

T-10310

T-10310

RA

Name Duane + Ann Cummins

By _____

Address 35835 Santiam Hwy SE 661 East D
Albany OR 97322 Culver, OR 97734
541-791-3219 (541) 546-9206Change in POA POU _____Date filed 2-8-07

Date of hearing _____

Place of hearing _____

Date of order 7-7-07 Vol. 72, page 572

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued 9-23-2016 Vol. _____, page _____83439
83440

DESCRIPTION OF WATER RIGHT

Name of stream Well 1+2Trib. of Fort Rock basin County of LakeUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 12/14/1976 3/25/1980In name of OR Heavilin Maurice/Hazel Ward

Adjudication, Vol. _____, page _____

App. No. G 7605 G 9632 Per. No. G 7054 G 8983 Cert. No. 52619 52620

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-8-07</u>	<u>700.00</u>	<u>86148</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent/CWRE: Anderson Engineering & Surveying, Inc. PO Box 28 Lakeview OR 97630 541-947-4407Lake County 513 Center Street Lakeview, OR 97630Public Notice: 2-13-2007Contractor: Bill Porfily

COBU MAP #0319

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUANE CUMMINS
ANN CUMMINS
661 EAST D
CULVER OR 97734

confirms the right to the use of water perfected under the terms of Permit G-7054. 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 IN THE FORT ROCK BASIN

PURPOSE OR USE: IRRIGATION OF 10.0 ACRES

MAXIMUM RATE: 0.125 CUBIC FOOT PER SECOND

DATE OF PRIORITY: DECEMBER 14, 1976

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	15 E	WM	32	SW SE	60.82 FEET NORTH AND 2697.92 FEET EAST FROM SW CORNER, SECTION 32

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.

The use 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
25 S	15 E	WM	32	SE SE	10.0

The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	15 E	WM	3	NE NW	1273 FEET SOUTH AND 2645 FEET WEST FROM NE CORNER, SECTION 3

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.

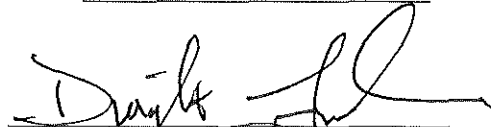
Water shall be acquired from the same aquifer (water source) as the original point of diversion.

The water user shall maintain and operate the measuring device as required by the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use 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 July 7, 2007, at Special Order Volume 72, Page 572, approving Transfer Application 10310, and together with Certificate 83439, supercedes Certificate 52619, State record of Water Right Certificates.

Issued SEP 23 2016

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

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

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUANE CUMMINS
ANN CUMMINS
661 EAST D
CULVER OR 97734

confirms the right to the use of water perfected under the terms of Permit G-8983. 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 IN THE FORT ROCK BASIN

PURPOSE OR USE: IRRIGATION OF 65.0 ACRES

MAXIMUM RATE: 0.81 CUBIC FOOT PER SECOND

DATE OF PRIORITY: MARCH 25, 1980

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	15 E	WM	32	SW SE	60.82 FEET NORTH AND 2697.92 FEET EAST FROM SW CORNER, SECTION 32

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.

The use 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
25 S	15 E	WM	32	NE SW	32.5
25 S	15 E	WM	32	NW SW	32.5

The water user shall maintain and operate the measuring device as required by the Department.

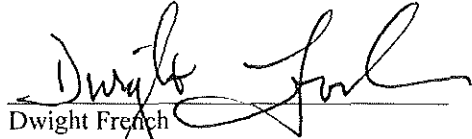
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered July 7, 2007, at Special Order Volume 72, Page 572, approving Transfer Application 10310, and together with Certificate 83440, supercedes Certificate 52620, State record of Water Right Certificates.

Issued SEP 23 2016.

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

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

Mailing List for Transfer Certificate

Application: T-10310

Certificate: 91725 (C52619)
91726 (C52620)

Certificate/Transfer Holder: (include copy of map)

✓ DUANE CUMMINS
ANN CUMMINS
661 EAST D
CULVER OR 97734

Copies Mailed

By: CH
(SUPPORT STAFF)

on: 9.23.16
(DATE)

Copies of final Certificate to be sent to:

- ✓ 1. Watermaster #12 (Include map)
- 2. Data Center
- ✓ 3. Water Availability
- 4. Vault
- 5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map)

- ✓ 1. DARRYL J ANDERSON, CWRE, ANDERSON ENGINEERING & SURVEYING INC
- ✓ 2. CURRENT LANDOWNER - TAXLOT - 25S15E 01601, 1700
DALE LIBOLT
CATHERINE LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638

Record Marking(s):

- 1. Original Application# G-7605
- 2. Old Certificate# 52619
- 3. Original Application# G-9632
- 4. Old Certificate# 52620

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
T-10310	

2. Property owner (current owner information)

a. Individuals

Name	Duane & Ann Cummins	
Mailing Address	661 E D Street	
City/State/Zip	Culver, Or. 97734	
Phone #	541-546-9206	
Fax #		
e-mail address		

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b. Businesses/Organizations

Name	N/A	JAN 23 2008
Contact Person and Title		WATER RESOURCES DEPT
Mailing Address		SALEM, OREGON
City/State/Zip		
Phone		
Fax		
e-mail		

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	N/A	
Mailing Address		
City/State/Zip		

d. Businesses/Organizations

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: **11/05/2007**

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Duane Cummins	11/05/07	Owner
Ann Cummins	11/05/07	Owner

6. County: **Lake**

7. Tax Lot Information:

Tax map number	Tax lot number
25 15	1700
25 15	1601

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

Water is pumped from a well, than piped to two pivots

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2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
Well	#L91575	

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
Groundwater	Fort Rock Basin

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SW 1/4 of the SE 1/4 S 32, T25S, R15E	60.82' North and 2697.92' East of the SW Corner of Section 32 T25S, R15E W.M.

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Alfalfa	Irrigation Season	0.935 cfs
Total Quantity of Water			<u>0.935 cfs</u>

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NW SW	32	25S	15E		32.5	
		NE SW	32	25S	15E		32.5	
		SE SE	32	25S	15E		10.0	
Total Acres Irrigated								<u>75.0</u>

Groundwater Source Information (Well and Sump)

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

3/4 Inch Access port on North side of well

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
6"	159'	159'	4/22/2007	4/22/2007	Duane & Ann Cummins	Tom Search

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

Well Id# 91575 Start Card# 188628
--

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
	t-81123		Turbine		10"

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2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
US Electric	R-6327-04-034 R 2141104 M	75HP	1765 RPM	460

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
Not Installed				

4. Measurement device description

Device description	Condition (working or not)	Notes
NA		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
NA			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
See Attached				

7. Provide pump calculations in the box below:

See Attached

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
10"	3255'	Aluminum	Buried

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
N/A			

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
See Attached						

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

11. Additional notes or comments related to the system:

The full system is capable of delivering more water than is specified on the transfer order.

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

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1. **Time Limits:**

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

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	07/07/2007	07/07/2007	
Complete construction	10/1/2008	07/07/2007	
Complete application of water	10/1/2008	07/07/2007	

2. **Initial Water Level Measurements:**

a. Was the water user required to submit an initial static water level measurement? YES NO NA

3. **Annual Static Water Level Measurements:**

a. Was the water user required to submit annual static water level measurements? YES NO NA

4. **Measurement, recording, and reporting conditions:**

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
YES NO

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

b. Has a meter been installed? YES NO

c. Provide the date the meter was installed:

December 28, 2007

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? N/A

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

Name	Title	Approximate date
N/A		

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

g. Have the reports been submitted? YES NO

If the reports have not been submitted, attach a copy of the reports if available.

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SALEM, OREGON**

5. Fish Screening and/or By-pass Devices

- a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? NA

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

6. Pump Test (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

- a. Did the permit require the submittal of a pump test? YES NO NA
- b. Has the pump test been previously submitted to the Department? YES NO
- c. Has the pump test been approved by the Department? N/A
- d. If no, is the pump test attached to this Claim? N/A

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order

The full system is capable of delivering more water than is specified on the transfer order.

Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
Map	
Well Log	
Pivot 1 Flows	
Pivot 2 Flows	
Worksheet for Pressure Pipe Pivot 1	
Worksheet for Pressure Pipe Pivot 2	
Theoretical Pump Capacity	
Photos	

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
Well	0.935 cfs	1.81 cfs	N/A	Irrigation	75.0	75.0

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Claim of Beneficial Use Map

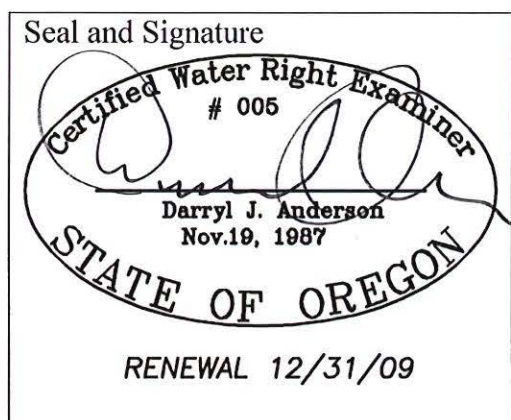
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

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

Survey performed with Real Time GPS – Corner tie is a pk nail with a brass washer set in the center of the county road located at the Southwest Corner of Section 32.

CWRE Statement, Seal and Signature

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



Permit or Transfer Holders Signature or Acknowledgement

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

Darave M. Cummings [Signature] 01-18-08
Signature Print or type name Date

[Signature] Ann M. Cummings 01-18-08
Signature Print or type name Date

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**WATER RESOURCES DEPT
SALEM, OREGON**

WTR

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

LAKE 51913

WELL I.D. # 91575
START CARD # 188628

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER
Name Diane & Ann Cummins Well Number _____
Address 35835 Hwy 20
City SE Albany State OR Zip 97322

(2) TYPE OF WORK ☒ New Well
☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment ☐ Conversion

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

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

(5) BORE HOLE CONSTRUCTION Special Construction: ☐ Yes ☒ No
Depth of Completed Well 240 ft.
Explosives used: ☐ Yes ☒ No Type _____ Amount _____

BORE HOLE			SEAL			Sacks or Pounds
Diameter	From	To	Material	From	To	
12"	0	159	Central Bent	0	139	10 Sack 82 Sack

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

☒ Other 38 Rock Plug
Backfill placed from 139 ft. to 25 ft. Material Bent
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER				Steel	Plastic	Welded	Threaded
Casing:	Diameter	From	To				
	6"	0	159	☒	☐	☒	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
Liner:				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐

Drive Shoe used ☐ Inside ☐ Outside ☐ None

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
25+		240	

Temperature of water 53° Depth of water _____

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: _____

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(9) LOCATION OF WELL (legal description)

County Lake
Tax Lot 1700 Lot _____
Township 23 N or S Range 15 E or W WM
Section 32 52 1/4 SE 1/4

Lat _____ " or _____ (degrees or decimal)
Long _____ " or _____ (degrees or decimal)

Street Address of Well (or nearest address) No Address
45519th

(10) STATIC WATER LEVEL

25' ft. below land surface. Date 4-22-07
25' ft. below land surface. Date 4-22-07
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES

Depth at which water was first found		Estimated Flow Rate	SWL
From	To		
40'	42'	10 gal	
203	240	25+	

(12) WELL LOG

Ground Elevation		From	To	SWL
Material				
70' Soil		0	2	
Black Sand clay soil		2	749	
Black Clay		144	170	
Gravel Luma Rock		170	190	
Gravel Clay Sandstone		190	205	
Gravel Plaster		205	240	

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SALEM, OREGON

Date Started 4-19-07 Completed 4-22-07

(unbonded) Water Well Constructor Certification

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

WWC Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

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

WWC Number 16541 Date 6-6-07

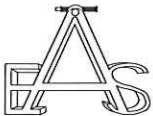
Signed _____

SUMMARY OF NOZZLE FLOWS

Pivot 1 Flows

Cummins Transfer T-10310 FINAL PROOF SURVEY

#	NOZZLE SIZE	DIAMETER	PSI	FLOW (FT^3/S)	TOTAL (FT^3/SEC)	FLOW (GPM)	TOTAL FLOW (GPM)
0	4	0.0310	29	0.000	0.000	0.12	0.00
0	5	0.0390	29	0.000	0.000	0.20	0.00
0	6	0.0470	29	0.001	0.000	0.28	0.00
0	7	0.0550	29	0.001	0.000	0.39	0.00
0	8	0.0620	29	0.001	0.000	0.49	0.00
0	9	0.0700	29	0.001	0.000	0.63	0.00
0	10	0.0780	29	0.002	0.000	0.78	0.00
0	11	0.0860	29	0.002	0.000	0.95	0.00
3	12	0.0940	29	0.003	0.008	1.14	3.41
0	13	0.1020	29	0.003	0.000	1.34	0.00
0	14	0.1090	29	0.003	0.000	1.53	0.00
0	15	0.1170	29	0.004	0.000	1.76	0.00
15	16	0.1250	29	0.004	0.067	2.01	30.13
0	17	0.1330	29	0.005	0.000	2.27	0.00
2	18	0.1410	29	0.006	0.011	2.56	5.11
2	19	0.1480	29	0.006	0.013	2.82	5.63
2	20	0.1560	29	0.007	0.014	3.13	6.26
4	21	0.1640	29	0.008	0.031	3.46	13.83
2	22	0.1720	29	0.008	0.017	3.80	7.61
2	23	0.1800	29	0.009	0.019	4.17	8.33
3	24	0.1875	29	0.010	0.030	4.52	13.56
4	25	0.19531	29	0.011	0.044	4.90	19.62
2	26	0.20313	29	0.012	0.024	5.30	10.61
3	27	0.21094	29	0.013	0.038	5.72	17.16
6	28	0.21875	29	0.014	0.082	6.15	36.91
3	29	0.22656	29	0.015	0.044	6.60	19.80
1	30	0.23438	29	0.016	0.016	7.06	7.06
4	31	0.24219	29	0.017	0.067	7.54	30.16
2	32	0.25000	29	0.018	0.036	8.03	16.07
0	33	0.25781	29	0.019	0.000	8.54	0.00
0	34	0.26563	29	0.020	0.000	9.07	0.00
0	35	0.27344	29	0.021	0.000	9.61	0.00
0	36	0.28125	29	0.023	0.000	10.17	0.00
0	37	0.28900	29	0.024	0.000	10.74	0.00
0	39	0.30469	29	0.027	0.000	11.93	0.00
0	50	0.39100	29	0.044	0.000	19.65	0.00
0	Spray I	0.15000	29	0.006	0.000	2.89	0.00
60	TOTAL FLOW NOZZLES				0.560		251.25
#	END GUN (IN)	DIAMETER	PSI	FLOW (FT^3/S)	FLOW (GAL/MIN)		TOTAL FLOW
0	0	1	44	0.353	0.000	158.35	0.000
0	0.1406	0.1406	44	0.007	0.000	3.13	0.000
0	0.5	0.5	44	0.088	0.000	39.59	0.000
0				FT^3/S			GAL/MIN
FLOW TOTAL					0.56		251.25



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SALEM, OREGON

SUMMARY OF NOZZLE FLOWS

Pivot 2 Flows

Cummins Transfer T-10310 FINAL PROOF SURVEY

#	NOZZLE SIZE	DIAMETER	PSI	FLOW (FT^3/S)	TOTAL (FT^3/SEC)	FLOW (GPM)	TOTAL FLOW (GPM)
0	4	0.0310	20	0.000	0.000	0.10	0.00
0	5	0.0390	20	0.000	0.000	0.16	0.00
0	6	0.0470	20	0.001	0.000	0.24	0.00
0	7	0.0550	20	0.001	0.000	0.32	0.00
0	8	0.0620	20	0.001	0.000	0.41	0.00
0	9	0.0700	20	0.001	0.000	0.52	0.00
0	10	0.0780	20	0.001	0.000	0.65	0.00
0	11	0.0860	20	0.002	0.000	0.79	0.00
0	12	0.0940	20	0.002	0.000	0.94	0.00
0	13	0.1020	20	0.002	0.000	1.11	0.00
3	14	0.1090	20	0.003	0.008	1.27	3.81
1	15	0.1170	20	0.003	0.003	1.46	1.46
2	16	0.1250	20	0.004	0.007	1.67	3.34
1	17	0.1330	20	0.004	0.004	1.89	1.89
0	18	0.1410	20	0.005	0.000	2.12	0.00
0	19	0.1480	20	0.005	0.000	2.34	0.00
1	20	0.1560	20	0.006	0.006	2.60	2.60
0	21	0.1640	20	0.006	0.000	2.87	0.00
1	22	0.1720	20	0.007	0.007	3.16	3.16
0	23	0.1800	20	0.008	0.000	3.46	0.00
2	24	0.1875	20	0.008	0.017	3.75	7.51
1	25	0.19531	20	0.009	0.009	4.07	4.07
1	26	0.20313	20	0.010	0.010	4.40	4.40
1	27	0.21094	20	0.011	0.011	4.75	4.75
1	28	0.21875	20	0.011	0.011	5.11	5.11
1	29	0.22656	20	0.012	0.012	5.48	5.48
1	30	0.23438	20	0.013	0.013	5.86	5.86
0	31	0.24219	20	0.014	0.000	6.26	0.00
4	32	0.25000	20	0.015	0.059	6.67	26.69
7	33	0.25781	20	0.016	0.111	7.10	49.67
7	34	0.26563	20	0.017	0.117	7.53	52.73
7	35	0.27344	20	0.018	0.125	7.98	55.88
5	36	0.28125	20	0.019	0.094	8.45	42.23
7	37	0.28900	20	0.020	0.139	8.92	62.42
11	39	0.30469	20	0.022	0.243	9.91	109.02
15	40	0.31250	20	0.023	0.348	10.43	156.39
15	42	0.32813	20	0.026	0.384	11.49	172.42
2	44	0.39100	20	0.036	0.073	16.32	32.64
0	Spray I	0.15000	20	0.005	0.000	2.40	0.00

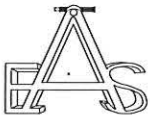
97	TOTAL FLOW NOZZLES				1.813		813.53
#	END GUN (IN)	DIAMETER	PSI	FLOW (FT^3/S)	FLOW (GAL/MIN)		TOTAL FLOW

