

T-14202

Temporary

T-14202

Name Aaron Wesler / Hard Rock Farmland, LLC

DESCRIPTION OF WATER RIGHT(S)

Address PO Box 226
Christmas Valley, OR 97641
weslerhayfarms@gmail.comName of Stream A wellTrib. of Fort Rock BasinUse IrrigationCounty Lake

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G 9421Per # G 8780Cert # 60953PR Date 9-27-1979

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

Change in POU APOADate Filed 3/27/2023

Initial notice date _____

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 12/21/2023 Vol 129 Page 563-566

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District _____

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

CC's list _____

☐ - Oversized map - Location _____

FEES PAID

Date	Amount	Receipt #
<u>3-27-23</u>	<u>\$1,557.77</u>	<u>140390</u>

FEES REFUNDED

Date	Amount	Receipt #
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WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14202

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-9421	G-8780	60953
☐			
☐			

Key Dates & Initial Actions (Support Staff)

Rec'd: March 27, 2023	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1557.77	Acknowledgement Letter Sent ☒	Basin: 13 Goose & Summer Lake
Initial Public Notice: 4/4/2023	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: 11/8/23 Initials: <i>Scott</i>	Date: 11/21/23 Initials: <i>John</i>	Date: 12/11/23 Initials: <i>ce</i>	Date: 12/19/23 Initials: <i>Scott</i>	Date: 12/19/23 No. of docs for sig: 1 WM Sheet ☒	Date: 12/21/23

Special Issues: _____

Special Order Volume: Vol. 129 Pages 563-566



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 21, 2023

Aaron J. Wesler
PO Box 226
Christmas Valley, OR 97641

REFERENCE: District Temporary Transfer Application T-14202

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 2023** 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,

Elyse Richman
Water Rights Services Support
Transfers and Conservation Section

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-14202, Lake County	)	CHANGES IN PLACE OF USE AND AN
	)	ADDITIONAL POINT OF APPROPRIATION

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 and add a point of appropriation to serve the proposed place of use under Certificate 60953 for a period of 5 years. The Department assigned the application number T-14202.
2. Notice of the application for transfer was published on April 4, 2023, pursuant to OAR 690-380-4000.
3. The right to be transferred is as follows:

Certificate:	60953 in the name of STATE OF OREGON, OREGON WATER RESOURCES DEPARTMENT (perfected under Permit G-8780)
Use:	IRRIGATION of 225.1 ACRES
Priority Date:	SEPTEMBER 27, 1979
Rate:	2.45 CUBIC FEET PER SECOND

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.

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

Source: A WELL, in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	5	SE NE	WELL #1 - 2290 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	18 E	WM	5	NE NE	1	48.2
26 S	18 E	WM	5	NW NE	2	48.0
26 S	18 E	WM	5	SW NE		29.9
26 S	18 E	WM	5	SE NE		34.0
26 S	18 E	WM	5	NE SE		32.0
26 S	18 E	WM	5	NW SE		32.0
26 S	18 E	WM	5	SW SE		0.5
26 S	18 E	WM	5	SE SE		0.5
Total						225.1

4. Temporary Transfer Application T-14202 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	18 E	WM	5	NE NE	1	48.5
26 S	18 E	WM	5	NW NE	2	48.5
26 S	18 E	WM	5	SW NE		32.9
26 S	18 E	WM	5	SE NE		33.0
26 S	18 E	WM	5	NE SE		31.1
26 S	18 E	WM	5	NW SE		31.1
Total						225.1

5. Temporary Transfer Application T-14202 proposes an additional point of appropriation approximately 0.2 mile:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
26 S	18 E	WM	5	NE NE	1	WELL #2 - 1360 FEET SOUTH AND 1300 FEET WEST FROM THE NE CORNER OF SECTION 5

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 changes 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 changes 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 changes in place of use and additional point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14202 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

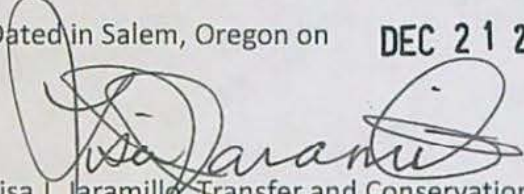
Now, therefore, it is ORDERED:

1. The temporary changes in place of use and additional point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14202 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. The authorization to use the temporary additional point of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary additional point of appropriation (Well #2), together with that diverted at the original point of appropriation (Well #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).
6. A subsequent application for permanent transfer of Certificate 60953 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.

