

T-14201

Temporary

T-14201

Name Aaron Wesler / Hard Rock Farmland LLCAddress PO Box 226
Christmas Valley, OR 97641
weslerhayfarms@gmail.comChange in POUDate Filed 3/27/2023Initial notice date 4/4/2023

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 12/19/2023 Vol 129 Page 518-521

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellTrib. of Christmas Lake, ValleyUse IrrigationCounty Lake

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G 3719Per # G 3516Cert # 52872PR Date 11/1/1966

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>3-27-23</u>	<u>\$1,152.50</u>	<u>140392</u>

FEES REFUNDED

Date	Amount	Receipt #
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Assignments: _____

Irrigation District _____

Agent John Short / water right services LLC - johnshort@vsa.comCWRE Lake County

CC's list _____

☐ - Oversized map - Location _____

T-14201

WATER RIGHT TRANSFER COVER SHEET

Transfer: ~~T-14201~~

Transfer Specialist: Scott

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: AARON J WESLER PO BOX 226 CHRISTMAS VALLEY, OR 97641	Agent: JOHN A. SHORT PO BOX 1830 BEND, OR 97709	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Lake County Planning Department	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
☐	G-3719	G-3516	52872
☐			
☐			

Key Dates & Initial Actions (Support Staff)

Rec'd: March 27, 2023	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1133.06	Acknowledgement Letter Sent ☒	Basin: 13 Goose & Summer Lake
Initial Public Notice:	County sent cc: of Ack Letter ☒	County: LAKE
WM District: 11 Jeremy T. Giffin	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature/Bin	Signature Date
FO	Date: 11/6/23 Initials: Scott	Date: 11/21/23 Initials: JTW	Date: 12/7/23 Initials: CA	Date: 12/11/23 Initials: Scott	Date: 12/11/23 No. of docs for sig: 1 WM Sheet ☒	Date: 12/19/23

Special Issues: _____

Special Order Volume: Vol. 129 Pages 518-521



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

December 19, 2023

Aaron J. Wesler

PO Box 226

Christmas Valley, OR 97641

REFERENCE: District Temporary Transfer Application T-14201

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

The temporary change shall be effective at the **beginning of the 2024 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2027 irrigation season**.

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

Sincerely,

Water Rights Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
John A. Short, Agent
Lake 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 A TEMPORARY
T-14201, Lake County	)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

AARON WESLER
HARD ROCK FARMLAND, LLC
PO BOX 226
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On March 27, 2023, AARON WESLER / HARD ROCK FARMLAND, LLC, filed an application to temporarily change the place of use under Certificate 52872 for a period of 5 years. The Department assigned the application number T-14201.
2. Notice of the application for transfer was published on April 4, 2023, pursuant to OAR 690-380-4000.
3. On October 25, 2023, the Department sent a deficiency letter due to insufficient evidence to establish proof of beneficial use of water on pivot corners within the previous five years. The Department requested that the deficiency be resolved by November 25, 2023. The agent responded on November 3, 2023, with further evidence of use.

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

4. The right to be transferred is as follows:

Certificate: 52872 in the name of BOB AND ALICE HAMETT (perfected under Permit G-3516)
Use: IRRIGATION of 75.0 ACRES
Priority Date: NOVEMBER 7, 1966
Rate: 0.94 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 FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	19 E	WM	31	SW SE	360 FEET NORTH AND 100 FEET EAST FROM THE S1/4 CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	19 E	WM	31	NE SE	5.6
25 S	19 E	WM	31	NW SE	19.8
25 S	19 E	WM	31	SW SE	38.6
25 S	19 E	WM	31	SE SE	11.0
				Total	75.0

5. Temporary Transfer Application T-14201 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	19 E	WM	31	NE SE	15.5
25 S	19 E	WM	31	NW SE	8.6
25 S	19 E	WM	31	SW SE	18.9
25 S	19 E	WM	31	SE SE	32.0
				Total	75.0

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

8. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-14201 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

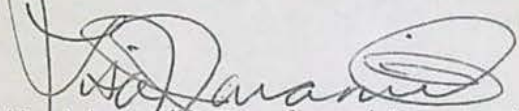
Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-14201 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 52872 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 52872.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

8. 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.
- 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.