0	0	1	44	0.353	0.000	158.35	0.000
0	0.1406	0.1406	44	0.007	0.000	3.13	0.000
0	0.5	0.5	44	0.088	0.000	39.59	0.000
0				FT^3/S			GAL/MIN

FLOW TOTAL

1.81

813.53



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Pivot 1

Worksheet for Pressure Pipe

Project Description

Worksheet	Pivot #1
Flow Element	Pressure Pipe
Method	Hazen-Williams
	Formula
Solve For	Pressure at 1

Input Data

Pressure at 2	50.00 psi
Elevation at 1	4,253. ft
	54
Elevation at 2	4,255. ft
	24
Length	1,376. ft
	65
C	130.0
Coefficient	
Diameter	8 in
Discharge	0.56 cfs

Results

Pressure at 1	51.58 psi
Headloss	1.95 ft
Energy Grade at 1	4,372. ft
	56
Energy Grade at 2	4,370. ft
	61
Hydraulic Grade at 1	4,372. ft
	52
Hydraulic Grade at 2	4,370. ft
	57
Flow Area	0.3 ft ²
Wetted Perimeter	2.09 ft
Velocity	1.60 ft/s
Velocity Head	0.04 ft
Friction Slope	0.001 ft/ft
	417

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Pivot 2

Worksheet for Pressure Pipe

Project Description

Worksheet	Pivot #2
Flow Element	Pressure Pipe
Method	Hazen-Williams Formula
Solve For	Pressure at 1

Input Data

Pressure at 2	50.00 psi
Elevation at 1	4,253. ft
Elevation at 2	54 01
Length	4,260. ft
C	130.0
Coefficient	
Diameter	8 in
Discharge	1.81 cfs

Results

Pressure at 1	63.29 psi
Headloss	24.18 ft
Energy Grade at 1	4,399. ft
Energy Grade at 2	94 76
Hydraulic Grade at 1	4,375. ft
Hydraulic Grade at 2	52 34
Flow Area	0.3 ft ²
Wetted Perimeter	2.09 ft
Velocity	5.19 ft/s
Velocity Head	0.42 ft
Friction Slope	0.012 ft/ft
	437

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Theoretical Pump Capacity (Pivots 1&2)

Cummins Transfer T-10310 FINAL PROOF SURVEY

Flow 2.37 CFS

Head 57.44 PSI see calculations on loss

LIFT 50 Feet

Efficiency 70% Turbine Pump

HP 70.1 OK 75 HP pump at well

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**WATER RESOURCES DEPT
SALEM, OREGON**

Duane & Ann Cummins
CLAIM OF BENEFICIAL USE
Inspection Photographs
Transfer T-10310

Job: 2007-172
Date: 11/05/2007



WELL



Main Line Tee



Anderson Engineering & Surveying, Inc.
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Inspection Photographs
Transfer T-10310

Job: 2007-172
Date: 11/05/2007



PIVOT #1 CENTER



PIVOT #1



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CLAIM OF BENEFICIAL USE
Inspection Photographs
Transfer T-10310

Job: 2007-172
Date: 11/05/2007



PIVOT #1 NOZZLE



PIVOT #1 FIELD



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SALEM, OREGON**

Duane & Ann Cummins
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Inspection Photographs
Transfer T-10310

Job: 2007-172
Date: 11/05/2007



PIVOT # 2 CENTER



PIVOT #2 END GUN



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Inspection Photographs
Transfer T-10310

Job: 2007-172
Date: 11/05/2007



PIVOT #2 NOZZLE



PIVOT #2 FIELD



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SALEM, OREGON**



(541) 576-3588

Cell (541) 410-8809

TO

Diane Cummings

#4907

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TERMS:

PHONE	DATE OF ORDER
ORDER TAKEN BY	CUSTOMER'S ORDER NUMBER
☐ DAY WORK ☐ CONTRACT ☐ EXTRA	
JOB NAME/NUMBER <i>Morrison corner Pivot</i>	
JOB LOCATION	
JOB PHONE	STARTING DATE <i>12-28-07</i>

WATER RESOURCES DEPT

[illegible]

Work ordered by _____

Signature _____

I hereby acknowledge the satisfactory completion of the above described work.

Thank You

TAX

TOTAL

120	00
-----	----

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994501

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SALEM, OREGON**



CWRE Claims of Beneficial Use Intake Form

CWRE: DARRYL J ANDERSON

"A" DATE: N/A

"B" DATE: N/A

"C" DATE: 10/1/2008

Application # N/A

Permit # N/A

Transfer # 10310

Date 1/29/2008

Reviewer J W GAINES

Map Review:

YES Map on mylar/polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))

YES Application & permit #; or transfer # (OAR 690-014-0100(1))

YES Disclaimer (OAR 690-014-0170(5))

YES North arrow (OAR 690-310-0050(2)(c))

YES CWRE stamp and signature (OAR 690-014 & 310-0050)

YES Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)

YES Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

COMMENT: Tax lots not reflected but stated in report.

N/A Source illustrated if surface water (OAR 690-014-0170(3))

YES Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)

YES Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)

N/A Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)

COMMENT: MUNICIPAL USE-

YES Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))

YES Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

YES On form or format provided by the Department (OAR 690-014-0100(1))

YES Application & permit #; or transfer # (OAR 690-014)

YES Ownership information (OAR 690-014)

YES Date of survey (OAR 690-014)

YES Person interviewed (OAR 690-014)

YES County (OAR 690-014)

YES Tax lot information (OAR 690-014)

YES Description of conveyances system (from POD to POU) (OAR 690-014-0100)

YES Source(s) of water (OAR 690-014-0100)

YES Point of diversion/appropriation location (OAR 690-014-0100)

YES Use, period of use, and rate for use (OAR 690-014-0100)

YES Place of use location (OAR 690-014-0100)

YES Type of use (OAR 690-014-0100)

YES Extent of use (OAR 690-014-0100)

YES Rate and Duty (OAR 690-014-0100)

YES Diversion rate for each use (OAR 690-014-0100)

YES Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)

YES System capacity (OAR 690-014-0100)

YES Calculated capacity of system (required)

N/A Measured amount of use (optional)

YES Permit/Transfer Final Order Conditions (OAR 690-014-0100)

YES Time limits

N/A Initial water level measurements

N/A Annual static water level measurements

Measurement, recording, and reporting

YES Meter/measuring device

N/A Water use reporting

N/A Fish screening and/or by-pass

N/A Pump test (ground water)

N/A Other conditions

YES CWRE stamp and signature (OAR 690-014-0100)

YES Signature(s) of permittee or transfer holder (OAR 690-014-0100)

DEF = deficient / N/A = Not Applicable / REQ = Required

CLA=Needs further clarification, see COMMENT under the appropriate item

NOTE: This checklist is not to be assumed that all the elements of the permit or order have been satisfied.

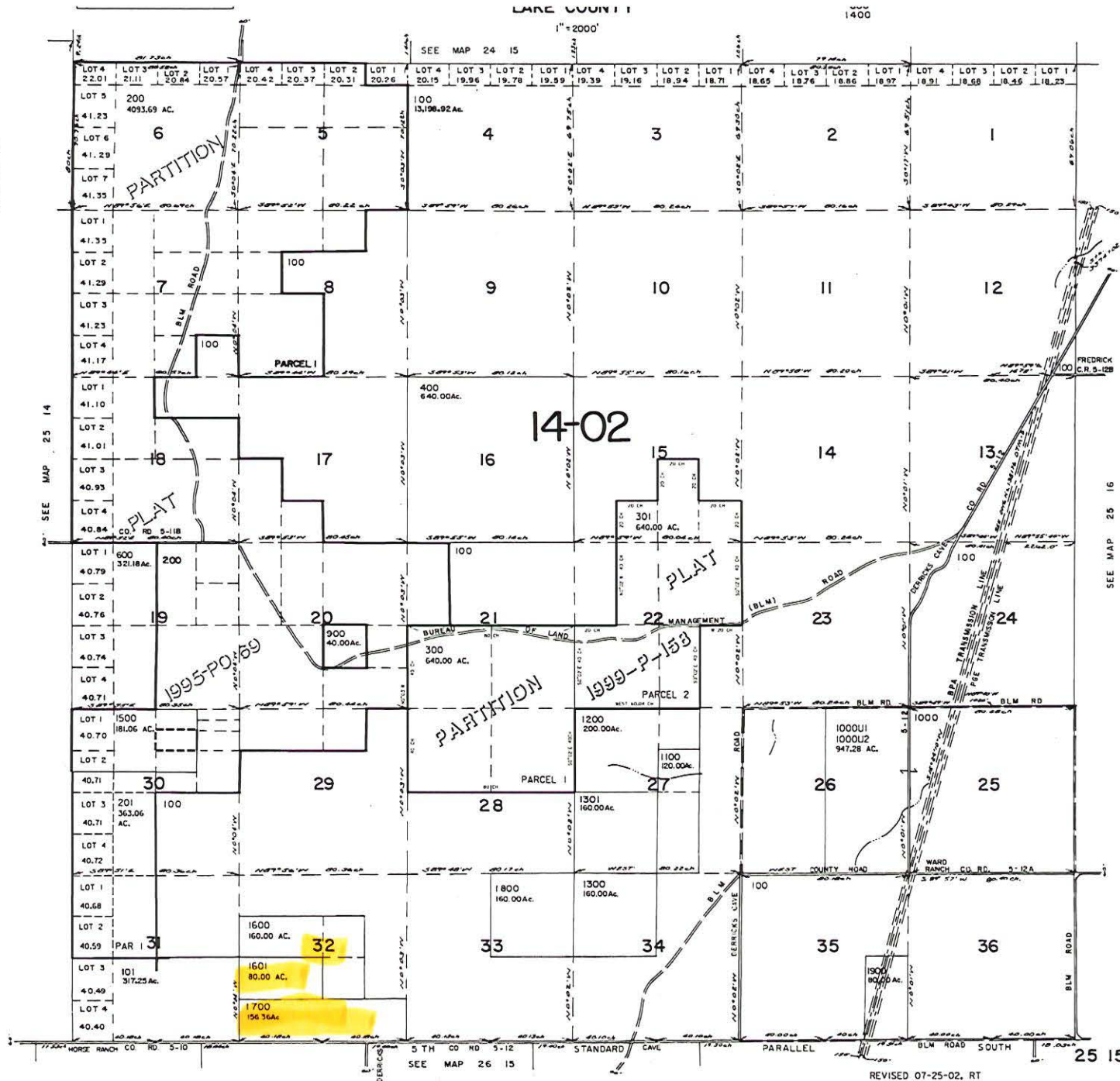
LAKE COUNTY

1" = 2000'

1400

SEE MAP 24 15

SCALE IN FEET
0 2000 4000



SEE MAP 26 15

REVISED 07-25-02, RT



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 10, 2007

DUANE CUMMINS
ANN CUMMINS
661 EAST D
CULVER, OR 97734

Reference: Transfer 10310

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

A time to complete the transfer is given the order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in 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 within the time allowed.

You have the requirement to hire a Certified Water Right 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 completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

 Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #12
Daryl Anderson, CWRE (Anderson Engineering & Surveying Inc. PO Box 28, Lakeview, OR 97630)

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10310, Lake County	)	CHANGE IN POINT OF
	)	APPROPRIATION, AND PLACE OF
	)	USE

Authority

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant:

DUANE & ANN CUMMINS
660 EAST D
CULVER, OR 97734

Findings of Fact

Background

1. On February 8, 2007, Duane & Ann Cummins filed a transfer application to change the place of use and point of appropriation for portions of Certificates 52619 and 52620. The Department assigned the application number T-10310.
2. On March 13, 2007, Anderson Engineering & Surveying, Inc., the applicants' agent, revised the transfer application so as to change the place of use and point of appropriation for a portion of Certificate 52619, and to change only the place of use for a portion of Certificate 52620. A Land Use Information Form showing approval by the county commission was submitted.
3. The portion of the first right to be transferred is as follows:

Certificate: 52619 in the name of O.R. HEAVILIN (perfected under Permit G-7054)

Use: IRRIGATION of 10.0 ACRES

Priority Date: DECEMBER 14, 1976

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

Rate: 0.125 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: WELL 2 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
27 S	15 E	WM	3	NE NW	1273 FEET SOUTH AND 2645 FEET WEST FROM THE NE CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	15 E	WM	3	NW NW	10.0

4. Application T-10310 proposes to move the authorized point of appropriation approximately 7 miles north the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	32	SW SE	60 FEET NORTH AND 2690 FEET WEST FROM THE SE CORNER OF SECTION 32

5. Application T-10310 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	SE SE	10.00

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

Certificate: 52620 in the name of MAURICE L And HAZEL WARD (perfected under Permit G-8983)

Use: IRRIGATION of 65.0 ACRES

Priority Date: MARCH 25, 1980

Rate: 0.81 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	32	SW SE	60 FEET NORTH AND 2690 FEET WEST FROM THE SE CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	SW SW	7.5
25 S	15 E	WM	32	SE SW	7.5
25 S	15 E	WM	32	SW SE	20.0
25 S	15 E	WM	32	SE SE	30.0

7. Application T-10310 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	NE SW	32.5
25 S	15 E	WM	32	NW SW	32.5

8. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On April 11, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10310 to the applicants. The draft Preliminary Determination set forth a deadline of May 30, 2007, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
10. On May 8, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10310 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 15, 2007, and in the Lake County Examiner newspaper on May 23, May 30 and June 6, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's notice or the newspaper notice.

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. The information submitted with the transfer application was deficient in description of the delivery system. However, on April 23, 2007 the applicant submitted additional information sufficient to establish that water delivery systems able to use the full amount of water allowed under the existing rights are present [OAR 690-15-060(10)].
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

The changes in place of use and change in point of appropriation proposed in application T-10310 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 changes in place of use proposed in application T-10310 are approved.
2. Water right certificates 52619 and 52620 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.
3. 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 52619 and 52620 and any related decree.
4. Water for the right evidenced by Certificate 52619 shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation for the right evidenced by Certificate 52619 shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. The former place of use of the transferred rights shall no longer receive water under the rights.
7. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 7 day of July 2007.


Phillip C. Ward, Director

Pm

Mailing date: JUL 11 2007

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

O. R. HEAVILIN
STAR ROUTE
SILVER LAKE, OREGON 97638

confirms the right to use the waters of WELLS 1 AND 2 in the FORT ROCK BASIN for IRRIGATION of 226.4 acres.

This right was perfected under Permit G-7054. The date of priority is December 14, 1976. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 2.835 CUBIC FEET PER SECOND, being 1.07 cfs from Well 1 and 1.765 cfs from Well 2, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Well 1-NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T27S, R15S, WM; 1120 feet South and 760 feet West from the E $\frac{1}{4}$ Corner of Section 3; and

Well 2-NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T27S, R15S, WM; 1273 feet South and 2645 feet West from the NE Corner of Section 3.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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.

The use 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:

<u>Well 1</u>	<u>Well 2</u>
7.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
38.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
18.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
21.4 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
	15.1 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

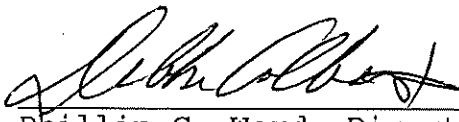
SECTION 3
TOWNSHIP 27 SOUTH, RANGE 15 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 52619, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered July 7, 2007, approving Transfer Application T-10310.

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 July 7, 2007.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 83439.

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MAURICE L. AND HAZEL I. WARD
FORT ROCK, OREGON 97735

confirms the right to use the waters of a WELL in the FORT ROCK BASIN for IRRIGATION of 95 acres.

This right was perfected under Permit G-8983. The date of priority is MARCH 25, 1980. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1.19 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T25S, R15E, WM; 60 feet North and 2690 feet West from the SE Corner of Section 32.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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.

The use 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:

32.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
32.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
20.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

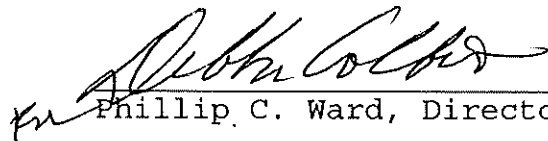
SECTION 32
TOWNSHIP 25 SOUTH, RANGE 15 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 52620, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered July 7, 2007, approving Transfer Application T-10310.

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 July 7, 2007.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 83440.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 12, 2007

DUANE CUMMINS
ANN CUMMINS
35835 SANTIAM HWY SE
ALBANY OR 97322

Reference: Transfer 10310

On February 8, 2007 we received your water right transfer application requesting place of use and point of appropriation change for use of water from WELLS, tributary to FORT ROCK BASIN. The application was accompanied by \$700. Our receipt 86148 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. 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 transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #12 (review being sent to District #11)
Darryl Anderson, Agent
Groundwater

enclosure

STATE ENGINEER
Salem, Oregon

Well Record

STATE WELL NO. 27/15-3B(1).
COUNTY Lake
APPLICATION NO. U-784

OWNER: Clayton Mann

MAILING

ADDRESS:

LOCATION OF WELL: Owner's No. 2

CITY AND

STATE: Fort Rock, Oregon

NW 1/4 NE 1/4 Sec. 3 T. 27 N. S. R. 15 E. W.M.

Bearing and distance from section or subdivision

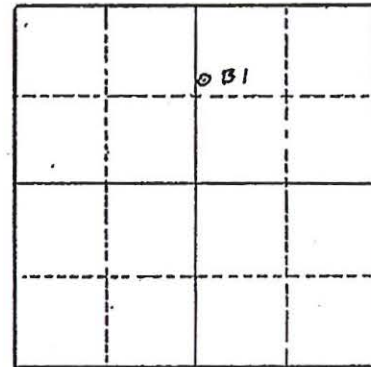
corner

Altitude at well

TYPE OF WELL: drilled Date Constructed Apr. 1955

Depth drilled 75 Depth cased

CASING RECORD: 18 inch



Section 3

FINISH:

AQUIFERS:

WATER LEVEL: 23 ft. below land surface

PUMPING EQUIPMENT: Type turbine H.P.
Capacity 1200 G.P.M.

WELL TESTS:

Drawdown 11 ft. after hours pumping 1200 G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS: Permit U-710

RECEIVED
FEB 05 2007
WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATE

52620

WELL IDENTIFICATION FORM

Owner's Well Number: _____

CURRENT WELL OWNER:

Phone 541-576-2508

Name: Anthony R. Lasich

Mailing Address: Cogswell Rd.