7. 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 60953.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
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.

Dated in Salem, Oregon on **DEC 21 2023**



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

Mailing Date: **DEC 22 2023**

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14202

GW Reviewer Darrick E. Boschmann Date Review Completed: 05/09/2023

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: Temporary Transfer

Application: T-14202

Applicant Name: Hard Rock Farmland LLC

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 05/09/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/4/23

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

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

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

This application is related to certificate 60953 which authorizes groundwater pumping from one well (POD 1 = LAKE 649) for primary irrigation of 225.1 acres in the Goose and Summer Lakes Basin (Fort Rock Classified Area). The following changes are proposed:

1. Add one APOA (LAKE 50618) located ~0.2 miles to the northwest.
2. Rearrange the POU within the same area to match farming practices.

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

☒ Yes ☐ No Comments: _____

Groundwater in the Fort Rock Valley-Christmas Valley area (Fort Rock Classified Area) is identified as a single groundwater system. Groundwater is found in both a shallower predominantly basin-fill sediment unit and a deeper predominantly volcanic rocks and sediments unit below. The predominantly basin fill sediment unit and the predominantly volcanic rocks and sediment unit both readily yield groundwater, and the two units are hydraulically connected.

Miller (1986) describes the groundwater source as the main groundwater reservoir. That reservoir includes groundwater in different geologic units. The reservoir has three characteristics. First, the "natural" groundwater level changes less than 1.5 feet annually, indicating the system is highly modulated. Second, the 1980s potentiometric surface was approximately 4292 feet elevation amsl basin-wide with Silver Lake an exception. Third, the reservoir consists of numerous water producing zones in several formations, all having an essentially common potentiometric level, and all being very transmissive in general.

The authorized and proposed wells all appear to be drilled through the predominantly basin-fill sediment unit into the underlying predominantly volcanic rocks and sediment unit.

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 is located approximately 0.2 miles northwest of the currently authorized well. This will result in an incremental increase in interference with existing authorized wells to the northwest.

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: _____

The nearest authorized groundwater POD north of the proposed well is approximately 3.7 miles away. Any seasonal interference would be unlikely to meet the standard for substantial or undue interference. The proposed well is located further away than the currently authorized well from wells in closer proximity to the south

The long-term impact on the groundwater system should be the same. That impact is to continue contributing to the ongoing annual Fort Rock Classified area groundwater level decline. See attached hydrograph.

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

☐ Yes ☒ No Comments: _____

The proposed APOA is located further way from Paulina Marsh, Summer Lake and other perennial surface water sources than the currently authorized well. This will result in a decrease in interference with these surface water sources.

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

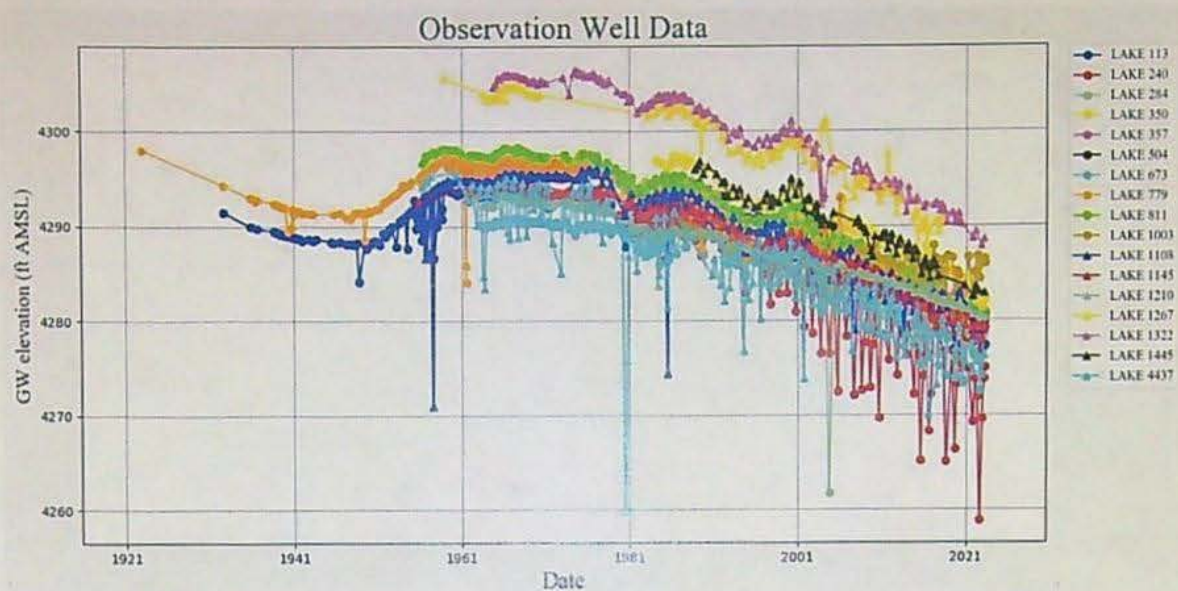
Provide context for minimal/significant impact: _____

