

T-14032

Regular

T-14032

RA

Name Nicholas & Ladell SchottAddress PO Box 700
Burns, OR 97720
Schottagair@gmail.comChange in POUDate Filed 6-10-2022Initial notice date 6-28-2022

DPD issued date

PD issued date 2-10-2023PD notice date 2-14-2023Date of FO 2-22-20233/9/23C-Date 10-1-2028COBU due date 10-1-2029

COBU Received date

Certificate issued 98267 & 98268 issued 4-1-2025

DESCRIPTION OF WATER RIGHT(s)

Name of Stream West Fork Rattle Snake Creek; Mill Creek;
Coffeepot Creek
Trib. of Rattle Snake Creek; Coffeepot Creek; Ninemile SLUse Irrigation; Supplemental IR County Harney

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

Name of ditch _____

App# Decree Per # V. 13 pg. 453 Cert # 145716 PR Date 1886App# " Per # V. 14 pg. 531 Cert # 20699 PR Date 1884

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

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

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

FEES PAID

Date	Amount	Receipt #
<u>6-10-2022</u>	<u>\$1970.00</u>	<u>138389</u>
<u>6-10-2022</u>	<u>\$125.00</u>	<u>138382</u>
<u>7-20-2022</u>	<u>\$844.01</u>	<u>138703</u>

FEES REFUNDED

Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent John Short - johnshortcusa.com

CWRE _____

CC's list Harney County☐ - Oversized map - Location _____

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-14032

Certificate: 98267 (C-14576)
98268 (C-20699)

Certificate/Transfer Holder: (include copy of map)
NICHOLAS SCHOTT
LADELL SCHOTT
PO BOX 700
BURNS, OR 97720

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 10
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. GARY LEE DEJARNATT, CWRE
6. John Short, Agent

Record Marking(s):

1. Original Application# DECREE
Old Certificate# 14576
2. Original Application# DECREE
Old Certificate# 20699

Copies Mailed

by: TM
(STAFF)

on: APR 01 2025
(DATE)



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

Date Mailed: APR 01 2025

NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm the water rights established under the terms of a transfer order issued by this Department.

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

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Jonnine Skaug at 503-979-3943.

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NICHOLAS SCHOTT
LADELL SCHOTT
PO BOX 700
BURNS OR 97720

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for HARNEY COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 13, at Page 453.

SOURCE OF WATER: WEST FORK RATTLE SNAKE CREEK

PURPOSE OR USE: IRRIGATION OF 4.2 ACRES

DATE OF PRIORITY: 1886

That the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.0 acre-feet per acre during any year and the head of water shall not exceed 1.0 cubic foot per second for each 25 acres of land to be irrigated.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	NE SE	4.2

Water use measurement conditions:

- a. The water user shall maintain the totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order, at each point of diversion.
- b. 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.

And said right shall be subject to all other limitations and conditions contained in said decree.

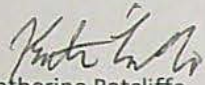
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered February 22, 2023, at Special Order Volume 127, Page 476, approving Transfer Application T-14032, and together with Certificate 96951, supercedes Certificate 14576, State record of Water Right Certificates.

Issued APR 01 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NICHOLAS SCHOOT
LADELL SCHOTT
PO BOX 700
BURNS OR 97720

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for HARNEY COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 14, at Page 531.

SOURCE OF WATER: MILL AND COFFEE POT CREEKS

PURPOSE OR USE: IRRIGATION ON 18.9 ACRES

DATE OF PRIORITY: 1884

That the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of 1.0 cubic foot per second per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated, provided further that the quantity of the water allowed herein, together the quantity allowed under any other right for the same lands shall not exceed the limitation allowed herein.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SW NW	13.7
22 S	32 E	WM	36	SE NW	5.1
22 S	32 E	WM	36	NE SW	0.1

Water use measurement conditions:

- a. The water user shall maintain the totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order, at each point of diversion.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

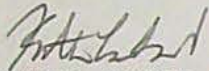
- b. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

And said right shall be subject to all other limitations and conditions contained in said decree.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered February 22, 2023, at Special Order Volume 127, Page 476, approving Transfer Application T-14032, and together with Certificate 96943, supersedes Certificate 20699, State record of Water Right Certificates.

Issued APR 01 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

TRANSFER

Memo- Proof to Satisfaction

Transfer App #	T-14032	
WRD Reviewer (CW)	J Skauq	Date: Dec 2024
WRD Peer Reviewer (PR)	Holmes	Date: Jan 25

ORIGINAL CERT:	CHANGE REQUESTED:				RR Cert:
14576	<input checked="" type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	96951
20699	<input checked="" type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	96943
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	

> Decree

PREPARATION:

CW	PR	RESEARCH:			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> CBU Report/Map	<input checked="" type="checkbox"/> Transfer Order Ord Vol 5pou 127 Issued Date 2/22/23 pg 476	<input type="checkbox"/> Assignment	<input checked="" type="checkbox"/> Transfer Extension
		Electronic Folder:			
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Create CBU folder	<input checked="" type="checkbox"/> Create Work Packet Folder		
<input type="checkbox"/>	<input type="checkbox"/>	SCAN: Above documents into "CBU Folder"			
<input type="checkbox"/>	<input type="checkbox"/>	SAVE: other documents in "Work Packet Folder"			
		<input checked="" type="checkbox"/> Certificate(s)	<input checked="" type="checkbox"/> Transfer App Maps (To/From)	<input type="checkbox"/>	
		<input checked="" type="checkbox"/> OrMap Tax Lot Map	<input checked="" type="checkbox"/> Ownership Report	<input checked="" type="checkbox"/> BLM Cadastral Survey	<input type="checkbox"/> GW Logs
		<input type="checkbox"/> GW Conditions	<input type="checkbox"/> Mitigation	<input checked="" type="checkbox"/> POU Report (conflict) [POU ONLY]	<input type="checkbox"/> Others:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEARCH:			
		<input checked="" type="checkbox"/> Interactive Mapper	<input type="checkbox"/> AOI	<input checked="" type="checkbox"/> Map and TaxLot ID 2500	<input type="checkbox"/> Receiving LO:
		New Landowner: Same			

REVIEW OF CLAIM:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Fish Condition	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Meter/Measuring Device	worn letter stating no meter conditions - see claim
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Water Use Reporting	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	SWL (Month)	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Dedicated MMS tube	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Well Id	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Other:	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	C-date: 10/1/2008	EXT C-Date: 10/1/2008 Claim says 4/26/23

REVIEW OF MAP: (Only the changes approved)

CW	PR	Notes:
<input type="checkbox"/>	<input type="checkbox"/>	Verify POA/POD Location (New Only)
<input type="checkbox"/>	<input type="checkbox"/>	Verify POU (New only)
<input type="checkbox"/>	<input type="checkbox"/>	POU clearly identified by Use Type/Certificate
<input type="checkbox"/>	<input type="checkbox"/>	DLC/GOV'T LOT
		<input type="checkbox"/> Original Cert Map for unchanged POU/POD/POA (Attached for Peer Reviewer/Data)
		<input type="checkbox"/> Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
		N/A		

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	LETTER FOR CLARIFICATION	
<input type="checkbox"/>	<input type="checkbox"/>	DRAFT (PLEASE EXPLAIN)	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FINAL	<i>made proof</i>
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW	
		<input type="checkbox"/> POA/POD/DAM TABLES/DESCRIPTIONS	<input type="checkbox"/> PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECK DOC	
<input type="checkbox"/>	<input type="checkbox"/>	MAPS: Identified for Reference	
<input type="checkbox"/>		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW COMMENTS UPDATED	
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:**PEER REVIEWER COMMENTS:**

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming more than 0.1 cfs**



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

**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

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A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Go to "Resources for Water Right Examiners (CWRE)" Page
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>
The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1
GENERAL INFORMATION**

1. File Information:

APPLICATION #	PERMIT #	PERMIT AMENDMENT #
S-	S-	T-14032

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME NICHOLAS F. SCHOTT & LADELL K. SCHOTT		PHONE NO. 541-965-0373	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 700			
CITY BURNS	STATE OR	ZIP 97720	E-MAIL schotttagair@gmail.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

3. Permit or holder of record (this may, or may not, be the current property owner):

PERMIT HOLDER OF RECORD SAME		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT HOLDER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:**4-26-2023****5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
NICHOLAS SCHOTT	4-26-2023	OWNER

6. County:**HARNEY****7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):**

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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CWRE NAME GARY L. DEJARNATT PROJECT # 23014		PHONE NO.	ADDITIONAL CONTACT NO. John Short 541-389-2837
ADDRESS 2391 NW REDWOOD AVE			
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL

Permit Holder of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Nicholas F. Schott	member	8/4/23
	LaDell Schott	Owner	8/4/23

SECTION 3
CLAIM DESCRIPTION

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1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
WEST FORK RATTLESNAKE CREEK
MILL & COFFEE POT CREEKS

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
WEST FORK RATTLESNAKE CREEK	WEST FORK RATTLESNAKE CREEK	N/A
MILL & COFFEE POT CREEKS	MILL & COFFEE POT CREEKS	N/A

3. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
WEST FORK RATTLESNAKE CREEK	IR	HAY	IRRIGATION SEASON	0.17 CFS
MILL & COFFEE POT CREEKS	"	HAY	IRRIGATION SEASON	0.47 CFS
Total Quantity of Water Used				0.64 CFS

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the place of use:

WATER FLOWS THROUGH EXISISTING SURFACE WATER DITCH SYSTEM FOR DECREEED SURFACE WATER RIGHTS VIA FLOOD IRRIGATION.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

YES NO

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
WEST FORK RATTLESNAKE CREEK	0.17 CFS	11.0 CFS	N/A	IR	4.2	4.2
MILL & COFFEE POT CREEKS	0.47 CFS	10.9 CFS	N/A	IR	18.9	18.9

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple PODs?

YES NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

WEST FORK RATTLESNAKE CREEK

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
22S	32E	WM	36	NESE			IR	4.2	
Total Acres Irrigated								4.2	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

7. Is the distribution system piped?

YES NO

If "NO" items 8 through item 13 may be deleted.

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
LONG GRASS	6'	4'	1.5'	0.042	8'	4600'	.02%	11.0 CFS

3. Provide calculations:

SEE ATTACHED OWRD DITCH CAPACITY CALCULATIONS.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A			

Attach measurement notes.

F. Additional notes or comments related to the system:

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MILL AND COFFEE POT CREEKS

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
22S	32E	WM	36	SWNW			IR	13.7	
"	"	"	"	SESW			IR	5.1	
"	"	"	"	NESW			IR	0.1	
Total Acres Irrigated								18.9	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

7. Is the distribution system piped?

YES NO

If "NO" items 8 through item 13 may be deleted.

