

T-14245

T-14245

Regional

Name Oster Farms, LLCAddress P.O. Box 727
Christmas Valley, OR 97641Change in POB / POADate Filed 5/18/2023Initial notice date 5/30/2023

DPD issued date

PD issued date 5/16/2025PD notice date 5/20/2025Date of FO 7/29/2025 Vol 135 Page 237-241

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Fort Rock BasinUse Irrigation County

Quantity of water (CFS) No. of Acres

Name of ditch

App# 610442 Per # 619617 Cert # 52879 PR Date 7-10/1981App# 67121 Per # 66693 Cert # 96715 PR Date 9-25-1975

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date 5-18-2023 Amount \$3,950.00 Receipt # 140736

FEES REFUNDED

Date Amount Receipt #

Assignments:

Irrigation District

Agent John A. Short / Water Right Services, LLC

CWRE

CC's list Lake County Planning Department☐ - 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

July 29, 2025

OSTER FARMS
LLC PO BOX 727
CHRISTMAS VALLEY, OR 97641

REFERENCE: Transfer Application T-14245

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, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

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

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

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER
T-14245, Lake County	)	APPROVING A CHANGE IN POINTS OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACES OF USE

Authority

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

Applicant

OSTER FARMS, LLC
PO BOX 727
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On May 18, 2023, Oster Farms, LLC filed an application to change the points of appropriation and to change the place of use under Certificates 52879 and 96715. The Department assigned the application number T-14245.
2. Notice of the application for transfer was published on May 30, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 22, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14245 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 22, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. On January 8, 2025, the applicant's agent requested a new completion date of October 1, 2029, due to the complexities of the project. Pursuant to OAR 690-380-5140(3), the Department has modified the completion date of Transfer Application T-14259 to October 1, 2029.
5. On May 16, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14245 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 20, 2025, and in the Lake County Examiner newspaper on May 28, and June 4, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the first right to be transferred is as follows:

Certificate: 52879 in the name of HARLAN F. OSTER (perfected under Permit G-9612)
Use: IRRIGATION OF 7.2 ACRES
Priority Date: JULY 10, 1981
Rate: 0.09 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: ONE WELL a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	19 E	WM	7	NW NW	1	WELL #1 AUTH. - 30 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	19 E	WM	7	NW NW	1	7.2

7. Transfer Application T-14245 proposes to move the authorized point of appropriation approximately 1.5 miles northeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	5	NW SE	WELL #3 "ON" - 1320 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 5

8. Transfer Application T-14245 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	5	NE SE	1.8
27 S	19 E	WM	5	NW SE	1.8
27 S	19 E	WM	5	SW SE	1.8
27 S	19 E	WM	5	SE SE	1.8
TOTAL					7.2

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

Certificate: 96715 in the name of HARLAN FOSTER, ELOISE OSTER (perfected under Permit G-6693)
Use: IRRIGATION OF 8.7 ACRES
Priority Date: SEPTEMBER 25, 1975
Rate: 0.109 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	19 E	WM	31	SE SE	WELL #2 AUTH. - 650 FEET NORTH AND 680 FEET WEST FROM THE SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	19 E	WM	31	SE SE	8.7

10. Transfer Application T-14245 proposes to move the authorized point of approximately 1.1 miles southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	5	NW SE	WELL #3 "ON" - 1320 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 5

11. Transfer Application T-14245 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	5	NE SE	2.1
27 S	19 E	WM	5	NW SE	2.2
27 S	19 E	WM	5	SW SE	2.2

IRRIGATION					
Twps	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	5	SE SE	2.2
TOTAL					8.7

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

12. Water has been used within the last five years prior to the submittal of Transfer Application T-14245 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14245.
14. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of appropriation develops groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
16. The proposed changes, as conditioned, would not result in enlargement of the rights.
17. The proposed changes, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements are met.

Conclusions of Law

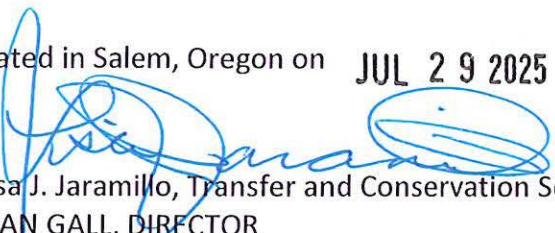
The change in points of appropriation and change in places of use proposed in Transfer Application T-14245 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and change in places of use proposed in Transfer Application T-14245 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 52879, 96715, 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 or the new places of use.

4. Water right Certificates 52879 and 96715 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
5. Under Certificate 52879, the quantity of water diverted at the new point of appropriation (Well #3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).
6. Under Certificate 96715, the quantity of water diverted at the new point of appropriation (Well #3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #2)
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. The former places of use of the transferred rights shall no longer receive water under the rights.
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
11. After satisfactory proof of beneficial use is received, a new certificate confirming the rights transferred will be issued.

Dated in Salem, Oregon on **JUL 29 2025**


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

Mailing date: JUL 30 2025

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARLAN F. OSTER

PO BOX 201

CHRISTMAS VALLEY, OR 97638

confirms the right to use the waters of ONE WELL in the FORT ROCK BASIN for IRRIGATION of 31.0 ACRES.

This right was perfected under Permit G-9612. The date of priority is JULY 10, 1981. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.39 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	19 E	WM	7	NW NW	1	30 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 7

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

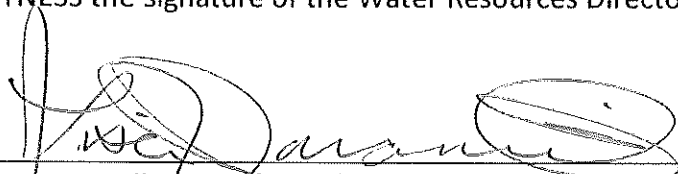
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	19 E	WM	7	NW NW	1	31.0

This certificate describes that portion of water right Certificate 52879, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 29 2025, approving Transfer Application T-14245.

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

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

WITNESS the signature of the Water Resources Director, affixed JUL 29 2025.

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

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

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
HARLAN F. OSTER
ELOISE OSTER
PO BOX 201
CHRISTMAS VALLEY, OR 97638

confirms the right to use the waters perfected under the terms of Permit G-6693. The amount of water to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in case of rotation, measured at the well. The specific limits conditions of the use are listed below.