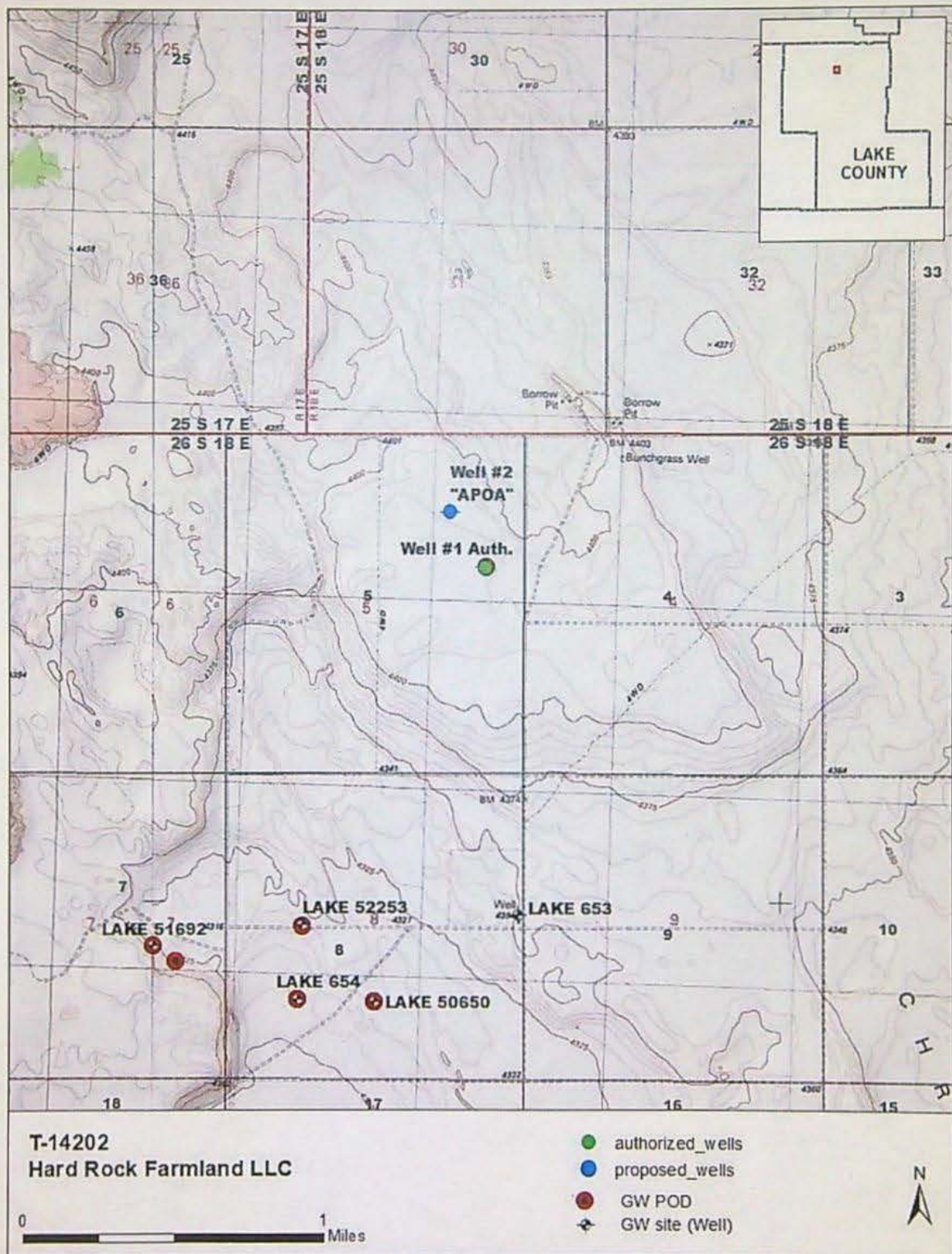
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ 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 St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-14202