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
LONG GRASS	6'	4'	2'	0.042	2'	2637'	.01%	10.9 CFS

3. Provide calculations:

SEE ATTACHED OWRD DITCH CAPACITY CALCULATIONS.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A			

Attach measurement notes.

F. Additional notes or comments related to the system:

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SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	2/22/2023		
BEGIN CONSTRUCTION (A)	N/A		
COMPLETE CONSTRUCTION (B)	N/A		
COMPLETE APPLICATION OF WATER (C)	10/1/2028	4/26/2023	COMPLETE APPLICATION OF WATER TO BENEFICIAL USE

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES NO

If "NO", items a and b relating to this section may be deleted.

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES NO

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

YES NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

If a meter has been installed, items d through f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO

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e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
DONALD SWINDLEHURST	WATERMASTER	6/21/23

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
n/a	n/a	n/a

4. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department? YES NO

If "NO", item b relating to this section may be deleted.

5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES NO

If "NO", items b through e relating to this section may be deleted.

6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES NO

If "NO", items b and c relating to this section may be deleted.

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7. Other conditions required by permit, permit amendment final order, or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? YES NO
- b. Was a fishway required? YES NO
- c. Was submittal of a water management and conservation plan required? YES NO
- d. Other conditions? YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

--

SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
CBU MAPS	TWO CLAIM OF BENEFICIAL USE MAPS
PUMP CALCS	OWRD PUMP CAPACITY CALCULATIONS
OWRD LETTER	WATERMASTER LETTER REGARDING MEASURING DEVICE REQUIREMENT

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

ON-SITE DIRECT MEASUREMENT AND NAIP IMAGERY.

Map Checklist

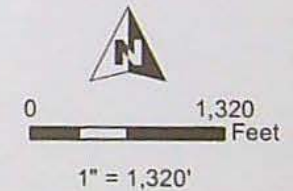
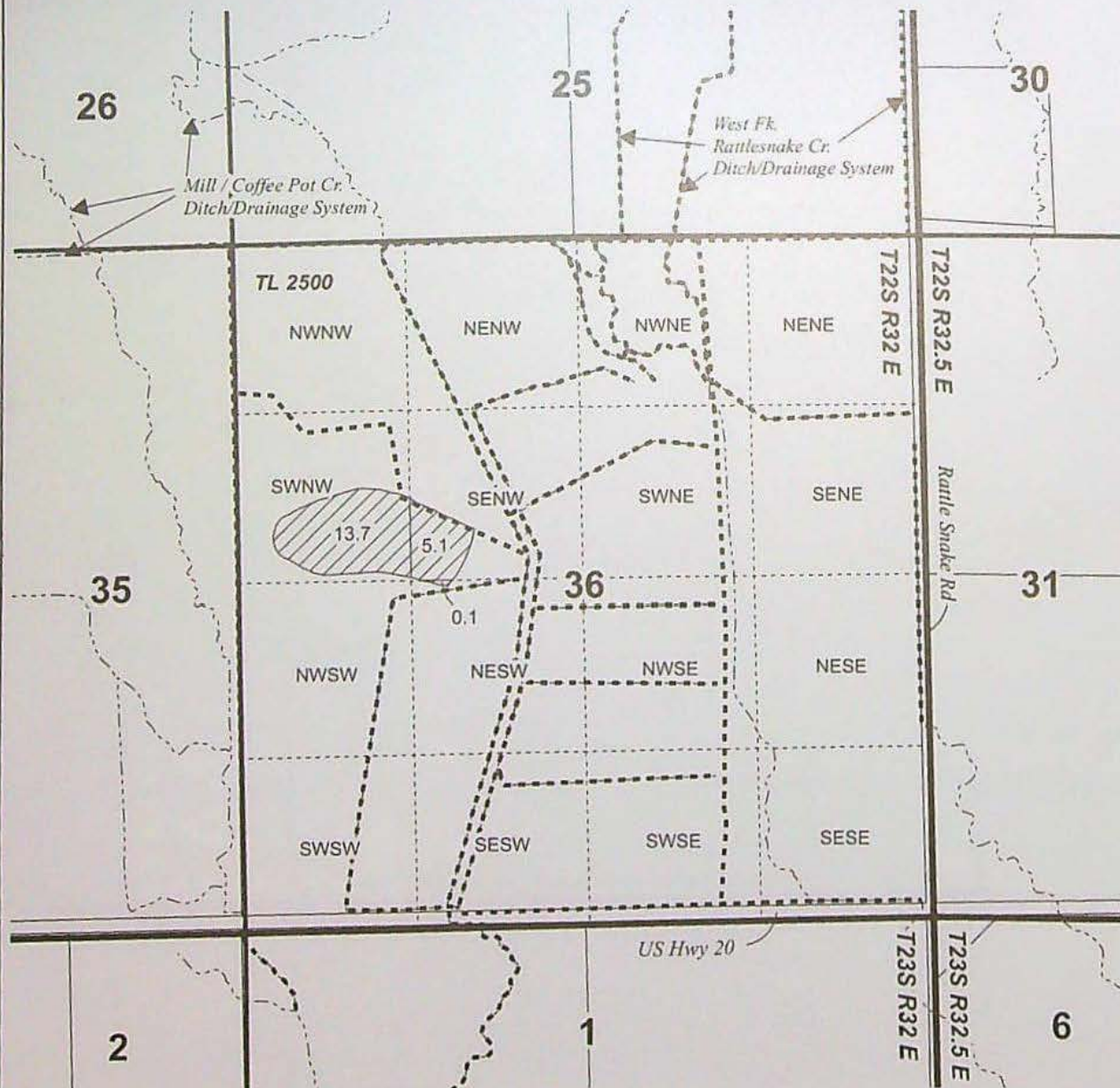
Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- n/a Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- n/a Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

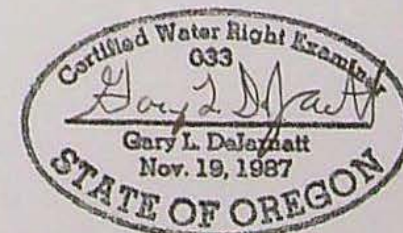
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**T22S R32E, WM,
HARNEY COUNTY, OR**



- Ditch
- Creek / Natural Drainage
- POU IR 1884 Priority
- Township
- Section
- Quarter Quarter
- Tax Lot

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RENEWAL DATE 12/31/2023

**CLAIM OF BENEFICIAL USE MAP
HARNEY HAY & CATTLE LLC**

T-14032 (C-20699 Portion, Source: Mill & Coffeepot Creeks 1884 Priority)

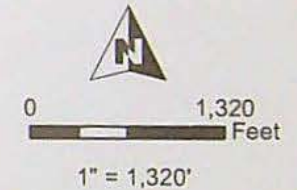
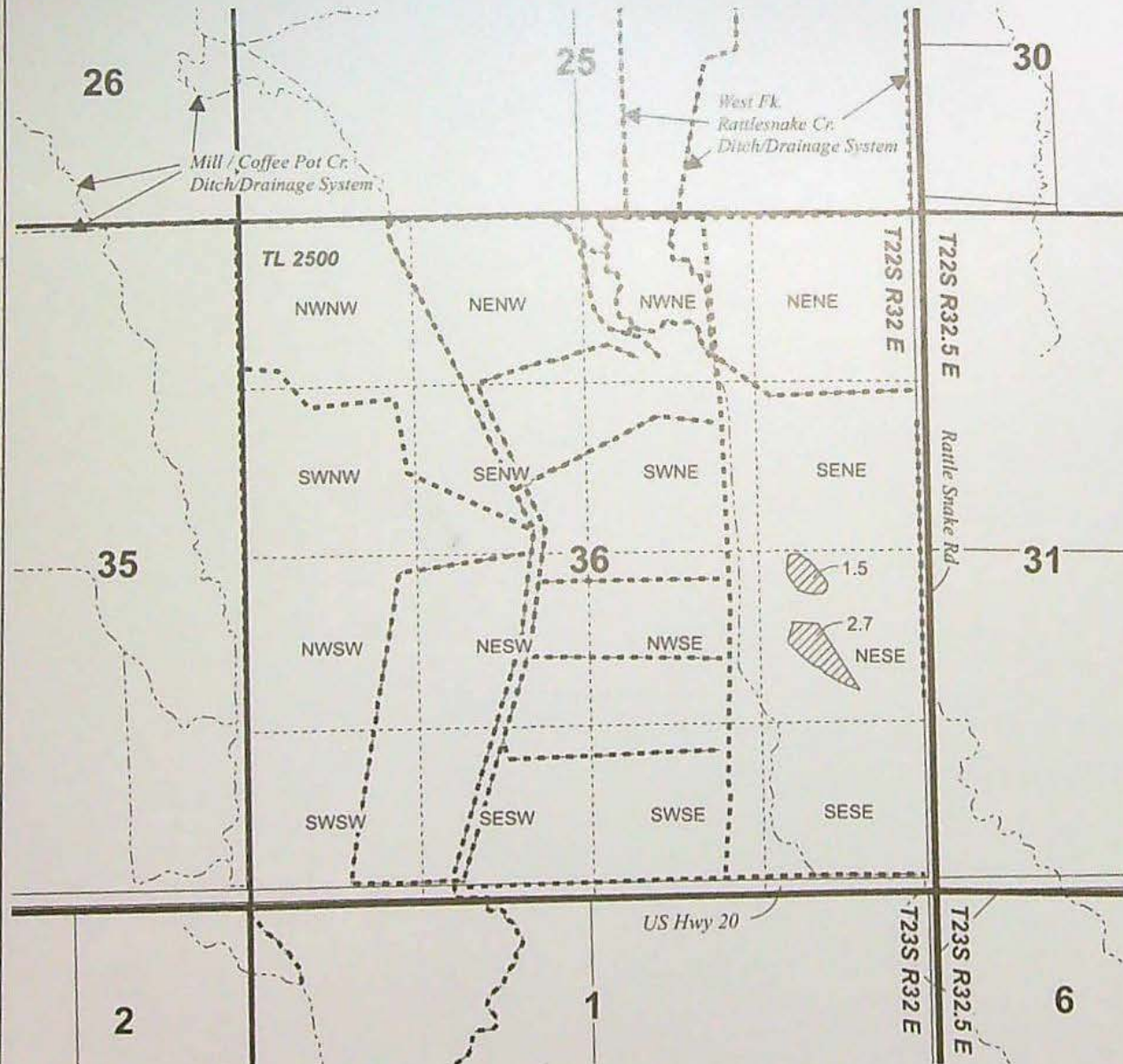
This map is not intended
to provide legal dimensions
or locations of property
ownership lines.

