

Name Freda Dawn Barnes

DESCRIPTION OF WATER RIGHT(S)

Address 3875 lower Klamath lake rdName of Stream WellKlamath Falls or 97003App US Fish & Wildlife1936 California ave Klamath FallsTrib. of lost river basinChange in APDADate Filed 10/10/2022Initial notice date 10/18/2022

DPD issued date

PD issued date

PD notice date

Date of FO 4/3/2025 Vol 134 Page 268-271

C-Date

COBU due date

COBU Received date

Certificate issued

Use Industrial mfgCounty Klamath

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G114489Per # G13285Cert # 910379

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

FEES PAID

| Date | Amount | Receipt # |
|------------|------------|-----------|
| 10-10-2022 | \$1,840.00 | 139292 |
| 1-21-2025 | \$243.44 | 144572 |

FEES REFUNDED

| Date | Amount | Receipt # |
|------|--------|-----------|
|------|--------|-----------|

Assignments:

Irrigation District

Agent Adkins Engineering & Surveying

CWRE

CC's list Klamath County☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

April 3, 2025

Fred Ronald and Dawn Catherine Barnes
3875 Lower Klamath Lake Rd
Klamath Falls, OR 97603

U.S. Department of Interior; Fish and
Wildlife Services
1936 California Ave
Klamath Falls, OR 97601

REFERENCE: Transfer Application T-14106

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

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

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

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

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

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfers and Conservation Section

cc: Tom D. Skiles, Watermaster Dist. # 17 (via email)
Adkins Engineering And Surveying, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

| | | |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER APPROVING AN |
| T-14106, Klamath County |) | ADDITIONAL POINT OF APPROPRIATION |

Authority

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

Applicants

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

U.S. FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

Findings of Fact

1. On October 10, 2022, Fred Ronald Barnes, Dawn Catherine Barnes, and U.S. Fish and Wildlife Service, filed an application for an additional point of appropriation under Certificate 96379. The Department assigned the application number T-14106.
2. Notice of the application for transfer was published on October 18, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 30, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14106 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 29, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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

4. On February 3, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14106 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on February 4, 2025, and in the Herald and News newspaper on February 8 and 15, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

5. The right to be transferred is as follows:

Certificate: 96379 in the name of FRED RONALD BARNES, DAWN CATHERINE BARNES AND UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE (perfected under Permit G-13285)

Use: INDUSTRIAL USE (AQUACULTURE AND GEOTHERMAL HEATING)

Priority Date: APRIL 2, 1997

Rate: 0.89 CUBIC FOOT PER SECOND

Period of Use: YEAR ROUND

Source: A WELL in the LOST RIVER BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|--|
| 40 S | 9 E | WM | 34 | SE NE | POA 1 - 1390 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 34 |

Authorized Place of Use:

| INDUSTRIAL USE (AQUACULTURE AND GEOTHERMAL HEATING) | | | | |
|---|-----|-----|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q |
| 40 S | 9 E | WM | 27 | SE SE |
| 40 S | 9 E | WM | 34 | NE NE |

6. Transfer Application T-14106 proposes an additional point of appropriation approximately 0.33 mile north from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 40 S | 9 E | WM | 27 | SE SE | POA 2 - 278 FEET NORTH AND 831 FEET WEST FROM THE SE CORNER OF SECTION 27 |

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

7. 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 right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14106.

9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The additional point of appropriation as proposed **does not** develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2). However, a condition to change the seal depth could be applied to be deep enough to ensure that comingling of colder shallow water and deeper geothermally heated water does not occur.
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change would not result in injury to other existing water rights.
13. All other application requirements are met.

Conclusions of Law

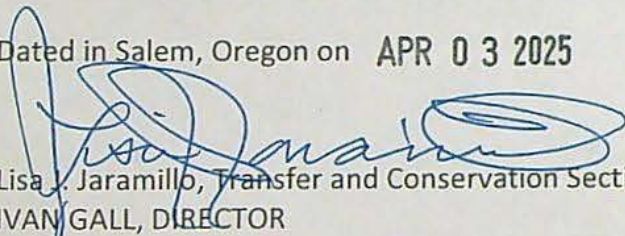
The additional point of appropriation proposed in Transfer Application T-14106 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-14106 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96379 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificate 96379 is cancelled.
5. The quantity of water diverted at the new additional point of appropriation (POA 2) together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

7. The proposed well shall be cased and sealed to a minimum depth of 325 feet below land surface in order to isolate the hydrothermally heated groundwater at depth. The final construction of the proposed point of appropriation will need to meet well construction standards per OAR 690-210 and final sealing depth may need to be deeper than the recommended 325 feet below land surface based on conditions observed during drilling.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. 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 change and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **APR 03 2025**


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

Mailing date: **APR 04 2025**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14106

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

| | | | |
|---|--|--|--|
| Applicant: FRED RONALD BARNES 3875 LOWER KLAMATH LAKE RD KLAMATH FALLS, OR 97603 Email: _____ Phone: _____ | | Agent: <input type="checkbox"/> N/A ADKINS ENGINEERING AND SURVEYING 1435 ESPLANADE AVE KLAMATH FALLS, OR 97601 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 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"/> | G-14489 | G-13285 | 96379 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <input type="checkbox"/> | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Key Dates & Initial Actions:

| | | |
|---|---|--|
| Rec'd: October 10, 2022 | Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION | |
| Fees Pd: 1840.00 | WM District: 17 | ODFW District: |
| Initial Public Notice: October 18, 2022 | WM Review sent: | ODFW Review sent: |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> | | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/> | BOR notified (date): <input type="checkbox"/> N/A | |
| Newspaper quote requested: 12-19-24 | Request for news \$ sent: 12-24-24 | News \$ received: 1-21-25 |
| Request to publish sent: 2-3-2025 | Affidavit of publication received: 4/24/25 | Last day of publication: 2/15/25 |

Herald News

| Document | Drafted | Peer Review | Changes Made | Coordinator | Changes Made | Signature Bin | Signature Date |
|----------|-----------------------------------|----------------------------------|--------------------------------|----------------------------------|----------------------------------|-----------------|----------------|
| DPD | Date: 8/20/24 Initials: Scott | Date: 8/21/24 Initials: Tom | Date: _____ Initials: _____ | Date: 8/30/24 Initials: SC | Date: 8/30/24 Initials: Scott | CW sent 8/30/24 | N/A |
| PD | Date: 12-19-24 Initials: Scott | Date: 12-24-24 Initials: ALA | Date: _____ Initials: _____ | Date: 1/10/25 Initials: SARAH | Date: 1/14/24 Initials: Scott | Date: 1/28/25 | Date: 2/3/2025 |
| FO | Date: 2/26/25 Initials: Scott | Date: 2-26/25 Initials: Scott | Date: _____ Initials: _____ | Date: 2/28/25 Initials: Scott | Date: 3/5/25 Initials: Scott | Date: 3/19/25 | Date: 4/3/2025 |

Special Issues:

Sent to DATA 4/24/25 Closed 1/28/25

Special Order Volume: Vol. 134 Pages 268-271

Need Affidavit Recd 2/24/25

**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 #

144572

INVOICE #

RECEIVED FROM:

*United States Government
Department of the Interior
U.S. Fish and Wildlife Service
Julie C. Hankins*

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

227

☐

APPLICATION

PERMIT

TRANSFER

7-17-06

TOTAL REC'D

\$243.44

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

46118

\$

0207

OTHER:

(IDENTIFY)

Newspaper Notice

\$243.44

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

\$

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:

144572

DATED:

1-21-25

BY:

[Signature]

AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH

Received
FEB 24 2025
OWRD

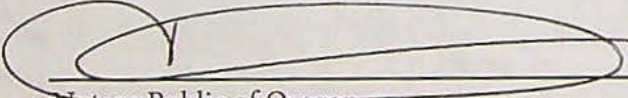
I, Heather Boozer, Advertising Specialist being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97601 in the afore-said county and state: that I know from my personal knowledge that the Legal # 24556 T-14106 Water Transfer a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 2

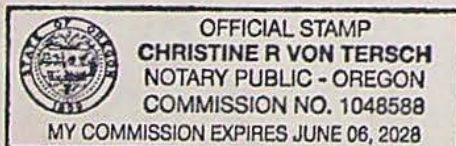
Insertion(s) in the following issues: 02/08/25, 02/15/25

Total Cost: \$202.87

Heather Boozer

Subscribed and sworn by Heather Boozer before me on:
On 19th day of February, in the year of 2025


Notary Public of Oregon
My commission expires June 6, 2028



Received

FEB 24 2025

OWRD

Notice of Preliminary Determination for Water Right Transfer T-14106

T-14106 filed by Fred Ronald Barnes and Dawn Catherine Barnes, 3875 Lower Klamath Lake Rd, Klamath Falls, OR 97603 and U.S. Fish and Wildlife Service, 1936 California Ave, Klamath Falls, OR 97601, proposes an additional point of appropriation under Certificate 96379. The right allows the use of 0.89 cubic foot per second from a well in Sec. 34, T40S, R9E, WM for industrial use (aquaculture and geothermal heating) in Sects. 27 and 34, T40S, R9E, WM. The applicant proposes an additional point of appropriation in Sec. 27, T40S, R9E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 02/15/2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

#24556 February 8, 2025, February 15, 2025

GREW Scott A * WRD

From: JONES JR David * WRD
Sent: Monday, February 3, 2025 11:45 AM
To: GREW Scott A * WRD
Subject: T-14106 Newspaper Notice Dates

Hi Scott,

The publication dates for this notice are 2/8/2025 and 2/15/2025.

David Jones Jr

Transfer and Conservation Section Support
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-986-0935



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

"Opportunities multiply as they are seized." – Sun Tzu

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



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

February 3, 2025

VIA CERTIFIED MAIL AND E-MAIL

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

U.S. FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

SUBJECT: Water Right Transfer Application T-14106

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14106. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 should you have questions.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14106
Tom D. Skiles, District 17 Watermaster (*via e-mail*)
Adkins Engineering and Surveying, 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-14106, Klamath County |) | PROPOSING APPROVAL OF AN |
| |) | ADDITIONAL POINT OF APPROPRIATION |

Authority

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

Applicants

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

U.S. FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

Findings of Fact

1. On October 10, 2022, Fred Ronald Barnes, Dawn Catherine Barnes, and U.S. Fish and Wildlife Service, filed an application for an additional point of appropriation under Certificate 96379. The Department assigned the application number T-14106.
2. Notice of the application for transfer was published on October 18, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 30, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14106 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 29, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant are authorized to pursue the transfer.