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-14202



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 Scalehouse 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-14202

On March 27, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1557.77. Receipt number 140390 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 or from the new point of appropriation 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 # **140390**

INVOICE # _____

RECEIVED FROM: Wester Day Farms Inc.
BY: Sueen & Katherine Wester

APPLICATION	
PERMIT	
TRANSFER	<u>T-14202</u>

CASH: ☐ CHECK: # 4725 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,557.12

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>1.35 147</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **140390**

DATED: 3/27/23

BY: [Signature]

4 of 5

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: 60953**
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: ____/____/____

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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°).

[illegible]

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).

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.				

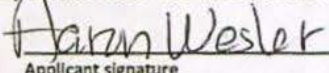
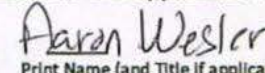
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

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 and add a well to match farming practices. This transfer needs to be linked with concurrently submitted Temporary Transfer Application for C-52627; Ideally both transfers will be approved concurrently to avoid layering conflicts.

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.

 Applicant signature	 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 # 60953

Description of Water Delivery System

System capacity: 2.45 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 PIVOTS.**

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 649	26 S	18 E	5	SE	NE	101	2290' S, 650' W OF NE COR SEC 5
WELL #2 "APOA"	☐ Authorized ☒ Proposed	LAKE 50618/ 51017	26 S	18 E	5	NE	NE	101 / L1	1360' S, 1300' W OF NE COR SEC 5

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 # 60953

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU/APOA	26	S	18	E	5	NE	NE	101	L1	48.5	IR	WELL 1-29/27/1979	
													"	"	"	"	"	NW	NE	"	L2	48.5	"	"	"	
													"	"	"	"	"	SW	NE	"		32.9	"	"	"	
													"	"	"	"	"	SE	NE	"		33.0	"	"	"	
													"	"	"	"	"	NE	SE	"		31.1	"	"	"	
													"	"	"	"	"	NW	SE	"		31.1	"	"	"	
TOTAL ACRES													TOTAL ACRES										225.1			

Additional remarks: _____

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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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Tillamook)

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We LARRY L. TANNER & BABE TANNER in our capacity as OWNERS,

mailing address 13525 HWY 101 SOUTH, TILLAMOOK, OR 97141,

telephone number 503-812-2442, duly sworn depose and say that We

consent to the proposed change(s) to Water Right Certificate Number 60953

described in a Water Right Transfer Application (T-T.B.D.),

(transfer number, if known)

submitted by AARON WESLER

on the property in tax lot number(s) 100,

Section 5 Township 26 South Range 18 East, W.M.,

located at 60932 MILLICAN RD CHRISTMAS VALLEY OR 97641

(site address)

Larry Tanner
Signature of Affiant

2-09-23
Date

Babe Tanner
Signature of Affiant

2-09-23
Date

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FEB 17 2023

OWRD
SALEM, OREGON

Subscribed and Sworn to before me this 9th day of February, 2023.

Tiffany Ferrera
Notary Public for Oregon

My commission expires 9-6-25.