SOURCE OF WATER: A WELL, TRIBUTARY OF FORT ROCK BASIN

PURPOSE OR USE: IRRIGATION OF 31.0 ACRES

MAXIMUM RATE: 0.387 CUBIC FOOT PER SECOND

DATE OF PRIORTY: SEPTEMBER 25, 1975

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	19 E	WM	31	SE SE	650 FEET NORTH AND 680 FEET WEST FROM THE SE CORNER OF SECTION 31

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	19 E	WM	31	SE SE	31.0

The quantity of water appropriated at the new well shall not exceed the quantity of water available at the old well under the subject right as described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	5	SW SE	OSTER WELL - 1320 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 5

The following provisions shall be effective when in the judgement of the Watermaster it becomes necessary to install measurement devices:

That the pump system shall include an in line flow meter or other suitable device for measuring the water to which the water use is entitled;

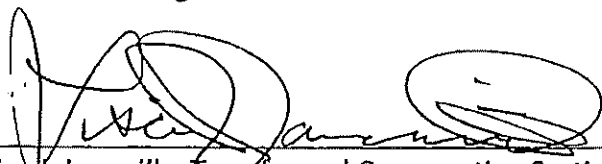
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said watermaster.

This certificate describes that portion of water right Certificate 96715, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 29 2025, approving Transfer Application T-14245.

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

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

WITNESS the signature of the Water Resources Director, affixed JUL 29 2025.



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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14245

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Dante Luongo

Applicant: OSTER FARMS, LLC PO BOX 727 CHRISTMAS VALLEY, OR 97641	Agent: JOHN A. SHORT PO BOX 1830 BEND, OR 97709	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Lake County	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G10442	G9612	52879	☒ Yes ☐ No	
☐	G7121	G6693	96715	☒ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions (Support Staff)

Rec'd: May 24, 2023	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 3950.00	Acknowledgement Letter Sent ☐	Basin: 13 Goose & Summer Lake
Initial Public Notice:	County sent cc: of Ack Letter ☐	County: LAKE
WM District: 11 Jeremy T. Giffin	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: ☐	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>10-24-24</u> Date: <u>1-12-24</u> Initials: <u>AL</u>	Date: <u>11-14-24</u> Date: <u>1/18/24</u> Initials: <u>Joan</u>	Date: <u>11-19-24</u> Initials: <u>CC</u>	Date: <u>11-20-24</u> Initials: <u>AL</u>	CW Sent: _____ WM Sheet ☐ ODFW Sheet: ☐	N/A
PD	Date: <u>1-10-25</u> Initials: <u>AL</u>	Date: <u>2-27-25</u> Initials: <u>JS</u>	Date: <u>2-28-25</u> Initials: <u>CC</u>	Date: <u>3-3-25</u> Initials: <u>AL</u> Data Review Date: <u>3-5-25</u>	Date: <u>5-14-25</u>	Date: <u>5/16/25</u>
FO	Date: <u>5-30-25</u> Initials: <u>AL</u>	Date: <u>6-4-25</u> Initials: <u>AD</u>	Date: <u>6-6-25</u> Initials: <u>JS</u>	Date: <u>6-8-25</u> Initials: <u>AL</u>	Date: <u>7-10-25</u> No. of docs for sig: <u>3</u>	Date: <u>7/29/2025</u>

Special Issues: _____

Special Order Volume: Vol. 135 Pages 237-241

**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 # **145173**

INVOICE # _____

RECEIVED FROM: Oster Farms LLC

BY: _____

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

☐ ☒ **7396** ☐ _____

APPLICATION _____

PERMIT _____

TRANSFER T-14245

TOTAL REC'D \$ 124.12

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____

0207 OTHER: (IDENTIFY) Newspaper Notice \$ 124.12

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT:

145173

DATED:

5-9-25

BY:

48-1) M...

**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH**

Received
JUN 12 2025
OWRD

I, Marna Batsell, Account Executive, 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 aforesaid county and state: that I know from my personal knowledge that the

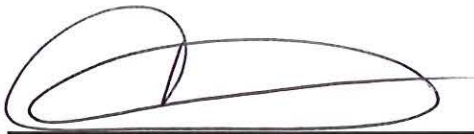
Legal # 5964 T-14245 Water Right Transfer
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 0

Insertion(s) in the following issues:

Total Cost: \$103.43

Marna Batsell

Subscribed and sworn by Marna Batsell before me on: On
6th day of June, in the year of 2025



Notary Public of Oregon

My commission expires June 6, 2028



**Notice of Preliminary Determination for Water Right
Transfer T-14245**

T-14245 filed by Oster Farms, LLC PO Box 727, Christmas Valley, OR 97641, proposes a change in point of appropriation and place of use under Certificates 52879 and 96715. Certificate 52879 allows the use of 0.09 cubic foot per second (cfs) from a well in Sec. 7, T27S, R19E, WM for irrigation in Sec. 7, T27S, R19E, WM. The applicant proposes to move the point of appropriation to Sec. 5, T27S, R19E, WM and to change the place of use to Sec. 5, T27S, R19E, WM. Certificate 96715 allows the use of 0.109 cfs from a well in Sec. 31, T26S, R19E, WM for irrigation in Sec. 31, T26S, R19E, WM. The applicant proposes to move the point of appropriation to Sec. 5, T27S, R19E, WM and to change the place of use to Sec. 5, T27S, R19E, 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, 06/04/2025. 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.

Dates of Publication:

May 28, 2025

June 4, 2025

5964

Received**JUN 12 2025****OWRD**



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

May 16, 2025

VIA CERTIFIED MAIL AND E-MAIL

OSTER FARMS, LLC

PO BOX 727

CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-14245

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14245. 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 Lake County Examiner newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

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

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

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

Dante Luongo

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14245
Jeremy T. Giffin, District 11 Watermaster (*via e-mail*)
John A. Short, Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14245, Lake County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINTS OF APPROPRIATION AND A
	)	CHANGE IN PLACES OF USE

Authority

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

Applicant

OSTER FARMS, LLC
PO BOX 727
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On May 18, 2023, Oster Farms, LLC filed an application to change the points of appropriation and to change the place of use under Certificates 52879 and 96715. The Department assigned the application number T-14245.
2. Notice of the application for transfer was published on May 30, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 22, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14245 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 22, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On January 8, 2025, the applicant's agent requested a new completion date of October 1, 2029, due to the complexities of the project. Pursuant to OAR 690-380-5140(3), the Department has modified the completion date of Transfer Application T-14259 to October 1, 2029.

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

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

Certificate: 52879 in the name of HARLAN F. OSTER (perfected under Permit G-9612)
Use: IRRIGATION OF 7.2 ACRES
Priority Date: JULY 10, 1981
Rate: 0.09 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: ONE WELL a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	19 E	WM	7	NW NW	1	WELL #1 AUTH. - 30 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	19 E	WM	7	NW NW	1	7.2

6. Transfer Application T-14245 proposes to move the authorized point of appropriation approximately 1.5 miles northeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	5	NW SE	WELL #3 "ON" - 1320 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 5

7. Transfer Application T-14245 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	5	NE SE	1.8
27 S	19 E	WM	5	NW SE	1.8
27 S	19 E	WM	5	SW SE	1.8
27 S	19 E	WM	5	SE SE	1.8
TOTAL					7.2

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

Certificate: 96715 in the name of HARLAN FOSTER, ELOISE OSTER (perfected under Permit G-6693)
Use: IRRIGATION OF 8.7 ACRES
Priority Date: SEPTEMBER 25, 1975

Rate: 0.109 CUBIC FOOT PER SECOND

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

Source: A WELL, tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	19 E	WM	31	SE SE	WELL #2 AUTH. - 650 FEET NORTH AND 680 FEET WEST FROM THE SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	19 E	WM	31	SE SE	8.7

9. Transfer Application T-14245 proposes to move the authorized point of approximately 1.1 miles southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	5	NW SE	WELL #3 "ON" - 1320 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 5

10. Transfer Application T-14245 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	5	NE SE	2.1
27 S	19 E	WM	5	NW SE	2.2
27 S	19 E	WM	5	SW SE	2.2
27 S	19 E	WM	5	SE SE	2.2
TOTAL					8.7

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

11. Water has been used within the last five years prior to the submittal of Transfer Application T-14245 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14245.

13. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of appropriation develops groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
15. The proposed changes, as conditioned, would not result in enlargement of the rights.
16. The proposed changes, as conditioned, would not result in injury to other existing water rights.
17. All other application requirements are met.

Determination and Proposed Action

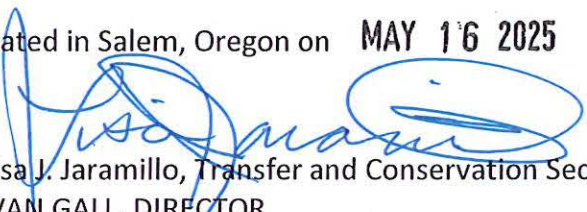
The change in points of appropriation and change in places of use proposed in Transfer Application T-14245 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be.

If Transfer Application T-14245 is approved, the final order will include the following:

- 1. The change in points of appropriation and change in places of use proposed in Transfer Application T-14245 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 52879, 96715, 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 or the new places of use.*
- 4. Water right Certificates 52879 and 96715 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 5. Under Certificate 52879, the quantity of water diverted at the new point of appropriation (Well #3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).*
- 6. Under Certificate 96715, the quantity of water diverted at the new point of appropriation (Well #3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #2)*
- 7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*

8. *The former places of use of the transferred rights shall no longer receive water under the rights.*
9. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
11. *After satisfactory proof of beneficial use is received, a new certificate confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **MAY 16 2025**


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

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971-304-5006 or Dante.J.Luongo@water.oregon.gov.

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

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

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

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

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14245

GW Reviewer Darrick E. Boschmann Date Review Completed: 12/18/2023

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-14245

Applicant Name: Oster Farms

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 12/18/2023

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

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

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

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

This application is related to certificates 52879 and 96715.

Certificate 52879 authorizes groundwater pumping from one well (POD 1 = LAKE 1164) for primary irrigation of 38.2 acres in the Goose and Summer Lakes Basin (Fort Rock classified area). The following changes are proposed:

1. Add one APOA (LAKE 1156).
2. Transfer off 7.2 acres of the POU.

Certificate 96715 authorizes groundwater pumping from one well (POD 1 = no well log on file*) for primary irrigation of 39.7 acres in the Goose and Summer Lakes Basin (Fort Rock classified area). The following changes are proposed:

1. Add one APOA (LAKE 1156).
2. Transfer off 8.7 acres of the POU.

The transfer application materials provided for this application and the transfer application materials for T-5531 include a well log providing information for the authorized well under certificate 96715 (attached below). This well log does not appear to exist in GRID.

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

☒ Yes ☐ No Comments: _____

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

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

The authorized well produces groundwater from water bearing zones within the main groundwater reservoir. The proposed well will also produce groundwater from water bearing zones within the main groundwater reservoir.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: _____

The proposed well is located ~1 mile southeast and ~1.5 miles northeast of the currently authorized wells. This will result in an incremental increase in interference with existing wells at the proposed location.

- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: _____

Any increase in seasonal interference is likely to be minimal would be unlikely to meet the standard for substantial or undue interference.

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

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☐ No Comments: The proposed POA is located further away from hydraulically connected surface water than the authorized POA.

- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ ☐ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

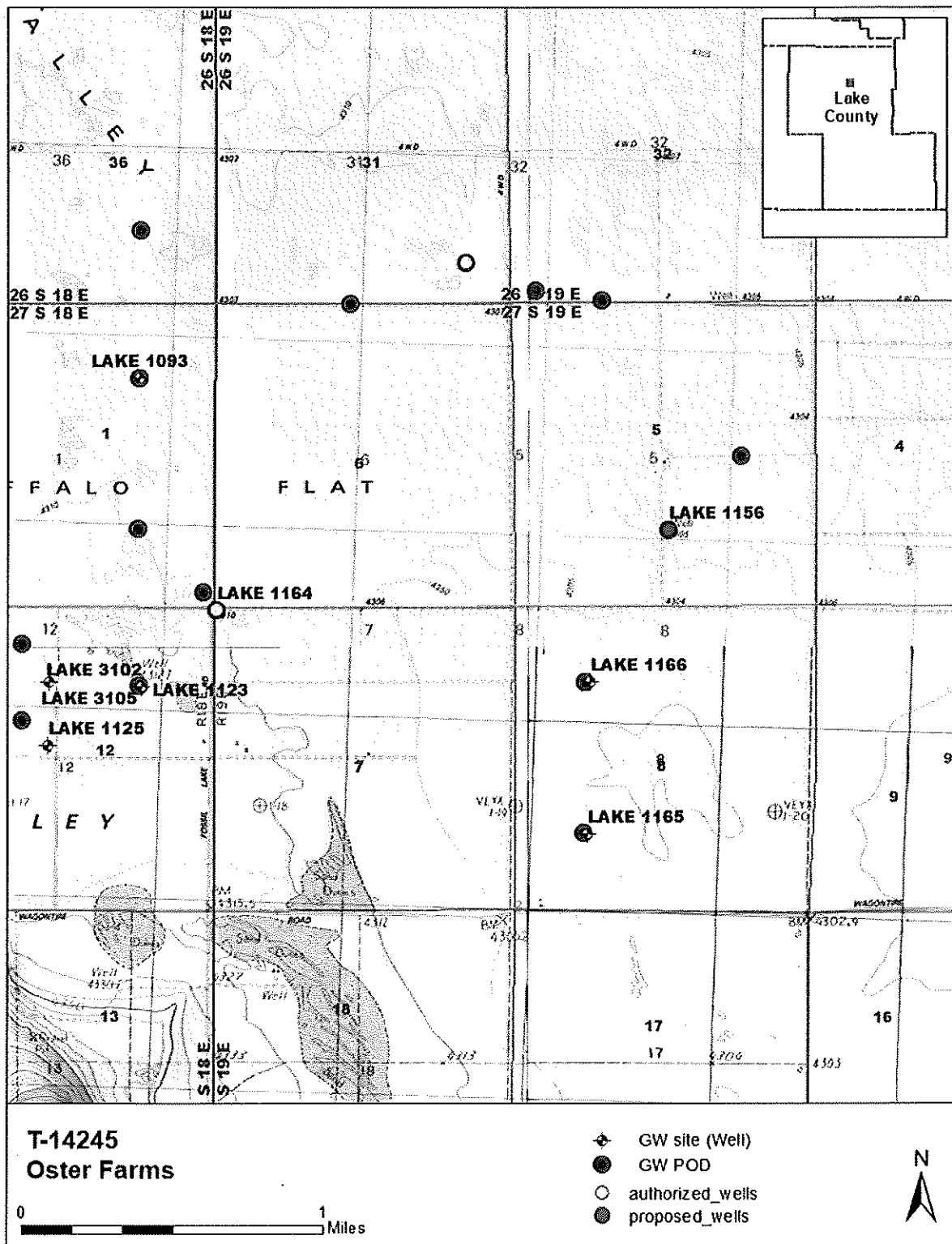
Provide context for minimal/significant impact: _____