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

4. The right to be transferred is as follows:

Certificate: 96379 in the name of FRED RONALD BARNES, DAWN CATHERINE BARNES AND UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE (perfected under Permit G-13285)
Use: INDUSTRIAL USE (AQUACULTURE AND GEOTHERMAL HEATING)
Priority Date: APRIL 2, 1997
Rate: 0.89 CUBIC FOOT PER SECOND
Period of Use: YEAR ROUND
Source: A WELL in the LOST RIVER BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|--|
| 40 S | 9 E | WM | 34 | SE NE | POA 1 - 1390 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 34 |

Authorized Place of Use:

| INDUSTRIAL USE (AQUACULTURE AND GEOTHERMAL HEATING) | | | | |
|---|-----|-----|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q |
| 40 S | 9 E | WM | 27 | SE SE |
| 40 S | 9 E | WM | 34 | NE NE |

5. Transfer Application T-14106 proposes an additional point of appropriation approximately 0.33 mile north from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 40 S | 9 E | WM | 27 | SE SE | POA 2 - 278 FEET NORTH AND 831 FEET WEST FROM THE SE CORNER OF SECTION 27 |

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

6. 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 right is subject to forfeiture under ORS 540.610.
7. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14106.
8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
9. The additional point of appropriation as proposed **does not** develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2). However, a condition to change the seal depth could be applied to be deep enough to

ensure that comingling of colder shallow water and deeper geothermally heated water does not occur.

10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change would not result in injury to other existing water rights.
12. All other application requirements are met.

Determination and Proposed Action

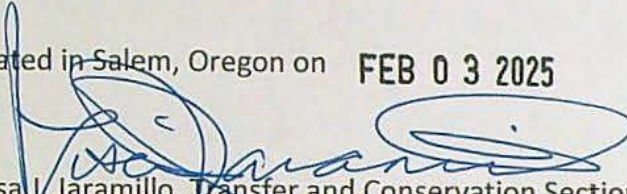
The additional point of appropriation proposed in Transfer Application T-14106 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14106 is approved, the final order will include the following:

1. *The additional point of appropriation proposed in Transfer Application T-14106 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96379 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water right Certificate 96379 is cancelled.*
5. *The quantity of water diverted at the new additional point of appropriation (POA 2) together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The proposed well shall be cased and sealed to a minimum depth of 325 feet below land surface in order to isolate the hydrothermally heated groundwater at depth. The final construction of the proposed point of appropriation will need to meet well construction standards per OAR 690-210 and final sealing depth may need to be deeper than the recommended 325 feet below land surface based on conditions observed during drilling.*
8. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*

- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. 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 change and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **FEB 03 2025**


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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests

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

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

- The person's name, address, and telephone number;

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

Requests for Standing

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

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

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

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

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

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

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

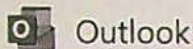
You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent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

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

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

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

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



[EXTERNAL] T-14106 Newspaper Notice Fee - Action Required

From GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Date Tue 12/24/2024 11:13 AM

To gotfish@aol.com <gotfish@aol.com>; Land, Jennie M <jennie_land@fws.gov>; Yost, Mark A <mark_yost@fws.gov>; Esralew, Rachel <Rachel_Esralew@fws.gov>

Cc SKILES Tom D * WRD <Tom.D.SKILES@water.oregon.gov>; GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>; Dan Scalas <DScalas@adkinsengineering.com>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

December 24, 2024

VIA EMAIL

Received

JAN 21 2025

OWRD

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

U.S. FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

SUBJECT: Water Right Transfer Application T-14106

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$ 243.44 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-14106 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than January 23, 2025.

What happens next...

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

If we do not receive payment for newspaper notice by January 23, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 should you have questions.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14106
Tom D. Skiles, District 17 Watermaster (via e-mail)
Adkins Engineering and Surveying, Agent for the applicant (via e-mail)

X-----

Attached is a check in the amount of \$ 243.44 (**PCA #46118**) for Newspaper Notice for Transfer T-14106 made out to Oregon Water Resources Department (or WRD)

- **"for T-14106 NOTICE" written on front of check**

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

Caseworker: Scott Grew

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Tuesday, December 24, 2024 11:14 AM
To: gotfish@aol.com; jennie_land@fws.gov; Yost, Mark A; Esralew, Rachel
Cc: SKILES Tom D * WRD; GREW Scott A * WRD; Dan Scalas
Subject: T-14106 Newspaper Notice Fee - Action Required

December 24, 2024

VIA EMAIL

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

U.S. FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

SUBJECT: Water Right Transfer Application T-14106

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$ 243.44 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-14106 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than January 23, 2025.**

What happens next...

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

If we do not receive payment for newspaper notice by January 23, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 should you have questions.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14106
Tom D. Skiles, District 17 Watermaster *(via e-mail)*
Adkins Engineering and Surveying, Agent for the applicant *(via e-mail)*

X-----
Attached is a check in the amount of \$ 243.44 (**PCA #46118**) for Newspaper Notice for Transfer T-14106 made out to Oregon Water Resources Department (or WRD)

- **"for T-14106 NOTICE" written on front of check**

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

Caseworker: Scott Grew



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503-986-0900
Fax 503 986-0904
www.oregon.gov/owrd

December 24, 2024

VIA EMAIL

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

U.S. FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

SUBJECT: Water Right Transfer Application T-14106

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$ 243.44 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-14106 NOTICE"** on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than January 23, 2025.**

What happens next...

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

If we do not receive payment for newspaper notice by January 23, 2025, a Preliminary Determination may be issued denying the application as incomplete.

✂-----

Attached is a check in the amount of \$ 243.44 (PCA #46118) for Newspaper Notice for Transfer T-14106 made out to Oregon Water Resources Department (or WRD)

- **"for T-14106 NOTICE"** written on front of check

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

Caseworker: Scott Grew

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 should you have questions.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14106
 Tom D. Skiles, District 17 Watermaster *(via e-mail)*
 Adkins Engineering and Surveying, Agent for the applicant *(via e-mail)*

GREW Scott A * WRD

From: RICHMAN Elyse D * WRD
Sent: Monday, December 23, 2024 9:43 AM
To: GREW Scott A * WRD
Subject: T-14106 Newspaper notice quote

Hi Scott,

The total amount needed from the applicant to publish this notice is \$243.44.

Cheers,

Elyse D. Richman

she/her/hers

Transfer and Conservation Section Support

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0935 | Work Cell: 971-701-5485



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

GREW Scott A * WRD

From: Esralew, Rachel <Rachel_Esralew@fws.gov>
Sent: Tuesday, October 1, 2024 11:24 AM
To: GREW Scott A * WRD
Cc: gotfish@aol.com; Dan Scalas; SKILES Tom D * WRD; Land, Jennie M
Subject: Confirmation and Agreement to Proposed Action and Conditions for Water Right Transfer Application T-14106
Attachments: 20241001_USFWS_Memo_OWRD_Confirmation_T14106_signed.pdf
Importance: High

You don't often get email from rachel_esralew@fws.gov. [Learn why this is important](#)

Good morning Scott,

On August 30th, 2024, your office issued a Draft Preliminary Determination of Water Rights Transfer Application T-14106, which seeks to modify Certificate 96379 to add a backup well (POA 2).

As the Regional Water Rights Manager for the Fish and Wildlife Service, I am writing to you as an agent on behalf of all applicants for Water Rights Transfer Application T-14106 to confirm that we are in acceptance of the transfer conditions. Please see attached memorandum documenting this confirmation. We recognize that this memo is 2 days after the deadline (9/29/2024), and we offer our sincerest apologies for the delay. Please let us know if there are any issues with this delay.

One reason for our delay is that we are still seeking clarification from your office as to whether a Report of Ownership is required (see more below and in the memorandum). We had reached out to you on 9/4 but had not received a response, which we had been waiting for before submitting this confirmation letter. However, given that the deadline for response is now, we are proceeding with the letter today to confirm the conditions, and assume we can continue to address this outstanding question prior to official decision on the transfer.

Because all of the land is owned by Fred and Dawn Barnes, and the FROM and TO lands do not change with transfer, and as such, we are requesting evaluation of whether a Report of Ownership is still necessary. Given this information, if you can confirm that it is still necessary, we will continue to work on this, but which may take another 1-2 weeks from the time of confirmation.

Please let us know if you need any additional information to support our confirmation or questions.

Thanks,

Rachel Esralew
Water Resources Branch Chief - Supervisory Hydrologist
U.S. Fish and Wildlife Service
Columbia Pacific Northwest and Pacific Southwest Region
National Wildlife Refuge System and National Fish Hatchery System
911 NE 11th Avenue
Portland, OR 97232



404 Main St., Ste. 1, Klamath Falls, OR 97601
PHONE (541) 883-3401 FAX (541) 882-0620

To: U.S. Fish and Wildlife Service
1936 California Ave.
Klamath Falls, OR 97601
Attn: Mark Yost II

Date: October 23, 2024
Order No. 656064AM
Reference: 3875 Lower Klamath Lake
Rd
Klamath Falls, OR 97603

We have enclosed our Public Ownership Report pertaining to order number 656064AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Jill Forney

jill.forney@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



404 Main St., Ste. 1, Klamath Falls, OR 97601
PHONE (541) 883-3401 FAX (541) 882-0620

PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

| | |
|--------------------------------|---------------------------------|
| U.S. Fish and Wildlife Service | Date Prepared: October 23, 2024 |
| 1936 California Avenue | File Number: 656064AM |
| Klamath Falls, OR 97601 | Title Officer: Jill Forney |

Attn: Mark Yost, II

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

- (a) "Customer": The person or persons named or shown on this cover sheet.
- (b) "Effective date": The title plant date of AmeriTitle, referred to in this report as "AmeriTitle".
- (c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.
- (d) "Public records": Those records which by the laws of the State of Oregon impart constructive notice of matters relating to said land.

(II) Liability of AmeriTitle:

- (a) THIS IS NOT A COMMITMENT TO ISSUE TITLE INSURANCE AND DOES NOT CONSTITUTE A POLICY OF TITLE INSURANCE.
- (b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.
- (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.