Dated in Salem, Oregon on **DEC 19 2023**



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

Mailing Date: **DEC 20 2023**

C-52872

5/18/2022

43.355749, -120.485031



Received by OWRD

NOV 03 2023

Salem, OR

PHOTO G REFERENCE MAP WITH COORDINATES



Received by OWRD

NOV 03 2023

Salem, OR

5/18/2022

43.356583, -120.484343



Received by OWRD

NOV 03 2023

Salem, OR

PHOTO H REFERENCE MAP WITH COORDINATES



OPENET

Filling the Biggest Data Gap
in Water Management

[What is ET?](#) [How to use Data](#) [Methodologies](#) [Known Issues](#) [API](#) [FAQ](#) [New](#)

[Home](#) [Explore](#)



GREW Scott A * WRD

From: Bryce Withers <brycewrs@gmail.com>
Sent: Friday, November 3, 2023 1:38 PM
To: GREW Scott A * WRD
Cc: GIFFIN Jeremy T * WRD; Aaron wesler
Subject: Re: T-14201 HARD ROCK FARMLAND, LLC
Attachments: C-52872_PHOTOS.pdf

Hi Scott,

I created a pdf that has all the photos with coordinates and dates embedded. Let me know if there are any issues with this one. Thank you.

On Thu, Nov 2, 2023 at 12:18 PM Bryce Withers <brycewrs@gmail.com> wrote:

Hi Scott,

Attached are July 2023 aerial photos with ground photo locations referenced taken during May of the 2022 irrigation season when Mr. Wesler farmed the "corners" of the water right. Mr. Wesler worked hard to irrigate the authorized place of use that falls outside the pivot/wheel line area and documented with receipts and photos of his efforts as best as he could to facilitate the transfer as the sporadic aerial imagery didn't always capture his efforts. Additional photos were taken after more growth, but these were lost, but you can see the sprouts in the ground photos and the recently harvested areas in the aerals. It was our intent to file for the temporary transfer using the receipts only until updated aerial imagery was released showing the more recent farming, as we plan to submit a permanent transfer in the future.

The purpose of the transfer is to correct the issues with the place of use that have been identified. Also Temporary Transfer T-13964 was approved in May 2023 as a temporary solution to some of these issues. Again, the plan is to apply for a similar permanent transfer in the future to fix the issues for the long term.

We feel that these items meet the requirements needed to move forward with the transfer, thank you for your consideration. Please let Mr. Wesler and I know if you have any questions or need any additional information.

--

Bryce Withers

Water Right Specialist
(541)408-1400 cell

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
<https://oregonwater.us>

--

Bryce Withers

Water Right Specialist
(541)408-1400 cell



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

October 25, 2023

Applicant

AARON WESLER / HARD ROCK FARMLAND, LLC

PO BOX 226

CHRISTMAS VALLEY, OR 97641

REFERENCE: Temporary Transfer Application T-14201 Deficiency Letter

The Evidence of Use form received with Temporary Transfer Application T-14201 indicated aerial photos however, no aerial photos were included.

In addition, receipts were included with insufficient evidence to establish proof of beneficial use of water on the pivot corners within the previous five years as authorized by Certificate 52872.

When researching, it appears on aerial photos and OpenET data indicate beneficial use of water within the previous five years prior to submitting the application, was not established within the corners that are proposed for transfer. OpenET is data that measures evapotranspiration all across the state. The OpenET collaborative is led by NASA, the Desert Research Institute (DRI), and Environmental Defense Fund (EDF). <https://openetdata.org/>

- Please provide evidence that establishes beneficial use of water within the previous five years for the proposed corners.