City: Fort Rock State: OR Zip: 97735

WELL LOCATION:

County: Lake Latitude: _____ Longitude: _____

Township: 25 ~~N~~ S, Range: 15 E ~~of~~ Section: 32 S 1/2 ~~S 1/2~~

Tax Lot Number: 1700

Street Address of Well (if different from above): _____

If a well report is available for this well, please attach a copy of it to this form and return. It is not necessary for you to complete the remainder of the form if the well report is attached. If a well report is not available, please complete the remainder of the form to the best of your ability.

WELL INFORMATION:

Lake 50496

RECEIVED

MAY - 6 1996

Start Card Number: _____ Approx. Construction Date: _____ WATER RESOURCES DEPT.
SALEM, OREGON

Well Constructor: _____

Name of Owner at Time of Construction: _____

Well Depth (in feet): _____ Static Water Level (in feet): _____

Diameter of Exposed Well Casing (in inches): _____

Does this well have a formal water right associated with it? Yes: _____ No: _____ If yes:

Application #: _____ Permit #: _____ Certificate #: _____

Please Return Completed Form to:

Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

RECEIVED

FEB 05 2007

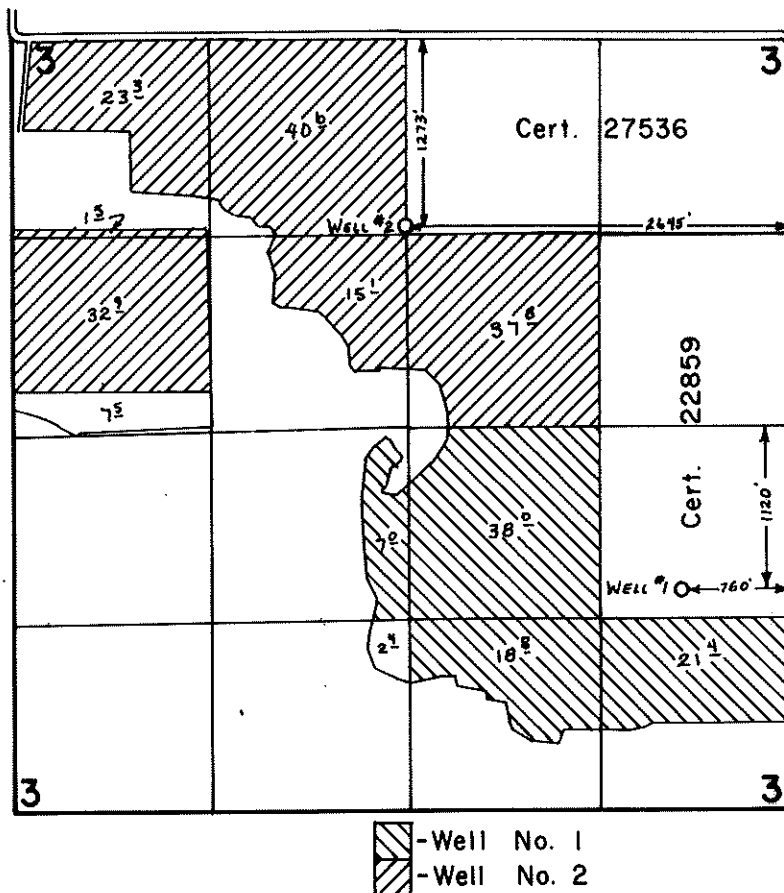
WATER RESOURCES DEPT.
SALEM, OREGON

(Office use only)

Well Identification Number: 204957

Investigation

T.27S.,R.15E.,W.M.



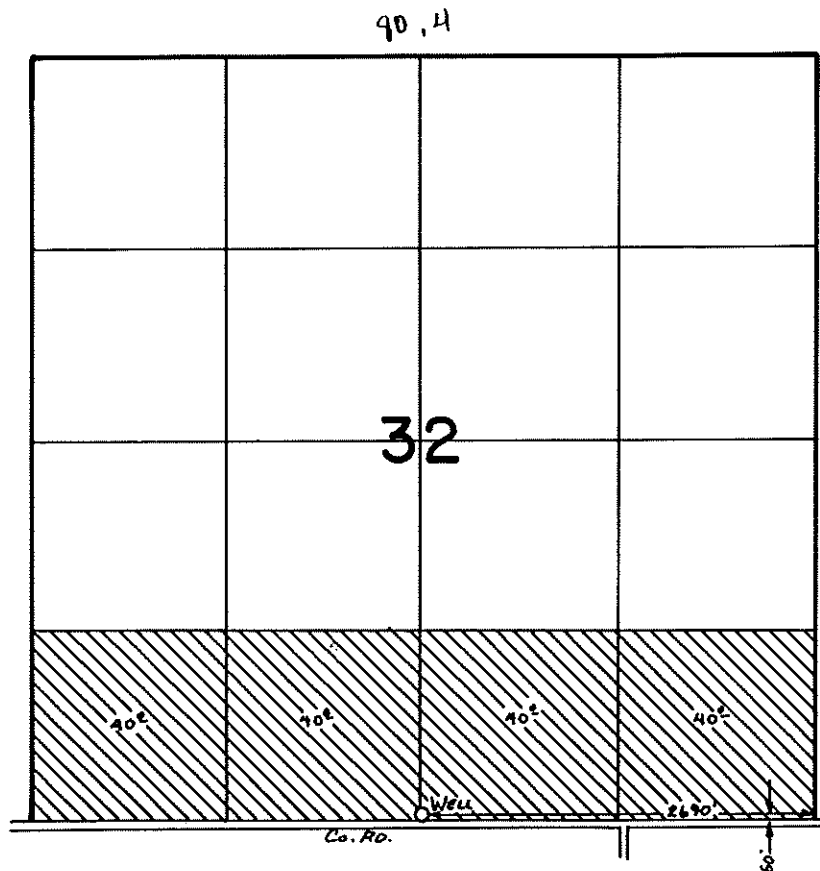
FINAL PROOF SURVEY
UNDER

Application No. G-7605. Permit No. G-7054.....
IN NAME OF

O. R. HEAVILIN.....

Surveyed July 26, 1983, by J. M. TOLL.....

T.25S.,R.15E.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. G-9632. Permit No. G-8983.....
IN NAME OF

MAURICE L. & HAZEL I. WARD

Surveyed Oct. 21, 1983, by L. M. TOLL.....

STATE OF OREGON

COUNTY OF

LAKE

CERTIFICATE OF WATER RIGHT

This is to certify, That O. R. HEAVILIN

of Star Route, Silver Lake, State of Oregon 97638, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of wells 1 and 2

a tributary of Fort Rock Basin for the purpose of irrigation of 236.4 acres

under Permit No. G-7054 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from

December 14, 1976

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

2.96 cubic feet per second, being 1.07 cfs from well 1 and 1.89 cfs from well 2

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the

NE 1/4 SE 1/4, NE 1/4 NW 1/4, Section 3, T27S, R15E, WM; Well 1 - 1120 feet South and 760 feet West from E 1/4 Corner, Section 3, Well 2 - 1273 feet South and 2645 feet West from NE Corner, Section 3.

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 under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Well 1		Well 2	
7.0 acres	NE 1/4 SW 1/4	37.8 acres	SW 1/4 NE 1/4
38.0 acres	NW 1/4 SE 1/4	40.6 acres	NE 1/4 NW 1/4
18.8 acres	SW 1/4 SE 1/4	24.8 acres	NW 1/4 NW 1/4
21.4 acres	SE 1/4 SE 1/4	32.9 acres	SW 1/4 NW 1/4
		15.1 acres	SE 1/4 NW 1/4

Section 3

Township 27 South, Range 15 East, WM

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

WITNESS the signature of the Water Resources Director, affixed

this date. December 17, 1984

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52619

STATE OF OREGON

COUNTY OF

LAKE

CERTIFICATE OF WATER RIGHT

This is to certify, That MAURICE L. AND HAZEL I. WARD

of Fort Rock, State of Oregon 97735, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Fort Rock Basin for the purpose of irrigation of 160.0 acres

under Permit No. G-8983 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from

March 25, 1980

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.00 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SW 1/4 SE 1/4, Section 32, T25S, R15E, WM; 60 feet North and 2690 feet West from SE Corner, Section 32.

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 under the right hereby confirmed, and to which such right is appurtenant, is as follows:

40.0 acres SW 1/4 SW 1/4
 40.0 acres SE 1/4 SW 1/4
 40.0 acres SW 1/4 SE 1/4
 40.0 acres SE 1/4 SE 1/4
 Section 32
 Township 25 South, Range 15 East, WM

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

WITNESS the signature of the Water Resources Director, affixed

this date. December 17, 1984

/s/ William H. Young
 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52620

4197C

T-8468

T-7537

T 10310

Water Right Transfer Completion Checklist

T-10310

Transfer Specialist: RA/dip

Water Rights Affected

App File No.	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
G-7605	G-7054	52619	☒ Yes ☐ No	<u>83439</u>
G-9632	G-8983	52620	☒ Yes ☐ No	<u>83440</u>
			☐ Yes ☐ No	

Copies Needed

Watermaster District: 12

CWRE No.: 005

Irrig Dist Name/Address: _____

Commentors Name/Address: _____

Preliminary Determination

- | | |
|---|---|
| ☒ Electronic Files uploaded | ☐ File Folder updated |
| ☒ Preliminary Determination | |
| ☒ PD Cover letter | ☐ Fee Refund Due |
| ☒ Public Notice | ☒ Newspaper Notice required |
| ☒ Remaining Rights | |

Comments/Special Issues: Water rights from one property are being reconfigured for pivot irrigation and 10 acres from another property moved in to complete the circle.

This application has been expedited through Reimbursement Authority.

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____ Date: _____	Reviewer: <u>PKS</u> Date: <u>5/2/07</u>	Reviewer: <u>ALP</u> Date: <u>7/6/07</u>
Coordinator: _____ Date: _____	Coordinator: <u>ALP</u> Date: <u>5/8/07</u>	Coordinator: <u>ALP</u> Date: <u>7/6/07</u>

Comments/Special Issues:

ΔPOD ΔPOU ok
Remning rights need editing (see notes) - done

Special Order Volume: 72, Pages 572

Final Order Signature Date: 7-7-07

☐ WRIS clone correction needed

Dorothy

Affidavit of Publication

STATE OF OREGON,
County of Lake,

} ss.

I, Matilda W. Flynn, being first duly sworn, depose and say that I am the General Manager
Publisher, Editor or Business Manager
of the Lake County Examiner, a newspaper of general circulation printed and published at Lakeview in the aforesaid county and state, as defined by Chapter 193ORS, that

Water Right Transfer T-10310

_____, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for Three successive and consecutive weeks in the following issues:

May 23, 30, June 6, 2007

Matilda W. Flynn

Subscribed and sworn to before me this

14th day of June

20 07.

Tracy M. Tillman

Notary Public for Oregon

(My commission expires 10/13/09)



Notice of Preliminary Determination for Water Right Transfer T-10310

T-10310 filed by Duane & Ann Cummins, 35835 Santiam Hwy SE, Albany, OR 97322, proposes a change in point of appropriation and place of use under Certificates 52619 and 52620. The right allows the use of 0.125 cfs (Certificate 52619, priority date December 14, 1976) and 0.8125 cfs (Certificate 52620, priority date March 25, 1980) from a well in Sec. 3, T27S, R15E, W.M. (Fort Rock Basin) for irrigation in Sec. 3 T27S, R15E and Sec 32, T25S, R15E. The applicant proposes to change the point of appropriation to a well located approximately 7 miles North (Sec. 32, T25S, R15E, W.M.); and to change the place of use to Sec. 32, T25S, R15E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380. Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503)986-0881. The last date of newspaper publication is

Affid of pub due 6/30
Pd Noticed
FD due 7/6
5-15-07

RECEIVED

JUN 15 2007

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

May 9, 2007

Duane & Ann Cummins
35835 Santiam Hwy SE
Albany, OR 97322

SUBJECT: Transfer Application T-10310

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10310. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day 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.

Because the new point of appropriation is more than ¼ mile from the authorized point of appropriation, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, **the Department needs to receive an affidavit** specifying the dates the notice was published. Please have the newspaper prepare and mail an original *affidavit of publication* to the Department, to me at the address above **by June 29, 2007**.

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

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

Please do not hesitate to contact me at if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: Brian Mayer, District 12 Watermaster
Agent/CWRE: Anderson Engineering & Surveying, Inc. P.O. Box 28, Lakeview, OR 97630

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10310, Lake County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION, AND PLACE OF
	)	USE

Authority

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant:

DUANE & ANN CUMMINS
35835 SANTIAM HWY SE
ALBANY OR 97322

Findings of Fact

Background

1. On February 8, 2007, Duane & Ann Cummins filed a transfer application to change the place of use and point of appropriation for portions of Certificates 52619 and 52620. The Department assigned the application number T-10310.
2. On March 13, 2007, Anderson Engineering & Surveying, Inc., the applicants' agent, revised the transfer application so as to change the place of use and point of appropriation for a portion of Certificate 52619, and to change only the place of use for a portion of Certificate 52620. A Land Use Information Form showing approval by the county commission was submitted.

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

Certificate: 52619 in the name of O.R. HEAVILIN (perfected under Permit G-7054)

Use: IRRIGATION of 10.0 ACRES

Priority Date: DECEMBER 14, 1976

Rate: 0.125 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

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

Source: WELL 2 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
27 S	15 E	WM	3	NE NW	1273 FEET SOUTH AND 2645 FEET WEST FROM THE NE CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	15 E	WM	3	NW NW	10.0

4. Application T-10310 proposes to move the authorized point of appropriation approximately 7 miles north the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	32	SW SE	60 FEET NORTH AND 2690 FEET WEST FROM THE SE CORNER OF SECTION 32

5. Application T-10310 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	SE SE	10.00

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

Certificate: 52620 in the name of MAURICE L And HAZEL WARD (perfected under Permit G-8983)

Use: IRRIGATION of 65.0 ACRES

Priority Date: MARCH 25, 1980

Rate: 0.81 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	32	SW SE	60 FEET NORTH AND 2690 FEET WEST FROM THE SE CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	SW SW	7.5
25 S	15 E	WM	32	SE SW	7.5
25 S	15 E	WM	32	SW SE	20.0
25 S	15 E	WM	32	SE SE	30.0

5. *The quantity of water diverted at the new point of appropriation for the right evidenced by Certificate 52619 shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *The former place of use of the transferred rights shall no longer receive water under the rights.*
7. *Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008. A Claim of Beneficial Use prepared by a Certified Water Rights 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.*
9. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 8th day of May 2007.


Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrp.state.or.us.

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

7. Application T-10310 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	NE SW	32.5
25 S	15 E	WM	32	NW SW	32.5

8. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. The information submitted with the transfer application was deficient in description of the delivery system. However, on April 23, 2007 the applicant submitted additional information sufficient to establish that water delivery systems able to use the full amount of water allowed under the existing rights are present [OAR 690-15-060(10)].
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use and change in point of appropriation proposed in application T-10310 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 approved.

If application T-10310 is approved, the final order will include the following:

- 1. The changes in place of use proposed in application T-10310 are approved.*
- 2. Water right certificates 52619 and 52620 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.*
- 3. 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 52619 and 52620 and any related decree.*
- 4. Water for the right evidenced by Certificate 52619 shall be acquired from the same aquifer (water source) as the original point of appropriation.*

**Notice of Preliminary Determination for
Water Right Transfer T-10310**

T-10310 filed by Duane & Ann Cummins, 35835 Santiam Hwy SE, Albany, OR 97322, proposes a change in point of appropriation and place of use under Certificates 52619 and 52620. The right allows the use of 0.125 cfs (Certificate 52619, priority date December 14, 1976) and 0.8125 cfs (Certificate 52620, priority date March 25, 1980) from a well in Sec. 3, T27S, R15E, W.M. (Fort Rock Basin) for irrigation in Sec. 3 T27S, R15E and Sec. 32, T25S, R15E. The applicant proposes to change the point of appropriation to a well located approximately 7 miles North (Sec. 32, T25S, R15E, W.M.); and to change the place of use to Sec. 32, T25S, R15E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, April 23, 2007 11:38 AM
To: 'cattleannie_99@yahoo.com'
Subject: T-10310 lienholder notification

Hi Ann,

I looked over the title report you submitted today more closely after you left, and find that there is another entity, Diversified Financial Services, LLC, that apparently also has a financial interest in your property.

Please prepare another copy of the lienholder notification for your property (tax lots 1601 and 1700 in Section 32) and send it to Diversified Financial Services, LLC. Hopefully your mortgage papers include the address.

Then submit a copy of that notification letter, along with a copy of your notification to West Coast Bank for the Libolt property.

Thank you,
Dorothy

Received 4/25/07

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 11, 2007

Duane & Ann Cummins
35835 Santiam Hwy SE
Albany, OR 97322

SUBJECT: Application T-10310

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10310. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. However, there is a deficiency. No details were submitted with the transfer application to establish that the water delivery system was sufficient to use the full amount of water allowed under the existing rights [OAR 690-15-060(10)]. You need to provide a description of the well pump and delivery system.