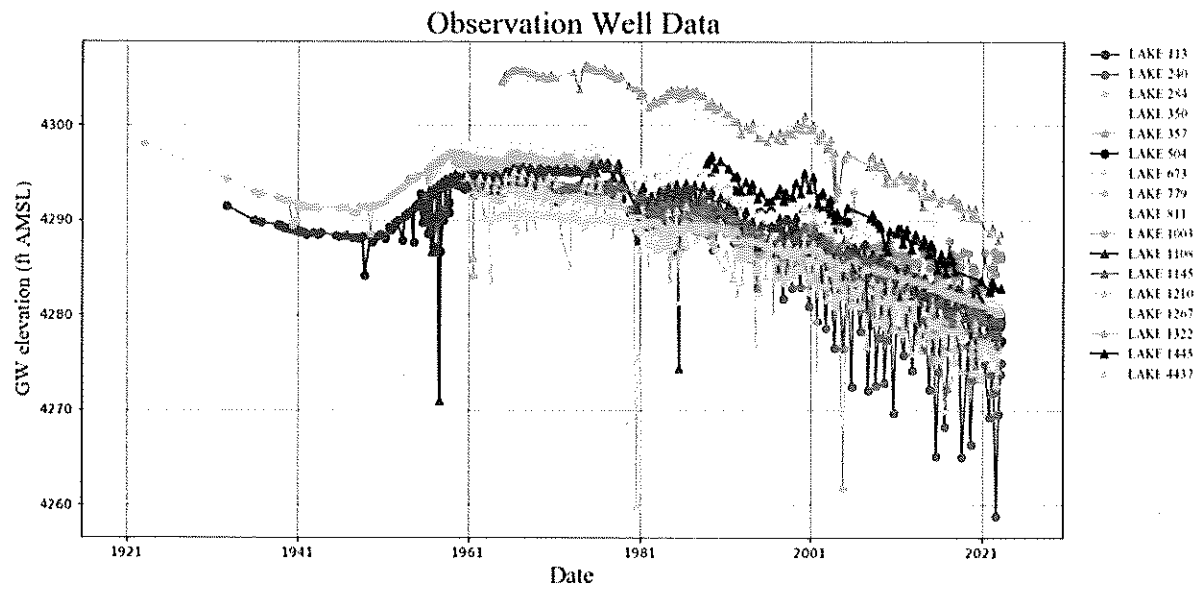
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: _____

7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.

8. Any additional comments: none.





STATE OF OREGON
WATER WELL REPORT
(as required by ORS 837.785)

Transfer

(1) OWNER: Well Number: T-5531
Name Linn OSTER
Address P.O. Box 563
City YMOS VALLEY State ORE Zip 97641

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Rehabilitation ☐ Abandon

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☐ No ☐ Depth of Completed Well 390 ft.
Explosives used ☐ Yes ☒ No ☐ Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Amount
sacks or pounds
16" 0 60 CEMENT 0 60 30 SACKS

How was seal placed Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing 12" 0 60 ☐ ☒ ☐ ☐
Liner 8" 60 120 ☐ ☐ ☐ ☐

Final location of sheet(s) _____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method _____
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Tele/pipe size Casing Liner
None

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
1800 160' 1 hr.

Temperature of water 59.2 Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any fluids contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: 34' to 35'

WHITE COPIES - WATER RESOURCES DEPARTMENT

YELLOW COPY - CONSTRUCTOR

PINK COPY - CUSTOMER

Date: 10/90

(9) LOCATION OF WELL, by legal description:
County LAR Township 20S Range 19E Section 21 Subsection _____
Block _____ Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
20 ft. below land surface Date 1/20/84
Artesian pressure _____ ft. per square inch Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 34'

From	To	Estimated Flow Rate	SWL
<u>34'</u>	<u>35'</u>	<u>50 gpd</u>	
<u>360'</u>	<u>390'</u>	<u>1000 gpd</u>	

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
<u>CLAY</u>	<u>0</u>	<u>34'</u>	
<u>water</u>	<u>34'</u>	<u>35'</u>	
<u>hard clay</u>	<u>35'</u>	<u>40'</u>	
<u>black sand</u>	<u>40'</u>	<u>110'</u>	
<u>green clay</u>	<u>110'</u>	<u>200'</u>	
<u>gray clay</u>	<u>200'</u>	<u>260'</u>	
<u>brown clay</u>	<u>260'</u>	<u>360'</u>	
<u>dark brown clay</u>	<u>360'</u>	<u>370'</u>	
<u>Pumice w/B</u>	<u>370'</u>	<u>390'</u>	
<u>Benton Lava Rock w/B</u>	<u>390'</u>	<u>590'</u>	

Date started 12/2/83 Completed 1/20/84

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Z. Oster WWC Number _____ Date 1/20/84

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed _____ WWC Number _____ Date _____

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-14245

Review Due Date: 06/23/2023

Applicant Name: Oster Farms, LLC

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

Reviewer(s): Giffin

Date of Review: 05/31/2023

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☒ No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14245



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



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



at each new point of diversion/appropriation.