(III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle and/or its underwriter arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

(IV) Fee: \$100.00

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

REPORT

Effective Date: July 1, 2021

- A. The Land referred to in this public record report is located in the County of Klamath, State of Oregon, and is described as follows:

See attached Exhibit 'A'

- B. As of the Effective Date and according to the public records, we find title to the Land apparently vested in:

Fred Ronald Barnes IV and Dawn Catherine Barnes

- C. As of the Effective Date and according to the public records, the Land is subject to the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the latest recorded instrument shown below:

Instrument: Statutory Warranty Deed,

Recorded: December 28, 2017

Instrument No.: 2017-014738

Grantor: Fred R. Barnes and Bebe P. Barnes, Trustees of the Fred R. Barnes and Bebe P. Barnes 1999 Revocable Trust, under instrument dated August 24, 1999

Grantee: Fred Ronald Barnes IV and Dawn Catherine Barnes

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

File No. 656064AM

Unsurveyed Parcel 2 of Land Partition 16-97 in Parcel 3 of Minor Land Partition 16-89 in Sections 25, 26, 27, 34, 35 and 36, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and Sections 1 and 2, Township 41 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

AN AREA OF LAND IN THE SE1/4 OF SECTION 27 & THE EAST1/2 OF SECTION 34, TOWNSHIP 40 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHEAST SECTION CORNER OF SECTION 27, TOWNSHIP 40 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, IN COMMON WITH SECTION 26, 34 AND 35 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 00°04'52" EAST 1327.22 FEET TO THE SOUTH 1/16 CORNER COMMON TO SECTION 27 AND 26; THENCE NORTH 00°04'52" EAST 331.80 FEET TO A CORNER MARKED WITH A 5/8 IRON ROD WITH A RED PLASTIC CAP MARKED "ADKINS CONSULT ENGRS INC"; THENCE SOUTH 89°36'29" WEST 1326.51 FEET TO A CORNER MARKED WITH A 5/8 IRON ROD WITH A RED PLASTIC CAP MARKED "ADKINS CONSULT ENGRS INC"; THENCE SOUTH 00°23'04" EAST 331.32 FEET TO THE SE1/16 CORNER OF SAID SECTION 27; THENCE SOUTH 00°23'04" EAST 1322.78 FEET TO THE E 1/16 CORNER COMMON TO SECTION 27 AND 34 OF SAID TOWNSHIP AND RANGE, CORNER MARKED WITH A 5/8 IRON ROD WITH A RED PLASTIC CAP MARKED "ADKINS CONSULT ENGRS INC" ; THENCE NORTH 89°49'15" EAST 100.00 FEET TO THE CENTERLINE OF LOWER KLAMATH LAKE ROAD; THENCE SOUTH 30°05'30" EAST 1526.38 FEET ALONG SAID CENTERLINE OF ROAD; THENCE CONTINUEING ALONG SAID CENTERLINE SOUTH 20°20'42" EAST 446.37 FEET; THENCE CONTINUEING ALONG SAID CENTERLINE SOUTH 33°22'18" EAST 523.47 FEET TO THE INTERSECTION OF THE CENTERLINE OF SAID ROAD AND THE SECTION LINE COMMON BETWEEN SECTION 34 AND 35 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 01°15'01" WEST 51 FEET PLUS OR MINUS TO A CORNER MARKED WITH A 5/8 IRON ROD WITH A RED PLASTIC CAP MARKED "ADKINS CONSULT ENGRS INC", SAID CORNER BEING ON THE SECTION LINE COMMON TO 34 AND 35 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 01°15'01" WEST 2056.53 FEET, TO THE POINT OF BEGINNING.

THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS KLAMATH COUNTY SURVEY 7928

2017-014738

Klamath County, Oregon



00215272201700147380030039

12/28/2017 03:31:55 PM

Fee: \$52.00

AFTER RECORDING, RETURN TO:

Ron Barnes
3875 Lower Klamath Lake Rd.
Klamath Falls, OR 97603

SEND TAX STATEMENTS TO:

Ron

Barnes

3875 Lower Klamath Lakes Rd.
Klamath Falls, OR. 97603

STATUTORY WARRANTY DEED

Fred R. Barnes and Bebe P. Barnes, Trustees of the Fred R. Barnes and Bebe P. Barnes 1999 Revocable Trust, under instrument dated August 24, 1999, with an address of 200 Helen Ct Santa Cruz, Ca. 95065 ("Grantor"), conveys and warrants to Fred Ronald Barnes IV and Dawn Catherine Barnes, whose address is 3875 Lower Klamath Lake Rd, Klamath Falls OR 97603 ("Grantee"), the following described real property free of encumbrances, except as specifically set forth herein:

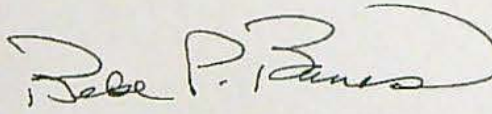
Land in Klamath County, Oregon, described more particularly as follows:

SEE ATTACHED AND INCORPORATED Exhibit A

The true consideration for this conveyance is \$ 0.

DATED this 27 day of December, 2017


Fred R. Barnes, Grantor


Bebe P. Barnes, Grantor

SEE ATTACHED FOR NOTARIAL WORDING & SEAL

The foregoing instrument was acknowledged before me on this ____ day of _____, 2017, by [NAME OF GRANTOR HERE], who acknowledged such instrument to be their free and voluntary act and deed, and on oath stated that they were duly authorized to execute such instrument.

Printed Name: _____

Notary Public in and for the State of Oregon

EXHIBIT A
Legal Description
EXHIBIT B
Encumbrances

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Nevada)

On December 27, 2017 before me, Carrie Ridgel, Notary Public
(insert name and title of the officer)

personally appeared Fred R. Barnes and Phyllis Bebe Barnes,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Carrie Ridgel (Seal)



EXHIBIT A

Property description

SITUATE IN THE COUNTY OF KLAMATH STATE OF OREGON

Parcel 2 of Partition 16-97 in Sections 25, 26, 27, 34, 35 and 36, Township 40 South,

Range East 9 of the Willkamette Meridian, Klamath County, Oregon



United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
FWS/R1

October 29 2024

Memorandum

To: Scott Grew
Transfer Specialist,
Transfer and Conservation Section, Oregon Water Resources Department

From: Rachel Esralew
Supervisor, Water Resources Branch
U.S. Fish and Wildlife Service

Re: Report of Ownership to support Water Right Transfer Application T-14106

Dear Scott,

On August 30th, 2024, we received the Draft Preliminary Determination of Water Rights Transfer Application T-14106 which seeks to modify Certificate 96379 to add a backup well (POA 2). As the Regional Water Rights Manager for the Fish and Wildlife Service, I am writing to you on behalf of all applicants for Water Rights Transfer Application T-14106 to provide a Report of Ownership as required by the Oregon Water Resources Department (OWRD) to support our application. To meet this requirement, we are providing a Public Ownership Report which was prepared on October 23rd, 2024 by Amerititle.

The land which is appurtenant to this water right is owned by Fred and Dawn Barnes (co-applicants), and is being leased to FWS for use in constructing and operating a fish hatchery. Because of this lease, a decision was made to include both FWS and Barnes as the signatory on the application. However, under this lease, note that the land ownership remains with the Barnes', and the FROM and TO lands do not change with this application, who are the owners listed on the Public Ownership Report. Please refer to attached Lease Agreement, which gives the Lessee the right to use all water under Permit G-13285 inclusive of transfers that modify this permit (Item 10).

Should you have any questions, please do not hesitate to reach out to myself (Rachel_Esralew@fws.gov), Jennie Land (Jennie_Land@fws.gov), or Mark Yost (Mark_Yost@fws.gov).

Sincerely,

RACHEL ESRALEW Digitally signed by RACHEL ESRALEW
Date: 2024.10.29 16:59:49 -07'00'

REGION 1
COLUMBIA-PACIFIC NORTHWEST
WASHINGTON, OREGON, IDAHO, PACIFIC
ISLANDS

REGION 8
PACIFIC SOUTHWEST
CALIFORNIA, NEVADA, OREGON (KLAMATH
BASIN)

Rachel Esralew Water Resources Branch Chief - Supervisory Hydrologist
U.S. Fish and Wildlife Service
Columbia Pacific Northwest and Pacific Southwest Region

CC:

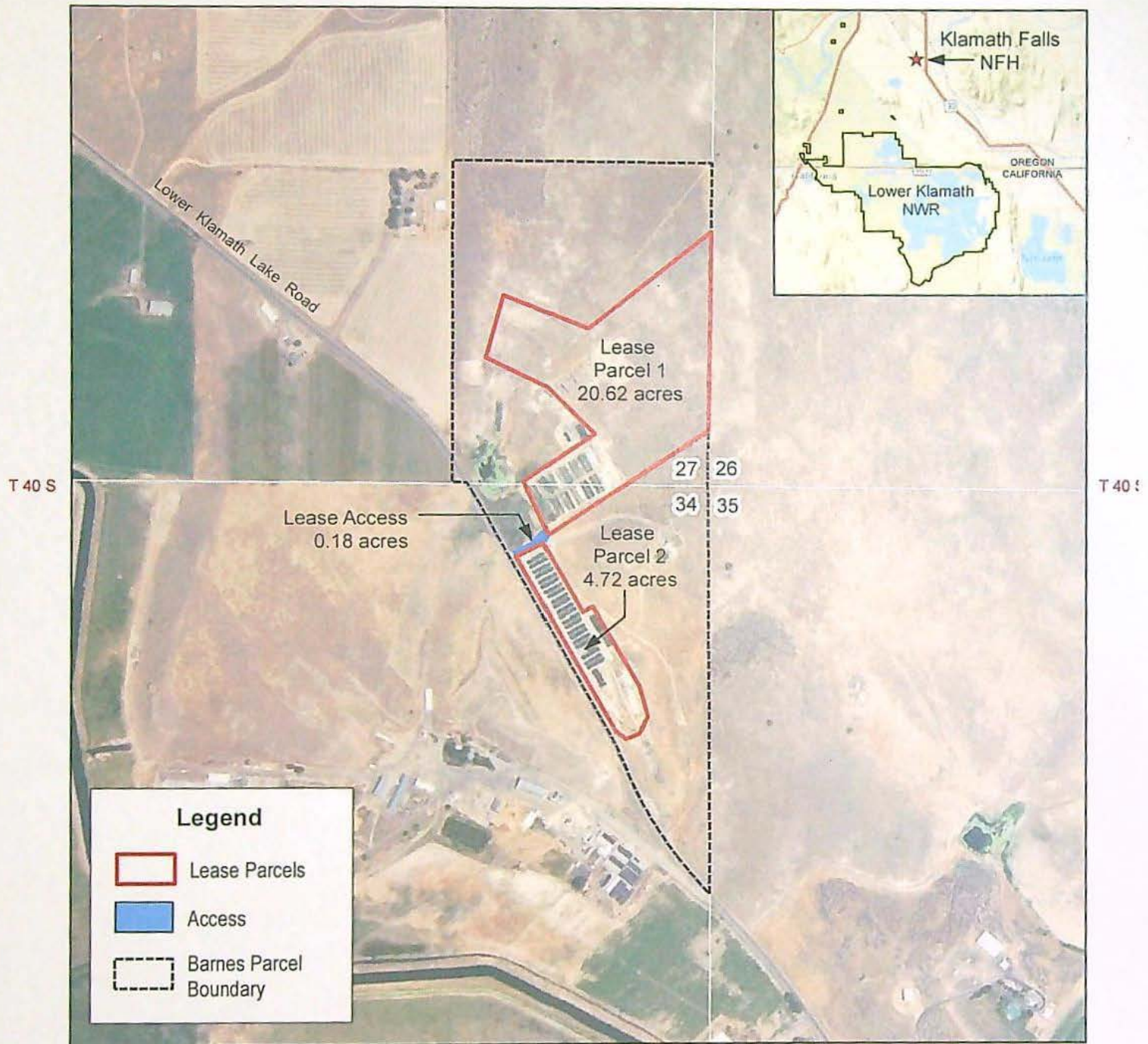
Fred and Dawn Barnes, landowners
Mark Yost, U.S. Fish and Wildlife Service
Jennie Land, U.S. Fish and Wildlife Service
Tom Skiles, Oregon Water Resources Department
Dan Scalas, Adkins Engineering