Project #23014

Date: 7/11/2023

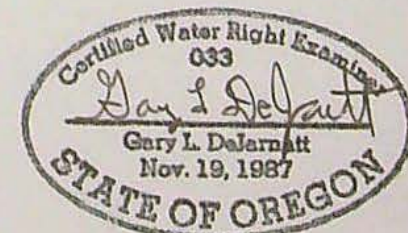
WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US CCB # 197121
johnshort@usa.com 541-389-2837

**T22S R32E, WM,
HARNEY COUNTY, OR**



- Ditch
- Creek / Natural Drainage
- POU IR /1886 Priority
- Township
- Section
- Quarter Quarter
- Tax Lot

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RENEWAL DATE 12/31/2023



**CLAIM OF BENEFICIAL USE MAP
HARNEY HAY & CATTLE LLC**

T-14032 (C-14576 Portion, Source: West Fork Rattlesnake Creek 1886 Priority)

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

Project #23014

Date: 7/11/2023

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US CCB # 197121

johnshort@usa.com

541-389-2837

Ditch Capacity Calculator - Rattlesnake Creek					
using Manning's Formula					
Data Entry (fill in underlined blanks)					
Top Width =	6	feet			
Bottom Width =	4	feet			
Depth =	1.5	feet			
Fall =	8	feet	per	4600	feet of distance
Grade =	0.001739130	, or	0.2%		
n Factor =	0.04				
Results calculated					
Area of cross-section =	7.5	square feet			
Wetted Perimeter =	7.605551	feet			
Hydraulic Radius =	0.986121				
Velocity =	1.462	feet per second			
Calculated Ditch Capacity =	11.0	cubic feet per second			

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Ditch Capacity Calculator - Mill/Coffee Pot Creeks					
using Manning's Formula					
Data Entry (fill in underlined blanks)					
Top Width =	6	feet			
Bottom Width =	4	feet			
Depth =	2	feet			
Fall =	2	feet	per	2637	feet of distance
Grade =	0.000758437	, or	0.1%		
n Factor =	0.04				
Results calculated					
Area of cross-section =	10	square feet			
Wetted Perimeter =	8.472135	feet			
Hydraulic Radius =	1.180339				
Velocity =	1.088	feet per second			
Calculated Ditch Capacity =	10.9	cubic feet per second			

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Bryce Withers <brycewrs@gmail.com>

T-14032 Measuring Device Requirement - Nick and Dellie Schott

2 messages

Bryce Withers <brycewrs@gmail.com>

Fri, May 19, 2023 at 10:06 AM

To: SWINDLEHURST Donald S * WRD <Donald.S.SWINDLEHURST@water.oregon.gov>

Hi Dally,

My name is Bryce Withers and I work for John Short with Water Right Services.

We are working on a Claim of Beneficial Use for an approved transfer T-14032.

The property is a section that has two main surface water rights, one from Mill/Coffee Pot Creeks C-20699 and another from West Fork Rattlesnake Creek C-14576.

In recent years two pivots were installed and a supplement groundwater right secured G-18180. It was discovered that a portion of Supplemental Groundwater right pivots covered some ground that was not layered with the surface water rights....So that is how T-14032 came to be—it's purpose is to rearrange a small portion of the surface water to match up with the pivots since that ground is now easily flood irrigated.

The problem we are having is that as a requirement to get the transfer approved, you check the box that a totalizing flowmeter is required for the surface water system. The groundwater is easily metered by the pivot system. However, on the surface water diversions seems like it would be challenging to do so. The decreed surface water rights don't identify a single point of diversion for either creek system and it appears that a variety of ditches reach the property on both. There is a weir on the Mill/Coffeepot Creek side near the westerly pivot, but things were so flooded out it wasn't clear on the Rattlesnake side of things.

Are you able to check this out and perhaps approve an alternative method for getting the transfer finished? Thanks!

—
Bryce Withers

Water Right Specialist
(541)408-1400 cell

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

SWINDLEHURST Donald S * WRD <Donald.S.SWINDLEHURST@water.oregon.gov>

Wed, Jun 21, 2023 at 3:59 PM

To: Bryce Withers <brycewrs@gmail.com>

Brice,

Sorry it has taken so long to get back. I inadvertently put the TFM in that transfer. I know it would be impossible to measure that surface water there. As per John's request I am attaching a letter for the case worker to explain what happened that you could send into them.

Dally

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Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

www.Oregon.gov/OWRD

Date: 21 June 2023

To: Case worker

From: Dally Swindlehurst

Arla,

I believe this transfer T-14032 is one you are working on. I inadvertently added a totalizing flow meter as a permit condition, and it is not something that works in this transfer. I do not wish to put measurement as a condition for this permit. I would appreciate any guidance of what I need to do to fix this.

Thank you

Dally Swindlehurst

Dist. 10 watermaster

541-573-2591

Donald.s.swindlehurst@water.oregon.gov

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KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Wednesday, November 22, 2023 8:49 AM
To: schottagirl@gmail.com; John Short; 'brycewrs@gmail.com'
Cc: KAVANAGH Kerry L * WRD
Subject: FW: Certificate RA Estimate R12988-25 for Nicholas F. Schott & Ladell K. Schott involving Application T-14032
Attachments: RA contract_T-14032.pdf; estimate request_T-14032.pdf; estimate receipt_T-14032.pdf

Hello,

I am wondering if you wish to pursue the expedited review of the claim of beneficial use.

Please advise.

Thank you,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



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

From: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Sent: Tuesday, September 12, 2023 1:50 PM
To: schottagirl@gmail.com; John Short <johnshort@usa.com>; 'brycewrs@gmail.com' <brycewrs@gmail.com>
Cc: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Subject: Certificate RA Estimate R12988-25 for Nicholas F. Schott & Ladell K. Schott involving Application T-14032

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division

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 # 141422

INVOICE #

RECEIVED FROM: Nicholas F. Schott
BY: Ladell K. Schott
CASH: ☐ CHECK: # 3615 OTHER: (IDENTIFY) ☐
APPLICATION: ☐ PERMIT: ☐ TRANSFER: T-14032
TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R12988-25 \$
0413 OTHER: (IDENTIFY) Certificate Reimbursement Authority \$ 125.00
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 EXAM FEE \$ 0204 RECORD FEE \$
0205 TRANSFER EXAM FEE \$

WELL CONSTRUCTION

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

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: 141422 DATED: 8-17-2023 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

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 # 141422

INVOICE #

RECEIVED FROM: Nicholas F. Schott
BY: Ladell K. Schott
CASH: ☐ CHECK: # 3615 OTHER: (IDENTIFY) ☐
APPLICATION: ☐ PERMIT: ☐ TRANSFER: T-14032
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0205 TRANSFER EXAM FEE \$

WELL CONSTRUCTION

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

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: 141422 DATED: 8-17-2023 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Certificate Request	Application Number Permit Number Transfer Number/Permit Amendment (if applicable) <u>T-14032</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Nicholas F. Schott & Ladell K. Schott</u>	<u>Bryce Withers/Water Right Services, LLC</u>
Address:	<u>PO Box 700</u>	<u>PO Box 1830</u>
	<u>Burns, OR 97720</u>	<u>Bend, OR 97709</u>
Phone:	<u>541-965-0373</u>	<u>541-389-2837</u>
Fax:		
E-Mail Address:	<u>schottagair@gmail.com</u>	<u>johnshort@usa.com</u>

I certify that I (check one):

- ☐ have previously filed a Claim of Beneficial Use
☒ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

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I certify that I am the (check one):

- ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Bryce Withers

Signature: Bryce Withers

OWRD USE ONLY: Reimbursement Authority Number: R12 988-25



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

March 9, 2023

NICHOLAS F. & LADELL SCHOTT

PO BOX 700

BURNS, OR 97720

Reference: Correcting Certificate 96951

Enclosed is a correcting remaining right certificate 96951, issued to correct a scrivener's error in the certificate 96942. Certificate 96957 supersedes Certificate 96942.

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Nila Kamis

Water Right Support

Transfers and Conservation Section

cc: Watermaster Dist. #10 (*via email*)
Harney County
John A. Short, Agent

Enclosures

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-14032, Harney County) CORRECTING FINAL ORDER

Authority

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

Applicant

NICHOLAS AND LADELL SCHOTT
P.O. BOX 700
BURNS, OR 97720

Findings of Fact

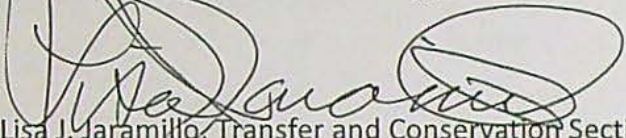
1. On June 10, 2022, NICHOLAS AND LADELL SCHOTT, filed a transfer application to change the places of use under Certificates 14576 and 20699. The Department assigned the application number T-14032.
2. On February 22, 2023, the Department issued a final order approving Transfer Application T-14032 and issued remaining right Certificate 96942. The Final Order was recorded at Special Order Volume 127, Pages 476-479.
3. Certificate 96942 contained a scrivener's error in the description of the place of use.

This is a final order in other than 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 and OAR 690-01-0005 you may either 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.

Now, therefore, it is ORDERED:

1. Water Right Certificate 96942 is cancelled.
2. Water Right Certificate 96951 is issued to correctly describe the authorized place of use and Supersedes Certificate 96942.

Dated in Salem, Oregon on **MAR 09 2023**


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

Mailing date: **MAR 10 2023**

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GREAT NORTHERN CASKET CO. INC.
PORTLAND, OR 97208

confirms the right to use the waters of WEST FORK RATTLE SNAKE CREEK; for IRRIGATION of 174.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the STATE ENGINEER in Volume 13, at Page 453.

The date of priority is 1886.

The amount of water to which such right is entitled, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes and shall not exceed 3.0 acre feet per acre during any year and the head of water shall not exceed one cubic foot per second for each 25 acres of land to be irrigated.