It appears the place of use of the application map does not match the place of use on an aerial map, indicating water is being used outside the authorized place of use. Please see attached aerial image.

Certificate 52872 authorizes irrigation only 5.6 acres NE SE Section 13, T25S, R19E, WM and 11.0 acres in SE Section 13, T25S, R19E, WM. The aerial images (and OpenET data) show that irrigation from the pivot has taken place where no irrigation is authorized. This may be enlargement of the right. Pursuant to Oregon Administrative Rule 690-380-0100(2)(b), enlargement means an expansion of a water right by increasing the acreage irrigated under a right.

I recommend working with Jeremy Giffin, the District 11 Watermaster, to get the footprint of the existing water right into compliance. He can be reached at 541-306-6885.

If the Department does not receive the above requested materials by November 20, 2023, a draft Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Temporary Transfer Application file T-14201
Jeremy T. Giffin, District 11 Watermaster (via e-mail)
John Short, Agent for the applicant (via e-mail)



OpenET data from 2018



GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Monday, October 9, 2023 4:16 PM
To: johnshort@usa.com
Cc: GREW Scott A * WRD
Subject: Evidence of use photos missing for T-14200, T-14201 and T-14203

Good afternoon John,

I am working on the applications for Aaron Wesler / Hard Rock Farmland, LLC.

The Evidence of Use Affidavits say they included aerial photos for applications T-14200, T-14201 and T-14203 but they are missing.

Please send those aerial photos by Wednesday October 18th.

Thank you,
Scott

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

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14201

Review Due Date: 04/28/2023

Applicant Name: Hard Rock Farm Land, LLC

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

Reviewer(s): Giffin

Date of Review: 04/03/2023

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

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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14201



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



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

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

Watermaster name: Jeremy Giffin

District: 11

Address: 231 SW Schlaehouse Lp, STE 103

City/State/Zip: Bend, OR 97702

Phone: 541-306-6885

Email: Jeremy.T.Giffin@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 29, 2023

AARON J WESLER

PO BOX 226

CHRISTMAS VALLEY, OR 97641

Reference: Application T-14201

On March 27, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1152.50. Receipt number 140392 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.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #11, Jeremy T. Giffin (via email)
Lake County
John A. Short, Agent

Enclosure

**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 # **140392**

INVOICE # _____

RECEIVED FROM: Wister Day Farms Inc.
BY: Aaron & Katherine Wister

APPLICATION	
PERMIT	
TRANSFER	<u>T-14201</u>

CASH: ☐ CHECK: # 4724 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,152.50

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 \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1,152.50

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 \$ _____

PT: **140392** DATED: 3/21/23 BY: [Signature]

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



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

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

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

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 52872**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2027.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	\$0
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	\$0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>75.0 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	\$202.50
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	\$1152.50
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	
7	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	\$1152.50

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME AARON WESLER / HARD ROCK FARMLAND, LLC			PHONE NO. 541-771-5449	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 226			FAX NO.	
CITY CHRISTMAS VALLEY	STATE OR	ZIP 97641	E-MAIL weslerhayfarms@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME JOHN A. SHORT / WATER RIGHT SERVICES, LLC			PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 1830			FAX NO.	
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why: Rearrange place of use to match farming practices. This transfer needs to be linked with concurrently submitted Temporary Transfer Applications for C-52632, C-52627, C-52872, & C-64853; Ideally these transfers will be approved concurrently to avoid layering conflicts. Applicant would like to withdraw Temporary Transfer T-13964 upon a final order approving this application.