Revised 7/1/2021



14202



After recording return to:

Larry L. Tanner

13525 Hwy. 101 South

Tillamook, OR 97141

Until a change is requested all tax statements shall be sent to the following address:

Larry L. Tanner

13525 Hwy. 101 South

Tillamook, OR 97141

Escrow No. L72034

Title No. L72034

THIS SPACE RESERVED FOR RECORDER'S USE

State of Oregon } ss: Reel 37
County of Lane } File 905

I hereby certify that the within instrument was received and filed for record on the

29 day of June 2000

10:25 o'clock A.M. and re.

on page 28 in book 248

of 1000 of said C.M.

Virginia Hayward
County Clerk

By Gordon L. Tanner Deputy

M0370985
099969

STATUTORY WARRANTY DEED

GORDON LEROY MILLER and FRANKIE RAE MILLER, husband and wife, Grantor, conveys and warrants to LARRY L. TANNER and BABE TANNER, husband and wife, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

The SE 1/4 of the SE 1/4 of Section 5 in Township 26 South, Range 18 East of the Willamette Meridian in Lake County Oregon.

This property is free of liens and encumbrances, EXCEPT: Easements, Covenants, Conditions and Restrictions of record, if any.

(2618-100, Ref. 1576)

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$8,500.00 (Item comply with the requirements of ORS 93.030)

Dated this 22 day of June, 2000.

Gordon Leroy Miller

Frankie Rae Miller

STATE OF OREGON

County of Lane

} ss.

This instrument was acknowledged before me on this 22 day of June, 2000 by GORDON LEROY MILLER and FRANKIE RAE MILLER

Virginia Hayward
Notary Public for Oregon

My commission expires: 1-11-2003



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MAR 27 2003

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THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Rock Hard Farmland, 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 Farmland, LLC
PO Box 226
Christmas Valley, OR 97641
File No. 572242AM

LAKE COUNTY, OREGON 2023-000014
D-WDEED 01/05/2023 09:31:00 AM
Crt#1 Pgs#2
\$10.00 \$11.00 \$10.00 \$60.00 \$91.00

I, Stacie Geaney, County Clerk for Lake County, Oregon, certify that
the instrument identified herein was recorded in the Clerk records.
Stacie Geaney - County Clerk

STATUTORY WARRANTY DEED

Larry D. Blank and Pamela J. Blank,
Grantor(s), hereby convey and warrant to

Rock Hard Farmland, LLC, an Oregon limited liability company,

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:

Township 26 South, Range 18 East of the Willamette Meridian, Lake County, Oregon

Section 5: The SW1/4 of the SE1/4

TL 200

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

261800-200 16434

The true and actual consideration for this conveyance is \$103,500.00.

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:

2023-000014

261800-002

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After recording return to:

Aaron J. Wesler

P.O. Box 226

Christmas Valley, OR 97641

Until a change is requested all
tax statements shall be sent to
The following address:

Aaron J. Wesler

P.O. Box 226

Christmas Valley, OR 97641

Escrow No. LA08546KN

Title No. 0008546

SWD

State of Oregon Real 600
County of Lake W 602330

I hereby certify that the within instrument
was received and filed for record on the
10 day of Jan 20 07
3:31 o'clock PM. and recorded
on page 1771 in book 269 record
of Weeds of said County

Stacie Seaman
County Clerk
By Monica Seaman Deputy

STATUTORY WARRANTY DEED

121075

Coastal View Dairy, Grantor(s) hereby convey and warrant to Aaron J. Wesler and Katie S. Wesler, as
tenants by the entirety, 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:

Parcels 1 and 2 of Partition Plat 2006-B-131, as filed with the Lake County Clerk, Lake County,
Oregon, 2618-101 Ref. 1577 2618-102 Ref. 19013 PP2006-131 L-1,2

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:

The true and actual consideration for this conveyance is \$250,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES AND 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 197.352.

Dated this 3 day of January, 2007

Coastal View Dairy

BY: Greg Myers
Greg Myers, President

BY: Elaine Myers
Elaine Myers, Secretary

State of Oregon

County of

This instrument was acknowledged before me on Jan 3, 2007 by Greg Myers, President and Elaine Myers,
Secretary of Coastal View Dairy.