A description of the land irrigated under such right. And to which the water appurtenant (or if for other purposes, the place where such water is put to beneficial use), is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	NE NE	37.4
22 S	32 E	WM	36	NW NE	28.5
22 S	32 E	WM	36	SW NE	6.9
22 S	32 E	WM	36	SE NE	38.4
22 S	32 E	WM	36	NE SE	31.4
22 S	32 E	WM	36	NW SE	7.0
22 S	32 E	WM	36	SW SE	4.3
22 S	32 E	WM	36	SE SE	20.1
Total					174.0

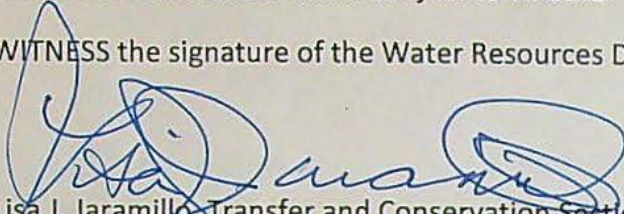
This certificate describes that portion of water right Certificate 14576, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered **MAR 09 2023**, approving Transfer Application T-14032.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

MAR 09 2023



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

6305 P 6 JAN

WATER RIGHT TRANSFER COVER SHEET

RA

Transfer: T-14032

Transfer Specialist: ARLA

Transfer Type: Regular Transfer

Applicant: NICHOLAS F. SCHOTT P.O. BOX 700 BURNS, OR 97720 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A County Of Harney planning Department Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>			14576	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>			20699	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: June 10, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 1970.00	WM District: 10	ODFW District: <u> </u>
Initial Public Notice: June 28, 2022	WM Review sent:	ODFW Review sent: <u> </u>
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input checked="" type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input checked="" type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent: <u> </u>	News \$ received: <u> </u>
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>9/20/22</u> Initials: <u>ASD</u>	Date: <u>10/3/22</u> Initials: <u>Joan</u>	Date: <u> </u> Initials: <u> </u>	Date: <u>1/5/23</u> Initials: <u>PKS</u>	Date: <u> </u> Initials: <u> </u>	CW Sent: <u> </u>	N/A
PD	Date: <u>1/20/23</u> Initials: <u>ASD</u>	Date: <u>1/27/23</u> Initials: <u>Scott</u>	Date: <u> </u> Initials: <u> </u>	Date: <u>1/31/23</u> Initials: <u>PKS</u>	Date: <u>2/10/23</u> Initials: <u>ASD</u>	Date: <u>2/10/23</u>	Date: <u>2-10-23</u>
FO	Date: <u>2/10/23</u> Initials: <u>ASD</u>	Date: <u>2/13/23</u> Initials: <u>Scott</u>	Date: <u> </u> Initials: <u> </u>	Date: <u>2/21/23</u> Initials: <u>PKS</u>	Date: <u>2/22/23</u> Initials: <u>ASD</u>	Date: <u>2/22/23</u>	Date: <u>2/22/23</u>

Correcting FO & RR: 2/27/2023 ← PKS 3/3/23 3/8/23 sy bin 3/9/23

Special Order Volume: Vol. 127 Pages 476-479
127 986-987



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

March 9, 2023

NICHOLAS F. & LADELL SCHOTT

PO BOX 700

BURNS, OR 97720

Reference: Correcting Certificate 96951

Enclosed is a correcting remaining right certificate 96951, issued to correct a scrivener's error in the certificate 96942. Certificate 96957 supersedes Certificate 96942.

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Nila Kamis

Water Right Support

Transfers and Conservation Section

cc: Watermaster Dist. #10 *(via email)*

Harney County

John A. Short, Agent

Enclosures

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Great Northern Casket Company, Inc.

of Portland, State of Oregon, has a right to the use of
the waters of West Fork Rattle Snake Creek;
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
HARNEY County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 13, at page 453; that the priority
of the right thereby confirmed dates from 1886

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed three acre feet per acre
during any year and the head of water shall not exceed one cubic foot per second
for each 25 acres of land to be irrigated.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes, the place where such water is put to beneficial use), is as follows:

37.4 acres in NE¹/₄NE¹/₄,
28.5 acres in NW¹/₄NE¹/₄,
6.9 acres in SW¹/₄NE¹/₄,
38.4 acres in SE¹/₄NE¹/₄,
31.4 acres in NE¹/₄SE¹/₄,
7.0 acres in NW¹/₄SE¹/₄,
5.2 acres in SW¹/₄SE¹/₄,
23.4 acres in SE¹/₄SE¹/₄,
Section 36,
T. 22 S., R. 32 E., W. M.

xfer
RP
27.4
24.5
6.9
38.4
31.4
7.0
4.3
20.1
0.9
3.3

And said right shall be subject to all other limitations and conditions
contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use
herein described.

WITNESS the signature of the State Engineer,

affixed this 13th day
of December, 1940/3.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 14576.



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

February 22, 2023

NICHOLAS F. SCHOTT

P.O. BOX 700

BURNS, OR 97720

REFERENCE: Transfer Application T-14032

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

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

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

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

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Nila Kamis

Water Rights Services Support

Transfers and Conservation Section

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE IN
T-14032, Harney County)	PLACES OF USE

Authority

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

Applicant

NICHOLAS AND LADELL SCHOTT
P.O. BOX 700
BURNS, OR 97720

Findings of Fact

1. On June 10, 2022, NICHOLAS AND LADELL SCHOTT, filed an application to change the places of use under Certificates 14576 and 20699. The Department assigned the application number T-14032.
2. Notice of the application for transfer was published on June 28, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 15, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14032 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 15, 2022 for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On January 20, 2023, the agent for the applicant requested the completion date be extended to October 1, 2028 to allow additional time to complete the construction of the irrigation system and meet the metering requirements. The Department granted the additional time pursuant to OAR 690-380-5410(3).

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

5. On February 10, 2023, the Department issued a Preliminary Determination proposing to approve deny Transfer T-14032 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 14, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 14576 in the name of GREAT NORTHERN CASKET COMPANY, INC.
(confirmed by Rattlesnake Creek Decree)

Use: IRRIGATION of 4.2 ACRES

Priority Date: 1886

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes and shall not exceed 3.0 acre feet per acre during any year and the head of water shall not exceed one cubic foot per second for each 25 acres of land to be irrigated.

Source: WEST FORK RATTLE SNAKE CREEK

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SW SE	0.9
22 S	32 E	WM	36	SE SE	3.3
Total					4.2

7. Transfer Application T-14032 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	NE SE	4.2

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

Certificate: 20699 in the name of WM H. HUGGARD AND BLANCHE ALICE HAHN
(confirmed by Mill and Coffee Pot Creek Decrees)

Use: IRRIGATION OF 18.9 ACRES

Priority Date: 1884

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated, provided further that the quantity of water allowed herein, together with the quantity allowed under any other right for the same lands shall not exceed the limitation allowed herein.

Source: MILL AND COFFEE POT CREEKS

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SE SW	3.5
22 S	32 E	WM	36	SW SW	15.4
Total					18.9

9. Transfer Application T-14032 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SW NW	13.7
22 S	32 E	WM	36	SE NW	5.1
22 S	32 E	WM	36	NE SW	0.1
Total					18.9

Transfer Review Criteria [OAR 690-380-4010(2)]

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14032.
12. The proposed changes as conditioned would not result in enlargement of the rights.
13. The proposed changes as conditioned would not result in injury to other water rights.
14. All other application requirements are met.

Determination and Proposed Action

The changes in places of use proposed in Transfer Application T-14032 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

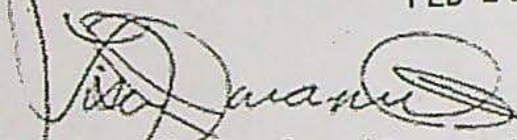
Now, therefore, it is ORDERED:

1. The changes in places of use proposed in Transfer Application T-14032 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 14576 and 20699 and any related decree.
3. Water right Certificates 14576 and 20699 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.

4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - 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.
5. The former places of use of the transferred rights shall no longer receive water under the rights.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

FEB 22 2023



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

Mailing date: FEB 23 2023

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WM H. HUGGARD AND BLANCHE ALICE HAHN
BURNS, OR 97720

confirms the right to use the waters of MILL AND COFFEEPOT CREEKS for IRRIGATION AND SUPPLEMENTAL IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 14, at Page 531. The date of priority is DECEMBER 31, 1884.

The amount of water to which such right is entitled, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated, provided further that the quantity of water allowed herein, together with the quantity allowed under any other right for the same lands shall not exceed the limitation allowed herein.

A description of the land irrigated under such right and to which the water is appurtenant (or if for other purposes, the place where such water is put to beneficial use), is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	NW NE	5.0
22 S	32 E	WM	36	SW NE	24.2
22 S	32 E	WM	36	NE NW	38.5
22 S	32 E	WM	36	NW NW	40.0
22 S	32 E	WM	36	SW NW	26.3
22 S	32 E	WM	36	SE NW	30.4
22 S	32 E	WM	36	NE SW	39.8
22 S	32 E	WM	36	NW SW	40.0
22 S	32 E	WM	36	SW SW	19.9
22 S	32 E	WM	36	SE SW	35.6
22 S	32 E	WM	36	NW SE	32.8
22 S	32 E	WM	36	SW SE	28.4
Total					360.9

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	NW NE	28.5

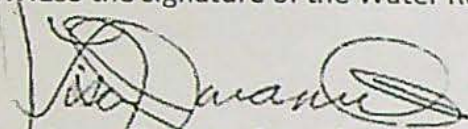
This certificate describes that portion of water right Certificate 20699, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 22 2023, approving Transfer Application T-14032.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

FEB 22 2023

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a circular embossed seal.

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

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GREAT NORTHERN CASKET CO. INC.
PORTLAND, OR 97208

confirms the right to use the waters of WEST FORK RATTLE SNAKE CREEK; for IRRIGATION of 174.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the STATE ENGINEER in Volume 13, at Page 453.

The date of priority is 1886.

The amount of water to which such right is entitled, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.0 acre feet per acre during any year and the head of water shall not exceed one cubic foot per second for each 25 acres of land to be irrigated.

A description of the land irrigated under such right. And to which the water appurtenant (or if for other purposes, the place where such water is put to beneficial use), is as follows:

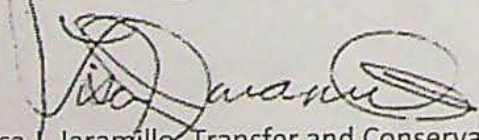
IRRIGATION					
TwP	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SW NE	3.5
22 S	32 E	WM	36	SW SW	15.4
Total					18.9

This certificate describes that portion of water right Certificate 14576, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 22 2023, approving Transfer Application T-14032.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed **FEB 22 2023**


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



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

February 10, 2023

VIA CERTIFIED MAIL AND E-MAIL

NICHOLAS AND LADELL SCHOTT

P.O. BOX 700

BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-14032

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14032. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis

Transfer Specialist

Transfer and Conservation Section

cc: Transfer File T-Error! Reference source not found.
Don Swindlehurst, District 10 Watermaster (via e-mail)
John A. Short, Agent for the applicant (via e-mail)

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14032, Harney County)	PROPOSING APPROVAL OF A CHANGE IN
)	PLACES OF USE

Authority

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

Applicant

NICHOLAS AND LADELL SCHOTT
P.O. BOX 700
BURNS, OR 97720

Findings of Fact

1. On June 10, 2022, NICHOLAS AND LADELL SCHOTT, filed an application to change the places of use under Certificates 14576 and 20699. The Department assigned the application number T-14032.
2. Notice of the application for transfer was published on June 28, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 15, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14032 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 15, 2022 for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On January 20, 2023, the agent for the applicant requested the completion date be extended to October 1, 2028 to allow additional time to complete the construction of the irrigation system and meet the metering requirements. The Department granted the additional time pursuant to OAR 690-380-5410(3).