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

Watermaster name: **Jeremy Giffin**

District: **11**

Address: **231 Scalehouse lp**

City/State/Zip: **Bend, OR 97702**

Phone: **541-306-6885**

Email: **Jeremy.T.Giffin@water.oregon.gov**

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

Approval of an Alternate Measurement Device T- *(to be filled out after consultation with the applicant, or after a site visit)*

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

Watermaster signature

District

Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 24, 2023

OSTER FARMS, LLC

PO BOX 727

CHRISTMAS VALLEY, OR 97641

Reference: Application T-14245

On May 24, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$3950.00. Receipt number 140736 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 groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

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

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)
John A. Short, Agent
LAKE COUNTY

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **140736**

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

INVOICE # _____

RECEIVED FROM: Oster Farms LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14245</u>

CASH: ☐ CHECK: # 7192 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$3,950.02

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	\$3,950.02		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **140736**

DATED: 5/18/2023 BY: Lisa D-miner

Application for
Permanent Water Right Transfer
Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 52879 & 96715**

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

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

Other/Explanation _____

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

RECEIVED TACS

MAY 18 2023

OWRD
SALEM, OREGON

14245 -

Part 2 of 5 –Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: ☒ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	\$1090
	Number of water rights included in transfer <u>2 (3a)</u> Subtract 1 from the number in 3a above: <u>1 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$610 and enter »		
3		3	\$610
	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 ☒ Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (4a)</u> Do you propose to add or change additional wells? ☐ No: enter 0 ☒ Yes: multiply the number of additional wells by \$410 <u>\$410 (4b)</u> Add line 4a to line 4b and enter »		
4		4	\$890
	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 ☒ Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.199 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-.801 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>6 (5c)</u> and multiply 5c by \$410, then enter on line 5 »		
5		5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$3950
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »		
7		7	
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$3950

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

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

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

Revised 7/7/2022

Permanent Transfer Application – Page 3 of 12

14245-

RECEIVED

MAY 18 2023 TACS

OWRD
SALEM, OREGON

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME OSTER FARMS, LLC			PHONE NO. 541-576-2144	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 727				FAX NO.
CITY CHRISTMAS VALLEY	STATE OR	ZIP 97641	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:
Move a portion of two certificates to a new place of use and point of appropriation.

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
MAY 18 2023
OWRD
SALEM, OREGON

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: **Frontier Advertiser.**
- 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

Linn Oster
Print Name (and Title if applicable)

5/18/23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

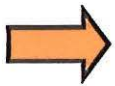
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

☐ 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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED
MAY 18 2023
OWRD
SALEM, OREGON

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 52879

Description of Water Delivery System

System capacity: 0.48 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
WELL #1 AUTH.	☒ Authorized ☐ Proposed	LAKE 1164	27	S	19	E	7	NW	NW	1300 / L1	30' S, 50' E of NW Cor Sec 7
WELL #3 "ON"	☐ Authorized ☒ Proposed	LAKE 1156	27	S	19	E	5	NW	SE	201	1320' N, 2600' W of SE Cor Sec 5

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

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

RECEIVED
MAY 18 2023
OWRD
SALEM, OREGON

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 52879

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	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
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
27	S	19	E	7	NW	NW	1300	L1	7.2	IR	WELL #1 AUTH	1981	POU/POA	27	S	19	E	5	NE	SE	201		1.8	IR	WELL #3 "ON"	1981
													"	"	"	"	"	NW	SE	"		1.8	"	"	"	
													"	"	"	"	"	SW	SE	"		1.8	"	"	"	
													"	"	"	"	"	SE	SE	"		1.8	"	"	"	
TOTAL ACRES									7.2	TOTAL ACRES															7.2	

Additional remarks: _____

14245-

RECEIVED

TACS

MAY 18 2023

OWRD
CALIF., OREGON

For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 96715

Description of Water Delivery System

System capacity: 0.109 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
WELL #2 AUTH.	☒ Authorized ☐ Proposed	NO LOG NUMBER ASSIGNED	26	S	19	E	31	SE	SE	1900	650' N, 680' W of SE Cor Sec 31
WELL #3 "ON"	☐ Authorized ☒ Proposed	LAKE 1156	27	S	19	E	5	NW	SE	201	1320' N, 2600' W of SE Cor Sec 5

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

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

RECEIVED
MAY 18 2023
OWRD
SALEM, OREGON

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 96715

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
26	S	19	E 31 SE SE	1900		8.7	IR	WELL #2 AUTH.		POU/POA	27	S	19	E 5 NE SE	201		2.1	IR	WELL #3 "ON"	1981		
										"	"	"	"	"	NW	SE	"		2.2	"	"	"
										"	"	"	"	"	SW	SE	"		2.2	"	"	"
										"	"	"	"	"	SE	SE	"		2.2	"	"	"
TOTAL ACRES						8.7																
							TOTAL ACRES 8.7															

Additional remarks: _____

For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

RECEIVED**MAY 18 2023****OWRD
SALEM, OREGON**

Land Use Information Form

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

Applicant(s): OSTER FARMS, LLC

Mailing Address: PO BOX 727

City: CHRISTMAS VALLEY

State: OR

Zip Code: 97641

Daytime Phone: _____

A. Land and Location

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

Township	Range	Section	XX	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>27S</u>	<u>19E</u>	<u>5</u>	_____	<u>201</u>	<u>FARM USE</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

LAKE COUNTY

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.199 ☒ 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:

MOVE A PORTION OF TWO IRRIGATION CERTIFICATES TO A NEW PROPERTY AND WELL.



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. →

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON 14245 -

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): *Lake County Zoning Ordinance - Article 3, 9-2 zone*
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Doreen Johnson Title: Planning Director

Signature: [Signature] Phone: 503-917-6036 Date: 30 March 2023

Government Entity: Lake County Planning Department

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: _____

14245 -

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.705)

C-96715 Authorized Well
No Log No. Assigned

TRANSFER

RECEIVED

OCT 17 1984

(1) OWNER:

Name Linn OSTER
Address P.O. Box 563
City XMAS VALLEY State ORE Zip 97641

Well Number: T-5531

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 390 ft.
Explosives used ☐ Yes ☒ No Type Amount

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
<u>16"</u>	<u>0</u>	<u>60</u>	<u>CEMENT</u>	<u>0</u>	<u>60</u>	<u>30 sacks</u>

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

☐ Other

Backfill placed from ft. to ft. Material

Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	<u>12"</u>	<u>0</u>	<u>60</u>		☐	☒	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:	<u>8"</u>	<u>60</u>	<u>120</u>		☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

☐ Perforations Method
☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing
☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
<u>1000</u>		<u>100'</u>	<u>1 hr.</u>

Temperature of water 52.2 Depth Artesian Flow Found

Was a water analysis done? ☐ Yes By whom

Did any strata contain water not suitable for intended use? ☒ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other

Depth of strata: 34' to 35'

(9) LOCATION OF WELL by legal description:

County CLATSOP Latitude Longitude
Township 30S Range 19E E or W, WM.
Section 31 SE 1/4 SE 1/4
Tax Lot 120 Lot Block Subdivision
Street Address of Well (or nearest address)

(10) STATIC WATER LEVEL:

20 ft. below land surface. Date 1/20/84
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
<u>34'</u>	<u>35'</u>	<u>50 gpm</u>	
<u>360'</u>	<u>390'</u>	<u>1000 gpm</u>	

(12) WELL LOG:

Material	From	To	SWL
<u>CLAY</u>	<u>0</u>	<u>34'</u>	
<u>water</u>	<u>34'</u>	<u>35'</u>	
<u>hard clay</u>	<u>35'</u>	<u>80'</u>	
<u>black sand</u>	<u>80'</u>	<u>110'</u>	
<u>green clay</u>	<u>110'</u>	<u>200'</u>	
<u>gray clay</u>	<u>200'</u>	<u>250'</u>	
<u>brown clay</u>	<u>250'</u>	<u>300'</u>	
<u>dark brown clay</u>	<u>300'</u>	<u>360'</u>	
<u>pumice w/b</u>	<u>360'</u>	<u>370'</u>	
<u>broken lava rock w/b</u>	<u>370'</u>	<u>390'</u>	

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON

Date started 12/2/83 Completed 1/20/84

(unbonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number
Date 1/20/84

(bonded) Water Well Constructor Certification:

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

Signed _____ WWC Number
Date _____

TO WATER WELL CONTRACTOR

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

ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON JUL 3 1975 State Well No. 27s-19E-5

(Please type or print)

WATER RESOURCES DEPT.