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

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

Aaron Wesler
Applicant signature

Aaron Wesler member manager
Print Name (and Title if applicable)

3-21-23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

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

DISTRICT NAME N/A	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 N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME LAKE COUNTY PLANNING DEPARTMENT	ADDRESS 513 CENTER ST	
CITY LAKEVIEW	STATE OR	ZIP 97630

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 52872

Description of Water Delivery System

System capacity: 0.94 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
WELL #1 AUTH.	☒ Authorized ☐ Proposed	LAKE 284	25	S	19	E	31	SW	SE	7400	360' N, 100' E OF S ¼ COR SEC 31

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

- | | |
|---|---|
| ☒ Place of Use (POU) | ☐ Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | |

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 52872

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POU	25	S	19	E 31 NE SE	7500		15.5	IR	WELL 1	11/7/1966		
										"	"	"	"	" NW SE	"		8.6	"	"	"		
										"	"	"	"	" SW SE	7400		18.9	"	"	"		
										"	"	"	"	" SE SE	"		32.0	"	"	"		
TOTAL ACRES											TOTAL ACRES						75.0					

Additional remarks: _____

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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LAKE COUNTY, OREGON	2017-000784
DAVIDEED	05/26/2017 03:33:12 PM
CHART Page 2	
TX \$10.00 \$11.00 \$10.00 \$20.00	\$51.00
I, Stacie Geesey, County Clerk for Lake County, Oregon, certify that the instrument described herein was recorded in the Clerk's records.	
Stacie Geesey - County Clerk	

After recording return to:
Rock Hard Farmhand, LLC
PO Box 226
Christmas Valley, OR 97641

Until a change is requested all tax statements
shall be sent to the following address:
Rock Hard Farmhand, LLC
PO Box 226
Christmas Valley, OR 97641
File No. 167695AM

STATUTORY WARRANTY DEED

John Dinger and Cynthia Dinger,
Grantor(s), hereby convey and warrant to

Rock Hard Farmhand, LLC,

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

Parcel 1:

The South one-half of the Southeast one-quarter of Section 31, Township 25 South, Range 19 East of the Willamette Meridian, Lake County, Oregon

Parcel 2:

The South one-half of the North one-half of the Southeast one-quarter of Section 31, Township 25 South, Range 19 East of the Willamette Meridian, Lake County, Oregon.

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

2519-7400 922
2519-7500 923

The true and actual consideration for this conveyance is \$300,000.00.
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:



2017-000784

25 19 00-074

25 19 00-075

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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 455, 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 455, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 23 day of May, 2017.

John Dinger by Cynthia Dinger, Attorney In Fact
John Dinger by Cynthia Dinger, Attorney In Fact

Cynthia Dinger
Cynthia Dinger

State of Oregon) ss.
County of Washington

On this 23 day of May, 2017, before me, a Notary Public in and for said state, personally appeared Cynthia Dinger known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as Attorney-in-fact of John Dinger, and acknowledged to me that he/she/they subscribed the name of John Dinger as principal and his/her/their name as Attorney-in-fact. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

[Signature]
Notary Public for the State of Oregon
Residing at: 141 NW Fremont St., CL (Buckner)
Commission Expires: 9/25/2020



State of Oregon) ss.
County of Washington

On this 23 day of May, 2017, before me, a Notary Public in and for said state, personally appeared Cynthia Dinger, 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.

[Signature]
Notary Public for the State of Oregon Residing at: 141 NW Fremont St., CL (Buckner)
Commission Expires: 9/25/2020



2017-000784

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of DESCHUTES

I, JOHN A. SHORT, in my capacity as WATER RIGHT SPECIALIST,

mailing address PO BOX 1830 BEND, OR 97709

telephone number (541)389-2837, being first duly sworn depose and say:

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SALEM, OREGON

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 # 52627, 52632, 52872, 60953, & 64853; OR

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

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

OR

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

(continues on reverse side)

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

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

[Signature]
Signature of Affiant

December 12, 2022
Date

Signed and sworn to (or affirmed) before me this 12 day of Dec, 2022.