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

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

Certificate: 14576 in the name of GREAT NORTHERN CASKET COMPANY, INC.
(confirmed by Rattlesnake Creek Decree)

Use: IRRIGATION of 4.2 ACRES

Priority Date: 1886

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes and shall not exceed 3.0 acre feet per acre during any year and the head of water shall not exceed one cubic foot per second for each 25 acres of land to be irrigated.

Source: WEST FORK RATTLE SNAKE CREEK

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SW SE	0.9
22 S	32 E	WM	36	SE SE	3.3
Total					4.2

6. Transfer Application T-14032 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	NE SE	4.2

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

Certificate: 20699 in the name of WM H. HUGGARD AND BLANCHE ALICE HAHN
(confirmed by Mill and Coffee Pot Creek Decrees)

Use: IRRIGATION OF 18.9 ACRES

Priority Date: 1884

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated during each year, with a total limitation of 2.5 acre-feet for each acre irrigated, provided further that the quantity of water allowed herein, together with the quantity allowed under any other right for the same lands shall not exceed the limitation allowed herein.

Source: MILL AND COFFEE POT CREEKS

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SE SW	3.5
22 S	32 E	WM	36	SW SW	15.4
Total					18.9

8. Transfer Application T-14032 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32 E	WM	36	SW NW	13.7
22 S	32 E	WM	36	SE NW	5.1
22 S	32 E	WM	36	NE SW	0.1
Total					18.9

Transfer Review Criteria [OAR 690-380-4010(2)]

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14032.
11. The proposed changes as conditioned would not result in enlargement of the rights.
12. The proposed changes as conditioned would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

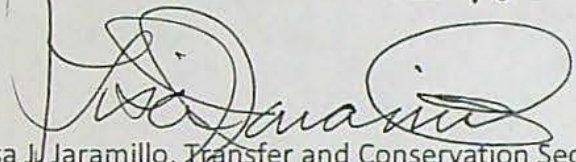
The changes in places of use proposed in Transfer Application T-14032 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14032 is approved, the final order will include the following:

1. *The changes in places of use proposed in Transfer Application T-14032 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 14576 and 20699 and any related decree.*
3. *Water right Certificates 14576 and 20699 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - 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.*
5. *The former places of use of the transferred rights shall no longer receive water under the rights.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
7. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **FEB 10 2023**


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

This Preliminary Determination was prepared by Arla L Davis. If you have any questions about the information in this document, you may reach me at 503-979-3129 or arla.l.davis@water.oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

DAVIS Arla L * WRD

From: Bryce Withers <brycewrs@gmail.com>
Sent: Friday, January 20, 2023 12:46 PM
To: DAVIS Arla L * WRD
Cc: schottagair@gmail.com; John Short
Subject: Re: *** Issuance of Draft Preliminary Determination for Regular Transfer T-14032 for Nicholas and Ladell Schott - Action Required!
Attachments: 22S32E000002500 _Harney County List Kit (1).pdf; Business Registry Business Name Search.pdf

Hi Arla,

Here is the ownership report, showing Harney Hay and Cattle, LLC (The applicant Nicholas Schott is the sole member) as the owner. The DPD looks good, only typo noted is No. 5 authorized POU QQ should be SESW. The applicant would like to extend the beneficial use deadline to 10-1-2028 in order to provide time to complete the construction of the irrigation system and meet the metering requirements.

On Fri, Jan 20, 2023 at 12:08 PM Bryce Withers <brycewrs@gmail.com> wrote:
Hi Arla,

Sorry about that and thank you for the reminder. I will send you the ownership report asap.

Bryce

On Fri, Jan 20, 2023 at 11:32 AM DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov> wrote:

Good Morning,

I am the caseworker assigned to Transfer Application T-14032. The request below was sent November 15, 2022. As of today the deadline for receiving the Report of Ownership has passed (December 15, 2022) I understand that things can be forgotten, especially around the holidays. If I do not receive the Report of Ownership by Friday, January 27, 2023, I will deny transfer application T-14032 as incomplete. The only way for the applicant to reverse the denial will be to pay additional fees and file a protest. If you have any questions, please let me know.

Thank you!

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section



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

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

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From: DAVIS Arla L * WRD

Sent: Tuesday, November 15, 2022 11:13 AM

To: schottagair@gmail.com

Cc: johnshort@usa.com; JOHNSON JR * WRD <JR.Johnson@oregon.gov>

Subject: Issuance of Draft Preliminary Determination for Regular Transfer T-14032 for Nicholas and Ladell Schott - Action Required!



Oregon
Kate Brown, Governor

Water Resources Departme
725 Summer St NE, Suite
Salem, OR 973
(503) 986-09
Fax (503) 986-09

November 15, 2022

VIA E-MAIL

NICHOLAS AND LADELL SCHOTT

P.O. BOX 700

BURNS, OR 97720

Reference: Water Right Transfer Application T-14032

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14032. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by December 15, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by December 15, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water rights are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:

- i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
- ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

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

Conditions to your water right...

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

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

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and

2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

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Please do not hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-Error! Reference source not found.

J R. Johnson, District 10 Watermaster *(via e-mail)*

John A. Short, Agent for the applicant *(via e-mail)*

encs

Arla L. Davis

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

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--
Bryce Withers

Water Right Specialist
(541)408-1400 cell

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

--
Bryce Withers

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To: schottagair@gmail.com
Cc: johnshort@usa.com; Bryce Withers; SWINDLEHURST Donald S * WRD; STARNES Patrick K * WRD
Subject: *** Issuance of Draft Preliminary Determination for Regular Transfer T-14032 for Nicholas and Ladell Schott - Action Required!

Importance: High

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She/Her/Hers

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Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 15, 2022

VIA E-MAIL

NICHOLAS AND LADELL SCHOTT
P.O. BOX 700
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Transfer Specialist
Transfer and Conservation Section

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725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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Property Profile

Prepared on January 20, 2023

Prepared For:
Bryce Withers
Water Right Services, LLC

Property Address:
36629 Highway 20 E, Burns, OR 97720
Property Parcel Number:
22S32E000002500

Includes the following:

- Harney County Property and Tax Information
- Tax Maps
- Last Vesting Document

Prepared by:
Lori Takayesu

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

Serving Crook, Jefferson, Deschutes, Wheeler and Harney Counties!

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

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

January 20, 2023 12:09:49 pm

Account # [REDACTED]
Map # 22S32E000002500
Code - Tax # [REDACTED]

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

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

Mailing Name HARNEY HAY AND CATTLE LLC

Deed Reference # 2021-2104

Agent

Sales Date/Price 12-29-2021 / \$750,000.00

In Care Of

Appraiser TONI WILSON

Mailing Address PO BOX 700
BURNS, OR 97720-0700

Prop Class 551 MA SA NH Unit
RMV Class 551 02 00 012 1994-1

Situs Address(s)	Situs City
ID# 36629 HIGHWAY 20 E	BURNS

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0120 Land	1,037,620			Land	0
Impr.	167,360			Impr.	0
Code Area Total	1,204,980	658,090	333,959		0
Grand Total	1,204,980	658,090	333,959		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0120	6			EFRU-1	Farm Use Zoned	100	A	164.32	2	006*	410,800
0120	1			EFRU-1	Farm Use Zoned	100	A	165.50	3	006*	331,000
0120	2			EFRU-1	Farm Use Zoned	100	A	241.82	4	006*	241,820
0120	3			EFRU-1	Farm Use Zoned	100	A	51.60	5	006*	28,380
0120	4			EFRU-1	Farm Use Zoned	100	A	1.00	HS	006*	1,620
0120	7			EFRU-1	Farm Use Zoned	100	A	0.00	IW	006*	6,000
0120	5			EFRU-1	Farm Use Zoned	100	A	0.00	SW	006*	6,000
0120					SITE AMENTIES	100					12,000
Grand Total								624.24			1,037,620

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
0120	7		303	GP SHED	100	238		1,360
0120	10		110	Residential Other Improvements	100	0		2,070
0120	14		110	Residential Other Improvements	100	0		2,810
0120	15		110	Residential Other Improvements	100	0		3,680
0120	6		316	FEEDER BARN	100	1,525		3,260
0120	11		311	MAINLINE 8"	100	650		8,570
0120	3		310	MACHINE SHED	100	2,940		8,600
0120	5		302	CORRAL	100	0		10,000
0120	4		304	GP BUILDING	100	936		6,450
0120	12		311	MAINLINE 8"	100	1,890		25,700
0120	13		304	GP BUILDING	100	1,800		35,780
0120	1	1955	136	One and 1/2 story	100	1,948		59,080
Grand Total								11,927
								167,360

MS Account(s): 0120-P-77046

SUMMARY OF TAX ACCOUNT

HARNEY COUNTY TAX COLLECTOR

HARNEY COUNTY COURTHOUSE

BURNS, OREGON 97720

(541) 573-8365

20-Jan-2023

HARNEY HAY AND CATTLE LLC
PO BOX 700
BURNS OR 97720-0700

Tax Account #	██████	Lender Name	701 - SCHOTT, NICHOLAS F & LADELL K
Account Status	A	Lender ID	000
Roll Type	Real	Property ID	0120
Situs Address	36629 HIGHWAY 20 E BURNS OR 97720	Interest To	Feb 15, 2023

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$4,098.04	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,988.60	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,107.14	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,026.91	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,941.55	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,878.50	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,525.02	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,461.97	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,381.96	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,311.31	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,266.87	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,203.66	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,139.08	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,077.25	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,020.61	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,964.39	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,908.14	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,741.23	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,690.62	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,641.36	Nov 15, 2003
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$49,374.21	

1" = 2000'