Attachments:

Public Ownership Report
Lease Agreement
Lease Agreement Map

Exhibit "B"

R 9 E



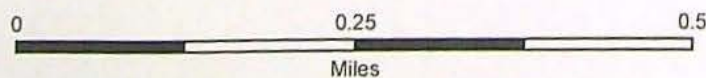
Legend

- Lease Parcels
- Access
- Barnes Parcel Boundary

R 9 E



Klamath Falls National Fish Hatchery
Klamath County, OR
Tract (10LS)
25.52 acres +/-



**2021-013115**

Klamath County, Oregon

08/27/2021 10:53:00 AM

Fee: \$137.00

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

THIS SPACE RESERVED FOR USE BY
THE COUNTY RECORDING OFFICE

AFTER RECORDING RETURN TO:

US DEPARTMENT OF INTERIOR FISH AND WILDLIFE

1020 NEW RIVER PARKWAY STE 305

FALLON NV 89406

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

LEASE

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

FRED RONALD BARNES IV & DAWN CATHERINE BARNES

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

UNITED STATES OF AMERICA DEPT. OF INTERIOR FISH AND WILDLIFE SERVICE

**4) TRUE AND ACTUAL CONSIDERATION
ORS 93.030(5) – Amount in dollars or other**

\$ 1,760,000.00

☐ Other**5) SEND TAX STATEMENTS TO:**

NO CHANGE

**6) SATISFACTION of ORDER or WARRANT
ORS 205.125(1)(e)**CHECK ONE: ☐ FULL
(If applicable) ☐ PARTIAL**7) The amount of the monetary
obligation imposed by the order
or warrant. ORS 205.125(1)(c)**

\$

**8) If this instrument is being Re-Recorded, complete the following statement, in
accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____**

TO CORRECT _____

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE
NUMBER _____."

LEASE

by and between
FRED RONALD BARNES IV and DAWN CATHERINE BARNES
and the
UNITED STATES OF AMERICA
Department of the Interior
Fish and Wildlife Service
for the
KLAMATH FALLS NATIONAL FISH HATCHERY

1. THIS LEASE, made and entered into by and between FRED RONALD BARNES IV and DAWN CATHERINE BARNES, hereinafter referred to as the "Lessors," and the UNITED STATES OF AMERICA, through the Department of the Interior, Fish and Wildlife Service, hereinafter referred to as the "Lessee," acquiring title to this lease under the authorities of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), as amended, and the Endangered Species Act of 1973 (16 U.S.C. 1534).

2. THE LESSORS hereby lease to the Lessee the following described land and premises, hereinafter referred to as the "Premises," to wit:

See Exhibits "A" and "B" attached hereto and made part hereof.

3. SAID PREMISES are being acquired by the Lessee for administration as a unit of the National Fish Hatchery System and will be used to support fish and aquatic resources, including use as a rearing facility, hatchery, refugium, scientific study or other related purposes.

4. CONSIDERATION: The Lessee shall pay to the Lessors a one-time, lump-sum payment of One Million Seven Hundred and Sixty Thousand Dollars (\$1,760,000.00) as the total consideration for this lease, the adequacy and receipt of which is acknowledged by Lessors.

5. TERM OF LEASE: The primary term of this lease is for Thirty (30) years, commencing on the date it is recorded in the official public records of Klamath County, Oregon.

6. ALLOCATION OF RENT: For purposes of 26 United States Code section 467 and the regulations thereunder, the Lessors intend for this lease to constitute a section 467 rental agreement under the Internal Revenue Code. Lessors intend for the consideration under paragraph 4 above to be allocated pursuant to Exhibit "C," attached hereto and made a part hereof.

7. ASSIGNMENT: The Lessee shall not assign this lease except to another agency of the United States, an agency of the State of Oregon, or a qualified non-profit organization, and only with the express written approval of the Lessors, their assigns or successors.

8. RUN WITH THE LAND, CONSENT TO RECORD: The parties hereto agree that this lease shall be recorded in the official public records of Klamath County, Oregon, and shall run with the Premises as an encumbrance binding upon the Lessors, Lessors' successors, heirs, assigns and any other subsequent owners of the encumbered land.

9. POSSESSION: During the term of this lease, the Lessee shall have full and complete control of the Premises, and associated structures and improvements, including but not limited to, exclusive possession of all buildings, water wells, and other improvements. Lessee will provide access to said Premises, buildings, and other improvements to Lessors and Lessors' authorized personnel to facilitate collaboration, use of equipment, and other relationships, subject to such controls as Lessee shall deem necessary to secure the Premises and Lessee's operations. Lessors may also continue to use the existing driveway within the area described as "Lease Access" in Exhibit "B," attached hereto and made a part hereof, for ingress and egress to Lessors' residence and Lessors' lands adjoining the Premises.

10. WATER AND GEOTHERMAL RESOURCES: This lease conveys to Lessee the right to use all water under Permit G-13285 issued by the Oregon Water Resources Department (OWRD). This permit provides the use of water at suitable quality and quantity for propagation of fish and aquatic species and is essential to the purpose of this lease. Lessors agree to cooperate with Lessee in applications to OWRD to add Lessee as a joint owner of the permit for the lease term, change the point of diversion within the Premises, rehabilitate or relocate the existing well, as well as in filing any other forms, certificates or proofs that are required to keep the permit in good standing.

11. OWNERSHIP OF IMPROVEMENTS AND PROPERTY: All improvements, fixtures, buildings, and all other property of any nature whatsoever, made, constructed, or placed upon the Premises by the Lessee, shall remain the property of the Lessee during the term of this lease or extension thereof. However, in the event this lease expires or is terminated, the Lessee shall, at the option of the Lessee, and subject to the availability of federal appropriations, remove any part of or all of the improvements and property it makes or causes to be made on the Premises, at no cost to Lessors. To the extent such option is not exercised by the Lessee, within ninety (90) days of the expiration or termination of this lease or any renewal thereof, title to any of Lessee's improvements and property remaining on the premises will vest in the Lessors.

12. PROPERTY TAXES AND INSURANCE: The Lessee is exempt from state and local property taxes and assessments. Any taxes or assessments levied against the Premises will be the responsibility of the Lessors. The Lessee is self-insured. Any liability insurance or other coverage desired by the Lessors for the Premises will be at Lessors' sole expense.

13. UTILITIES: All costs for electric or other utilities provided at the Lessee's request to the Premises will be paid by the Lessee.

14. AMENDMENTS AND EXTENSIONS: This lease may be amended or extended upon mutual written agreement of the parties hereto.

15. SEVERABILITY: Should any provision or portion of such provision of this lease be held invalid, the remainder of this lease or the remainder of such provision shall not be affected thereby.

16. INTEREST OF MEMBERS OF CONGRESS: No member of, or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this contract or any benefit that may arise herefrom, but this provision shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

17. NOTICES: All notices or official communications which may be required under this lease, given by either party to the other, shall be in writing and addressed to such party's address as follows:

TO THE LESSORS:

Dawn Catherine Barnes
Fred Ronald Barnes IV
3875 Lower Klamath Lake Road
Klamath Falls, Oregon 97603

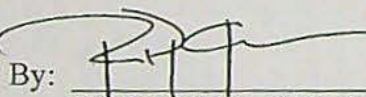
TO THE LESSEE:

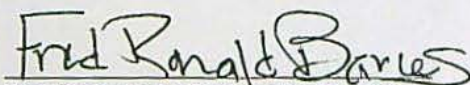
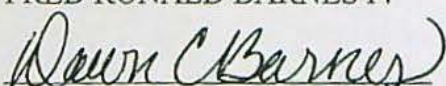
Realty Officer
U.S. Fish and Wildlife Service
California—Great Basin Region
2800 Cottage Way, W-1832
Sacramento, California 95825

Each party shall advise the other of any changes in address or point of contact.

IN WITNESS WHEREOF, the parties hereto have set their hand.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

By: 
RICHARD P. GRIMES
Acting Realty Officer
California—Great Basin Region

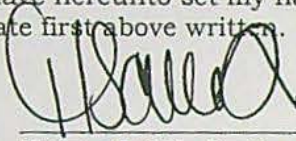

FRED RONALD BARNES IV

DAWN CATHERINE BARNES

Date: 6/25/21

Date: 8/26/21

State of Oregon } ss
County of Klamath }

On this 26 day of August 2021 before me, Heather Sciurba a Notary Public in and for said state, personally appeared Fred Ronald Barnes IV and Dawn Catherine Barnes known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



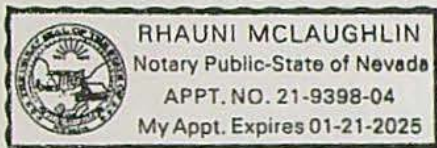
Notary Public for the State of Oregon
Residing at: Klamath Falls OR
Commission Expires: 12/17/2021



State of Nevada

County of Churchill

This instrument was acknowledged before me on June 25, 2021, by RICHARD P. GRIMES.



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, written over a horizontal line.

(Signature of Notarial Officer)

Exhibit "A"

Lease Parcel 1

A portion of that property interest conveyed to Fred Ronald Barnes IV and Dawn Catherine Barnes, as recorded under Statutory Warranty Deed dated December 21st, 2017, and recorded December 28th, 2017, as document 2017-014738, records of Klamath County.