[Signature]
Notary Public for Oregon

My Commission Expires: July 12, 2025

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

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Evidence of Use Affidavit - Page 2 of 2

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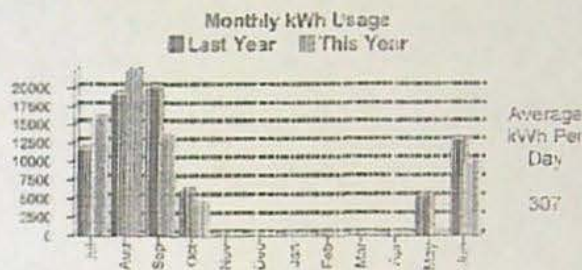
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MIDSTATE ELECTRIC
COOPERATIVE, INC.
A Touchstone Energy® Cooperative

SmartHub is the center of member engagement. Manage your electric account 24/7 by accessing SmartHub at www.msa.com.
OUR OFFICE WILL BE CLOSED MONDAY JULY 4, 2022 FOR INDEPENDENCE DAY. OUR AFTER-HOURS OUTAGE LINE, (800) 752-5935, IS AVAILABLE 24 HOURS A DAY TO ASSIST YOU.

[illegible]

Power/water
T265 R9E see 31

OWRD
SALEM, OREGON

MIDSTATE ELECTRIC

A Touchstone Energy Company

0390390621220000722213000000000000000006

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Koehler Custom Fertilizing LLC

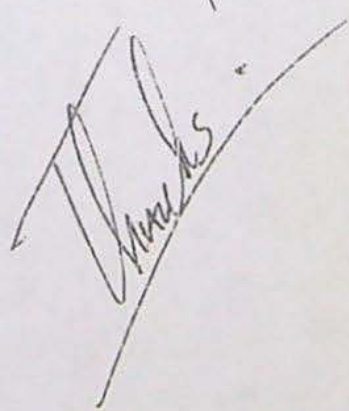
PO BOX 834
CHRISTMAS VALLEY, OR 97641

Invoice

Date:	Invoice #
10/5/2022	1167

Bill To
Wesler Farms PO Box 226 Christmas Valley, OR 97641

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30		10/5/2022			
Quantity	Item Code	Description			Price Each	Amount
24,000	Triticale Seed	Forerunner Triticale Seed - Fall 12 Totes @ 2000# each <i>Seed for 15 pivots trit T255 R18E sec 15 1/2 pivot T265 R19E sec 31 <u>corners</u> T225 R16E sec 2</i> 			0.394	9,456.00
Thank you for your business.					RECEIVED FEB 17 2023 OWRD SALEM, OREGON	
					RECEIVED	
					Total	\$9,456.00

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Land Use Information Form



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

Applicant(s): AARON WESLER / HARD ROCK FARMLAND, LLC

Mailing Address: PO BOX 226

City: CHRISTMAS VALLEY

State: OR

Zip Code: 97641

Daytime Phone: _____

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>25S</u>	<u>18E</u>	<u>2</u>	_____	<u>201</u>	<u>FARM USE</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>25S</u>	<u>18E</u>	<u>18</u>	_____	<u>4501</u>	<u>FARM USE</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>25S</u>	<u>18E</u>	<u>17</u>	_____	<u>4502</u>	<u>FARM USE</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>IR</u>
<u>25S</u>	<u>19E</u>	<u>31</u>	_____	<u>7400</u>	<u>FARM USE</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>25S</u>	<u>19E</u>	<u>31</u>	_____	<u>7500</u>	<u>FARM USE</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>18E</u>	<u>5</u>	_____	<u>101</u>	<u>FARM USE</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>18E</u>	<u>5</u>	_____	<u>100</u>	<u>FARM USE</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>18E</u>	<u>5</u>	_____	<u>200</u>	<u>FARM USE</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>27S</u>	<u>17E</u>	<u>14</u>	_____	<u>1000</u>	<u>FARM USE</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>27S</u>	<u>17E</u>	<u>14</u>	_____	<u>1100</u>	<u>FARM USE</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>27S</u>	<u>17E</u>	<u>14</u>	_____	<u>1200</u>	<u>FARM USE</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>

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

LAKE COUNTY.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 6.69 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Transfer to rearrange place of use, change points of appropriation, and add points of appropriation.