State Permit No.

SALEM, OREGON

OWNER:

Harlan F. Oster
821 W 7th St Albany Ore.

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

12" Diam. from 0 ft. to 36 ft. Gage 25
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: gal./min. with ft. drawdown after hrs.
" " " "

Ball test gal./min. with ft. drawdown after hrs.

Artesian flow NO g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 16 in.

Diameter of well bore below seal 14 in.

Number of sacks of cement used in well seal 6 sacks

Number of sacks of bentonite used in well seal 4 sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.Did any strata contain unusable water? ☐ Yes ☐ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☐ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Lake Driller's well number
1/4 1/4 Section 5 T. 27S R. 19 E. W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 34' ft.
Static level 29 ft. below land surface. Date
Artesian pressure None lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 14"

Depth drilled 200 ft. Depth of completed well 200 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
yellow clay	0	25'	
Gray clay	25'	30'	
water clay + Black sand	30'	35'	
Black clay sand	35'	54'	
strata yellow clay Black sand	54'	56'	
Coarse white sand	75'		
Rock to Black clay sand	75'	83'	
Coarse Black sand + Gravel	83'	200'	

Work started 5/12 1975 Completed 5/20 1975

Date well drilling machine moved off of well 5/21 1975

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Date, 19.

(Drilling Machine Operator)

Drilling Machine Operator's License No.

Water Well Contractor's Certification:

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

Name Harlan F. Oster
(Person, firm or corporation) (Type or print)

Address 821 W 7th Albany Oregon

[Signed] Harlan F. Oster

(Water Well Contractor)

Contractor's License No. Date, 19.

(USE ADDITIONAL SHEETS IF NECESSARY)

RECEIVED

BP 4568-119

14245 -

MAY 18 2023

OWRD
SALEM, OREGON

WATER WELL REPORT
STATE OF OREGON

DEC 14 1981

RECEIVED

WATER RESOURCES DEPT
SALEM, OREGON

State Well No.

275/19E-7b

OCT 27 1981

SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

State Permit No.

G-9612

BND # 4359694

(1) OWNER:

Name Linn Oster
Address PO Box 201
City Christmas Valley State ORE
97638

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐ Domestic ☐ Industrial ☐ Municipal ☐
Rotary Mud ☐ Dug ☐ Irrigation ☒ Test Well ☐ Other ☐
☒ Bored ☐ Thermal: Withdrawal ☐ Reinjection ☐

(4) PROPOSED USE (check):

(5) CASING INSTALLED: Steel ☐ Plastic ☐

Threaded ☐ Welded ☒
12" Diam. from 0' ft. to 100' ft. Gauge 0.25
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

" Diam. from ft. to none ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?
Well: 3000 gal./min. with ft. drawdown after hrs.
Air test 3000 gal./min. with drill stem at 180 ft. 2 hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 60° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☐

Well seal—Material used Cement
Well sealed from land surface to 105'
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal 30 32 sacks
How was cement grout placed? Mixed with water
Placed in well with tremie pipe
Was pump installed? Turbine Type 20 HP Depth 50 ft.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of Water? Sandy water Depth of strata 32'
Method of sealing strata off Cased strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel: ft.
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County LAKE Driller's well number
1/4 NW 1/4 Section 7 T. 27 R. 19 East W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 32' ft.
Static level 22 ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12"

Depth drilled 200' ft. Depth of completed well 200' ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
CLAY (BROWN)	0	20	
CLAY (GRAY)	20	27	
CLAY (BLUE) (water)	27	28	
Black sand	28	38	
CLAY (GREEN)	38	126	
Plumise	126	132	
Grinder } water	132	180	
Rock	180	200	

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON

Work started 6-10 1981 Completed 7-5 1981
Date well drilling machine moved off of well 7-6 1981

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) _____ Date _____, 19____
(Drilling Machine Operator)

Drilling Machine Operator's License No. _____

Water Well Contractor's Certification: LAND OWNER

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

Name L. LINN OSTER (Type or print)

Address PO Box 201 XMAS VALLEY (Type or print)

(Signed) Linn Oster (Water Well Contractor)

Contractor's License No. _____ Date 10/25, 1981

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the:

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP12658-690

14245 -

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of DESCHUTES

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

mailing address PO BOX 1830 BEND, OR 97709

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

RECEIVED
MAY 18 2023
OWRD
SALEM, OREGON

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 52879; 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)

AND

☒ Confirming Certificate # 96715 has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: _____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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

March 23, 2023
Date

Signed and sworn to (or affirmed) before me this 23 day of March, 2023.



[Signature]
Notary Public for Oregon
My Commission Expires: July 12, 2025

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

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

HARLAN F OSTER
ELOISE OSTER
PO BOX 201
CHRISTMAS VALLEY OR 97638

confirms the right to the use of water perfected under the terms of Permit G-6693. 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 well. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL, TRIBUTARY OF FORT ROCK BASIN

PURPOSE OR USE: IRRIGATION OF 39.7 ACRES

MAXIMUM RATE: 0.496 CUBIC FOOT PER SECOND

DATE OF PRIORITY: SEPTEMBER 25, 1975

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	19 E	WM	31	SE SE	650 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 31

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	19 E	WM	31	SE SE	39.7

The quantity of water appropriated at the new well shall not exceed the quantity of water available at the old well under the subject right as described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	5	SW SE	OSTER WELL - 1320 FEET NORTH AND 2600 FEET WEST FROM SE CORNER, SECTION 5

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install measuring devices:

That the pump system shall include an in line flow meter or other suitable device for measuring the water to which the water use is entitled;

That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION and PLACE OF USE approved by an order of the Water Resources Director entered November 28, 1984, at Special Order Volume 38, Page 537, approving Transfer Application T-5531, supercedes Certificate 50506, State record of Water Right Certificates.

Issued OCT 21 2022.



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woockcock, Acting Director
Oregon Water Resources Department

RECEIVED
MAY 18 2023
OWRD
SALEM, OREGON

INVOICE

DATE: May 14, 2022
INVOICE # 100JF
FOR: Custom Farming

Lin Oster
Oster Farms
PO Box 727
Christmas Valley, OR 97641
54-1576-2144

C-52879
Evidence of Use for Corners

DESCRIPTION	HOURS	RATE	AMOUNT
Planted Rye in corners of 40-acre pivot (rate 80 lbs/acre - customer supplies seed)	6.00	\$185.00	\$ 1,110.00
Payment made May 14			\$ - \$ - (1,110.00) \$ - \$ - \$ - \$ - \$ - \$ -
SUBTOTAL			\$ -
TAX RATE			
SALES TAX			\$ -
OTHER			
TOTAL			\$ -

Total due in 15 days. Overdue accounts subject to a service charge of 1% per month.