A portion of land in the southeast quarter of Section 27 and the northeast quarter of Section 34, Township 40 South, Range 9 East, Willamette Meridian, in Klamath County, Oregon, located within "Parcel 2" identified in Klamath County Land Partition 16-97; said land being more particularly described as follows:

Beginning at the Section Corner common to 26, 27, 34, and 35;

Thence North 00°50'38" East, a distance of 281.63 feet along the section line to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap and the true POINT OF BEGINNING;

Thence North 00°58'02" East, along the east line of said "Parcel 2" a distance of 1025.88 feet to a 5/8" steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 51°45'47" West, a distance of 808.60 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 68°32'50" West, a distance of 464.79 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 16°05'44" West, a distance of 332.07 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 64°07'51" East, a distance of 347.30 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 45°32'48" East, a distance of 344.82 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 55°59'02" West, a distance of 440.22 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 25°02'18" East, a distance of 302.29 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 56°48'23" East, a distance of 980.82 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap and the true POINT OF BEGINNING. Said Lease Area containing 897991 square feet or 20.62 acres more or less.

As surveyed and monumented by the U.S. Fish and Wildlife Service in 2019. Bearings in this description are referenced to the Oregon State Plane Coordinate System, South Zone 3602, NAD 83 (2011M), International Feet. Distances given herein are grid; to convert to ground measurement multiply by 1.0001115.

Lease Parcel 2

A portion of that property interest conveyed to Fred Ronald Barnes IV and Dawn Catherine Barnes, as recorded under Statutory Warranty Deed dated December 21st, 2017, and recorded December 28th, 2017, as document 2017-014738, records of Klamath County.

A portion of land in the southeast quarter of Section 27 and the northeast quarter of Section 34, Township 40 South, Range 9 East, Willamette Meridian, in Klamath County, Oregon, located within "Parcel 2" identified in Klamath County Land Partition 16-97; said land being more particularly described as follows:

Beginning at the Section Corner common to 26, 27, 34, and 35;

Thence South 70°27'09" West, a distance of 896.44 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap and the true POINT OF BEGINNING;

Thence South 29°35'27" East, a distance of 409.16 feet to a 5/8" steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 58°10'59" East, a distance of 58.79 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 30°45'03" East, a distance of 476.85 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 14°14'22" East, a distance of 164.43 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 26°49'45" West, a distance of 96.33 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 67°37'50" West, a distance of 74.81 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 51°29'00" West, a distance of 64.43 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 29°42'34" West, a distance of 1035.87 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 63°55'46" East, a distance of 156.07 feet to a 5/8 " diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap and the true POINT OF BEGINNING. Said Lease Area containing 205,663 square feet or 4.72 acres more or less.

As surveyed and monumented by the U.S. Fish and Wildlife Service in 2019. Bearings in this description are referenced to the Oregon State Plane Coordinate System, South Zone 3602, NAD 83 (2011M), International Feet. Distances given herein are grid; to convert to ground measurement multiply by 1.0001115

Lease Access

A portion of that property interest conveyed to Fred Ronald Barnes IV and Dawn Catherine Barnes, as recorded under Statutory Warranty Deed dated December 21st, 2017, and recorded December 28th, 2017, as document 2017-014738, records of Klamath County.

For ingress and egress over an existing driveway located in the northeast quarter of Section 34, Township 40 South, Range 9 East, Willamette Meridian, in Klamath County, Oregon, located within "Parcel 2" identified in Klamath County Land Partition 16-97; being more particularly described as follows:

Beginning at the Section Corner common to 26, 27, 34, and 35;

Thence South 70°27'09" West, a distance of 896.44 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap and the true POINT OF BEGINNING;

Thence North 32°16'02" East, a distance of 52.71 feet to a 5/8" steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 25°02'18" West along the southwesterly line of FWS Lease Area 1, a distance of 45.00 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 41°51'50" West, a distance of 113.72 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence South 63°55'46" West, a distance of 98.26 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

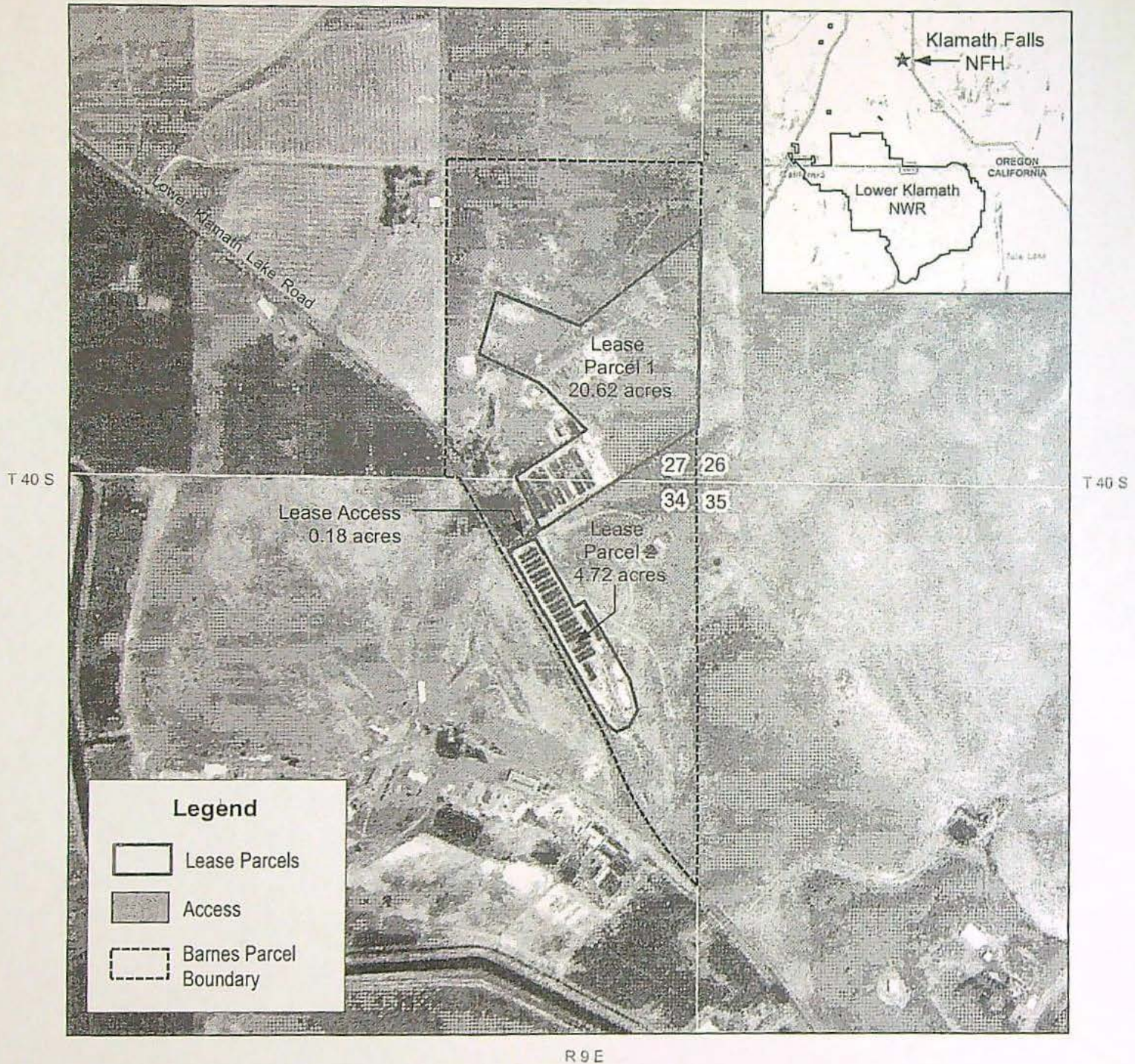
Thence South 29°42'34" East, a distance of 30.00 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap;

Thence North 63°55'46" East along the northwesterly line of FWS Lease Area 2, a distance of 156.07 feet to a 5/8" diameter steel rebar with a U.S. Fish and Wildlife 3 1/4" aluminum cap and the true POINT OF BEGINNING. Said Lease Area containing 7659 square feet or 0.18 acres more or less.

As surveyed and monumented by the U.S. Fish and Wildlife Service in 2019. Bearings in this description are referenced to the Oregon State Plane Coordinate System, South Zone 3602, NAD 83 (2011M), International Feet. Distances given herein are grid; to convert to ground measurement multiply by 1.0001115.

Exhibit "B"

R 9 E



Klamath Falls National Fish Hatchery Klamath County, OR Tract (10LS) 25.52 acres +/-



Exhibit "C"

| | | | PV Factor at Discount Rate | | |
|------|---------------|---|-------------------------------|---|----------------|
| Year | Income | | 7.00% | | P V Per Period |
| 1 | \$ 125,000.00 | X | 0.934579 | = | \$ 116,822.43 |
| 2 | \$ 125,000.00 | X | 0.873439 | = | \$ 109,179.84 |
| 3 | \$ 125,000.00 | X | 0.816298 | = | \$ 102,037.23 |
| 4 | \$ 125,000.00 | X | 0.762895 | = | \$ 95,361.90 |
| 5 | \$ 125,000.00 | X | 0.712986 | = | \$ 89,123.27 |
| 6 | \$ 125,000.00 | X | 0.666342 | = | \$ 83,292.78 |
| 7 | \$ 125,000.00 | X | 0.622750 | = | \$ 77,843.72 |
| 8 | \$ 125,000.00 | X | 0.582009 | = | \$ 72,751.14 |
| 9 | \$ 125,000.00 | X | 0.543934 | = | \$ 67,991.72 |
| 10 | \$ 125,000.00 | X | 0.508349 | = | \$ 63,543.66 |
| 11 | \$ 152,374.30 | X | 0.475093 | = | \$ 72,391.93 |
| 12 | \$ 152,374.30 | X | 0.444012 | = | \$ 67,656.01 |
| 13 | \$ 152,374.30 | X | 0.414964 | = | \$ 63,229.92 |
| 14 | \$ 152,374.30 | X | 0.387817 | = | \$ 59,093.38 |
| 15 | \$ 152,374.30 | X | 0.362446 | = | \$ 55,227.46 |
| 16 | \$ 152,374.30 | X | 0.338735 | = | \$ 51,614.45 |
| 17 | \$ 152,374.30 | X | 0.316574 | = | \$ 48,237.80 |
| 18 | \$ 152,374.30 | X | 0.295864 | = | \$ 45,082.06 |
| 19 | \$ 152,374.30 | X | 0.276508 | = | \$ 42,132.76 |
| 20 | \$ 152,374.30 | X | 0.258419 | = | \$ 39,376.42 |
| 21 | \$ 185,743.42 | X | 0.241513 | = | \$ 44,859.47 |
| 22 | \$ 185,743.42 | X | 0.225713 | = | \$ 41,924.74 |
| 23 | \$ 185,743.42 | X | 0.210947 | = | \$ 39,182.00 |
| 24 | \$ 185,743.42 | X | 0.197147 | = | \$ 36,618.69 |
| 25 | \$ 185,743.42 | X | 0.184249 | = | \$ 34,223.07 |
| 26 | \$ 185,743.42 | X | 0.172195 | = | \$ 31,984.18 |
| 27 | \$ 185,743.42 | X | 0.160930 | = | \$ 29,891.76 |
| 28 | \$ 185,743.42 | X | 0.150402 | = | \$ 27,936.22 |
| 29 | \$ 185,743.42 | X | 0.140563 | = | \$ 26,108.62 |
| 30 | \$ 185,743.42 | X | 0.131367 | = | \$ 24,400.58 |