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

See bottom of Page 4. →

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For Local Government Use Only

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

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): Lake County Zoning Ordinance - Article 3: R-2 Zoning
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Rick Hall Farmstead LLC

Name: Darwin Johnson Title: Planning Director
 Signature: [Signature] Phone: 541-947-6036 Date: 13 Dec 2022
 Government Entity: Lake County Planning Director

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: _____

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OBSERVATION WELL

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM 10, OREGON within 30 days from the date of well completion.

STATE ENGINEER OF OREGON

SALEM, OREGON

WATER WELL REPORT

(Please type or print)

State Well No.

25/19-31 Q

State Permit No.

G-3719

(1) OWNER:

Name O. E. White

Address 17474 W. Whitesbridge
Kerman, Calif.

(2) LOCATION OF WELL:

County Lake Driller's well number

S 1 1/4 NE 1/4 Section 31 T. 25 R. 19E W.M.

Be also 100 ft north & 100 ft

east of SW corner

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in item 12.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

12" Diam. from 0 ft. to 20 ft. Gage 1

" Diam. from " ft. to " ft. Gage

" Diam. from " ft. to " ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

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

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name

Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Bentonite

Depth of seal 16 20 ft. Was a packer used? no

Diameter of well bore to bottom of seal in.

Were any loose strata cemented off? ☐ Yes ☒ No Depth

Was a drive shoe used? ☐ Yes ☒ No

Was well grave/packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? Depth of strata

Method of sealing strata off

(10) WATER LEVELS:

Static level 14 ft. below land surface Date 5/9/63

Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: 2375 gal./min. with 6 ft. drawdown after 6 hrs.

" " " "

" " " "

Bailer test 14ft bounce ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 52 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing 12

Depth drilled 225 ft. Depth of completed well 225 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
top soil, sand & clay	0	18
blue clay, hard	18	20
blue clay & brown clay	20	72
lava rock, tight	72	120
lava, pourous	120	190
tight lava	190	210
pourous lava	210	222
water gravel, hard	222	225

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Work started Mar 26 1963. Completed May 9 1963

Date well drilling machine moved off of well May 10 1963

(13) PUMP:

Manufacturer's Name

Type: H.P.

Water Well Contractor's Certification:

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

NAME Gordon Goeres

(Person, firm or corporation)

(Type or print)

Address Box 202, Christmas Valley R.S.

Silver Lake, Oregon

Drilling Machine Operator's License No. 136

[Signed] Gordon Goeres

(Water Well Contractor)