This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Because the new point of appropriation is more than ¼ mile from the authorized point of appropriation, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). It appears that there are two land owners involved in areas to be transferred; thus, an ownership and lien report for each property must be submitted. You will need to submit an "Affidavit of Consent" from any landowners who are not applicants. If there are additional lien holders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information. If we do not receive your response and the report by May 30, 2007, a Preliminary Determination may be issued denying the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at (503) 986-0890 if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: Brian Maier, District 12 Watermaster
Anderson Engineering & Surveying, Inc. P.O. Box 28, Lakeview, OR 97630

enc

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

In the Matter of Transfer Application
T-10310, Lake County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF
) APPROPRIATION, AND PLACE OF
) USE

Authority

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant:

DUANE & ANN CUMMINS
35835 SANTIAM HWY SE
ALBANY OR 97322

Findings of Fact

Background

1. On February 8, 2007, Duane & Ann Cummins filed a transfer application to change the place of use and point of appropriation for portions of Certificates 52619 and 52620. The Department assigned the application number T-10310.
2. On March 13, 2007, Anderson Engineering & Surveying, Inc., the applicants' agent, revised the transfer application so as to change the place of use and point of appropriation for a portion of Certificate 52619, and to change only the place of use for a portion of Certificate 52620. A Land Use Information Form showing approval by the county commission was submitted.
3. The portion of the first right to be transferred is as follows:
Certificate: 52619 in the name of O.R. HEAVILIN (perfected under Permit G-7054)
Use: IRRIGATION of 10.0 ACRES
Priority Date: DECEMBER 14, 1976
Rate: 0.125 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: WELL 2 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
27 S	15 E	WM	3	NE NW	1273 FEET SOUTH AND 2645 FEET WEST FROM THE NE CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	15 E	WM	3	NW NW	10.0

4. Application T-10310 proposes to move the authorized point of appropriation approximately 7 miles north the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	32	SW SE	60 FEET NORTH AND 2690 FEET WEST FROM THE SE CORNER OF SECTION 32

5. Application T-10310 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	SE SE	10.00

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

Certificate: 52620 in the name of MAURICE L And HAZEL WARD (perfected under Permit G-8983)

Use: IRRIGATION of 65.0 ACRES

Priority Date: MARCH 25, 1980

Rate: 0.81 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	32	SW SE	60 FEET NORTH AND 2690 FEET WEST FROM THE SE CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	SW SW	7.5
25 S	15 E	WM	32	SE SW	7.5
25 S	15 E	WM	32	SW SE	20.0
25 S	15 E	WM	32	SE SE	30.0

7. Application T-10310 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	32	NE SW	32.5
25 S	15 E	WM	32	NW SW	32.5

8. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The information submitted with the transfer application was insufficient to establish that water delivery systems able to use the full amount of water allowed under the existing rights are present [OAR 690-15-060(10)]. The applicant needs to provide descriptions of the well pump and delivery systems.

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

Provided that additional information is provided as stated in Finding of Fact #9, the changes in place of use and change in point of appropriation proposed in application T-10310 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If the requested information is provided and protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10310 is approved, the final order will include the following:

- 1. The changes in place of use proposed in application T-10310 are approved.*
- 2. Water right certificates 52619 and 52620 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.*
- 3. 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 52619 and 52620 and any related decree.*
- 4. Water for the right evidenced by Certificate 52619 shall be acquired from the same aquifer (water source) as the original point of appropriation.*

5. *The quantity of water diverted at the new point of appropriation for the right evidenced by Certificate 52619 shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *The former place of use of the transferred rights shall no longer receive water under the rights.*
7. *Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008. A Claim of Beneficial Use prepared by a Certified Water Rights 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.*
9. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2007.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Tuesday, March 06, 2007 9:10 AM
To: 'Darryl Anderson'; 'cattleannie_99@yahoo.com'
Subject: T-10310 questions

The contractor preparing and estimate for T-10310 has identified that a Land Use Information form needs to be submitted because a change in point of appropriation being proposed. Please access the "Land Use Information" form from the WRD website, fill out the front, have your county planning department sign the back side and then send it to the Water Resources Department in Salem.

Also, here are some questions about the changes being proposed:

It appears that the Certificate 52620 right is only to have a change in place of use, even though "Change POA" is checked on page 1 of Supplemental Form A. Please confirm or correct our interpretation.

The Certificate 52619 right looks like it will have a change in POA to replace Well 2 (well log LAKE 775) with the existing well that is currently authorized for Certificate 52620 (LAKE 50496). Please confirm whether this is correct, or if that is not the case, please submit a well log for the proposed well.

Thank you,

Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10310

Review Due Date: 3/13/07

Applicant Name: Duane and Ann Cummins

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

Reviewer(s): Kyle Gorman

Date of Review: Mar. 21, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. 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: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, 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: _____

9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: There seems to be very large sage brush growth in the portions of land to be moved in the sw1/4 sw1/4 and se1/4sw1/4 of section 32 T25S R15E as compared to the remainder of the lands to be transferred. You may want to get a statement from the landowner when they actually used water beneficially on these lands.
10. What alternatives may be available for addressing any issues identified above: see above
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.



Oregon

Theodore R. Kulongoski, Governor

RA

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:



Dorothy Pedersen
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE:

2-12-07

FROM:

WATERMASTER, DISTRICT # _____

~~GROUNDWATER SECTION~~

(SIGNATURE)

Don Miller

date signed

3/1/07

signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER #

10310

A change in:

POU

POD

POA

USE

of water.

In the name(s) of

Duane & Ann Cummins

In my opinion (assuming the right is valid), the proposed change

3/1/07

MAY BE MADE WITHOUT INJURY

Don

right.

WOULD RESULT IN INJURY* to an existing water

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

wmtrans.frm

STATE OF OREGON
Water Resources Department
725 Summer St. N.E., Ste. A
Salem, OR 97301

MEMORANDUM

DATE: 3/1/2007

TO: File T-10310, Cummins
FROM: Donn Miller, Hydrogeologist
SUBJECT: Transfer Comments

Dwm

I have looked at information involved in this transfer application. Based on the water level elevations and locations, I conclude that all wells develop the same source, the main ground water reservoir of the Fort Rock Basin. See OWRD Ground Water Report #31 for source details. The well separations and aquifer hydraulics should allow the proposed changes to occur without injury to existing rights.

Ground water transfer distances in the Fort Rock Basin can be large. So, the transfer distance of about seven miles in this application can easily be accommodated.

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

TO WELL

T-10310

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

RECEIVED WATER WELL REPORT
STATE OF OREGON
MAR 10 1980 (Please type or print)
WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 255/15E-19
State Permit No.

(1) OWNER:

Name Fritz L. Morrison
Address Star Route Silver Lake, OR 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 ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

14" Diam. from 1 above ft. to 100 ft. Gage 2.50
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

Yes ☒ No ☐

FROM D. MILLER'S

FORT ROCK BASIN

RECORDS IT APPEARS

THIS WELL IS ACTUALLY

IN 255/15E-32 dec

Was a pump test made? ☒ Yes ☐ No

at 150 lbs. Air

Ball test 1000 gal./min. with ft. drawdown after hrs.

slan flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 102 ft.

Diameter of well bore to bottom of seal 9 in.

Diameter of well bore below seal 4 1/2 in.

Number of sacks of cement used in well seal 42 sacks

How was cement grout placed? Cement was

mixed up. Pipe run down

along side and Pressure

grouted in.

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 19 T. 255R. 15 E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 60

Static level 20 ft. below land surface. Date 1/9/80

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 9"
Depth drilled 370 ft. Depth of completed well 370 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
Brown Clay	0	16	
Black Stone	16	37	
Green Stone	37	47	
Black Stone	47	70	
Blue Stone	70	90	
Black Stone	90	96	
Green Stone	96	138	
Brown Stone	138	147	
Black lava rock broken & water bearing	147	187	
Black Sand Stone	187	190	
Green Stone	190	230	
Grey Stone	230	248	
Green Stone	248	258	
Black Sand water bearing	258	265	
Grey Stone	265	274	
Brown Cinders	274	335	
Rock	335	355	
Brown Cinder water bearing	355	360	
Grey lava rock	360	370	

Work started 1/18 1980 Completed 1/23 1980

Date well drilling machine moved off of well 1/23 1980

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] Mel Search Date 1/23 1980
(Drilling Machine Operator)

Drilling Machine Operator's License No. 699

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 Mel Search Well Drilling
(Person, firm or corporation) (Type or print)

Address Box 432 Lebanon, OR.

[Signed] Mel Search
(Water Well Contractor)

Contractor's License No. 567. Date 1/23 1980

Porfily Water Rights Consulting

415 E Wheeler Street
P.O. Box 643
Stanfield, OR 97875

Invoice

Date	Invoice #
4/2/2007	406

Bill To
Oregon Water Resources Department c/oSalem Opeifa 725 Summer St. NE., STE A Salem, OR 97301-1271

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt		4/2/2007			
Quantity	Item Code	Description			Price Each	Amount
9	Services	Work Order R07-070Q to Price agreement R07-070 10 hrs reviewing and preparing required document under the above listed work order for Transfer T-10310 in the name of Duane & Ann Cummins			90.00	810.00
					Total	\$810.00

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10310

Name of Applicant: **Duane & Ann Cummins**

Proposed Timeline

02/13/2007	Public Notice (start of 30-day comment period).
03/25/2007	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
04/29/2007	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)—within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in **Microsoft Word** except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

Estimate

	Item	Time	Actual
1	Review of application for completeness.	1.0	1.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership	1.0	1.5
3	Review of "To" lands for conflicts and preparation of Draft deficiency letter (<i>if necessary</i>).	1.5	.5
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	2.5	3.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) <i>if necessary</i>), and processing documentation	3.0	3.5
Total Estimated Time:		9	10

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: William I. Porfily

Authorized Representative: William I. Porfily

Date: April 3, 2007

Revised 11/5/2004 DIP

RECEIVED
APR 09 2007
WATER RESOURCES DEPT
SALEM, OREGON

Bill Porfily

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Tuesday, March 06, 2007 12:12 PM
To: 'Bill Porfily'
Subject: RE: T-10310
Attachments: 10310-dpd-template.doc; Contact List.dot; _dpd-gw-cov-approve-rolі.dot; pd-cov-fav-nni-gw.dot; RR_gw_permit.dot; PD_notice.dot

Bill,

I sent the applicant and agent basically the same information that I'd sent to you, and just received an email back from Darryl Anderson saying he'll take care of clearing up the questions.

Attached are templates for the project. You'll note that the new dpd template has many added "prompts" for additional information that may or may not apply to your particular transfer. Delete prompts for information that does not apply (if the applicant is not cancelling any of the rights, just delete all references to cancellation). If you need information from the supplemental document and the links do not work, just open the attached supplemental language document and go to the appropriate section. Let me know if you have questions.

Dorothy

Dorothy Pedersen
 (503) 986-0890

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Tuesday, March 06, 2007 9:04 AM
To: 'Dorothy Pedersen'
Subject: RE: Itemized Estimate Sheet for Transfer T-10310

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Thanks Dorothy for the clarification. I have receive the work order from Salem O.. Are there templates for this project? I would suggest (ask) do we verify the information that is confusing in the predetermination letter. "We assumed this to be the case; Is this as the applicant what you intended?"

From: Dorothy Pedersen [mailto:Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Tuesday, March 06, 2007 8:39 AM
To: 'Bill Porfily'
Subject: RE: Itemized Estimate Sheet for Transfer T-10310

Hi Bill,

Thank you for identifying the issues with T-10310 so we can resolve them without further delay.

The final proof maps for applications G-7605 and G-9632 are both scanned and available from the WRD website by doing a WRIS query. Once you have accessed the initial information screen for each right, click on Details, then on View All Scanned Documents to access the Final Proof Map.

3/14/2007

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
 SALEM, OREGON

It appears to me that the Certificate 52620 right is only to have a change in place of use, even though "Change POA" is checked on page 1 of Supplemental Form A. We will need to confirm that. The Certificate 52619 right looks like it will have a change in POA to replace Well 2 (well log LAKE 775) with the existing well that is currently authorized for Certificate 52620 (LAKE 50496). We will need to confirm that. The LAKE 50496 well log can be accessed from the WRD website also.

Since there is a change in POA, the transfer does need a Land Use Information form, so we will need to ask for that.

I will contact the applicant's agent and see if we can get the Land Use Information submitted and clarification on the changes/well logs by the time you have a work order and are ready to start the project.

Thanks,
Dorothy

Dorothy Pedersen
(503) 986-0890

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Tuesday, February 20, 2007 11:40 AM
To: 'Salem Opeifa'; 'Dorothy Pedersen'
Subject: Itemized Estimate Sheet for Transfer T-10310

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I have attached my Itemized estimate sheet for the above mention transfer.

I believe a deficiency letter will be required. The applicant proposes to change the POA thus I think requires a Land Use Form. 2ndly there is no well log for the new POA.

There were not final proof maps for the two certificates in the packet for checking existing location of water rights.

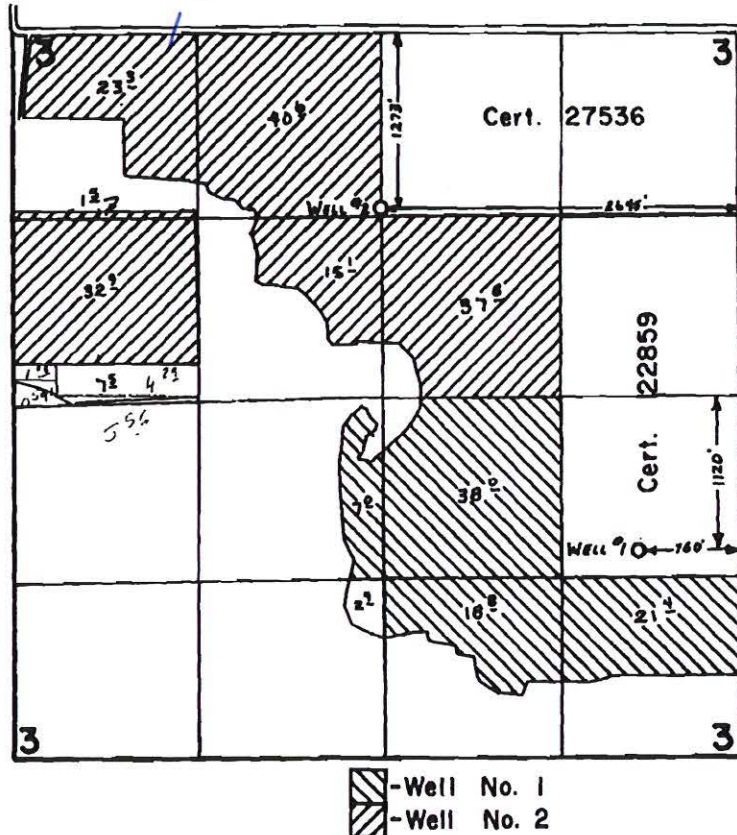
I have also attached invoice # 378 for reviewing transfer application

3/14/2007

RECEIVED
APR 09 2007
WATER RESOURCES DEPT
SALEM, OREGON

G7054
52619

T.27S.,R.15E.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. G-7695. Permit No. G-7954.....
IN NAME OF

O. R. HEAVILIN.....

Surveyed July 26, 1983, by L. M. TOLL.....

RECEIVED

CHZ-45K-115

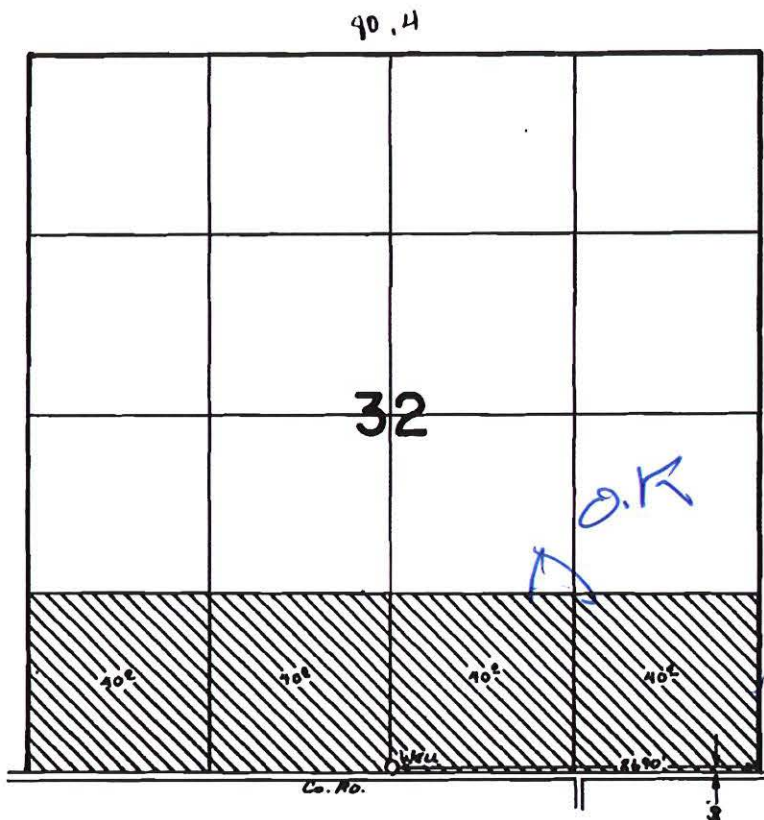
PTS-1983-Z

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

G 8983
52620
T 8468

T.25S.,R.15E.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. G-9632. Permit No. G-8983.....
IN NAME OF

MAURICE L. & HAZEL I. WARD

Surveyed Oct. 21, 1983, by L. M. TOLL.....

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

CHP-1KK-58

Bill Porfily

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Monday, March 26, 2007 4:22 PM
To: 'Bill Porfily'
Subject: T-10310 Watermaster review

Attachments: 10310-wm-rev.doc



10310-wm-rev.doc
(82 KB)

Bill,

Attached is the watermaster review for T-10310. Does that give you what you need to complete the DPD?

As you suggested, if the transfer application and map are not missing any vital information, and we feel pretty sure of what the applicant intends, we can base the DPD on some assumptions and ask for clarification in the cover letter.

Have a good day,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890

RECEIVED

APR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Bill Porfily

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Friday, March 23, 2007 3:34 PM
To: 'Bill Porfily'
Subject: T-10310 groundwater review

Attachments: 10310-gw-rev.pdf



10310-gw-rev.pdf
(117 KB)

Hi Bill,

The groundwater review for T-10310 is attached. We are still waiting on the watermaster review. I will follow up and get that to you as soon as possible.

Have a great weekend,

Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10310

Name of Applicant: Duane & Ann Cummins

Proposed Timeline

02/13/2007	Public Notice (start of 30-day comment period).
03/25/2007	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
04/29/2007	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Bill Porfily

Authorized Representative: _____

Date: _____

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

WORK ORDER

Work Order #: **R07-070P** to Price Agreement # **R07-070**

Water Right Contract Work

This Work Order hereby incorporates by reference all of the terms and conditions contained in the Price Agreement between the State of Oregon acting by and through Oregon Water Resources Department and **William I. Porfily**.