(Notary Public for Oregon)

My commission expires 10-15-08



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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 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 03 day of Jan 2023

Larry D. Blank
Larry D. Blank

Pamela J. Blank
Pamela J. Blank

State of Oregon) ss
County of Lane

On this 3 day of January, 2023, before me, Ellen Roberts Aronowitz,
Notary Public in and for said state, personally appeared Larry D. Blank and Pamela J. Blank, 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.

Ellen Roberts Aronowitz
Notary Public for the State of Oregon
Residing at: Lane County
Commission Expires: 11-11-24



2023-000014

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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)
County of DESCHUTES) ss

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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FEB 17 2023

OWRD
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.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Section 5 - Hard Rock Farmland

2020 Google Earth Imagery

Legend

31

T25S R18E

32

06

T26S R18E

05

04

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08

09

2000 ft



Survey
Google Earth 07

Image © 2022 CNES / Airbus

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COOPERATIVE, INC.

A Touchstone Energy® Cooperative

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LEM, OREGON

Monthly kWh Usage

■ Last Year ■ This Year

Month	Last Year (kWh)	This Year (kWh)
Nov	32,000	34,000
Dec	34,000	35,000
Jan	35,000	35,000
Feb	14,000	4,000
Mar	0	0
Apr	0	0
May	0	0
Jun	0	0
Jul	24,000	26,000
Aug	23,000	21,000

Average kWh Per Day: 733

Power/Water
T265 R1B5 55 P10015

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MIDSTATE ELECTRIC
COOPERATIVE, INC.

A Touchstone Energy Cooperative

[Musical notation]

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Land Use Information Form

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

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): Lake County Zoning Ordinance - Article 3: A-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

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.

Rock Hill Farm 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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WATER RESOURCES DEPARTMENT
SALEM, OREGON 97110
within 30 days from the date
of well completion.

(Do not write above this line)

WATER RESOURCES
SALEM, OREGO

DEPT 103
State Permit No.

OVER

LAKE
50618

WELL I.D. # L. 23367
START CARD # 102320

(9) LOCATION OF WELL by legal description:

County Lake Latitude _____ Longitude _____
Township 25S N or S Range 18E E or W. WM.
Section 2 SE 1/4 NW 1/4
Tax Lot 200 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____
9 Mi north of Christmas Valley on Millican Rd.

(10) STATIC WATER LEVEL:
120 ft. below land surface. Date 8-19-98
 Artesian pressure lb. per square inch. Date

(II) WATER BEARING ZONES:

Depth at which water was first found ²⁴⁵

From	To	Estimated Flow Rate	SWL
245'	310'	300+	120

(12) WELL LOG:

Material	From	To	SWL
sandy top soil	0	1'	
fract gray lava	1'	22'	
brwn clay congl	22'	26'	
fract gray lava	26'	55'	
gray clay	55'	60'	
brwn sand & tan clay	60'	140'	120'
brkn gray clay stone & clay	140'	230'	
brkn rock-blk clay	230'	245'	
blk sand & pumice	245'	310'	
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AUG 26 1998			
WATER RESOURCES DEPT. SALEM, OREGON			

Date started 8-17-98 Completed 8-20-98
(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, 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.

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, 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.