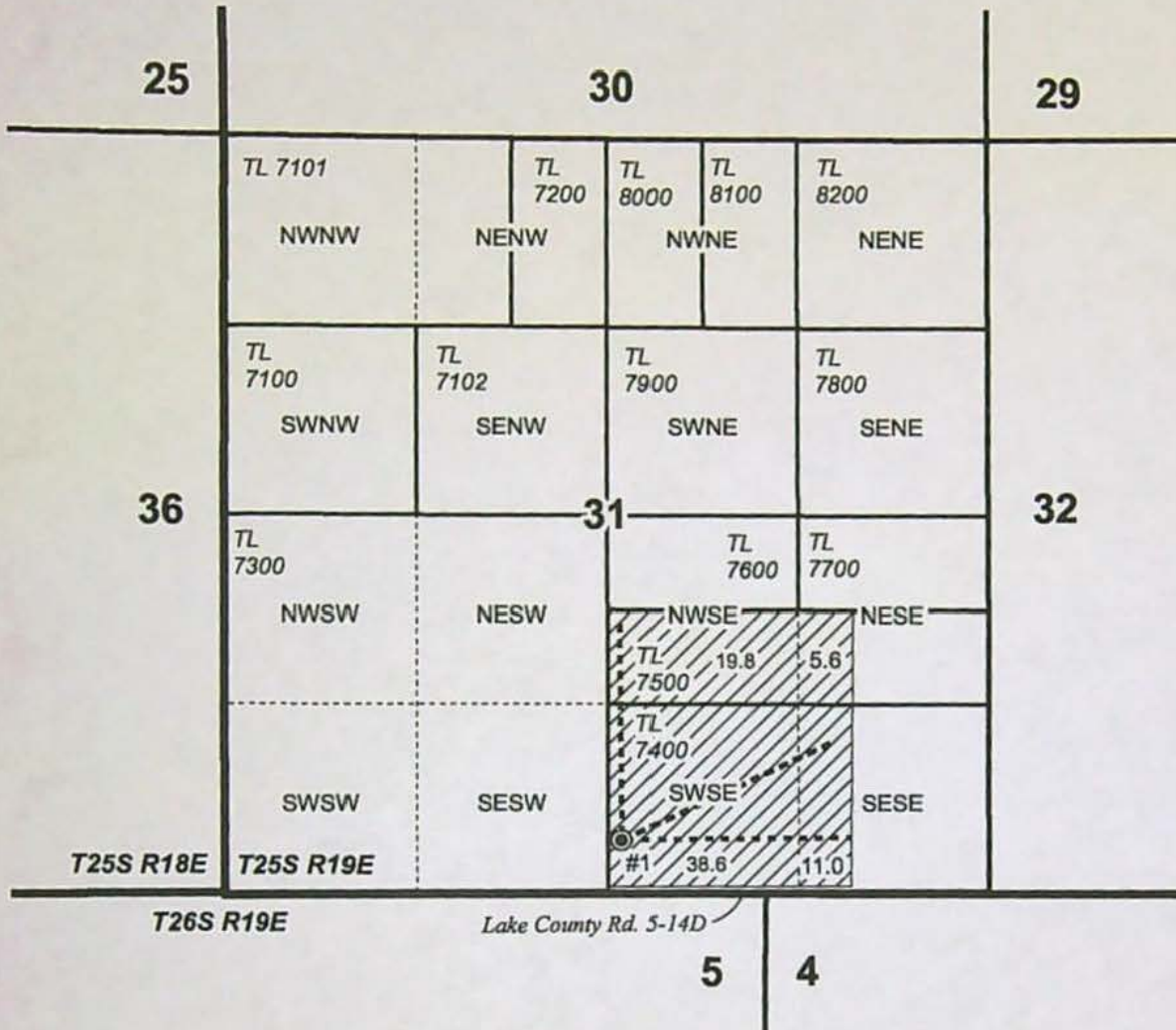
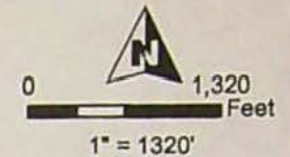
Contractor's License No. 305 Date May 12 1963

(USE ADDITIONAL SHEETS IF NECESSARY)

Authorized Well

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**T25S R19E, WM,
LAKE COUNTY, OR**



- Well - Authorized
- Pipeline
- POU IR C-52872 11/7/1966 "OFF"
- Township
- Quarter Quarter
- Section
- Tax Lot

Well Location:

