Re: Application for Transfer

☒ Prints ☐ Plans ☒ Map/Plat ☐ Specifications ☐ Change order ☒ Other

Copies	No.	Description
1	1	Application (9 sheets letter bond)
1	2	LUCS (1 sheet letter bond)
1	3	Use Affidavit (7 sheets letter bond)
1	4	Map (2 sheets letter bond)
1	5	Well Reports (3 sheets letter bond)
1	6	Owner consent affidavit (1 sheet letter bond)

These are transmitted as checked below:

☒ For OWRD approval ☐ Approved as submitted ☐ Approved as noted
☐ Copies for distribution ☐ Returned for corrections ☐ Returned corrected prints
☒ Review and comment ☐ For bids due ☐ Other

Remarks:

Check for transfer fee was split proportionately between the applicants. Thanks and if you have questions please don't hesitate to call (541) 548-5833.

Signed: _____

14180



Oregon

Permanent Transfer Application Checklist

Water Resources Department

North Mall Office Building

Transfer # **14180**

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

Checked by <u>Dante</u>	Type of Change(s) Proposed: NO other changes allowed other than those listed	
Date <u>3/2/2023</u>		
Fee Received: \$3750	<input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input checked="" type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$3750		How many rights to be Transferred? <u>1</u>
Deficiencies and Observations: Be wary of Evidence of Use. Looks sketchy.		Certificate #(s) <u>46263</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

14180



Permanent Transfer Application Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »		
4		4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	