Aggregate Value \$ 4,631,177 Present Value = \$ 1,759,119

Appreciation Rate: 2%, Adjusted
every 10 yrs.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14106

GW Reviewer Grayson Fish Date Review Completed: 10/2/2023

Summary of Same Source Review:

☒ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-14106

Applicant Name: Fred Ronald Barnes and Dawn Catherine Barnes

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

Reviewer(s): Grayson Fish

Date of Review: 10/2/2023

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

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

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

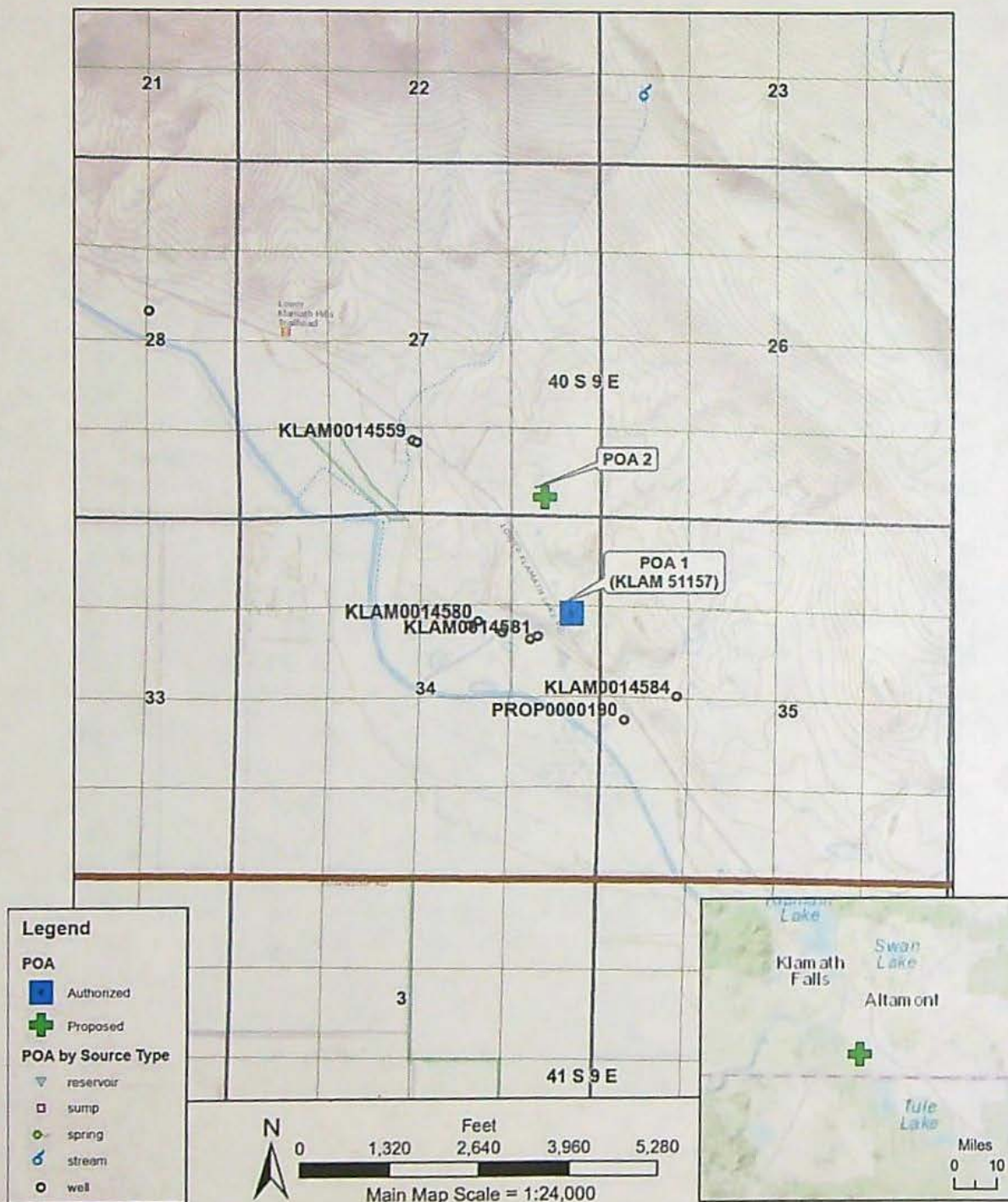
1. Basic description of the changes proposed in this transfer: The applicant proposes to add an additional point of appropriation POA 2 under Certificate 96379. Water is currently appropriated from POA 1 (KLAM 51157) for industrial (aquaculture and geothermal heating) use.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☐ Yes ☒ No Comments: The proposed APOA POA 2 is located approximately 1700 feet to the north of authorized POA 1. The construction of POA 1 as documented on well report KLAM 51157 indicates a total depth of 360 feet below land surface (bls) and a seal depth to 200 feet bls. The well report lists that two water bearing zones were encountered: (1) 82 to 92 feet bls with a SWL of 55 feet bls and (2) 312 to 360 feet bls with a static water level of 83 feet bls. The well report indicates that the shallow water encountered at 82 feet bls was "cold" and not suitable for the intended use. The temperature of water sourced from the deeper water bearing zone was listed as 184 degrees Fahrenheit. Only the deeper water bearing unit between 312 to 360 feet bls is developed by POA 1.

The proposed construction for POA 2 is 360 feet total depth and a seal to 38 feet bls. This proposed seal depth could leave the well open to the colder, shallow water bearing unit and allow for comingling of deeper, hotter water and, therefore, would not develop the same (single) source as authorized POA 1. See section 7 of this review form for recommend conditions and changes.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No Authorized POA 1 sources geothermally heated water from the Tertiary aged sedimentary rocks at depths of greater than 300 feet bls.
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: Proposed APOA POA 2 is approximately 2000 feet from KLAM 14559 an authorized POA under groundwater permit G-17708 with a junior priority date of 3/9/2001 compared to the approximately 4000 feet from authorized POA 1. The reduced intervening distance from the proposed APOA POA 2 has the potential to increase interference with KLAM 14559.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: Given the relatively high transmissivity and estimated thickness of the volcanic source aquifer, it is unlikely that the increased interference would result in another user not receiving the water to which it is legally entitled. It should be noted that a senior user cannot injure a junior user.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: The proposed APOA is further away from Lower Klamath Lake, the closest expected point of hydraulic connection, than the authorized POA. No increase in interference with a surface water source is likely to occur due to the changes proposed by the applicant.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: _____ ☐ Minimal ☐ Significant
Stream: _____ ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: _____
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: N/A
7. What conditions or other changes in the application are necessary to address any potential issues identified above: The applicant's proposed seal depth should be deep enough to ensure that comingling of colder shallow water and deeper geothermally heated water does not occur. It is recommended that the proposed well be cased and sealed to a minimum depth of 325 feet bls in order to isolate the hydrothermally heated groundwater at depth. It should be noted that the final construction of the proposed POA will need to meet well construction standards per OAR 690-210 and final sealing depth may need to be deeper than the recommended 325 feet below land surface based on conditions observed during drilling.
8. Any additional comments: _____

Transfer Review Map

T-14106



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCo, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
 USGS The National Map, National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State



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

August 30, 2024

VIA E-MAIL

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

U.S. FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

Reference: Water Right Transfer Application T-14106

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-14106. 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 September 29, 2024.

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 September 29, 2024, 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 right is 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:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land 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)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

The Watermaster has required a water measurement device at the new appropriation point 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) devices.

Please note the proposed date by which all conditions must be met: October 1, 2026. 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. Because there is more than ¼ mile between the new and the authorized point of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

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 September 29, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 should you have questions.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14106
District 17 Watermaster *(via e-mail)*
Adkins Engineering and Surveying, Agent for the applicant *(via e-mail)*

encs

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14106



In order to avoid enlargement of the right or injury to other rights, a **Totalizing Flow Meter** 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: Dani Watson

District: 17

Address: 3125 Crosby Ave

City/State/Zip: Klamath Falls/OR/97603

Phone: 541-883-4182

Email: danette.m.watson@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

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14106

Review Due Date: 10/20/2022

Applicant Name: Fred and Dawn Barnes

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

Reviewer(s): Dani Watson

Date of Review: 10/20/2022

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

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:
- ☒ N/A
7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:
- ☒ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:
☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No
9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:
10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?
☐ Yes ☐ No If "Yes", explain:
11. For POU changes that involve micro-irrigation: ☒ N/A
- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?
- ☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer?
☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

The application states that the system capacity is larger than the water right of 0.89cfs. The application suggest that the capacity for certificate 96379 is 1.21. due to the system capacity, there is the potential for enlargement.

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

☐ Yes ☐ No If "Yes", explain:

Watermaster recommends that to avoid enlargement that a totalizing flow meter be installed and the applicant be made aware that just because the system capacity exceeds the water right, that does not allow for enlargement.

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

Installing a totalizing flow meter

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

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

☐ A Headgate should be required prior to diverting water.