THANK YOU FOR YOUR BUSINESS!

RECEIVED
MAY 18 2023
OWRD
SALEM, OREGON

14245 -

01

06

T27S R18E

T27S R19E

12

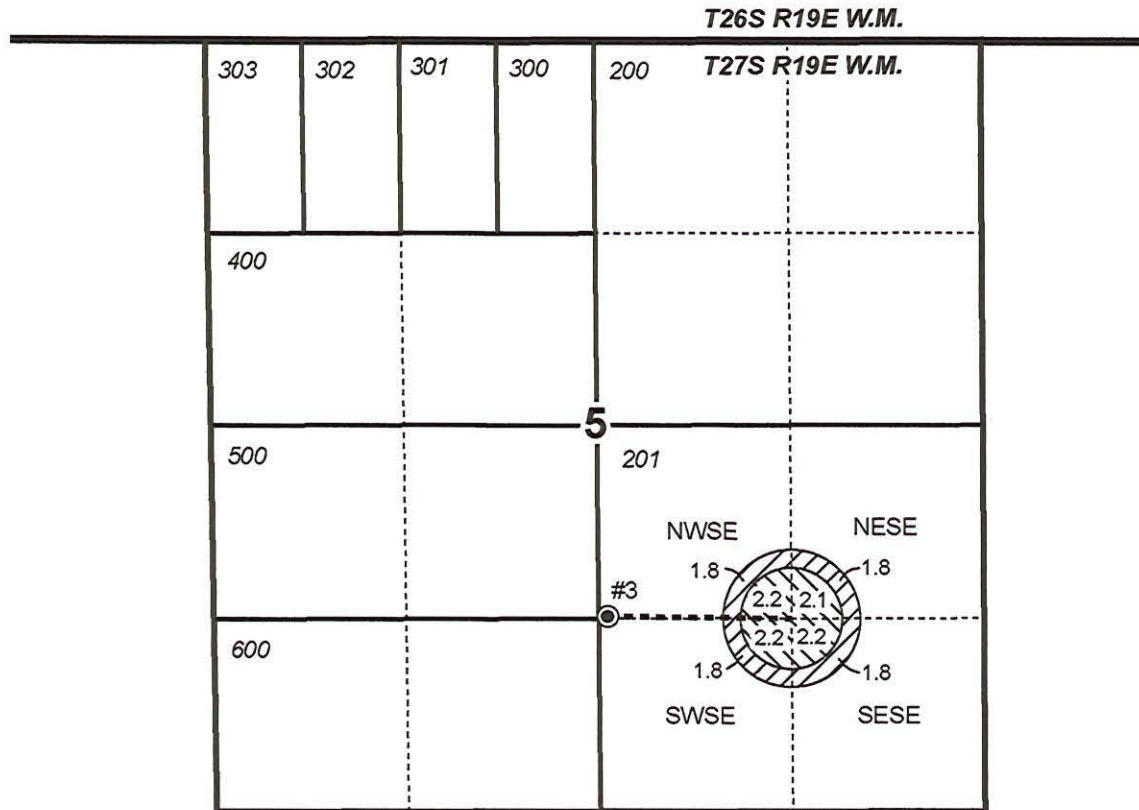
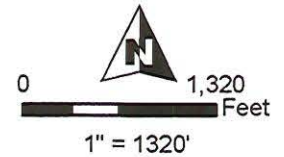
07

Received by OWRD

MAY 18 2023

Salem, OR

T27S R19E, WM, LAKE COUNTY, OR



- Well
- Pipeline
- POU IR C-96715 "ON" 9/25/1975 Priority
- POU IR C-52879 "ON" 7/10/1981 Priority
- Township
- Section
- Quarter Quarter
- Tax Lot
- Tax Lot

Well Location:

#3 (LAKE 1156): 1320' N, 2600' W of SE Cor Sec 5

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON



RENEWAL DATE 12/31/2024

PERMANENT TRANSFER "ON" MAP
OSTER

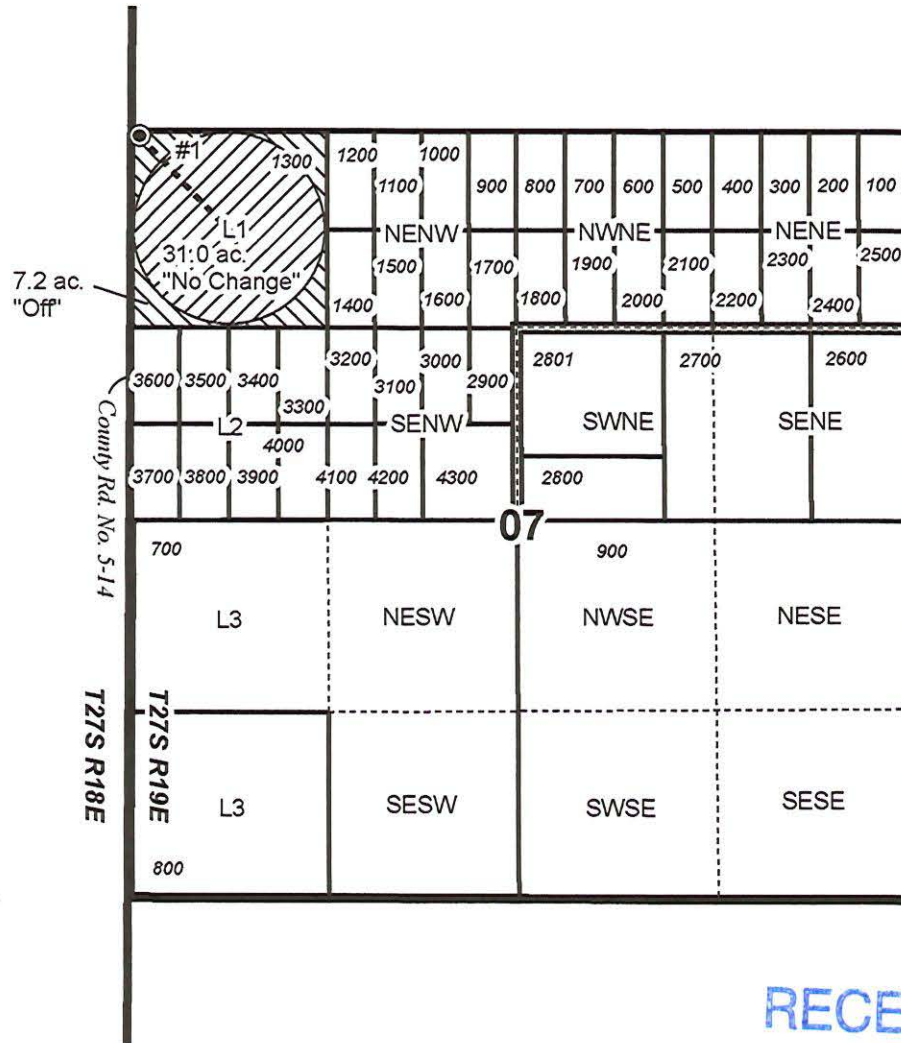
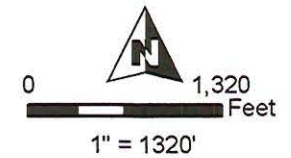
14245 -