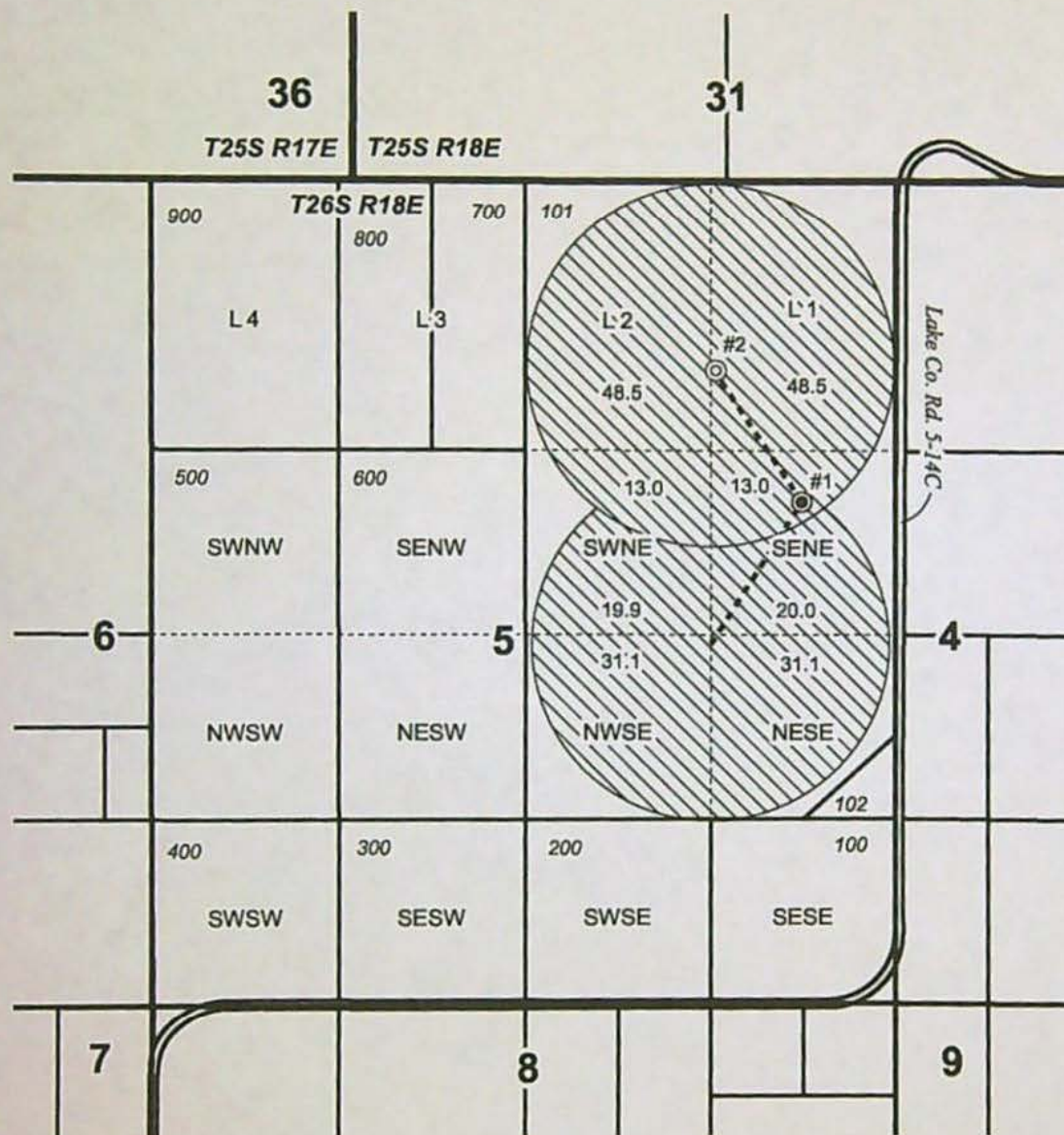
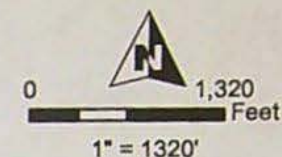
Signed John J. Kelly WWC Number 1658
Date 8-24-

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

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T26S R18E, WM, LAKE COUNTY, OR



- ⊙ Well - APOA
- Well - Authorized
- Pipeline
- POU IR C-60953 9/27/1979 "ON/APOA"
- Township
- Section
- Quarter Quarter
- Tax Lot

Well Locations:

#1 - Authorized LAKE 649: 2290' S, 650' W
of the NE Cor of Sec 5

#2 - APOA LAKE 50618/51017: 1360' S, 1300' W of NE Cor Sec 5

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TEMPORARY TRANSFER "ON" MAP HARD ROCK FARMLAND, LLC

Date: 12/12/2022

C-60953

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

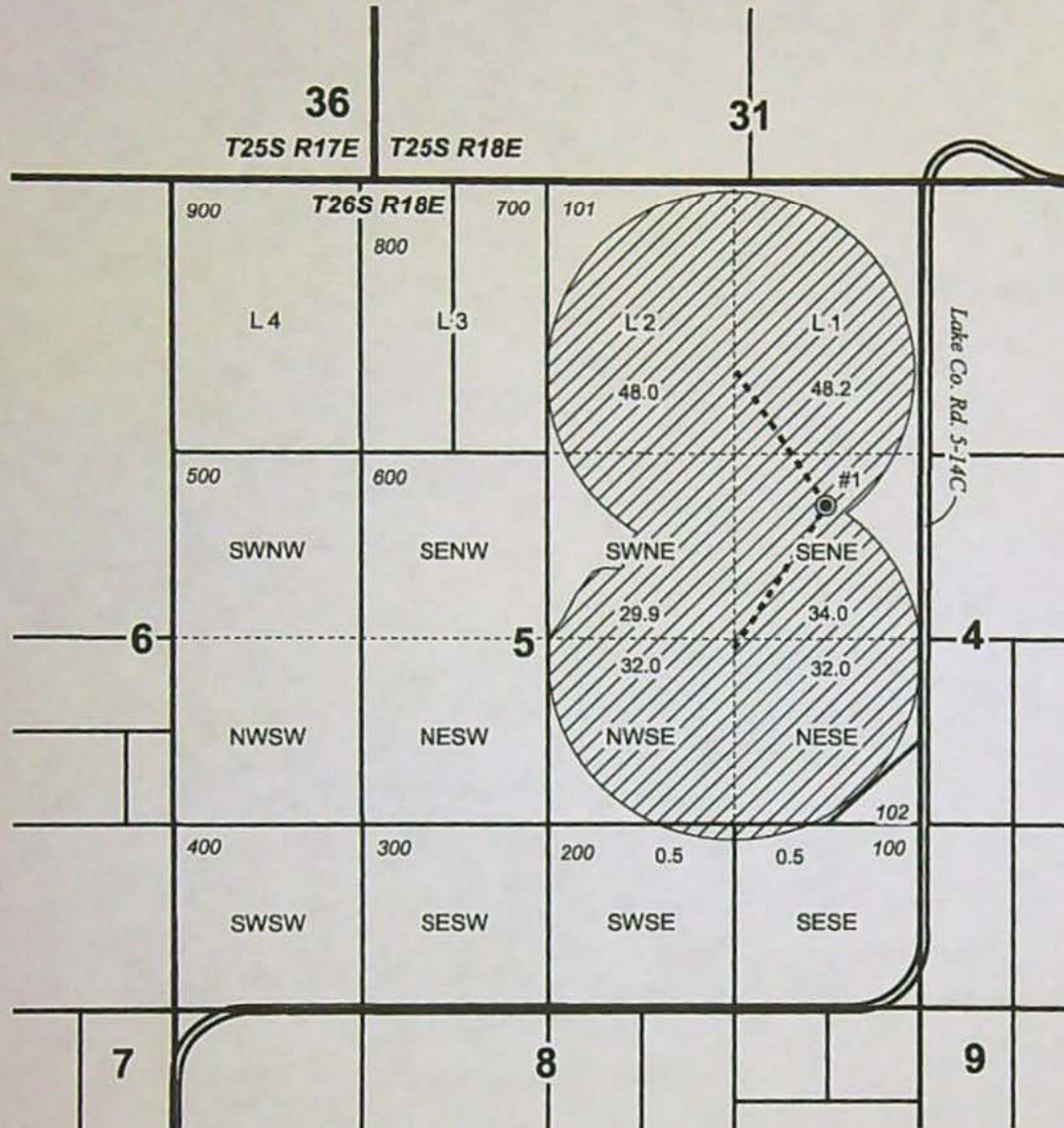
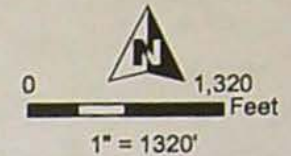
WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

14202

**T26S R18E, WM,
LAKE COUNTY, OR**



- Well - Authorized
- Pipeline
- POU IR C-60953 9/27/1979 "OFF"
- Township
- Section
- Quarter Quarter
- Tax Lot

Well Location:

#1 - Authorized LAKE 649: 2290' S, 650' W
of the NE Cor of Sec 5

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

Date: 12/9/2022

C-60953

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

14202

Checked by Aula

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.