Contractor Data	Water Resource Data
Project Contact: William I. Porfily Title: Address: PO Box 643 Stanfield, OR 97875 Phone: (541) 449-1327 Fax: (541) 449-1327 E-Mail: bporfily@gohighspeed.net	Project Officer: Dorothy Pedersen Field Services Division Address: 725 Summer Street NE, Suite A Salem, OR 97301-1266 Phone: (503) 986-0890 Fax: (503) 986-0903 E-Mail: Dorothy.I.Pedersen@wrdd.state.or.us

Work Order Effective Date: **March 5, 2007.**

Part I. General Information. This Work Order is in effect between the contractor and the Department for the processing of water right applications as described in the Master Agreement (**R07-070**)

Part II. Work; Acceptance Criteria; Deliverables and Delivery Schedule: – See Exhibit A (Statement of Work for delivery schedule.

Part III. Special Considerations. There is no Special Consideration related to this Work Order.

Part IV. Payment Provisions. Unless otherwise specified, payments related to this Work Order shall be made only upon receipt and approval of the final product - The Product includes all deliverables - the Final Check List, Electronic and Paper Reports.

Payment for this work shall be processed upon receiving related invoice and the completed Deliverable Cover Sheet.

Part V. Travel and Other Expenses.

Agency shall not reimburse Contractor for any travel expense under this Contract.

Part VI. Contract Amendments.

The Agency reserves the right to amend the Contract for the Anticipated Amendments, listed below, in accordance with the rules of OAR 125-246-0560.

ANTICIPATED AMENDMENTS

None. Unless specified by the Agency.

**Exhibit A
Statement of Work**

Estimate for Water Rights Transfer

Application Number T-10310

Name of Applicant: **Duane and Ann Cummins**

	Item	Est. Time
1	Review Claim of Beneficial Use report for completeness	1.0
2	Review Claim of Beneficial Use map for completeness	1.0
3	Complete the Beneficial Use Worksheet	1.5
4	Preparation of proposed certificate & mailing list	2.5
5	Conflict check	3.0
Total Estimated Time:		9.0

Total estimated cost is 9.0 hours at \$90.00 per hour = \$810.00

- **Estimated date of completion** (*Issuance of Draft Preliminary Determination*) **once a Work Order has been executed is no later than:** March 23, 2007*

**Dates are contingent on the Applicant's expeditious resolution of any deficiency.*

Contractor shall notify OWRD in advance if more than 9.0 hours is needed to complete the work described in the Statement of Work above.

Invoices for this Work Order shall be sent to:

Salem Opeifa
Loan Servicing Specialist
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0929
Fax: (503) 986-0904

CONTRACTOR, YOU WILL NOT BE PAID FOR SERVICES RENDERED PRIOR TO NECESSARY APPROVALS.

Agency may terminate this Work Order:

- a. Immediately upon written notice if the Department fails to receive funding from the Applicant.
- b. Upon receiving a written Termination Notice from the Applicant.

Contractor will be paid for all work performed up to the time of the written Termination Notice but not to exceed the total amount of this Work Order.

ACCEPTANCE OF TERMS BY CONTRACTOR:

William J. Portely
Name
William J. Portely 03-05-07
Signature Date

APPROVED BY AGENCY:

Mike Auman
Administrator
Administrative Services
Oregon Water Resources Department

Date

Reviewed as to Legal Sufficiency by Assistant Attorney General
(All work orders more than \$75,000 must be approved by the AG's Office)

Date

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
☒	Transfer Application	_____
☐	Certificate Request	_____
☐	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Diane: Ann Cummins	Andersen Engineering: Surveyor, Inc.
Address:	35835 Hwy 20 SE	17681 Hwy 395 PO 28
	Albany, OR 97322	LaGrange, OR 97630
Phone:	541-591-3219	541-947-4407
Fax		541-947-2321
E-Mail Address:	cattleannie_99@yahoo.com (no folders)	darryleandersenengineering.com

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.

I certify that I am the (check one) ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature: [Signature] Name: 2-05-07

OWRD USE ONLY	
Contractor Assigned: <u>Perfily</u>	Total Amount Paid: \$ <u>RECEIVED</u>
OWRD Approval: _____	

RECEIVED

APR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

FEB 15 2007
Revised: 6/21/2004

**WATER RESOURCES DEPT
SALEM, OREGON**

Porfily Water Righus Consulting

415 E Wheeler Street
P.O. Box 643
Stanfield, OR 97875

Invoice

Date	Invoice #
2/20/2007	378

Bill To
Oregon Water Resources Department c/oSalem Opeifa 725 Summer St. NE., STE A Salem, OR 97301-1271

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt		2/20/2007			
Quantity	Item Code	Description			Price Each	Amount
1	Services	Reviewing transfer application and preparing estimate for Reimbursement Authority process for Transfer T-10310 in the Name of Duane & Ann Cummins			90.00	90.00
					Total	RECEIVED \$90.00

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

Shipping Checklist for Reimbursement Authority File

File T- 10310 Applicant: Duane & Ann Cummins

Agent/Contact: Anderson Engineering

Ship to Contractor: William Porfily

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers)
- ☐ ODFW review (if change in POD)
- ☐ GW review (if Δ POA, or POD-to-POA change)
- ☐ _____
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 2-13-07

Number of sheets copied ~~29~~ 31

File contents copied by L Paschke Date 2-9-07

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

Dorothy Pedersen

From: Bill Porfily [bporfily@my180.net]
Sent: Tuesday, April 03, 2007 3:36 PM
To: 'Salem Opeifa'; 'Dorothy Pedersen'
Subject: Transfer T-10310 Duane & Ann Cummins
Attachments: Remaining Right for Certificate 52619-completed.doc; 10310-dpd-template-Completed.doc; Contacts for Applicant-Complete.doc; DPD Cover Approval-Completed.doc; Invoice #406.tif; Notice of PD for Transfer-Complete.doc; Preliminary Determination transmittal Letter- Completed.doc; Remaining Right Certificate 52620- Completed.doc

-->

Dorothy and Salem

Attached are the deliverables and Invoice #406 for the above mention Job. Dorothy, I have left high lighted in yellow information you may want to review and tweak to make it read better.

Porfily

4/4/2007

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Monday, March 26, 2007 3:22 PM
To: 'Bill Porfily'
Subject: T-10310 Watermaster review

Attachments: 10310-wm-rev.doc



10310-wm-rev.doc
(85 KB)

Bill,

Attached is the watermaster review for T-10310. Does that give you what you need to complete the DPD?

As you suggested, if the transfer application and map are not missing any vital information, and we feel pretty sure of what the applicant intends, we can base the DPD on some assumptions and ask for clarification in the cover letter.

Have a good day,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Tuesday, March 06, 2007 12:12 PM
To: 'Bill Porfily'
Subject: RE: T-10310
Attachments: 10310-dpd-template.doc; Contact List.dot; _dpd-gw-cov-approve-rolі.dot; pd-cov-fav-nni-gw.dot; RR_gw_permit.dot; PD_notice.dot

Bill,

I sent the applicant and agent basically the same information that I'd sent to you, and just received an email back from Darryl Anderson saying he'll take care of clearing up the questions.

Attached are templates for the project. You'll note that the new dpd template has many added "prompts" for additional information that may or may not apply to your particular transfer. Delete prompts for information that does not apply (if the applicant is not cancelling any of the rights, just delete all references to cancellation). If you need information from the supplemental document and the links do not work, just open the attached supplemental language document and go to the appropriate section. Let me know if you have questions.

Dorothy

Dorothy Pedersen
 (503) 986-0890

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Tuesday, March 06, 2007 9:04 AM
To: 'Dorothy Pedersen'
Subject: RE: Itemized Estimate Sheet for Transfer T-10310

-->

Thanks Dorothy for the clarification. I have receive the work order from Salem O.. Are there templates for this project? I would suggest (ask) do we verify the information that is confusing in the predetermination letter. "We assumed this to be the case; Is this as the applicant what you intended?"

From: Dorothy Pedersen [mailto:Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Tuesday, March 06, 2007 8:39 AM
To: 'Bill Porfily'
Subject: RE: Itemized Estimate Sheet for Transfer T-10310

Hi Bill,

Thank you for identifying the issues with T-10310 so we can resolve them without further delay.

The final proof maps for applications G-7605 and G-9632 are both scanned and available from the WRD website by doing a WRIS query. Once you have accessed the initial information screen for each right, click on Details, then on View All Scanned Documents to access the Final Proof Map.

It appears to me that the Certificate 52620 right is only to have a change in place of use, even though "Change POA" is checked on page 1 of Supplemental Form A. We will need to confirm that. The Certificate 52619 right looks like it will have a change in POA to replace Well 2 (well log LAKE 775) with the existing well that is currently authorized for Certificate 52620 (LAKE 50496). We will need to confirm that. The LAKE 50496 well log can be accessed from the WRD website also.

3/6/2007

Since there is a change in POA, the transfer does need a Land Use Information form, so we will need to ask for that.

I will contact the applicant's agent and see if we can get the Land Use Information submitted and clarification on the changes/well logs by the time you have a work order and are ready to start the project.

Thanks,
Dorothy

Dorothy Pedersen
(503) 986-0890

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Tuesday, February 20, 2007 11:40 AM
To: 'Salem Opeifa'; 'Dorothy Pedersen'
Subject: Itemized Estimate Sheet for Transfer T-10310

-->

I have attached my Itemized estimate sheet for the above mention transfer.

I believe a deficiency letter will be required. The applicant proposes to change the POA thus I think requires a Land Use Form. 2ndly there is no well log for the new POA.

There were not final proof maps for the two certificates in the packet for checking existing location of water rights.

I have also attached invoice # 378 for reviewing transfer application

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrd.state.or.us]
Sent: Tuesday, March 06, 2007 8:39 AM
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Thanks,
Dorothy

Dorothy Pedersen
(503) 986-0890

From: Biil Porfily [mailto:bporfily@my180.net]
Sent: Tuesday, February 20, 2007 11:40 AM
To: 'Salem Opelfa'; 'Dorothy Pedersen'
Subject: Itemized Estimate Sheet for Transfer T-10310

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I have also attached invoice # 378 for reviewing transfer application

3/6/2007

Shipping Checklist for Reimbursement Authority File

File T- 10310 Applicant: Duane & Ann Cummins

Agent/Contact: Anderson Engineering

Ship to Contractor: William Porfily

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
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- ☒ Certificate or copy of decree for each right to be transferred
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- ☐ Watermaster review (all transfers)
- ☐ ODFW review (if change in POD)
- ☐ GW review (if Δ POA, or POD-to-POA change)
- ☐ _____
- ☒ Final Deliverable cover sheet
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Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 2-13-07

Number of sheets copied ~~30~~ 31

File contents copied by L Paschke Date 2-9-07

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10310

Name of Applicant: Duane & Ann Cummins

Proposed Timeline

02/13/2007	Public Notice (start of 30-day comment period).
03/25/2007	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
04/29/2007	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
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For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Bill Porfily

Authorized Representative: _____ Date: _____

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # 10310

Applicant: Duane & Ann Cummins

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if required)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.
- ☐ Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

MEMO

Date: 2/09/2007

To: Lisa Paschke

From: Dorothy Pedersen

RE: T- 10310

Ship file to contractor under Reimbursement Authority

Charge to PCA #47119

Number of copied pages ~~29~~ 31

Send (overnight) to:

William I. Porfily

415 East Wheeler Rd.

P.O. Box 643

Stanfield, OR 97875

(541) 449-1327

Fax: (541) 449-1327

bporfily@gohighspeed.com

MEMO

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
☒	Transfer Application	_____
☐	Certificate Request	_____
☐	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Ducane: Ann Cummins	Anderson Engineering: Surveyor, Inc.
Address:	35835 Hwy 20 SE	17681 Hwy 395 PO 28
	Albany, OR 97322	Lakewood, OR 97630
Phone:	541-491-3219	541-947-4407
Fax		541-947-2321
E-Mail Address:	cattleannie - 99@yahoo.com (no folders)	darryle.anderson@engineering.com

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
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- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

OWRD - Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.

I certify that I am the (check one) ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature: Ann Cummins Name: 2-05-07

<u>OWRD USE ONLY</u>	
Contractor Assigned: <u>Per City</u>	Total Amount Paid: \$ <u>RECEIVED</u>
OWRD Approval:	

FEF 11:5 2007
Revised: 6/21/2004

WATER RESOURCES DEPT
SALEM, OREGON

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, April 24, 2007 9:18 AM
To: 'Bill Porfily'
Cc: 'Salem Opeifa'
Subject: RE: T-10310 additional materials

Bill,

Yes, the applicant knows that she needs to send notification of the transfer to the Bank for the Libolt property and to the Diversified Financial Services for her property. I expect to receive copies of those notifications within a few days. I'll be prepared to move the transfer forward to PD once we receive those.

It looks like you have finished all your deliverables, so go ahead and submit your invoice for the project.

Thank you, and have a great day!
Dorothy

Dorothy Pedersen
(503) 986-0890

-----Original Message-----

From: Bill Porfily [mailto:bporfily@myl80.net]
Sent: Monday, April 23, 2007 5:18 PM
To: Dorothy Pedersen
Subject: RE: T-10310 additional materials

I have reviewed the additional information and the maps with the title reports and believe that the applicant has met our request. The areas being transferred checks out with the legal description.

How ever I find no "Notice to Creditor" of the transfer for the second Land Owner: Libolt. Please advise what is needed to address the issue. I reread your memo below and see that this concern is being address.

Porfily

-----Original Message-----

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Monday, April 23, 2007 12:28 PM
To: Bill Porfily
Subject: T-10310 additional materials

Hi Bill,

I heard that you had had surgery. I'm sorry to hear that, but hopefully you are feeling better by now.

I've attached additional materials submitted to the T-10310 draft preliminary determination cover letter requests. The applicants will be sending lienholder notification to the West Coast Bank for the Libolt property and to Diversified Financial Services, LLC for the property in Section 32. Please check over the ownership and lien reports and let me know whether they cover the "from" lands and whether all other consents of owners and notification of lienholders is correct.

I've also attached the finalized DPD and cover letter that were sent out, so you can compare with your originals to see the changes that were made from your drafts. I was a little disappointed at some of the extra columns and rows on the tables that were left in, and blanks left unfilled or extraneous "prompts" left in in some places. Usually your work is more "finished" looking, and I trust that this was just a maverick occurrence. Don't hesitate to ask if you have questions about any of the changes.

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, April 23, 2007 12:28 PM
To: 'Bill Porfily'
Subject: T-10310 additional materials

Attachments: 10310-information.pdf; 10310-dpd.doc; 10310-DPD Cov.doc



10310-information.
pdf (525 KB)...



10310-dpd.doc
(109 KB)



10310-DPD
Cov.doc (39 KB)

Hi Bill,

I heard that you had had surgery. I'm sorry to hear that, but hopefully you are feeling better by now.

I've attached additional materials submitted to the T-10310 draft preliminary determination cover letter requests. The applicants will be sending lienholder notification to the West Coast Bank for the Libolt property and to Diversified Financial Services, LLC for the property in Section 32. Please check over the ownership and lien reports and let me know whether they cover the "from" lands and whether all other consents of owners and notification of lienholders is correct.

I've also attached the finalized DPD and cover letter that were sent out, so you can compare with your originals to see the changes that were made from your drafts. I was a little disappointed at some of the extra columns and rows on the tables that were left in, and blanks left unfilled or extraneous "prompts" left in in some places. Usually your work is more "finished" looking, and I trust that this was just a maverick occurrence. Don't hesitate to ask if you have questions about any of the changes.

Have a good day,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
County of Lake) ss

I, Ann Cummins, in my capacity as owner,
mailing address 35835 Hwy 20 SE Albany, Or 97322
telephone number (541) 591-3219, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **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.

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

☐ Personal observation ☐ Professional expertise

FEB 05 2007

3. My knowledge is specific to the use of water at the following locations:

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SALEM, OREGON**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
25	S	15	E	W	32	SW SW	1700/1601	40
25	S	15	E	W	32	SE SW	1700/1601	40
25	S	15	E	W	32	SW SE	1700/1601	40
25	S	15	E	W	32	SE SE	1700/1601	40

(continues on reverse side)

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

41 acres of Grains & Grapes, growing

5. The water delivery system used to apply water as authorized by the right is described below:

Pump, Main Line & Pivot

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☐ Other: _____

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**WATER RESOURCES DEPT
SALEM, OREGON**

Signature of Affiant

[Signature]

Date

2-05-07

Signed and sworn to (or affirmed) before me this 5th day of February 2007.



Brandi Elmer

Notary Public for Oregon

My Commission Expires: 2/20/10

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

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)

County of _____)

ss

I, Dale Libolt, in my capacity as owner,

mailing address 58994 Fort Rock Rd Silver Lake OR

telephone number (541) 576-2862, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **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.

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

- ☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
27	S	15	E	W	3	NE NW	601	10 Ac

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WATER RESOURCES DEPT
SALEM, OREGON

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

growing hay

5. The water delivery system used to apply water as authorized by the right is described below:

Electric Pump from well to wheel lines

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☒ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☐ Other: _____

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WATER RESOURCES DEPT
SALEM, OREGON

Dale L. Lillab
Signature of Affiant

1/31/07
Date

Signed and sworn to (or affirmed) before me this 31st day of JAN, 2007.



Sharon L. Tuttle
Notary Public for Oregon

My Commission Expires: 3-18-08

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

BS



"Owned By Those We Serve"

05/18/2006

DUANE & ANN CUMMINS
35835 HWY 20 SE
ALBANY OR 97322

Regarding: Meter #: 01204122 Serv Addr: 75HP L-2
Old Acct #: [REDACTED] New Mbr #: [REDACTED]

Welcome to Midstate Electric - your local, member-owned utility.

We have been notified that you are now responsible for the electric service identified above. In order to transfer the electric service into your name, **the following items must be paid or received at our office.**

- 1. We have received your acceptable Letter of Credit or payment. Please complete and return the Member Application. We will charge the non-refundable fees of \$40.00 on your first bill. Please disregard numbers 3, 4 and 5 below and mail your application to us as soon as possible.
- ✓ — 2. Completed Membership Application with **signature(s)**.
- 3. Non-refundable Membership fee of \$5.00. You may pay this by credit card over the telephone.
- 4. Non-refundable Transfer/Connect/Set-up fee of \$35.00. You may pay this by credit card over the telephone.
- 5. Either a Security Deposit or a Letter of Credit is *required and must be paid or received prior to transfer of service into your name.*
 - a. Security Deposit of (Deposit is held until you have established 12 consecutive on time pay or you close your account.)
 - b. An acceptable Letter of Credit from a prior utility that covers twelve (12) continuous months of service during the last twenty-four (24) months. To expedite your transfer you may fax your Letter of Credit to us. Our fax number is (541) 536-7280.