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

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14106



In order to avoid enlargement of the right or injury to other rights, a Totalizing Flow Meter 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: Dani Watson

District: 17

Address: 3125 Crosby Ave

City/State/Zip: Klamath Falls/OR/97603

Phone: 541-883-4182

Email: danette.m.watson@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:

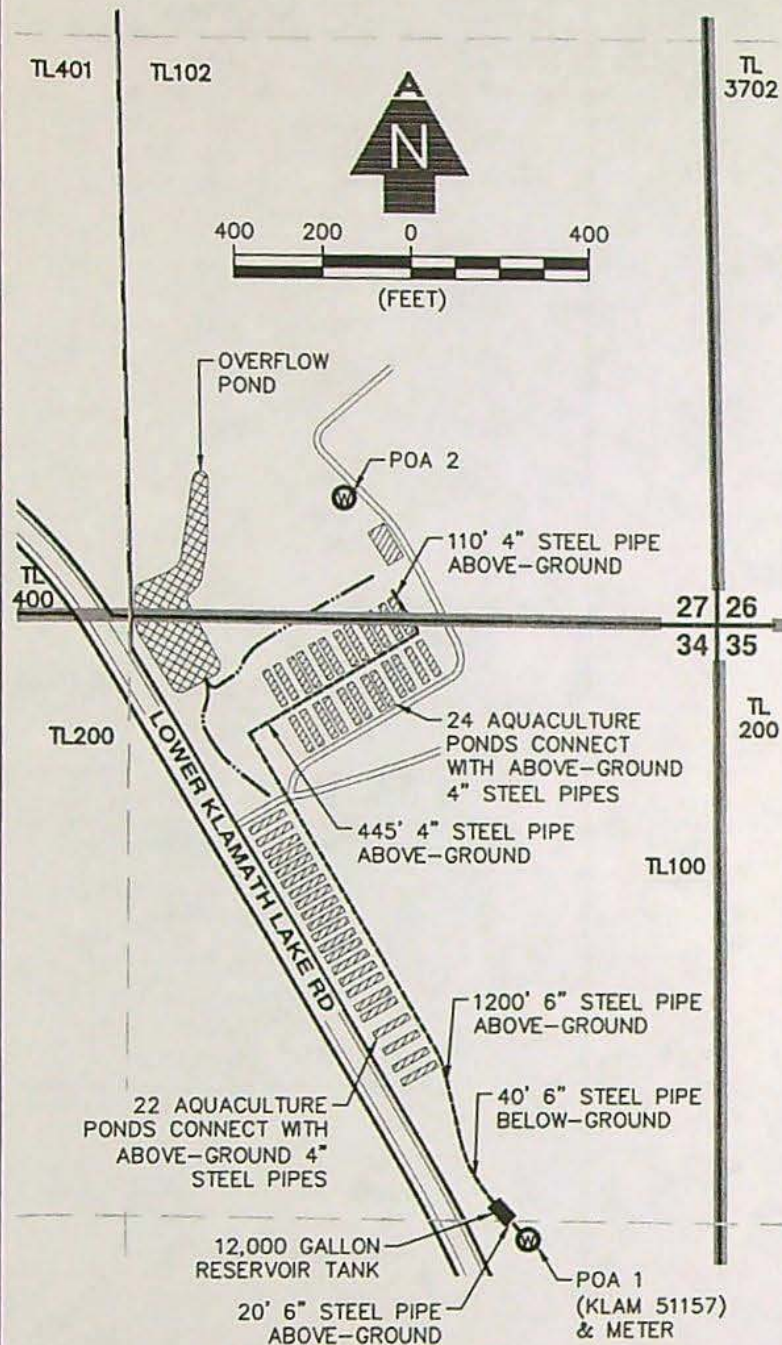
Watermaster signature

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



WELL LOCATIONS

POA 1 (KLAM 51157) - SE1/4 NE1/4 OF SECTION 34, 1390 FEET SOUTH AND 430 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 34, T40S, R9E, W.M.

POA 2 - SE1/4 SE1/4 OF SECTION 27, 278 FEET NORTH AND 831 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 27, T40S, R9E, W.M.

LEGEND

| | |
|--|-------------------|
| | SECTION LINE |
| | 1/4 1/4 LINE |
| | TAX LOT LINE |
| | DITCH LINE |
| | PIPE |
| | ROAD |
| | SECTION CORNER |
| | TAX LOT NUMBER |
| | WELL |
| | RESERVOIR TANK |
| | AQUACULTURE PONDS |
| | OVERFLOW POND |

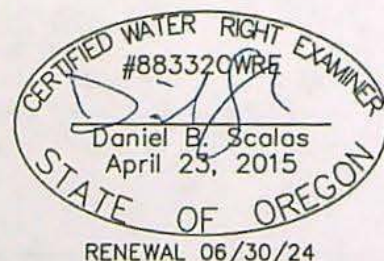
NOTES

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2022 AERIAL PHOTOGRAPH, KLAMATH COUNTY TAX MAPS 40-9-27, 40-9-28, 40-9-34, AND 40-9-35.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP.
3. FOR TAX LOT INFORMATION, SEE TAX MAP INCLUDED WITH THIS APPLICATION.
4. DATE OF PRIORITY FOR THIS CERTIFICATE IS APRIL 2, 1997.

RECEIVED

OCT 10 2022

OWRD



AL ADKINS
ENGINEERING & SURVEYING

o / 541.884.4666
w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

ENGINEERING • SURVEYING • PLANNING • TESTING

PERMANENT TRANSFER MAP

FOR

FRED RONALD BARNES,
DAWN CATHERINE BARNES,
& U.S. FISH AND WILDLIFE SERVICE
T40S, R9E, SEC. 27 & 34, WM
KLAMATH COUNTY, OREGON
CERTIFICATE 96379

9/2/2022

2289-05


4106

RECEIVED

APR 10 2018

QWRD

LEGEND

| | |
|---|-------------------|
|  | SECTION LINE |
|  | 1/4 1/4 LINE |
|  | TAX LOT LINE |
|  | DITCH LINE |
|  | BURIED PIPE |
|  | ROAD |
|  | SECTION CORNER |
| TL0000 | TAX LOT NUMBER |
|  | POA-1 (WELL) |
|  | RESERVOIR TANK |
|  | AQUACULTURE PONDS |
|  | OVERFLOW POND |
| NWNW | 1/4 1/4 |

OVERKID

OCT 10 2022

RECEIVED

NOTES

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2011 AERIAL PHOTOGRAPH, KLAMATH COUNTY TAX MAPS 40 B 27, 40 B 28, 40 B 34, AND 40 B 35.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP.
3. FOR TAX LOT INFORMATION, SEE TAX MAP INCLUDED WITH THIS APPLICATION.
4. DATE OF PRIORITY FOR THIS APPLICATION IS APRIL 2, 1997.

Fred R. Barnes
APPLICANT

Dawn C Barnes
APPLICANT



14106

TL401

TL102

TL3702

SWSE

SESE

TL200

TL100

TL200

NWNE

NENE

SENE

WELL TIE

WELL IS LOCATED IN THE SE1/4 NE1/4 OF SECTION 34, 1390 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 34, T40S, R9E, W.M. (KLAMATH COUNTY SURVEY MONUMENT IS AT THE SECTION CORNER - 58085)

ADKINS

CONSULTING
ENGINEERING, LLP

Engineers ▲ Planners ▲ Surveyors

1435 Esplanade Ave · Klamath Falls, Oregon 97601 · (541) 884-4666 · FAX (541) 884-5335
Oregon · California

4/5/2018

2696-01

CLAIM OF BENEFICIAL USE AND FINAL PROOF MAP

FOR
FRED RONALD BARNES
T40S, R9E, SEC. 27 & 34, WM
KLAMATH COUNTY, OREGON
PERMIT No. G-13285
APPLICATION No. G-14489

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 # 96379

Description of Water Delivery System

System capacity: 1.21 cubic feet per second (cfs)

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.

POA 1 appropriates water through a flow meter into a 12,000 gallon reservoir tank via 20' of 6" steel aboveground pipe. Water is then diverted through 40' of 6" steel buried pipe before reaching 1,200' of 6" steel aboveground pipe. From that pipe, 22 aquaculture ponds connect with 4" steel aboveground pipe. At the end of the 1,200' 6" steel pipe, it connects with 445' of 4" steel aboveground pipe that connects with 110' of 4" steel aboveground pipe. This pipe then connects with 24 aquaculture ponds with 4" steel aboveground pipe.

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) |
|------------------------|---|--|------|-----|-----|----|----|---------------------------|---|
| POA 1 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | KLAM 51157 | 40 S | 9 E | 34 | SE | NE | 100 | 1390' South and 430' West from the NE Corner of Section 34. |
| POA 2 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | N/A | 40 S | 9 E | 27 | SE | SE | 102 | 278' North and 831' West from the SE Corner of Section 27. |

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

- | | |
|--|--|
| <input 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 checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

RECEIVED

OCT 10 2022

OWRD

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 # 96379

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 | Acre | 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 | Acre | 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 |
| | | | | | | | | | | | | | APOA | 40 | S | 9 | E | 27 | SE | SE | 102 | | | Industrial Use (Aquaculture and Geothermal Heating) | POA 1 and POA 2 | 1997 |
| | | | | | | | | | | | | | APOA | 40 | S | 9 | E | 34 | NE | NE | 100 | | | Industrial Use (Aquaculture and Geothermal Heating) | POA 1 and POA 2 | 1997 |
| TOTAL ACRES: | | | | | | | | | | | | | TOTAL ACRES: | | | | | | N/A | | | | | | | |

Additional remarks: _____

14106

RECEIVED
OCT 10 2022
OWRD

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED RONALD BARNES
DAWN CATHERINE BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS OR 97603

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
1936 CALIFORNIA AVE
KLAMATH FALLS, OR 97601

confirms the right to the use of water perfected under the terms of Permit G-13285. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14489

SOURCE OF WATER: A WELL IN THE LOST RIVER BASIN

PURPOSE or USE: INDUSTRIAL USE (AQUACULTURE AND GEOTHERMAL HEATING)

MAXIMUM RATE: 0.89 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 2, 1997

The well is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 40 S | 9 E | WM | 34 | SE NE | 1390 FEET SOUTH AND 430 FEET WEST FROM NE CORNER, SECTION 34 |

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q |
|------|-----|-----|-----|-------|
| 40 S | 9 E | WM | 27 | SE SE |
| 40 S | 9 E | WM | 34 | NE NE |

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

This use of water is junior to all subsequent rights for beneficial consumptive use and to those rights using standard low-temperature geothermal effluent disposal systems. This condition shall not apply if a standard disposal system is installed and operated as part of this project.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

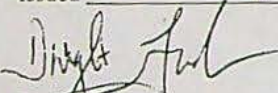
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued JUL 15 2022



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 18, 2022

FRED RONALD BARNES
3875 LOWER KLAMATH LAKE RD
KLAMATH FALLS, OR 97603

Reference: Application T-14106

On October 10, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Our receipt number 139292 is enclosed.