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

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

Date: 3/22/2023 C-52879 & C-96715

T27S R19E, WM, LAKE COUNTY, OR



- Well
- Pipeline
- POU IR C-52879 "OFF"
- POU IR C-52879 "NO CHANGE"
- Township
- Section
- Quarter Quarter
- Tax Lot

Well Location:

#1 (LAKE 1164): 30' S, 50' E of NW Cor Sec 7

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON



RENEWAL DATE 12/31/2024

14245 -

**PERMANENT TRANSFER "OFF" MAP
OSTER**

Date: 3/22/2023

C-52879 7/10/1981 Priority

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

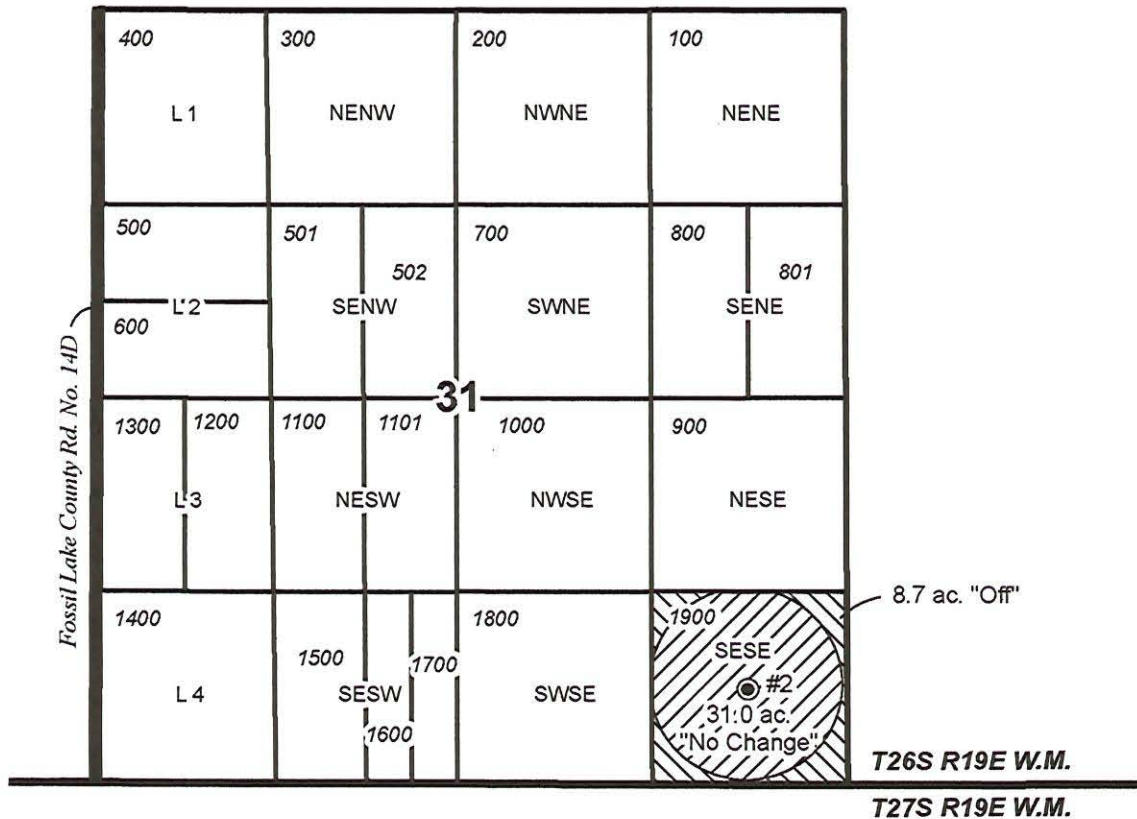
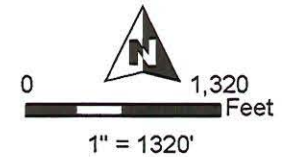
WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US 541-389-2837
johnshort@usa.com CCB # 197121

RECEIVED

MAY 18 2023

OWRD
SALEM, OREGON

T26S R19E, WM,
LAKE COUNTY, OR



Well

POU IR C-96715 "OFF"

POU IR C-96715 "NO CHANGE"

Township

Section

Tax Lot

Well Location:

#2 (No Log No. Assigned): 650' N, 680' W of SE Cor Sec 31



RENEWAL DATE 12/31/2024

**PERMANENT TRANSFER "OFF" MAP
OSTER**

Date: 3/22/2023

C-96715 9/25/1975 Priority

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

14245 -

Permanent Transfer Application Intake Checklist

Transfer # T- 14245

Reviewer Kim French Date 5/22/23	Type of Change(s) Proposed: ☒ POU ☐ POD ☐ APOD ☒ POA ☐ APOA ☐ USE ☐ Substitution ☐ Gov't Action ☐ Sup to Primary ☐ SW to GW
Calculated Fee \$3950 Use fee calculator on back of this form	Fee Received \$3950
Certificate(s): 52879 & 96715	Check <u>all</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	☒ YES ☐ NO ☐ N/A
Notes:	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	☒ YES ☐ NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?	
2.	☒ YES ☐ NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?	
3.	☒ YES ☐ NO ☐ N/A	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?	

Map Requirements: OAR 690-380-3100			
4.	☒ YES ☐ NO	Has the map been completed and signed by a CWRE?	
5.	☐ YES ☐ NO ☒ N/A	Map Waiver? The map waiver must be issued by the Department	
Notes:			

Attachments: OAR 690-380-3000			
6.	☒ YES ☐ NO	Evidence of Use included, signed, & notarized w/supporting documentation?	
7.	☒ YES ☐ NO ☐ N/A	Land Use Form included and signed by the County?	
8.	☐ YES ☐ NO ☒ N/A	Consent Form included, signed, and notarized?	
9.	☐ YES ☐ NO ☒ N/A	District: Place of use is in <u>or</u> near an irrigation district?	
	☐ YES ☐ NO	If Yes, is Form D included? Name of the District	
10.	☒ YES ☐ NO ☐ N/A	For changes in POA/APOA – are the well logs included?	
11.	☐ YES ☐ NO ☒ N/A	For change in POU within Umatilla County, Supplemental Form U included?	

☒	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
☐	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

Permanent Transfer Application Intake Checklist

[illegible]