If you do not have an acceptable Letter of Credit, please make your check for the amount of . Your new account number is 2973613. Placing this number on your check will help expedite the processing of your request.

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SALEM, OREGON

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SALEM, OREGON



Electric Service Detail

Page 2 of 2

Billing Cycle 3
Days: 31

Reading Dates:

07/31/2006 -
08/31/2006

Meter Number	Current Reading	Last Reading	kWh Used	kWh Multiplier	Total kWh	kW
14364	23537	23098	439	40	17560	57.760

Service Location:
75HP L-2

Type: REGULAR
Rate: IRR-SEASONAL

Account Number:
[REDACTED]

PREVIOUS BALANCE 1,096.65
PAYMENT RECEIVED 08/31/2006 1,096.65 Credit
BALANCE PRIOR TO BILLING 0.00

ENERGY CHARGE (KWH) 621.62
DEMAND CHARGE (KW) 206.59
FACILITIES CHARGE 48.00
CURRENT CHARGES - ELECTRIC 938.21

TOTAL AMOUNT DUE - ELECTRIC SERVICE \$ 938.21

WATER RESOURCES DEPT
SALEM, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON



16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75HP L-2

2431 1 AB 0.317
DUANE W CUMMINS
ANN M CUMMINS
35835 HWY 20 SE
ALBANY OR 97322-9766

4 2431
C-11 P-24

Current amount is due 10/09/2006

Current Amount Delinquent if not paid by 10/16/2006



Page 1 of 2



Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
09/19/2006

Total -- Electric Service

\$ 938.21

Total Amount Due

\$ 938.21



Important Information



Co-op News

PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

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SALEM, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

10-1-06
1212



Electric Service Detail

Page 2 of 2

Billing Cycle 3
Days: 30

Reading Dates:

08/31/2006 -
09/30/2006

Service Location:
75HP L-2

Type: REGULAR
Rate: IRR-SEASONAL

Account Number:
[REDACTED]

Meter Number	Current Reading	Last Reading	kWh Used	kWh Multiplier	Total kWh	kW
14364	23928	23537	391	40	15640	61.00

PREVIOUS BALANCE

938.21

PAYMENT RECEIVED 10/04/2006

938.21

Credit

BALANCE PRIOR TO BILLING

0.00

ENERGY CHARGE (KWH)

553.66

DEMAND CHARGE (KW)

283.65

FACILITIES CHARGE

48.00

CURRENT CHARGES - ELECTRIC

885.31

TOTAL AMOUNT DUE - ELECTRIC SERVICE

\$

885.31

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SALEM, OREGON**

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SALEM, OREGON**



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(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

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Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75HP L-2

2439 1 AB 0.317
DUANE W CUMMINS
ANN M CUMMINS
35835 HWY 20 SE
ALBANY OR 97322-9766

4 2439
C-12 P-25

Current amount is due 11/06/2006

Current Amount Delinquent if not paid by 11/20/2006



Page 1 of 2



Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
10/17/2006

Total -- Electric Service

\$ 885.31

10-19-06
+ 1232

Total Amount Due

\$ 885.31



Important Information



Co-op News

PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

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16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: 0720011

Service Location: 75 & 30 PLACE #3

1872 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1872
C-9 P-17

PD
624-06

Current amount is due 07/10/2006

Current Amount Delinquent if not paid by 07/17/2006



Page 1 of 2

Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
06/20/2006

Total -- Electric Service

\$ 1,834.33

Total Amount Due

\$ 1,834.33

7.84 ac
\$ 312.40

Important Information

Co-op News

OUR OFFICE WILL BE CLOSED ON TUESDAY JULY 4, 2006 FOR INDEPENDENCE DAY
PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

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WATER RESOURCES DEPT
SALEM, OREGON

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

Please return this portion with your payment.

Account Number: [REDACTED] Cycle 3

Billing Date: 06/20/2006

Current Due Date: 07/10/2006

Total Amount Due: \$1,834.33

Relief Fund Contribution: _____ (optional)

Total Amount Paid: _____

Service Address: 75 & 30 PLACE #3

Phone Number: 541-576-2862

42446

☐ Indicate billing address/phone # changes on back

☐ Indicate debit/credit card payments, or auto pay sign up on back

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638

MIDSTATE ELECTRIC COOPERATIVE INC
PO BOX 1209
BEND OR 97709-1209

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WATER RESOURCES DEPT
OREGON





16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638

Current amount is due 08/07/2006

Current Amount Delinquent if not paid by 08/14/2006

Page 1 of 2

Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
07/18/2006

Total -- Electric Service

\$ 1,695.37

Total Amount Due

\$ 1,695.37

721 ac

Important Information

Co-op News

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WATER RESOURCES DEPT
SALEM, OREGON

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

Please return this portion with your payment.

Account Number: [REDACTED]

Cycle 3

Billing Date:

07/18/2006

Current Due Date:

08/07/2006

Total Amount Due:

\$1,695.37

Relief Fund Contribution:

(optional) ☐ Indicate billing address/phone # changes on back

Total Amount Paid:

☐ Indicate debit/credit card payments, or auto pay sign up on back

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638

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WATER RESOURCES DEPT
ON

MIDSTATE ELECTRIC COOPERATIVE INC
PO BOX 1209
BEND OR 97709-1209





16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423
www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.
Monday through Friday, except holidays.

24 hour payment drop box
is available outside our main office
To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

1880 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1880
C-9 P-18

Current amount is due 09/05/2006

Current Amount Delinquent if not paid by 09/18/2006



Page 1 of 2

Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
08/15/2006

Total -- Electric Service

\$ 2,727.68

Total Amount Due

\$ 2,727.68

BSal *11.61 ac*

Important Information

Co-op News

OUR OFFICE WILL BE CLOSED ON MONDAY SEPTEMBER 4, 2006 FOR LABOR DAY.
PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

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WATER RESOURCES DEPT
SALEM, OREGON

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

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WATER RESOURCES DEPT
SALEM, OREGON



16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

1894 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1894
C-9 P-15

Current amount is due 10/09/2006

Current Amount Delinquent if not paid by 10/16/2006



Page 1 of 2

Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
09/19/2006

Total -- Electric Service

\$ 1,890.73

Total Amount Due

\$ 1,890.73

Important Information

Co-op News

PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

Please return this portion with your payment.

Account Number: [REDACTED] Cycle 3

Billing Date: 09/19/2006

Current Due Date: 10/09/2006

Total Amount Due: \$1,890.73

Relief Fund Contribution: _____ (optional)

Total Amount Paid: _____

Service Address: 75 & 30 PLACE #3

Phone Number: 541-576-2862

☐ Indicate billing address/phone # changes on back

☐ Indicate debit/credit card payments, or auto pay sign up on back

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD

MIDSTATE ELECTRIC COOPERATIVE INC
PO BOX 1209
BEND OR 97709-1209



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WATER RE
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WATER RESOURCES DEPT
SALEM, OREGON



16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2126 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

1904 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1904
C-9 P-15

Current amount is due 11/06/2006

Current Amount Delinquent If not paid by 11/20/2006



Page 1 of 2



Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
10/17/2006

Total -- Electric Service

\$ 1,177.27

Total Amount Due

\$ 1,177.27



Important Information



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WATER RESOURC
SALEM, ORE.

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
Water Resources Department
725 Summer St. N.E., Ste. A
Salem, OR 97301

GB

MEMORANDUM

DATE: 3/1/2007

TO: File T-10310, Cummins

FROM: Donn Miller, Hydrogeologist *DWM*

SUBJECT: Transfer Comments

I have looked at information involved in this transfer application. Based on the water level elevations and locations, I conclude that all wells develop the same source, the main ground water reservoir of the Fort Rock Basin. See OWRD Ground Water Report #31 for source details. The well separations and aquifer hydraulics should allow the proposed changes to occur without injury to existing rights.

Ground water transfer distances in the Fort Rock Basin can be large. So, the transfer distance of about seven miles in this application can easily be accommodated.

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**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon

Theodore R. Kulongoski, Governor

RA

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Dorothy Pedersen
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE:

2-12-07

FROM:

WATERMASTER, DISTRICT # _____

☒ GROUNDWATER SECTION

(SIGNATURE)

Don Miller

date signed

3/1/07

signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER #

10310

A change in:

POU

POD

POA

USE

of water.

In the name(s) of

Duane & Ann Cummins

In my opinion (assuming the right is valid), the proposed change

3/1/07

MAY BE MADE WITHOUT INJURY
Don right.

WOULD RESULT IN INJURY* to an existing water

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

wmtrans.frm
RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

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.

RECEIVED
WATER WELL REPORT
STATE OF OREGON
Please type or print)
Do not write above this line
WATER RESOURCES DEPT
SALEM, OREGON

TO WELL

T-10310

State Well No. 255/15E-19

State Permit No.

(1) OWNER:

Name Feltz, L. Morrison
Address Star Route, Silver Lake, OR 97728

(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 ☐

(5) CASING INSTALLED:

14" Diam. from 1 above 1000 ft. to 250 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

Yes ☒ No ☐

FROM D. MILLER'S

FORT ROCK BASIN

RECORDS IT APPEARS

THIS WELL IS ACTUALLY

IN 255/15E-32 DEC

Was a pump test made? ☒

at: _____ gal./min. with _____ ft. drawdown after _____ hrs.

" at: 150 lbs. Air " " " "

Baller test 1000 gal./min. with _____ ft. drawdown after _____ hrs.

_____ gal. flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 102 ft.

Diameter of well bore to bottom of seal 9 in.

Diameter of well bore below seal 9 in.

Number of sacks of cement used in well seal 42 sacks

How was cement grout placed? Cement was

mixed up, pipe run down

along side, and Pressure

grouted in.

Was a drive shoe used? ☐ Yes ☒ No Plug _____ 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 _____

Section 19 T. 26 S. R. 15 E. W.M.

Bearing and distance from section or subdivision corner

NE 1/4 ~ 400'

LSE ~ 4315'

(11) WATER LEVEL: Completed well.

Depth at which water was first found 60

Static level 20 ft. below land surface. Date 1/19/80

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG: Diameter of well below casing 9"

Depth drilled 370 ft. Depth of completed well 370 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
Brown Clay	0	16	
Black Stone	16	37	
Green Stone	37	47	
Black Stone	47	70	
Blue Stone	70	90	
Black Stone	90	95	
Green Stone	95	138	
Brown Stone	138	147	
Black lava rock broken water bearing	147	187	
Black Sand Stone	187	190	
Green Stone	190	230	
Grey Stone	230	248	
Green Stone	248	258	
Black Sand water bearing	258	265	
Grey Stone	265	274	
Brown Cinders	274	335	
Rock	335	355	
Brown Cinder water bearing	355	360	
Grey lava rock	360	370	

Work started 1/18 1980 Completed 1/23 1980

Date well drilling machine moved off of well 1/23 1980

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] Mel Search Date 1/23 1980

(Drilling Machine Operator)

Drilling Machine Operator's License No. 699

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 Mel Search Well Drilling

(Person, firm or corporation) (Type or print)

Address Box 432 Lebanon OR

[Signed] Mel Search

(Water Well Contractor)

Contractor's License No. 567 Date 1/19 1980

(USE ADDITIONAL SHEETS IF NECESSARY)

80-45056-118

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APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

STATE ENGINEER
Salem, Oregon

Well Record

FROM WELL
T-10310
STATE WELL NO. 27/15-3B(1)
COUNTY Lake
APPLICATION NO. U-784

OWNER: Clayton Mann

MAILING
ADDRESS:

LOCATION OF WELL: Owner's No. 2

CITY AND

STATE: Fort Rock, Oregon

NW 1/4 NE 1/4 Sec. 3 T. 27 N. S. R. 15 E. W.M.

Bearing and distance from section or subdivision
corner

Altitude at well 4318' per topo

TYPE OF WELL: drilled Date Constructed Apr. 1955

Depth drilled 75 Depth cased

Section 3

CASING RECORD: 18 inch

FINISH:

AQUIFERS:

WATER LEVEL: 23 ft. below land surface

W.C. Elev. ~ 4275

PUMPING EQUIPMENT: Type turbine H.P.
Capacity 1200 G.P.M.

WELL TESTS:

Drawdown 11 ft. after hours pumping 1200 G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS: Permit U-710

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APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

TRANSFER CHECK OFF LIST

TRANSFER FILE #

10310

DATE RECEIVED

2-8-07

DATE MONEY SLIPPED

2-8-07

DATE RECEIPTED

2-8-07

VALID WATER RIGHT?

X Yes No

TEMP ALT AC

IRR DIST

PERM AMEND

DIV 15 X

TEMP Div 15

ISWR

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER)

X NO

FOLDER FILLED OUT*

yes

ENTERED IN DB

yes

CONTENTS MARKED

yes

COLOR CODED

X Yes

4 COPIES MADE & STAMPED

yes

CERTIFICATE MARKED

yes

CERTIFICATE COPIED

yes

PULL APPLICATIONS

yes

APP FOLDER MARKED

yes

FINAL PROOF MAP COPIED

yes

PERMIT MARKED

no

PERMIT COPIED

/

PERMIT MAP COPIED

/

DECRB MARKED

/

DECRB COPIED

/

ADJUDICATION MAP COPIED

/

ENTRIES CHECKED

CHECKED BY INIT FOLDER

PUBLIC NOTICE DATE

2-13-07

(PREPARED & COPIED) yes

LETTER SENT

yes

Irrigation District NO (copy of app & map)

COPY TO WM

yes

BLUE FORM TO WM

yes

COPY TO GW

yes

BLUE FORM TO GW

yes

COPY TO CWRE

yes

LETTER TO ODFW

no

TRANSFER SENT TO:

Dorothy

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

SW --- NCR --- SCR --- ER

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

Duane & Ann Cummins
35835 Hi 20 S E
Albany, Or. 97322
541-791-3219
04-23-07

Diversified Financial Services, LLC
14010 First National Bank Parkway, Suite 205
Omaha, Ne 68154-5206

Reference: Water Right Transfer (T-10310) for Duane & Ann Cummins

To Whom It May Concern:

We are the owners of a portion of land involved in a water right transfer application that proposes to add a point of appropriation and cancel a portion of the water right. Our property is located on tax lot 1601 in SW1/4 SE 1/4, Township 25 South Range 15 East, Lake County, Oregon. The portion of water right being cancelled on our parcel (tax lot 2601) totals 30 acre. This results in a remaining water right of 130 acre on Tax lot 1601. The proposed point of appropriation will be added to tax lot 1700 which is also under our ownership.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property involved in the transfer.

If you have any questions, you may contact us at 541-791-3219, or you may contact Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at 503-986-0890.

Sincerely,

Duane and Ann Cummins

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APR 25 2007
WATER RESOURCES DEPT
SALEM, OREGON

HAYES BUTTE RANCH

Dale and Cathy Libolt
Phone (541) 576 2862

HC 84, Box 110
Silver Lake, Oregon 97638

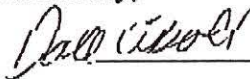
April 23, 2007

Garey Fritz
West Coast Bank
PO Box 428
Salem, OR 97308

Dear Garey,

This letter is to inform West Coast Bank that we sold 10 acres of water rights to Elaine and Ann Cummins. The 10 acres is from the land where the feed lot was built. Please call if you have any questions.

Sincerely,



Dale Libolt
541-576 2862

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APR 25 2007

WATER RESOURCES DEPT
SALEM, OREGON

Duane & Ann Cummins
35835 Hi 20 S E
Albany, Or. 97322
541-791-3219
04-17-07

To Whom It May Concern:

We have attached the equipment list that was installed for our water system in Ft. Rock.

The pump is 75 HP

With an 8" mainline for water delivery.

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

J. W. KERNS, INC.
IRRIGATION EQUIPMENT SALES AND SERVICE

4360 HIGHWAY 39 • KLAMATH FALLS, ORE. 97603 • PHONE 541/884-4129 • FAX 541/884-0995

SOLD TO DUANE CUMMINS
35835 S.E. HWY 20
ADDRESS ALBANY, OR. 97321

QUANTITY	DESCRIPTION
1	6 5/8" PIVOT POINT
1	180.0' SPAN - 6 5/8" PIPE
4	204.9' SPAN - 6 5/8" PIPE
1	54.8' OVERHANG
	<u>OPTIONS</u>
1	SELECT PANEL w/PRESSURE TRANSDUCER
1	LOW TEMPERATURE SHUTOFF
1	HIGH SPEED OPTION
1	END OF FIELD STOP WITH AUTO REVERSE WITH POST TYPE BARRICADES
5	SET 11R X 22.5 RECAP TIRES - GALV. RIMS
1	SET NELSON ROTATORS W/D4 PLATE AND HOSE DROPS AT 5' GROUND CLEARANCE
	PIVOT TOTAL
1	FREIGHT
1	MEASURE FOR PIVOT CENTER, UNLOAD, ERECT, WIRE, AND START UP PIVOT ONLY
	Credit sales subject to these terms: ALL INVOICES ARE DUE AND PAYABLE 10TH OF MONTH FOLLOWING DATE OF PURCHASE. A Finance charge will be made on all non-deferred balances more than 30 days old which finance charge will be computed by a PERIODIC RATE of 1-1/2% per month for an ANNUAL PERCENTAGE RATE of 18% applied to amounts of balances shown on the end-of-month statement as being more than 30 days old.

AUTHORIZATION
NO. CCB# 155281

CUSTOMER'S
SIGNATURE *

—PLEASE PAY FROM THIS INVOICE—
STATEMENT COPY

AMERI TITLE

405 NORTH 1ST STREET
LAKEVIEW, OR 97630

PHONE (541) 947-3019 FAX (541) 947-3283

FAX COVER SHEET

FROM: JUNE LIGHTLE, TITLE EXAMINER

Date: April 16, 2007

Transmit To: Duane and Ann Cummins

Attention:

Reference: Preliminary Title Report with invoice

Your File No.: Our File No.: 0008788

Destination Fax No.: 541-791-3219

Notice to Recipient: THIS COMMUNICATION MAY CONTAIN CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY ON THIS OVER SHEET. IF RECEIVED BY YOU IN ERROR, PLEASE NOTIFY THE SENDER AS SOON AS POSSIBLE. THANK YOU!