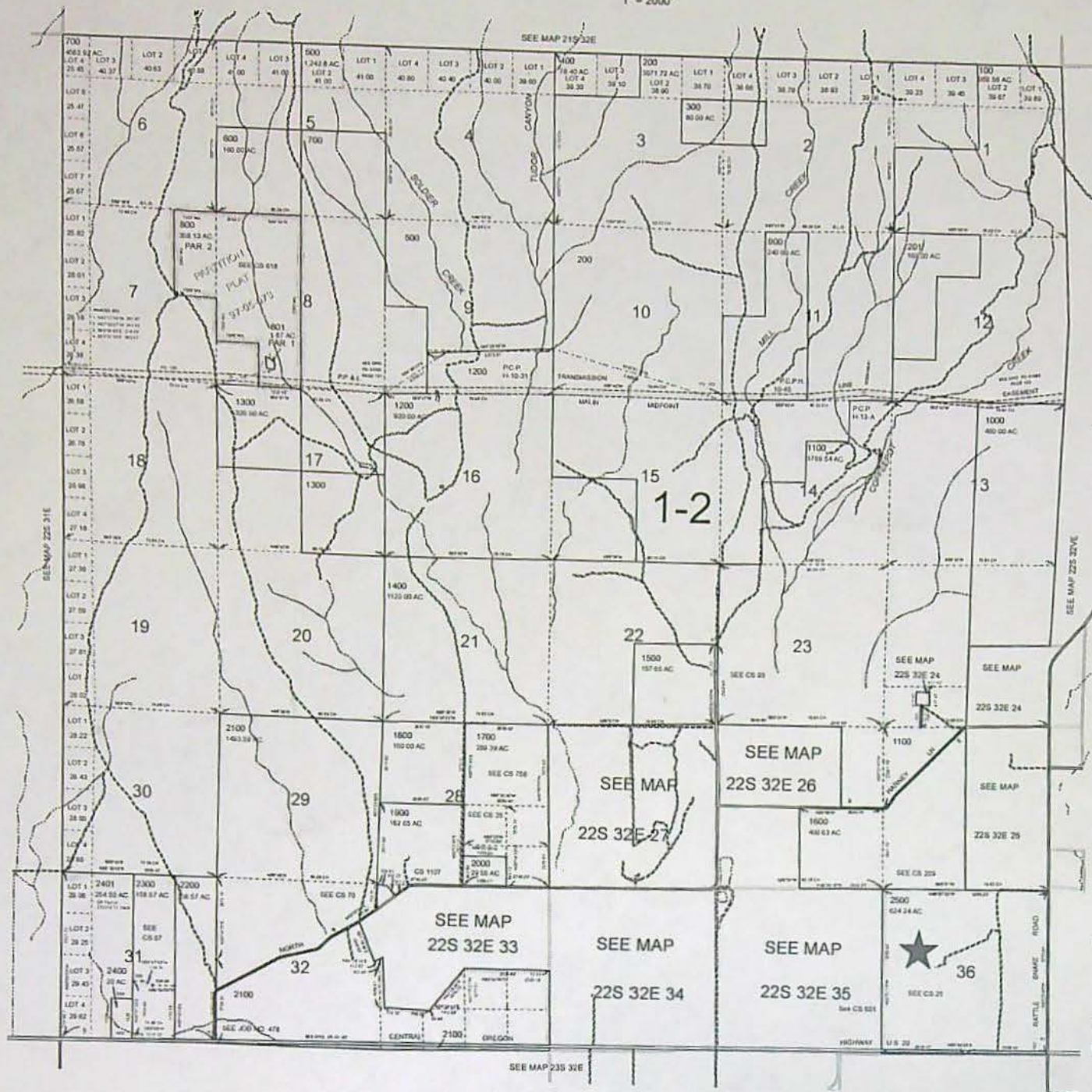
22S32E



COMPLIMENTS OF
AmeriTitle

This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels.

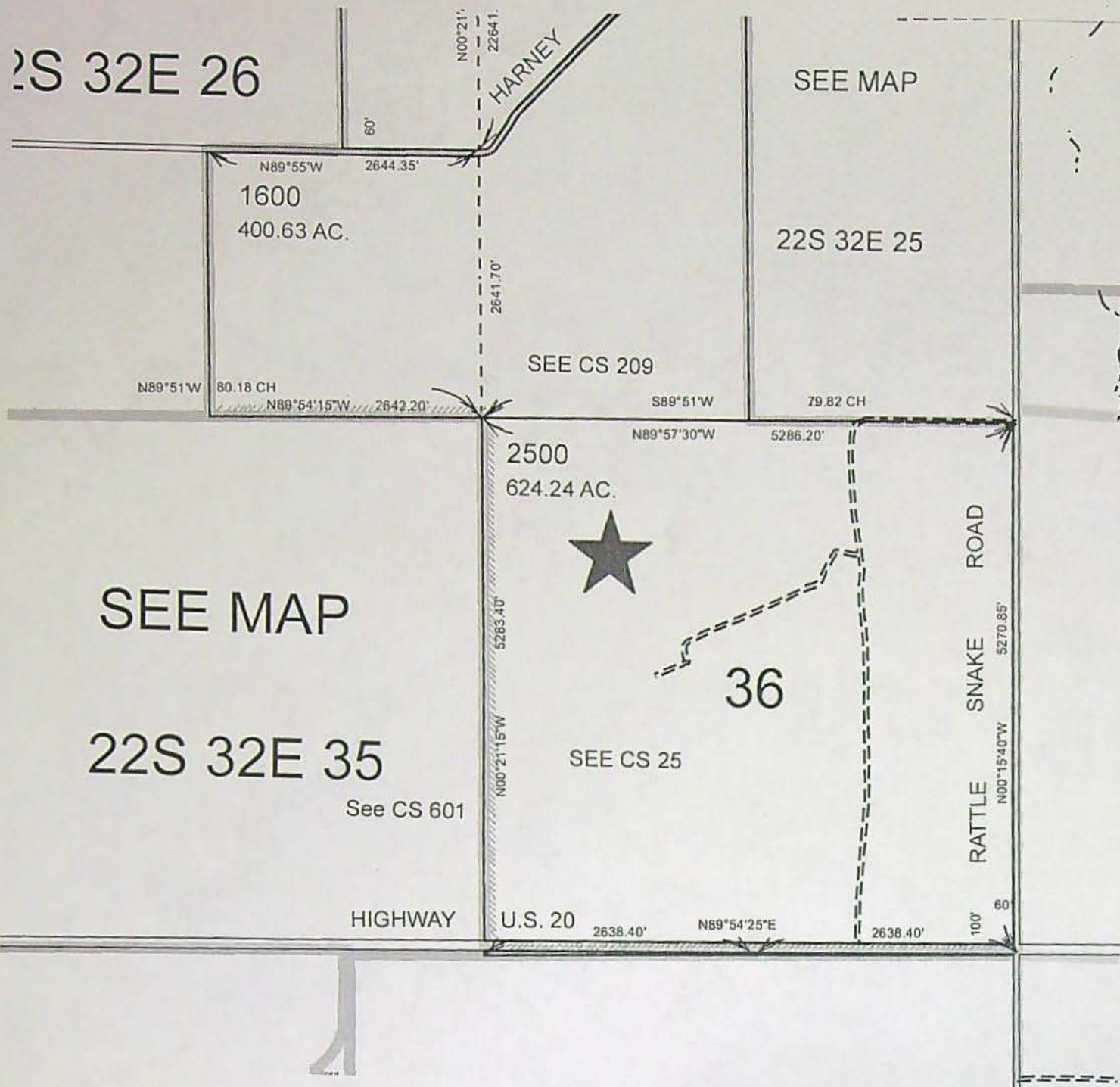
No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason or reliance thereon.



PRINTED ON
Date: 8/3/2021

22S32E

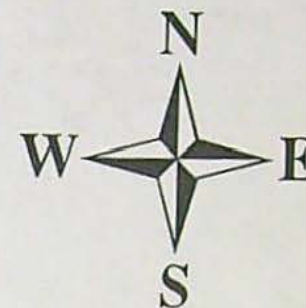
2S 32E 26



COMPLIMENTS OF
AmeriTitle

This sketch is furnished
for information purposes
only to assist in property
location with reference to
streets and other parcels.

No representation is
made as to accuracy and
the Company assumes no
liability for any loss
occurring by reason
or reliance thereon.



PRINTED ON
Date: 8/3/2021

22S32E

AFTER RECORDING RETURN TO:

Matheur County Title #35004
81.5a Oregon St
Ontario, OR 97914

UNTIL A CHANGE IS REQUESTED ALL TAX
STATEMENTS SHALL BE SENT TO THE
FOLLOWING ADDRESS:

Harney Hay and Cattle LLC
P.O. Box 700
Burns, OR 97720

HARNEY COUNTY, OR 2021-2104
DEED-WD 12/29/2021 03:03:01 PM
Pgs= 3 \$91.00

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

Derrin Robinson

Derrin E. Robinson, Harney County Clerk



WARRANTY DEED

LORIN D. SHERBURN and KATHARINE J. SHERBURN, as tenants by the entirety, called Grantor herein, hereby convey and warrant to HARNEY HAY AND CATTLE LLC, an Oregon limited liability company, called Grantee, the real property described on Exhibit "A" attached hereto.

WARNING: 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 SECTION 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND 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.

The true consideration for this conveyance is \$750,000.00

Dated this 28 day of Dec, 2021.

Lorin D Sherburn
Lorin D. Sherburn

Katharine J Sherburn
Katharine J. Sherburn

STATE OF OREGON)
 Harney) ss.
County of Oregon)

The foregoing instrument was acknowledged before me this 27th day of December, 2021, by Lorin D. Sherburn and Katharine J. Sherburn.



Gail Lynn Pointere
Notary Public for Oregon
My Commission Expires: 2-10-24

EXHIBIT "A" TO WARRANTY DEED

A parcel of land located in Sections 19 and 20, Twp. 20 S., R. 32 E., W.M., Harney County, Oregon, more particularly described as follows:

Parcel No. 1 of Partition Plat No. 05-04-167, recorded April 8, 2005, Instrument No. 20050686, Harney County Plat Records and also described as follows:

In Twp. 20 S., R. 32 E., W.M.:
Sec. 19: N1/2NE1/4, NE1/4NW1/4.
Sec. 20: NW1/4NW1/4.

Land in Harney County, Oregon, as follows:

In Twp. 20 S., R. 32 E., W.M.:
Sec. 17: SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4, SW1/4SE1/4.
Sec. 18: E1/2SE1/4, SW1/4SE1/4.

Land in Harney County, Oregon, as follows:

In Twp. 22 S., R. 32 E., W.M.:
Sec. 36: All.

SUBJECT TO any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.

SUBJECT TO taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.

SUBJECT TO easements as shown on the Partition Plat No. 05-04-167.

SUBJECT TO right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.