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

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

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

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

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

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

Cc: Watermaster Dist. #17, Danette M. Watson (*via email*)
Klamath County
Adkins Engineering And Surveying, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

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

RECEIPT # **139292**

INVOICE # _____

RECEIVED FROM: *United States Government*
BY: *Dept of the Interior: US Fish*
Wild Service: Ryan D Elikan

| | |
|-------------|----------------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | <i>T-14106</i> |

CASH: ☐ CHECK: # *1009* OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ *1,840.00*

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

| | | |
|--------------------|-------------------|--------------------------|
| 0201 SURFACE WATER | EXAM FEE \$ _____ | 0202 RECORD FEE \$ _____ |
| 0203 GROUND WATER | \$ _____ | 0204 \$ _____ |

0205 TRANSFER \$ *1,840.00*

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

**RECEIVED
OVER THE COUNTER**

RECEIPT: **139292**

DATED: *10-10-2022* BY: *[Signature]*

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

OCT 10 2022

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 96379**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

RECEIVED

OCT 10 2022

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

OWRD

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°).

RECEIVED

RECEIVED

OCT 1 1982 \$12360

OWRD

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 Fred Ronald Barnes and Dawn Catherine Barnes | | | PHONE NO. 541-891-9558 | ADDITIONAL CONTACT NO. |
| ADDRESS 3875 Lower Klamath Lake Rd. | | | | FAX NO. |
| CITY Klamath Falls | STATE OR | ZIP 97603 | E-MAIL gotfish@aol.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. | | | | |

| | | | | |
|---|--------------------|---------------------|--------------------------------------|---|
| APPLICANT/BUSINESS NAME U.S. Fish and Wildlife Service | | | PHONE NO. 541-885-8481 | ADDITIONAL CONTACT NO. 458-232-2496 (Jennie Land) |
| ADDRESS 1936 California Ave. | | | | FAX NO. |
| CITY Klamath Falls | STATE OR | ZIP 97601 | E-MAIL jennie_land@fws.gov | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

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

| | | | | |
|---|--------------------|---------------------|--|------------------------|
| AGENT/BUSINESS NAME Adkins Engineering & Surveying, LLP | | | PHONE NO. 541-884-4666 | ADDITIONAL CONTACT NO. |
| ADDRESS 1435 Esplanade Ave. | | | | FAX NO. |
| CITY Klamath Falls | STATE OR | ZIP 97601 | E-MAIL dscalas@adkinsengineering.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:
The applicants are proposing to add an additional point of appropriation to the water right as part of the construction of a new fish hatchery. The additional point of appropriation will allow for more flexible and efficient water operations, and create a back-up should the authorized well have issues.

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.

RECEIVED

OCT 10 2022

OWRD

RECEIVED

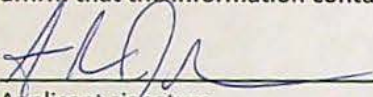
OCT 10 2022

OWRD

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: Herald and News.
- 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

Adam Johnson, Field Supervisor 9/20/2022
Print Name (and Title if applicable) Date

Fred R. Barnes
Applicant signature

Fred R. Barnes 10/5/2022
Print Name (and Title if applicable) Date

DAWN C BARNES
Applicant signature

DAWN CATHERINE BARNES 10-5-22
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*

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

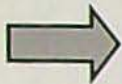
| | | | | |
|--|-------|-----|-----------|------------------------|
| RECEIVING LANDOWNER NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS | | | | FAX NO. |
| CITY | STATE | ZIP | E-MAIL | |
| Describe any special ownership circumstances: | | | | |
| The confirming Certificate shall be issued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

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

| | | |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | 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 | ADDRESS | |
| Klamath County | 305 Main St. | |
| CITY | STATE | ZIP |
| Klamath Falls | OR | 97601 |

RECEIVED

OCT 10 2022

OWRD

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 # 96379

Description of Water Delivery System

System capacity: 1.21 cubic feet per second (cfs)

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.

POA 1 appropriates water through a flow meter into a 12,000 gallon reservoir tank via 20' of 6" steel aboveground pipe. Water is then diverted through 40' of 6" steel buried pipe before reaching 1,200' of 6" steel aboveground pipe. From that pipe, 22 aquaculture ponds connect with 4" steel aboveground pipe. At the end of the 1,200' 6" steel pipe, it connects with 445' of 4" steel aboveground pipe that connects with 110' of 4" steel aboveground pipe. This pipe then connects with 24 aquaculture ponds with 4" steel aboveground pipe.

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) |
|------------------------|---|--|-----|---|-----|---|-----|-----|----|---------------------------|---|
| POA 1 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | KLAM 51157 | 40 | S | 9 | E | 34 | SE | NE | 100 | 1390' South and 430' West from the NE Corner of Section 34. |
| POA 2 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | N/A | 40 | S | 9 | E | 27 | SE | SE | 102 | 278' North and 831' West from the SE Corner of Section 27. |

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

- | | |
|--|--|
| <input 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 checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

RECEIVED

OCT 10 2022

OWRD

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 # 96379

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 |
| | | | | | | | | | | | | | APOA | 40 | S | 9 | E | 27 | SE | SE | 102 | | | Industrial Use (Aquaculture and Geothermal Heating) | POA 1 and POA 2 | 1997 |
| | | | | | | | | | | | | | APOA | 40 | S | 9 | E | 34 | NE | NE | 100 | | | Industrial Use (Aquaculture and Geothermal Heating) | POA 1 and POA 2 | 1997 |
| TOTAL ACRES: | | | | | | | | | | | | | TOTAL ACRES: | | | | | | | N/A | | | | | | |

Additional remarks: _____.

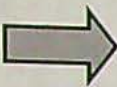
14106

RECEIVED
 OCT 10 2022
 OWRD

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 |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| POA 2 | No | N/A | 360' | 10" | N/A | 38' | N/A | 83' | Klamath Volcanics | 0.89 CFS |

RECEIVED

OCT 10 2022

14106 OWRD

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of KLAMATH

I, ADAM JOHNSON – U.S. FISH AND WILDLIFE SERVICE, in my capacity as PROJECT FIELD SUPERVISOR,
mailing address 1936 CALIFORNIA AVENUE, KLAMATH FALLS, OR 97601
telephone number (541)885-8481, 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) |
|---------------|----------|-------|-----|-----|-----|---------------------|--------------------------|
| | | | | | | | |
| | | | | | | | |

OR

- ☒ Confirming Certificate # 96379 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)

RECEIVED

OCT 10 2022

OWRD

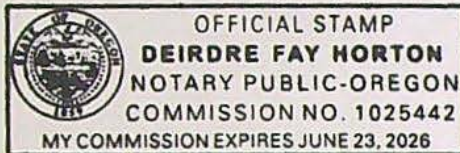
14106

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

[Signature]
Signature of Affiant

9/20/2022
Date

Signed and sworn to (or affirmed) before me this 20 day of September 2022.



Deirdre Fay Horton
Notary Public for Oregon
My Commission Expires: 6/23/2026

| Supporting Documents | Examples |
|---|--|
| <input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water | Copy of confirming water right certificate that shows issue date <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 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 |

RECEIVED
OCT 10 2022
OWRD

14106

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): Fred Ronald Barnes, Dawn Catherine Barnes, and U.S. Fish and Wildlife Service

Mailing Address: 3875 Lower Klamath Lake Rd., Klamath Falls, OR 97601; 1936 California Ave., Klamath Falls, OR 97601

City: Klamath Falls

State: OR

Zip Code: 97601

Daytime Phone: Barnes: 541-891-9558

USFWS: 541-885-8481

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 | X X | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be: | Proposed Land Use: |
|------------|-----------|-----------|--------------|------------|---|--|--|
| <u>40S</u> | <u>9E</u> | <u>27</u> | <u>SE SE</u> | <u>102</u> | <u>FR - Forestry/Range</u> | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>Industrial Use</u> <u>(Aquaculture and</u> <u>Geothermal</u> <u>Heating)</u> |
| <u>40S</u> | <u>9E</u> | <u>34</u> | <u>NE NE</u> | <u>100</u> | <u>FR - Forestry/Range</u> | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>Industrial Use</u> <u>(Aquaculture and</u> <u>Geothermal</u> <u>Heating)</u> |
| <u>40S</u> | <u>9E</u> | <u>34</u> | <u>SE NE</u> | <u>100</u> | <u>FR - Forestry/Range</u> | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used | <u>Industrial Use</u> <u>(Aquaculture and</u> <u>Geothermal</u> <u>Heating)</u> |

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

Klamath Falls, Klamath County, Oregon

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: 0.89 ☒ 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:

The applicants are proposing to add an additional point of appropriation to the water right as part of the construction of a new fish hatchery. The additional point of appropriation will allow for more flexible and efficient water operations, and create a back-up should the authorized well have issues.

RECEIVED

OCT 10 2022

OWRD

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Art. 54 of Klamath County Land Development Code
- ☐ 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: Erik Nohoy Title: Planning Director
 Signature: [Signature] Phone: 541-851-3648 Date: 9-2-2022
 Government Entity: Klamath 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: _____

RECEIVED

OCT 10 2022

WR / FS

OWRD

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

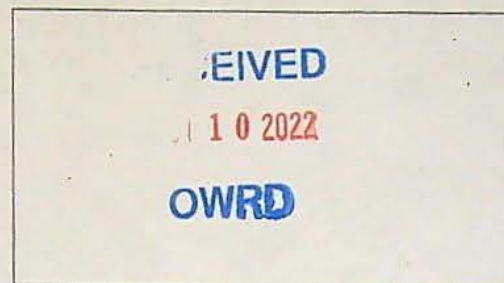
Transfer # T-14106

| | | | | | | |
|---|--|------------------------------------|-------------------------|-----|-----|-------------|
| Checked by: <u>Scott</u> | Type of Change(s) Proposed: <i>Mark the Proposed Changes</i> | Substitution | Supplemental to Primary | POU | POD | APOD |
| Date: <u>10/12/22</u> | | Gov Action | Surface to Ground | USE | POA | <u>APOA</u> |
| Fee Received: <u>1840</u> | | How many rights to be Transferred? | | | | |
| Calculated Fee: <u>1840</u> ✓ | | Certificate # <u>96379</u> | | | | |
| Additional Observations: <u>INDUSTRIAL / MANUFACTURING</u> <u>cent says INDUSTRIAL USE</u> <u>(AQUACULTURE & GEOTHERMAL HEATING)</u> <u>0.89 cfs up & down</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: _____



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Fred and Dawn Barnes
3875 Lower Klamath Lake Rd Klamath Falls, OR 97603

Transaction Type: Transfer

Fees Received: \$ 1840.00

☐ Cash



Check:

Check No. 1009

Name(s) on Check: US FS US DOI

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Dante Luongo
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.