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON



DUANE AND ANN CUMMINS
35835 HWY 20 SE
ALBANY, OR 97322

Date: April 16, 2007

Title Number: 0008788
Title Examiner: JUNE LIGHTLE

PRELIMINARY TITLE REPORT FOR:
DUANE W. CUMMINS
ANN MARIE CUMMINS

REPORT NO. 1

Policy or Policies to be issued:
STANDARD OWNER'S POLICY

Liability
TBD

Premium
\$ 200.00MIN

We are prepared to issue ALTA (10-17-92), title insurance policy(ies) of Chicago Title Insurance Company of Oregon in the form and amounts above, insuring the title to the land described as follows:

PLEASE SEE ATTACHED EXHIBIT "A"

And dated as of April 12, 2007 at 8:00 A.M., title is vested in:

**DUANE W. CUMMINS AND ANN MARIE CUMMINS,
AS TENANTS BY THE ENTIRETY**

The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

This report is preliminary to the issuance of title insurance and shall become null and void unless a policy is issued and the full premium therefore paid.

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Unpatented mining claims whether or not shown by the public records.

SPECIAL EXCEPTIONS:

7. Reservations or exceptions in patents or in Acts authorizing the issuance thereof.
8. Rights incident to the use of any existing power, telephone lines that may cross the property and the rights of the public in public roads that may cross and/or border said property.
9. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
10. Rights of way for roads and highways, and all of the coal, oil, gas and minerals on, in or under the land described herein, reserved by Lake County, Oregon, a municipal corporation, under that certain deed, including the terms and provisions thereof, recorded in Book 92, at Page 49, Lake County Deed Records, Oregon. (Affects Parcel 1)

Note: The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

11. Rights of way for roads and highways, and all of the coal, oil, gas and minerals on, in or under the land described herein, reserved by Lake County, Oregon, a municipal corporation, under that certain deed, including the terms and provisions thereof, recorded in Book 109, at Page 69, Lake County Deed Records, Oregon. (Affects Parcel 2)

Note: The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

RECEIVED

12. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Fort Rock Irrigation District.
13. Agreement, subject to the terms and provisions thereof,
Dated: January 19, 1994
Book: 231 at Page 321, Lake County Deed Records, Oregon
(Affects Parcel 2)
14. Right of Way Easement, including the terms and provisions thereof,
Recorded: May 29, 2001
Book: 252 at Page 3 and 5, Lake County Deed Records, Oregon
In favor of Midstate Electric Cooperative, Inc.
(Affects Parcel 2)
15. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
Dated: June 8, 2006
Recorded: June 13, 2006
Book: 152, at Page 562, Lake County Mortgage Records, Oregon
Amount: \$165,000.00
Grantor: Duane W. Cummins and Ann Marie Cummins, husband and wife as Tenants by the Entirety
Trustee: West Coast Trust
Beneficiary: West Coast Bank
16. Financing Statement, subject to the terms and provisions thereof;
Recorded: August 30, 2006
Book: 153, at Page 385, Lake County Mortgage Records, Oregon
Debtor: Duane Cummins and Ann Cummins
Secured Party: Diversified Financial Services, LLC
17. We are unable to ascertain from the records if the premises herein described have a means of ingress and egress to and from a legally dedicated road or highway, therefore, Notwithstanding Paragraph 4 of the insuring clauses of the policy, the policy will not insure against loss arising by reason of any lack of a right of access to and from the land.
18. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company(ies) assume no liability for any loss occurring by reason of reliance thereon.

End of Exceptions

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

NOTE A: This report does not include a search for financing statements filed in the office of the Secretary of State, in this or any other state, and no liability is assumed if a financing statement is filed in the office of the County Clerk covering timber on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system.

NOTE B: Taxes for fiscal year 2006-2007, paid.

Account No.:	18055	Map No.:	2515-1601
Amount:	\$290.22	Code No.:	1402

NOTE C: Taxes for fiscal year 2006-2007, paid.

Account No.:	276	Map No.:	2515-1700
Amount:	\$457.83	Code No.:	1402

NOTE D: We find no judgments, state and/or federal tax liens on Duane W. Cummins and Ann Marie Cummins.

AmeriTitle



By: JUNE LIGHTLE
Title Examiner

END

MISSION STATEMENT

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

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"
LEGAL DESCRIPTION

In the County of Lake, State of Oregon, as follows:

Parcel 1

**Township 25 South, Range 15 East of the Willamette Meridian,
Section 32: The N½ of the SW¼.**

Parcel 2

**Township 25 South, Range 15 East of the Willamette Meridian,
Section 32: The S½ of the SW¼;
 The S½ of the SE¼.**

RECEIVED

APR 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

1^a = 2000

[illegible]

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

TOTAL P.08

Duane & Ann Cummins
35835 Hi 20 S E
Albany, Or. 97322
541-791-3219
04-18-07

West Coast Bank
Agricultural Banking
301 Church Street NE
Salem, Or. 97308

Reference: Water Right Transfer (T-10310) for Duane & Ann Cummins

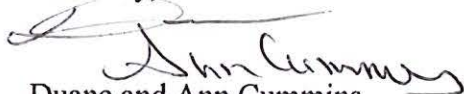
To Whom It May Concern:

We are the owners of a portion of land involved in a water right transfer application that proposes to add a point of appropriation and cancel a portion of the water right. Our property is located on tax lot 1601 in SW1/4 SE ¼, Township 25 South Range 15 East, Lake County, Oregon. The portion of water right being cancelled on our parcel (tax lot 2601) totals 30 acre. This results in a remaining water right of 130 acre on Tax lot 1601. The proposed point of appropriation will be added to tax lot 1700 which is also under our ownership.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property involved in the transfer.

If you have any questions, you may contact us at 541-791-3219, or you may contact Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at 503-986-0890.

Sincerely,


Duane and Ann Cummins

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON



DUANE AND ANN CUMMINS
35835 HWY 20 SE
ALBANY, OR 97322

Date: April 20, 2007
Title Number: 0008802
Title Examiner: JUNE LIGHTLE

PRELIMINARY TITLE REPORT FOR:
DALE L. LIBOLT

REPORT NO. 1

Policy or Policies to be issued:
PRELIM ONLY

Liability

Premium
\$ 200.00

We are prepared to issue ALTA (10-17-92), title insurance policy(ies) of Chicago Title Insurance Company of Oregon in the form and amounts above, insuring the title to the land described as follows:

PLEASE SEE ATTACHED EXHIBIT "A"

And dated as of April 19, 2007 at 8:00 A.M., title is vested in:

**DALE L. LIBOLT AND CATHERINE M. LIBOLT,
AS TENANTS BY THE ENTIRETY**

The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

This report is preliminary to the issuance of title insurance and shall become null and void unless a policy is issued and the full premium therefore paid.

RECEIVED

APR 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Unpatented mining claims whether or not shown by the public records.

SPECIAL EXCEPTIONS:

7. Reservations or exceptions in patents or in Acts authorizing the issuance thereof.
8. Rights incident to the use of any existing power, telephone lines that may cross the property and the rights of the public in public roads that may cross and/or border said property.
9. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
10. An outstanding interest in Leonard L. Pitcher, aka Leonard Pitcher and Edith C. Pitcher, aka Edith Pitcher, husband and wife, for one-half of the oil, gas and minerals on, in or under the herein described property, reserving under that certain deed, including the terms and provisions thereof recorded in Book 147 at Page 324, Lake County Deed Records, Oregon.
11. Right of Way, including the terms and provisions thereof, recorded in Book 179 at Page 376, lake County Deed Records, Oregon, in favor of Midstate Electric Cooperative, Inc..
12. Easement, created by instrument, including the terms and provisions thereof, dated February 8, 1986, recorded March 31, 1986, in Book 203 at Page 40, Lake County Deed Records, Oregon, in favor of Telephone Utilities of Eastern Oregon, an Oregon corporation for underground utilities.
13. Easement, created by instrument, including the terms and provisions thereof, dated March 16, 1990, Recorded April 10, 1990, in Book 214 at Page 734, Lake County Deed Records, Oregon, in favor of United States of American, Department of Energy, Bonneville Power Administration.

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APR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

14. Right of Access to and from that certain irrigation well, as found in that certain deed, including the terms and provisions thereof, recorded August 30, 1995, in Book 230 at Page 371, Lake County Deed Records, Oregon.
15. Well Agreement, as found in that certain deed, including the terms and provisions thereof, recorded August 30, 1995 in Book 230 at Page 371, Lake County Deed Records, Oregon.
16. Right of Access to and from that certain stock well, as found in that certain deed, including the terms and provisions thereof, recorded August 30, 1995, in Book 230 at Page 371, Lake County Deed Records, Oregon.
17. Right of way easement, including the terms and provisions thereof, in favor of Midstate Electric Cooperative, Inc., a cooperative corporation, dated February 16, 1955, recorded May 29, 2001, in Book 252 at page 88, Lake County Deed Records, Oregon.
18. Right of way easement, including the terms and provisions thereof, in favor of Midstate Electric Cooperative, Inc., recorded August 1, 2001, in Book 253 at Page 44, Lake County Deed Records, Oregon.
19. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
Dated: September 12, 2003
Recorded: September 23, 2003
Book: 137, at Page 818, Lake County Mortgage Records, Oregon
Amount: \$86,000.00
Grantor: Dale L. Libolt and Catherine M. Libolt
Trustee: West Coast Trust
Beneficiary: West Coast Bank

The terms of said Trust Deed/Mortgage were modified by instrument;

Dated: November 12, 2004
Recorded: December 9, 2004
Book: 145, at Page 429, Lake County Mortgage Records, Oregon

20. Line of Credit Deed of Trust, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
Dated: May 4, 2004
Recorded: May 13, 2004
Book: 147, at Page 723, Lake County Mortgage Records, Oregon
Amount: \$100,000.00
Grantor: Dale L. Libolt and Catherine M. Libolt, as tenants by the entirety
Trustee: West Coast Trust
Beneficiary: West Coast Bank

The terms of said Trust Deed/Mortgage were modified by instrument;

Dated: December 26, 2005
Recorded: January 3, 2006
Book: 150, at Page 1014, Lake County Mortgage Records, Oregon

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SALEM, OREGON

21. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company(ies) assume no liability for any loss occurring by reason of reliance thereon.

End of Exceptions

NOTE A: This report does not include a search for financing statements filed in the office of the Secretary of State, in this or any other state, and no liability is assumed if a financing statement is filed in the office of the County Clerk covering timber on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system.

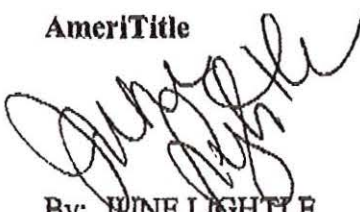
NOTE B: Taxes for fiscal year 2006-2007, paid.

Account No.: 17063
Amount: \$1,688.31

Map No.: 2715-601
Code No.: 1402

NOTE C: We find no judgments, state and/or federal tax liens on Dale L. Libolt and Catherine M. Libolt.

AmeriTitle


By: JUNE LIGHTLE
Title Examiner

END

MISSION STATEMENT

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

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EXHIBIT "A"
LEGAL DESCRIPTION

In the County of Lake, State of Oregon, as follows:

A parcel of land situate in the N½ of Section 3, Township 27 South, Range 15 East of the Willamette Meridian, more particularly described as follows:

Beginning at a point, a 2" pipe set at the Northwest corner of Section 3, thence along the West line of Section 3, South 00°01'05" East 639.75 feet to a # 5x24" plastic-capped steel rod;
Thence along a fence, North 89°35'53" East 788.26 feet to a # 5x30" plastic-capped steel rod;
Thence continuing along a fence, South 00°16'48" West 433.12 feet to a fence corner;
Thence continuing along a fence, South 87°47'02" East 517.41 feet to a #5x24" plastic-capped steel rod;
Thence continuing along a fence, South 00°12'12" East 190.01 feet to a 5x24" plastic-capped steel rod;
Thence leaving the fences and following the South side of an 8" irrigation main, South 89°59'26" East 400.98 feet to a # 5x30" plastic-capped steel rod;
Thence South 15°44'17" East 541.42 feet to a # 5x24" plastic-capped steel rod set at the East side of the fence crib;
Thence South 85°30'14" East 217.12 feet to a # 4x18" plastic capped steel rod set about 10 feet Northeast of the rock outcrop;
Thence South 47°59'12" East 295.95 feet to a # 4x18" plastic capped steel rod set about 15 feet East of a rock outcrop;
Thence South 05°24'36" East 601.36 feet to a # 5x30" plastic-capped steel rod at the West side of a fence crib;
Thence along a fence South 89°13'00" East 2915.78 feet to a railroad spike set in pavement along the East line of Section 3;
Thence along the East line of Section 3, North 00°13'48" East 2660.93 feet to a # 5x30" aluminum-capped steel rod set at the Northeast corner of Section 3;
Thence along the North line of Section 3, South 89°54'23" West 5271.09 feet to the point of beginning.

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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

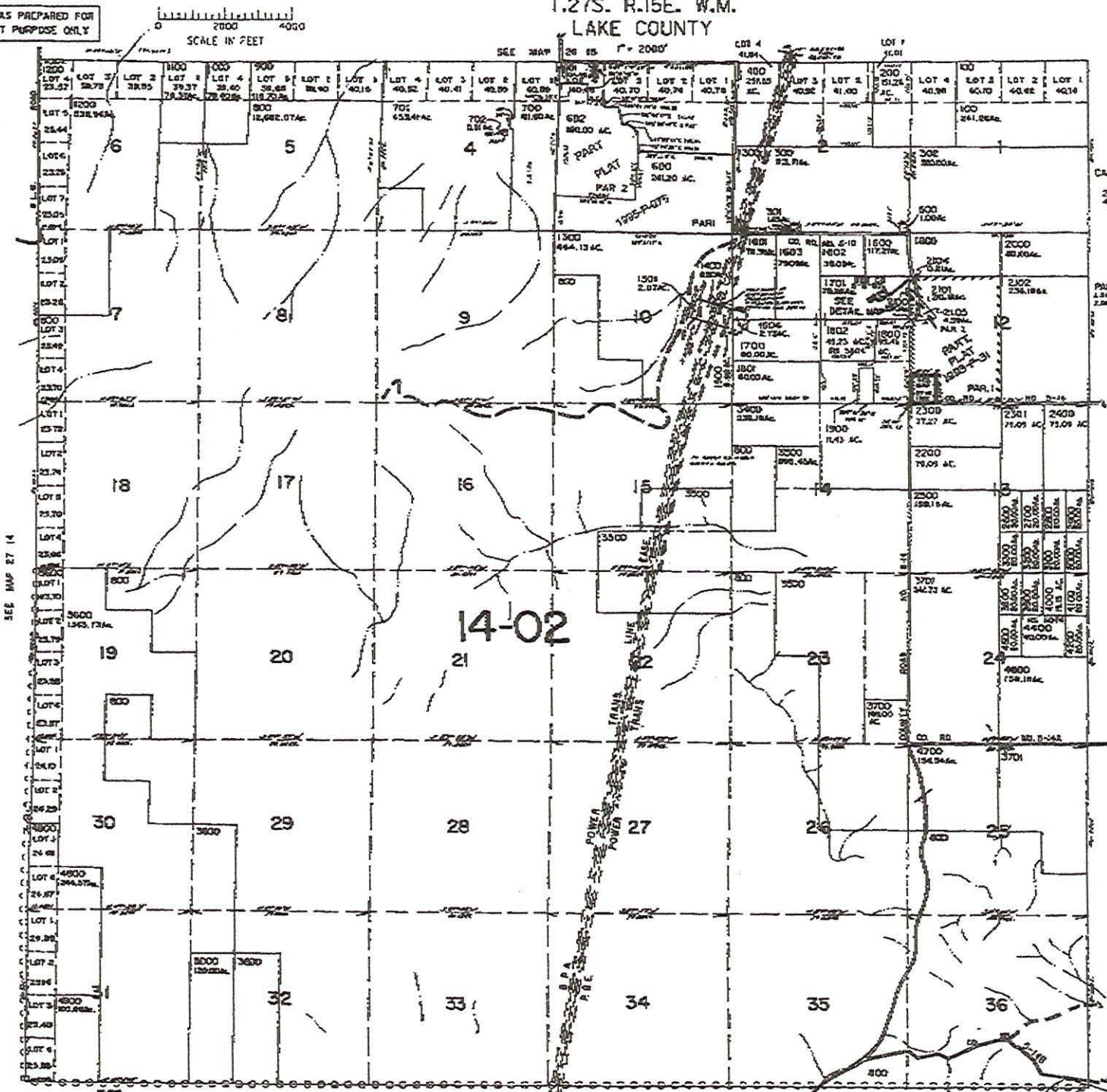
SCALE IN FEET
0 2000 4000

T.27S. R.15E. W.M.
LAKE COUNTY

27 15
& INDEX

erriTitle

THIS IS MADE SOLELY FOR THE
OF ASSISTING IN LOCATING
REMITSES AND NO LIABILITY IS
FOR VARIATIONS IF ANY IN
LAND LOCATIONS ASCERTAINED
SURVEY



SEE MAP 28 15

SEE MAP 27 14

CANCELLED
NO. 5
2105
4300

PARCEL 2105
1.5 AC. 1966
2.5 AC. 1966

Revised
7/6/2006, DLW

27 15
& INDEX

APR-20-2007 12:02

LAKEVIEW

1941 947 5283

P. 07

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WATER RESOURCES DEPT
SALEM, OREGON
TOTAL P. 07

AFFIDAVIT CONSENTING TO PROPOSED WATER RIGHT TRANSFER

State of Oregon)
County of Lake)ss

I/We Dale & Cathy Libolt in my
capacity as owner
mailing address 58994 Fort Rock Road
telephone number 576-2862, duly sworn depose and say that I/We
consent to the proposed change(s) to Water Right Certificate Number 52619
~~410310~~
as described in Transfer Application T- 10310, on the property located on
tax lot number(s) 601, Section 3, Township 27S(north or south),
Range 15E (east or west), W.M.