SUBJECT TO an easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: California-Pacific Utilities Company, a corporation
Recorded: January 16, 1962
Book: 70, Page: 555

SUBJECT TO an easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Idaho Power Company
Recorded: March 12, 1962
Book: 71, Page: 69

SUBJECT TO an easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: California-Pacific Utilities Company, a corporation

Recorded: November 30, 1971

Book: 93, Page: 629

SUBJECT TO an easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Telephone Utilities of Eastern Oregon, Inc.

Recorded: February 13, 1997

Instrument No.: 970288

SUBJECT TO reservations and exceptions, including the terms and provisions thereof, contained in Patent to Clearwater,

Recorded: December 29, 2000,

Instrument No.: 20002489

SUBJECT TO an easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: United States of America

Recorded: December 29, 2000

Instrument No.: 20002489

SUBJECT TO an easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Charles A. Phillips and Patrick L. Daly

Recorded: February 12, 2008

Instrument No.: 20080245

SUBJECT TO road Maintenance agreement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted to: Charles A. Phillips and Patrick L. Daly

Recorded: February 20, 2008

Instrument No.: 20080313

SUBJECT TO An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Geneva Wilson, Cheryl Baker, Luella Nelson, Leslie Nelson, Charles Phillips and Brad Bulloch

Recorded: April 22, 2011

Instrument No.: 20110501

SUBJECT TO an easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Oregon Trail Electric Consumers Cooperative, a corporation

Recorded: December 7, 2015

Instrument No.: 20151525

Assessor's Account Nos.: Map Nos. 20S32E000001900, 20S32E000002100, 22S32E000002500; Code No. 120; Reference Nos. 5314, 5317, 5377.

Business Registry Business Name Search

[New Search](#)

Business Entity Data

01-20-2023

12:59

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1776383-93	DLLC	ACT	OREGON	02-01-2021	02-01-2024	
Entity Name	HARNEY HAY AND CATTLE LLC					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	36629 HWY 20 EAST			
Addr 2				
CSZ	BURNS	OR	97720	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	02-01-2021	Resign Date	
Name	NICHOLAS	F	SCHOTT			
Addr 1	36629 HWY 20 EAST					
Addr 2						
CSZ	BURNS	OR	97720	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	PO BOX 700			
Addr 2				
CSZ	BURNS	OR	97720	Country UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	NICHOLAS		SCHOTT		
Addr 1	36629 HWY 20 E				
Addr 2					
CSZ	BURNS	OR	97720	Country	UNITED STATES OF AMERICA

[New Search](#)




Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
HARNEY HAY AND CATTLE LLC	EN	CUR	02-01-2021	

Please [read](#) before ordering [Copies](#).

[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	01-01-2023		FI		
	AMENDED ANNUAL REPORT	03-14-2022		FI		
	ARTICLES OF ORGANIZATION	02-01-2021		FI	Agent	

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Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 15, 2022

VIA E-MAIL

NICHOLAS AND LADELL SCHOTT

P.O. BOX 700

BURNS, OR 97720

Reference: Water Right Transfer Application T-14032

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14032. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by December 15, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing by December 15, 2022**, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water rights are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**

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

Conditions to your water right...

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

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

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by December 15, 2022, a Preliminary Determination will be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-Error! Reference source not found.
J R. Johnson, District 10 Watermaster (via e-mail)
John A. Short, Agent for the applicant (via e-mail)

encs

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

OR ☐ at each new point of diversion/appropriation

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

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

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

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

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

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

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

☐ Weir

☐ Submerged Orifice

☐ Parshall Flume

☐ Flow Restrictor

☐ Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14032

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

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

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

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

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

Approval of an Alternate Measurement Device

T- _____

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

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

Watermaster signature_____
District_____
Date

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

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

**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 # **138703**

INVOICE # _____

RECEIVED FROM: Nicholas F. Schott
BY: Ladell K. Schott

APPLICATION	
PERMIT	
TRANSFER	T-14032

CASH: ☐ CHECK: # 3457 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 844.07

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>47124</u> <u>R11-375-23</u>	\$
<u>0412</u> OTHER: (IDENTIFY) <u>Reimbursement Authority</u>	\$ <u>844.07</u>

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **138703**

DATED: 07/29/22 BY: [Signature]

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**
Contract Number: R11-375-23

RECEIVED

JUL 20 2022

OWRD

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Nicholas F. and Ladell K. Schott, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Contact: Kelly Starnes
Title: Transfer Advisor
Address: 725 Summer Street, NE, Suite A
Salem, OR 97301-1266

Phone: 503 979-3511
Fax: 503 986-0901
Email: patrick.k.starnes@water.oregon.gov

Applicant's Information

Name: Nicholas F. and Ladell K. Schott
Contact:
Address: PO Box 700
Burns, OR 97720

Phone: (541) 965-0373
Fax:
Email: schotttagair@gmail.com

Applicant's Representative

Name: Water Right Services, LLC
Contact: Bryce Withers
Address: PO Box 1830
Bend, OR 97709

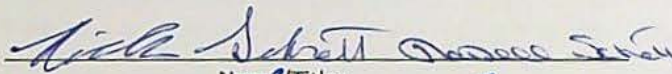
Phone: (541) 389-2837
Fax:
Email: johnshort@usa.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14032)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$844.07**. Applicant agrees to pay the full amount of **\$844.07** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

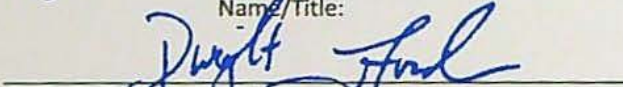
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
IMPORTANT: Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:


Name/Title:

7/16/22
Date

For OWRD:


Dwight French - Administrator

8/1/2022
Date

Mail signed Agreement to:

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

**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 #

138382

INVOICE #

RECEIVED FROM:

Nicholas F. Schott

BY:

Lodell K. Schott

APPLICATION

PERMIT

TRANSFER

T-14032

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

3439

☐

TOTAL REC'D

\$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

47124

R11375-23

\$

0412

OTHER:

(IDENTIFY)

Transfer Reimbursement

\$ 125.00

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD#

0210

MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

138382

DATED:

6-10-2022

BY:

Mindy Cade



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14032</u> <u>tbd</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>NICHOLAS F. SCHOTT & LADELL K. SCHOTT</u>	<u>Bryce Withers/Water Right Services, LLC</u>
Address:	<u>PO Box 700</u>	<u>PO Box 1830</u>
	<u>Burns, OR 97720</u>	<u>Bend, OR 97709</u>
Phone:	<u>541-965-0373</u>	<u>541-389-2837</u>
Fax:		
E-Mail Address:	<u>schotttagair@gmail.com</u>	<u>johnshort@usa.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Bryce Withers

Signature: _____

RECEIVED

JUN 10 2022

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R11- 375 -23

**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 # **138389**

INVOICE # _____

RECEIVED FROM: Nicholas F. Schott

BY: Ladell K. Schott, Farm

Account

CASH: ☐ CHECK: # 3438 OTHER: (IDENTIFY) ☐

APPLICATION _____

PERMIT _____

TRANSFER T-14032

TOTAL REC'D \$ 1970.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____

0203 GROUND WATER \$ _____

0205 TRANSFER \$ 1970.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE

\$ _____

\$ _____

\$ 1970.00

EXAM FEE

\$ _____

RECORD FEE

\$ _____

\$ _____

LICENSE FEE

\$ _____

\$ _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____

0210 MONITORING WELLS \$ _____

OTHER (IDENTIFY) _____

CARD# _____

CARD# _____

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: **138389**

DATED: 6-10-2000 BY: Mindy Cadden

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: C-14576 & C-20699**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

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

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Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	\$0
	Number of water rights included in transfer <u>2 (3a)</u> Subtract 1 from the number in line 3a above: <u>1 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	\$610
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter »	4	\$0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>.6405 (5a)</u> Subtract 1.0 from the number in line 5a above: <u>-.3595 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>(5c)</u> and multiply		
5	5c by \$410, then enter on line 5 »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,970
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$1,970

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

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME NICHOLAS F. SCHOTT & LADELL K. SCHOTT			PHONE NO. 541-965-0373	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 700			FAX NO.	
CITY BURNS	STATE OR	ZIP 97720	E-MAIL SCHOTTAGAIR@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 POU TO MATCH CURRENT FARMING PRACTICES.

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

Check One Box

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

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By my signature below, I confirm that I understand:

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

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

Applicant signature

Print Name (and Title if applicable)

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

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

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

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

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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. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 14576

Description of Water Delivery System

System capacity: 7.128 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. **FLOOD FROM DITCHES**

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)
RATTLESNAKE CREEK	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed							NOT SPECIFIED IN CERT.

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 14576

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
22	S	32	E 36 SW SE	2500		0.9	IR	RATTLES-NAKE CR	1886	POU	22	S	32	E 36 NE SE	2500		4.2	IR	RATTLES-NAKE CR	1886			
"	"	"	" " SE SE	"		3.3	"	"	"	"													
TOTAL ACRES:						4.2					TOTAL ACRES:						4.2						

Additional remarks:_____.

For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 20699

Description of Water Delivery System

System capacity: 10.2075 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. **FLOOD FROM DITCHES**

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)
MILL CREEK & COFFEE POT CREEK	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed							NOT SPECIFIED IN CERT

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 20699

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
22	S	32	E	36	SW	SW	2500		15.4	IR	MILL CR. & COFFEE POT CR.	1886	POU	22	S	32	E	36	SW	NW	2500		13.7	IR	MILL CR. & COFFEE POT CR.	1886		
"	"	"	"	"	SW	NE	"		3.5	IR	"	"	"	"	"	"	"	"	SE	NW	"		5.1	"	"	"		
													"	"	"	"	"	"	NE	SW	"		0.1	"	"	"		
TOTAL ACRES:									18.9						TOTAL ACRES:									18.9				


Additional remarks:

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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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): NICHOLAS F. & LADELL K. SCHOTT

Mailing Address: PO BOX 700

City: BURNS

State: OR

Zip Code: 97720

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>22S</u>	<u>32E</u>	<u>36</u>	_____	<u>2500</u>	<u>EFRU-1</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

HARNEY COUNTY.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: .6405 ☒ 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:

REARRANGE EXISTING CERTIFICATES TO MATCH CURRENT FARMING PRACTICES.

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

See bottom of Page 3. →

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

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

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

Name: Brandon McMullen Title: Planning Director

Signature: [Signature] Phone: (541) 573-6555 Date: 5/14/2022

Government Entity: Harris County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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, BRYCE M. WITHERS, 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:

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 # ____; 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)
14576	22	S	32	E	WM	36	SW	SE		0.9
14576	"	"	"	"	"	"	SE	SE		3.3
20699	"	"	"	"	"	"	SW	SW		15.4
20699	"	"	"	"	"	"	SE	SW		3.5

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.