**#1 (LAKE 284): 360' N, 100' E
of the S 1/4 Cor of Sec 31**

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**TEMPORARY TRANSFER "OFF"
HARD ROCK FARMLAND, LLC**

Date: 12/9/2022

C-52872

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

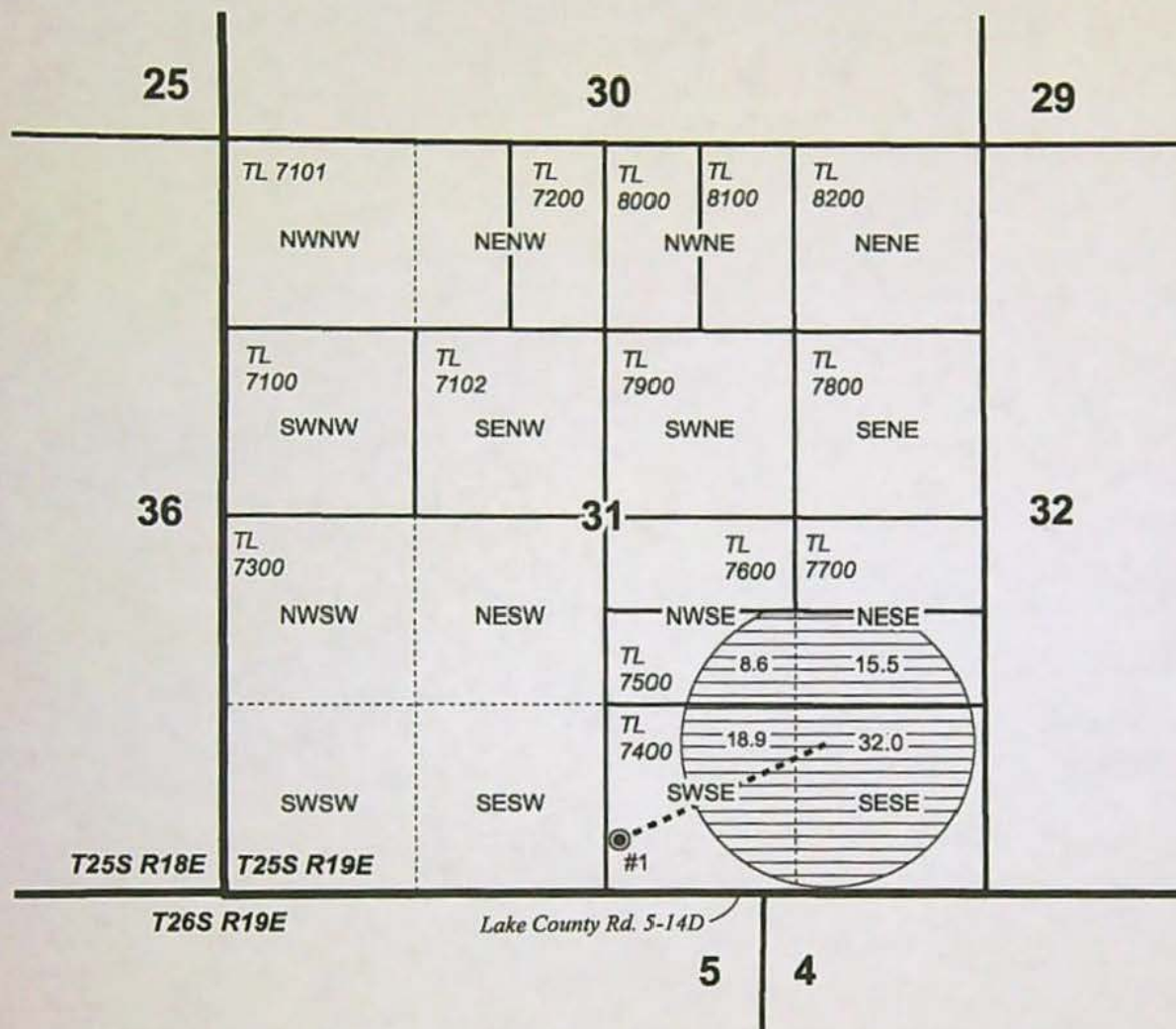
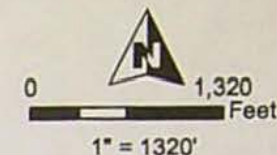
WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

14201

T25S R19E, WM, LAKE COUNTY, OR



- Well - Authorized
- Pipeline
- POU IR C-52872 11/7/1966 "ON"
- Township
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Date: 12/9/2022

C-52872

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WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

14201

Regular Temporary Water Right Transfer Application Checklist

Checked by Cula

Date 3/29/23

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

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not; which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

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