B. W. H.

Signature of Affiant

5-12-2022

Date

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



Linda Lee Miller
Notary Public for Oregon

My Commission Expires: July 12, 2025

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

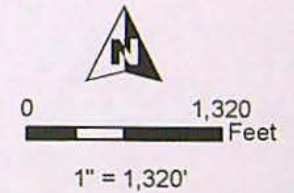
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TACS

OWRD

**T22S R32E, WM,
HARNEY COUNTY, OR**



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OWRD



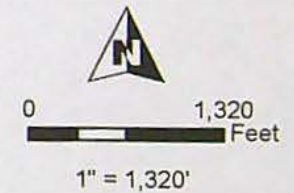
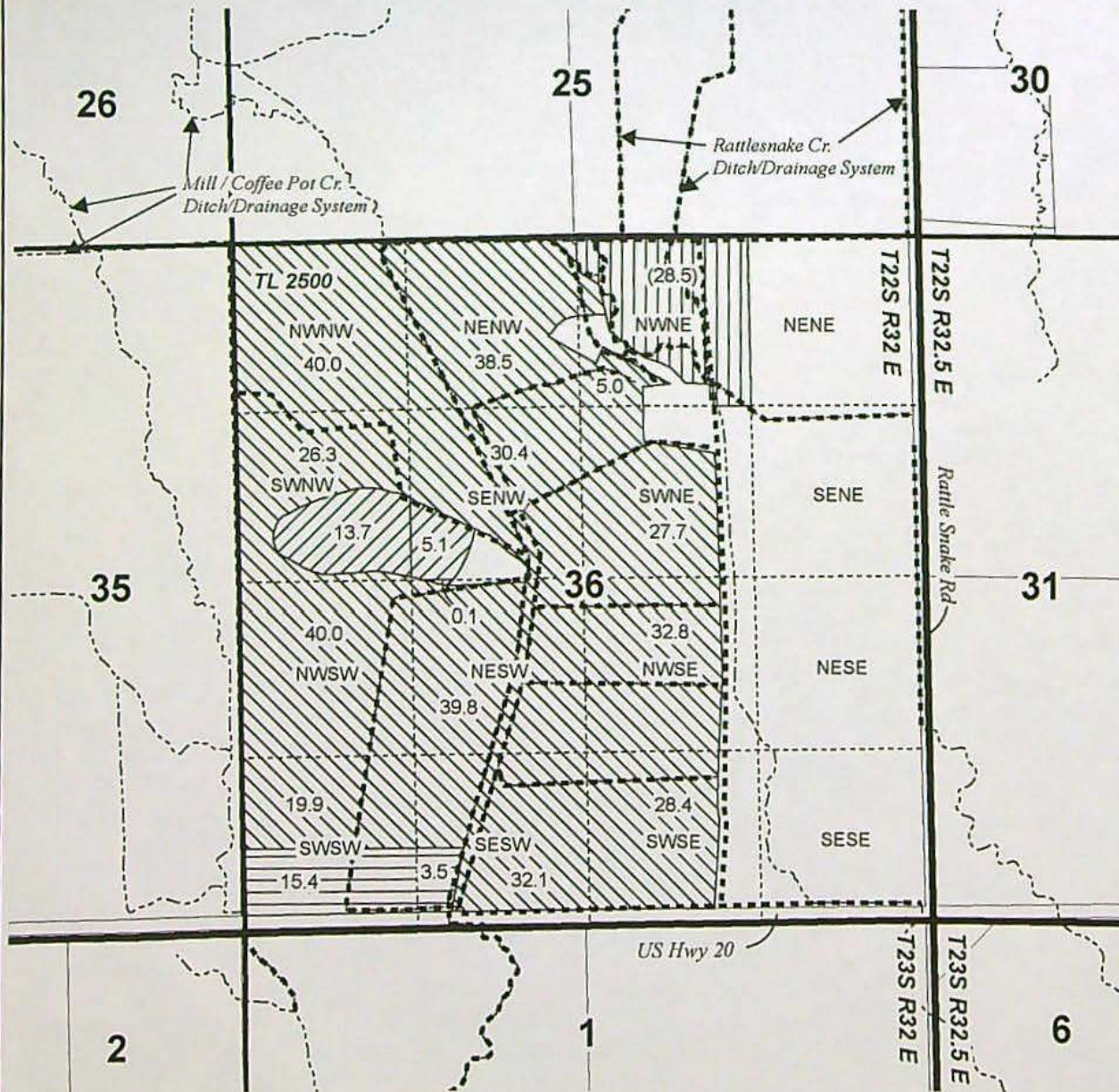
**ESRI "OSIP 2017" IMAGERY
SCHOTT**

Date: 5/11/2022

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

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

**T22S R32E, WM,
HARNEY COUNTY, OR**



- Ditch
- Creek / Natural Drainage
- POU (IS) C-20699 12/31/1884 "NO CHANGE"
- POU IR C-20699 12/31/1884 "NO CHANGE"
- POU IR C-20699 12/31/1884 "ON"
- POU IR C-20699 12/31/1884 "OFF"
- Township
- Section
- Quarter Quarter
- Tax Lot



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RENEWAL DATE 12/31/2022

**PERMANENT TRANSFER MAP
SCHOTT**

Certificate 20699

Date: 5/12/2022

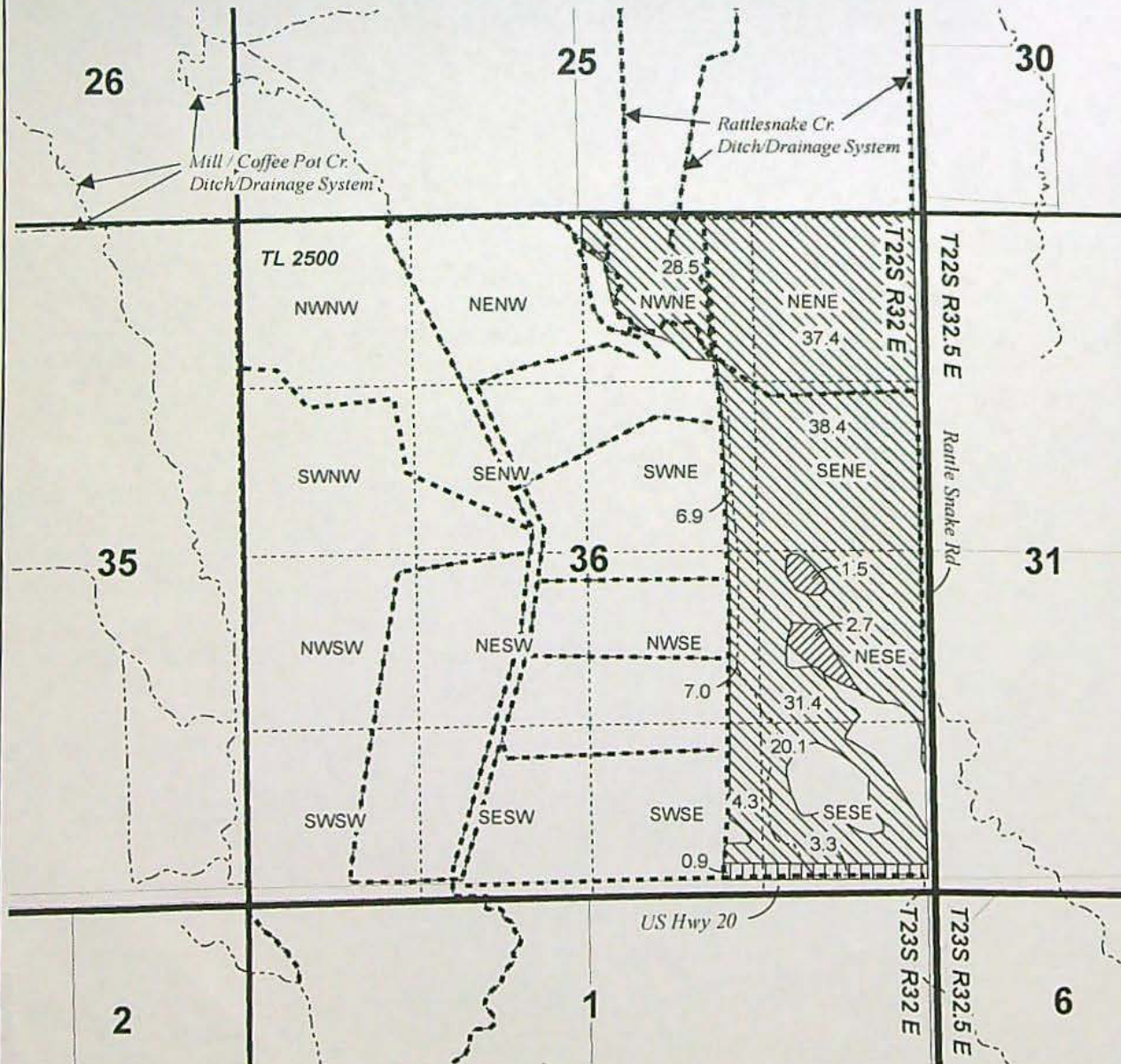
This map is not intended
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ownership lines.

JUN 10 2022

OWSD

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

**T22S R32E, WM,
HARNEY COUNTY, OR**



- Ditch
- Creek / Natural Drainage
- POU IR C-14576 12/31/1886 "NO CHANGE"
- POU IR C-14576 12/31/1886 "ON"
- POU IR C-14576 12/31/1886 "OFF"
- Township
- Section
- Quarter Quarter
- Tax Lot



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RENEWAL DATE 12/31/2022

**PERMANENT TRANSFER MAP
SCHOTT**

Certificate 14576

Date: 5/12/2022

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

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

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-14032

Checked by: <u>[Signature]</u> Date: <u>6/16/22</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution Gov Action	Supplemental to Primary Surface to Ground	<input checked="" type="checkbox"/> POU USE	POD POA	APOD APOA
Fee Received: <u>\$1970.00</u>						
Calculated Fee: <u>\$1970.00</u>				How many rights to be Transferred? Certificate # <u>14576</u> <u>20699</u>		
Additional Observations: <u>4.2 14576</u> <u>18.9 20699</u>						

If OK and complete, check box to the left; if **NOT**, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
- ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
- ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
- ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
- ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
- ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☒ No
- ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☒ N/A.
- ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.

OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0. 2 Multiply line 2b by \$1,090 and enter » » » » » » » » » » » » » » » »	2	0
3	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 3 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) 4 Add lines 4a and 4d and enter » » » » » » » » » » » » » » » »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » Transfer Fee:	8	