Dale Libolt
Signature of Affiant

4/15/07
Date

Cathy Libolt
Signature of Affiant

4/16/07
Date

Subscribed and Sworn to before me this 16th day of APRIL, 2007.



Sharon L. Tuttle
Notary Public for Oregon

My commission expires 3/18/08

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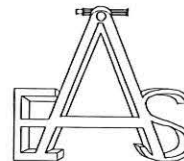
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OVER THE COUNTER

WATER RESOURCES DEPT
SALEM, OREGON

ANDERSON
ENGINEERING & SURVEYING, INC.

PO Box 28
17681 Hwy 395
Lakeview, Oregon 97630
(541) 947-4407
(541) 947-2321 FAX

TRANSMITTAL
LETTER



Oregon Department of Water Resources

725 Summer Street NE, Suite A

Salem, OR 97301

DATE: 3/8/2007	JOB NO: 2006.120
ATTENTION: Dorothy Pedersen	
RE: Cummins Water Right Transfer	

WE ARE SENDING YOU ATTACHED:

☐ PRINTS ☐ PLANS

☐ OTHER _____

COPIES	DATE	DESCRIPTION
1		Revised Page 1 of Supplemental Form A - 52620
1		Revised Page 1 of Supplemental Form A - 52619
1		Land Use Information Form

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL ☐ FOR REVIEW AND COMMENT

☒ AS REQUESTED ☐ FOR SIGNATURE

☐ OTHER _____

REMARKS

Please let us know if you have any questions.

Thank you!

COPY TO _____

If enclosures are not as noted, please notify us at once

SIGNED Carmen Anderson, Business Manager

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SALEM OREGON

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 52619 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☒ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 52620 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☒ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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MAR 13 2007



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Duane & Ann Cummins

Address: 35835 Santiam Hwy SE

City: Albany State: OR Zip: 97322 Day Phone: 541-791-3219

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)			Proposed Land Use
25-15-1601	Farm Use	☒ Diverted	☒ Conveyed	☒ Used	Agricultural
25-15-1700	Farm Use	☒ Diverted	☒ Conveyed	☒ Used	Agricultural
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. _____

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____
☐ Other _____

Briefly describe: _____

Indicate the source of the water to be used.

☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water _____ (source)

Indicate the estimated quantity of water the use will require: .12 ☒ CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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WATER RESOURCES DEPT
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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ Go to section B "Approval" below.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
N/A		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Ken Kestner Date: 9 March '07
 Title: Co. Commissioner Phone: 541-947-6004
 Signature: Ken Kestner

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

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MAR 13 2007

WATER RESOURCES DEPT
SALEM, OREGON

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one

☒ Permanent Transfer ☐ Temporary Transfer • total number of years: _____ (begin year: _____) (end year: _____)	☐ Instream Transfer ☐ Permanent ☐ Time-Limited ☐ Drought Transfer ☐ Other
---	---

2. APPLICANT INFORMATION

Name: Duane & Ann		Cummins	
First		Last	
Address: 35835 Santiam Hwy SE			
Albany		OR	97322
City		State	Zip
Phone: 541-791-3219			
Home		Work	Other
Fax: N/A		E-Mail address: N/A	

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Anderson Engineering & Surveying, Inc.

First Last

Address: PO Box 28

Lakeview OR 97630

City State Zip

Phone: 541-947-4407

Home Work Other

Fax: 541-947-2321 E-Mail address: darryla@andersonengineering.com

- If an agent is listed above, please check one of the following:
- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
- ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

I 10310

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.			52620
2.			52619
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:

☒ Place of Use ☒ Point of Diversion ☐ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): Certificate 52620 is being re-configured to allow use of pivot irrigation and an additional 10 acres is being transferred from Certificate 52619 to complete the pivot rotation area – See attached map

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system or the system that **was in place** at some time within the last 5 years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

- System capacity: 2 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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SALEM, OREGON**

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is 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? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Lake County, Oregon

513 Center Street, Lakeview, OR 97630

T 10310

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8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

- ☒ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☐ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- ☒ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- ☐ Enclosed; *or*
- ☒ Not Required if all of the following are met:
- ❶ In EFU zone or irrigation district,
 - ❷ Change in place of use only,
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ❹ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 700.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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**WATER RESOURCES DEPT
SALEM, OREGON**

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

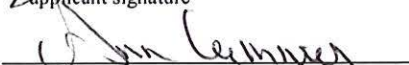
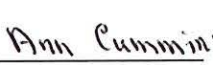
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer (attached)** signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ I (we) affirm that 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. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

 applicant signature	Duane Cummins name (print)	 date
 applicant signature	Ann Cummins name (print)	 date

T 10310

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 52620

Supervised by
page 1 for Certificate 52620
received 3/13/07

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☒ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☒ Certificated Right	52620	
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Maurice L. & Hazel I. Ward
- County: Lake
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): March 25, 1980

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Ground Water – Fort Rock Basin

Tributary to: _____

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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WATER RESOURCES DEPT
SALEM, OREGON

T 10310

▪ Certificate Number or other identifying number: 52620

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
172	No change							

- Does the water right being transferred involve a ground water source(s)?

☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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WATER RESOURCES DEPT
SALEM, OREGON

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

T 10310

■ Certificate Number or other identifying number: 52620 _____

*The following information must be provided only for those places of use that **are involved in the transfer** (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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WATER RESOURCES DEPT
SALEM, OREGON

T 10310

- Certificate Number or other identifying number: 52620 _____

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
No Change from Original Certificate							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

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**WATER RESOURCES DEPT
SALEM, OREGON**

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

10310

▪ Certificate Number or other identifying number: 52620

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Well	25S	15E	W	32	NW SW	1601	32.50
Well	25S	15E	W	32	NE SW	1601	32.50
All from well as noted in Certificate 52620 Priority 3/25/80							

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WATER RESOURCES DEPT

Remarks:

T 10310

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 52619

Super Seded by page 1
for Certificate 52619
received 3/13/07

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☒ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☒ Certificated Right	52619	
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: O.R. Heavilin
- County: Lake
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): December 14, 1976

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Well located in Fort Rock Basin

Tributary to: _____

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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WATER RESOURCES DEPT
SALEEM CHRON

10310

■ Certificate Number or other identifying number: 52619

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
775	Well #2	27S	15E	W	3	NE NW	601	1273' south and 2645' west of NE corner of Section 3

- Does the water right being transferred involve a ground water source(s)?

☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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WATER RESOURCES DEPT
SALEM, OREGON

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

10310

▪ Certificate Number or other identifying number: 52619 _____

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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WATER RESOURCES DEPT
SALEM, OREGON

T 10310

▪ Certificate Number or other identifying number: 52619

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Existing Well	25S	15E	W	32	SE SW	1700	2690' west and 60' north of SE corner of Section 32

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 52619 _____

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

[illegible]

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WATER RESOURCES DEPT
SALEM, OREGON

Remarks: _____

10310

CERTIFICATE 52619

STATE ENGINEER
Salem, Oregon

Lake
175

Well Record

STATE WELL NO. 27/15-3B(1)
COUNTY Lake
APPLICATION NO. U-784

OWNER: Clayton Mann MAILING ADDRESS:

LOCATION OF WELL: Owner's No. 2 CITY AND STATE: Fort Rock, Oregon

NW 1/4 NE 1/4 Sec. 3 T. 27 N. S. R. 15 E. W. W.M.

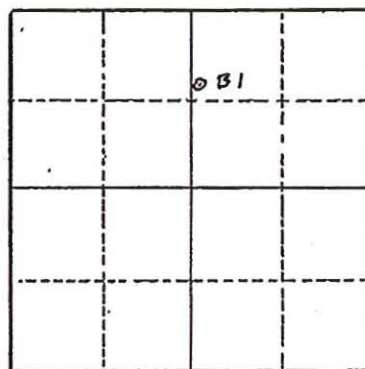
Bearing and distance from section or subdivision corner

Altitude at well

TYPE OF WELL: drilled Date Constructed Apr. 1955

Depth drilled 75 Depth cased

CASING RECORD: 18 inch



Section 3

FINISH:

AQUIFERS:

WATER LEVEL: 23 ft. below land surface

PUMPING EQUIPMENT: Type turbine H.P. Capacity 1200 G.P.M.

WELL TESTS:

Drawdown 11 ft. after hours pumping 1200 G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS: Permit U-710

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WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATE 52620

WELL IDENTIFICATION FORM

Owner's Well Number: _____

CURRENT WELL OWNER:

Phone 541-576-2508

Name: Anthony R. Lasich

Mailing Address: Casper mtn Rd.

City: Port Rock State: OR Zip: 97735

WELL LOCATION:

County: Lake Latitude: _____ Longitude: _____

Township: 25 ~~N~~ S, Range: 15 E ~~of~~ Section: 32 S 1/2 ~~EA~~ S 1/2 ~~EA~~

Tax Lot Number: 1700

Street Address of Well (if different from above): _____

If a well report is available for this well, please attach a copy of it to this form and return. It is not necessary for you to complete the remainder of the form if the well report is attached. If a well report is not available, please complete the remainder of the form to the best of your ability.

WELL INFORMATION:

Lake 50496

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MAY - 6 1996

Start Card Number: _____ Approx. Construction Date: _____ WATER RESOURCES DEPT.
SALEM, OREGON

Well Constructor: _____

Name of Owner at Time of Construction: _____

Well Depth (in feet): _____ Static Water Level (in feet): _____

Diameter of Exposed Well Casing (in inches): _____

Does this well have a formal water right associated with it? Yes: _____ No: _____ If yes:

Application #: _____ Permit #: _____ Certificate #: _____

Please Return Completed Form to:

Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

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FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

(Office use only)

Well Identification Number: LC4957

10310



16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

1872 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1872
C-9 P-17

Current amount is due 07/10/2006

Current Amount Delinquent if not paid by 07/17/2006



Page 1 of 2

Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
06/20/2006

Total -- Electric Service \$ 1,834.33

Total Amount Due \$ 1,834.33

7.84 ac # 312.40

Important Information

Co-op News

OUR OFFICE WILL BE CLOSED ON TUESDAY JULY 4, 2006 FOR INDEPENDENCE DAY
PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

Please return this portion with your payment.

Account Number: [REDACTED] Cycle 3

Billing Date: 06/20/2006

Current Due Date: 07/10/2006

Total Amount Due: \$1,834.33

Relief Fund Contribution: _____ (optional)

Total Amount Paid: _____

Service Address: 75 & 30 PLACE #3

Phone Number: 541-576-2862

42446

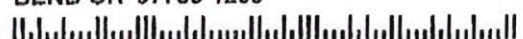
☐ Indicate billing address/phone # changes on back

☐ Indicate debit/credit card payments, or auto pay sign up on back

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638

T 10310

MIDSTATE ELECTRIC COOPERATIVE INC
PO BOX 1209
BEND OR 97709-1209





16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2126 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638

Current amount is due 08/07/2006

Current Amount Delinquent if not paid by 08/14/2006

Page 1 of 2

Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
07/18/2006

Total -- Electric Service \$ 1,695.37

Total Amount Due \$ 1,695.37

7.21 ac

Important Information

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Co-op News

PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

Please return this portion with your payment.

Account Number: [REDACTED] Cycle 3

Billing Date: 07/18/2006

Current Due Date: 08/07/2006

Total Amount Due: \$1,695.37

Relief Fund Contribution: _____ (optional) ☐ Indicate billing address/phone # changes on back

Total Amount Paid: _____ ☐ Indicate debit/credit card payments, or auto pay sign up on back

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638

T 10310

MIDSTATE ELECTRIC COOPERATIVE INC
PO BOX 1209
BEND OR 97709-1209





16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

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is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: 2739011

Service Location: 75 & 30 PLACE #3

1880 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1880
C-9 P-18

Current amount is due 09/05/2006

Current Amount Delinquent if not paid by 09/18/2006



Page 1 of 2



Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
08/15/2006

Total -- Electric Service

\$ 2,727.68

Total Amount Due

\$ 2,727.68

25al *11.61ac*



Important Information



Co-op News

OUR OFFICE WILL BE CLOSED ON MONDAY SEPTEMBER 4, 2006 FOR LABOR DAY.
PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.



16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423

www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.

Monday through Friday, except holidays.

24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

1894 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1894
C-9 P-15

Current amount is due 10/09/2006

Current Amount Delinquent If not paid by 10/16/2006



Page 1 of 2



Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
09/19/2006

Total -- Electric Service

\$ 1,890.73

Total Amount Due

\$ 1,890.73



Important Information



Co-op News

PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

RECEIVED

FEB 05 2007

WATER RE
SALE

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

Please return this portion with your payment.

Account Number:

[REDACTED] Cycle 3

Billing Date:

09/19/2006

Service Address: 75 & 30 PLACE #3

Current Due Date:

10/09/2006

Phone Number: 541-576-2862

42446

Total Amount Due:

\$1,890.73

Relief Fund Contribution:

_____ (optional) ☐ Indicate billing address/phone # changes on back

Total Amount Paid:

_____ ☐ Indicate debit/credit card payments, or auto pay sign up on back

DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD

T 10310

MIDSTATE ELECTRIC COOPERATIVE INC
PO BOX 1209
BEND OR 97709-1209





16755 Finley Butte Rd PO Box 127 La Pine OR 97739-0127

(541) 536-2126 (800) 722-7219 Fax (541) 536-1423
www.midstateelectric.coop

Office Hours: 8:00 A.M. - 5:00 P.M.
Monday through Friday, except holidays.

24 hour payment drop box
is available outside our main office
To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75 & 30 PLACE #3

1904 1 AT 0.308
DALE L LIBOLT
CATHY M LIBOLT
58994 FORT ROCK RD
SILVER LAKE OR 97638-9632

4 1904
C-9 P-15

Current amount is due 11/06/2006

Current Amount Delinquent if not paid by 11/20/2006



Page 1 of 2



Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
10/17/2006

Total -- Electric Service

\$ 1,177.27

Total Amount Due

\$ 1,177.27



Important Information



Co-op News

PAY ON-LINE AT WWW.MIDSTATEELECTRIC.COOP

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WATER RESOURCE
SALEM, ORE.

Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - 1.5% will be assessed on any unpaid balance.

T 10310



Electric Service Detail

Page 2 of 2

Billing Cycle 3
Days: 30

Reading Dates:
08/31/2006 -
09/30/2006

Service Location:
75HP L-2

Type: REGULAR
Rate: IRR-SEASONAL

Account Number:
[REDACTED]

Meter Number	Current Reading	Last Reading	kWh Used	kWh Multiplier	Total kWh	kW
14364	23928	23537	391	40	15640	61.00

PREVIOUS BALANCE	938.21	
PAYMENT RECEIVED 10/04/2006	<u>938.21</u>	Credit
BALANCE PRIOR TO BILLING		0.00

ENERGY CHARGE (KWH)	553.66	
DEMAND CHARGE (KW)	283.65	
FACILITIES CHARGE	<u>48.00</u>	
CURRENT CHARGES - ELECTRIC		885.31

TOTAL AMOUNT DUE - ELECTRIC SERVICE	\$	885.31
-------------------------------------	----	--------

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WATER RESOURCES DEPT
SALEM, OREGON

T 10310



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24 hour payment drop box

is available outside our main office

To report outages call (541) 536-2165 or (800) 752-5935
for 24 hour emergency service

Account Number: [REDACTED]

Service Location: 75HP L-2

2439 1 AB 0.317
DUANE W CUMMINS
ANN M CUMMINS
35835 HWY 20 SE
ALBANY OR 97322-9766

4 2439
C-12 P-25

Current amount is due 11/06/2006

Current Amount Delinquent if not paid by 11/20/2006



Page 1 of 2



Billing Summary

(see detail on reverse side)

Billing Period
Cycle 3
10/17/2006

Total -- Electric Service

\$ 885.31

10-19-06
+ 1232

Total Amount Due

\$ 885.31



Important Information



Co-op News

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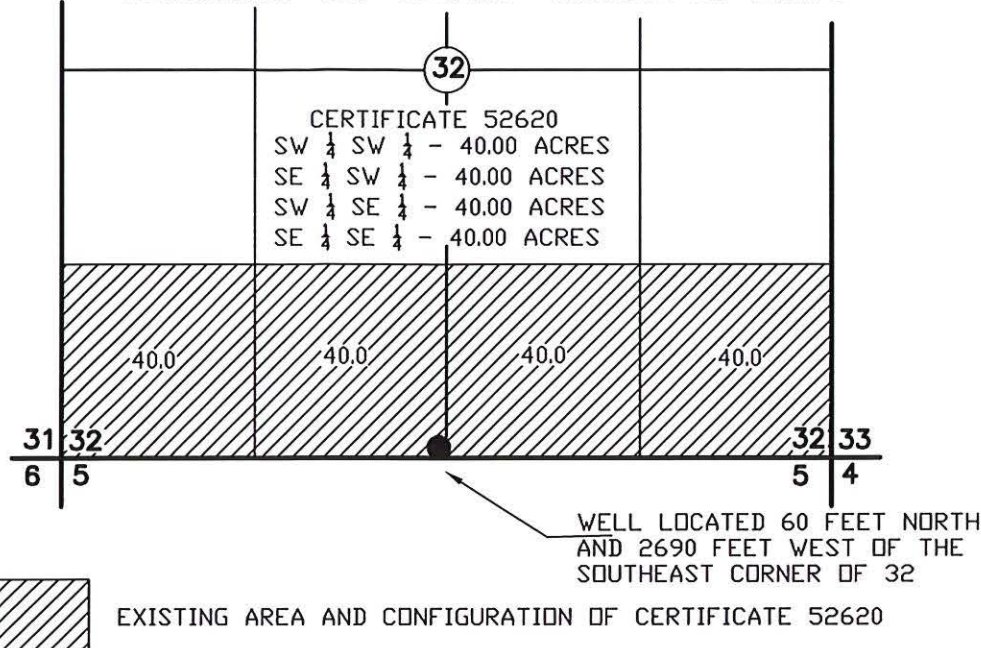
WATER RESOURCES DEPT
SALEM, OREGON

10310

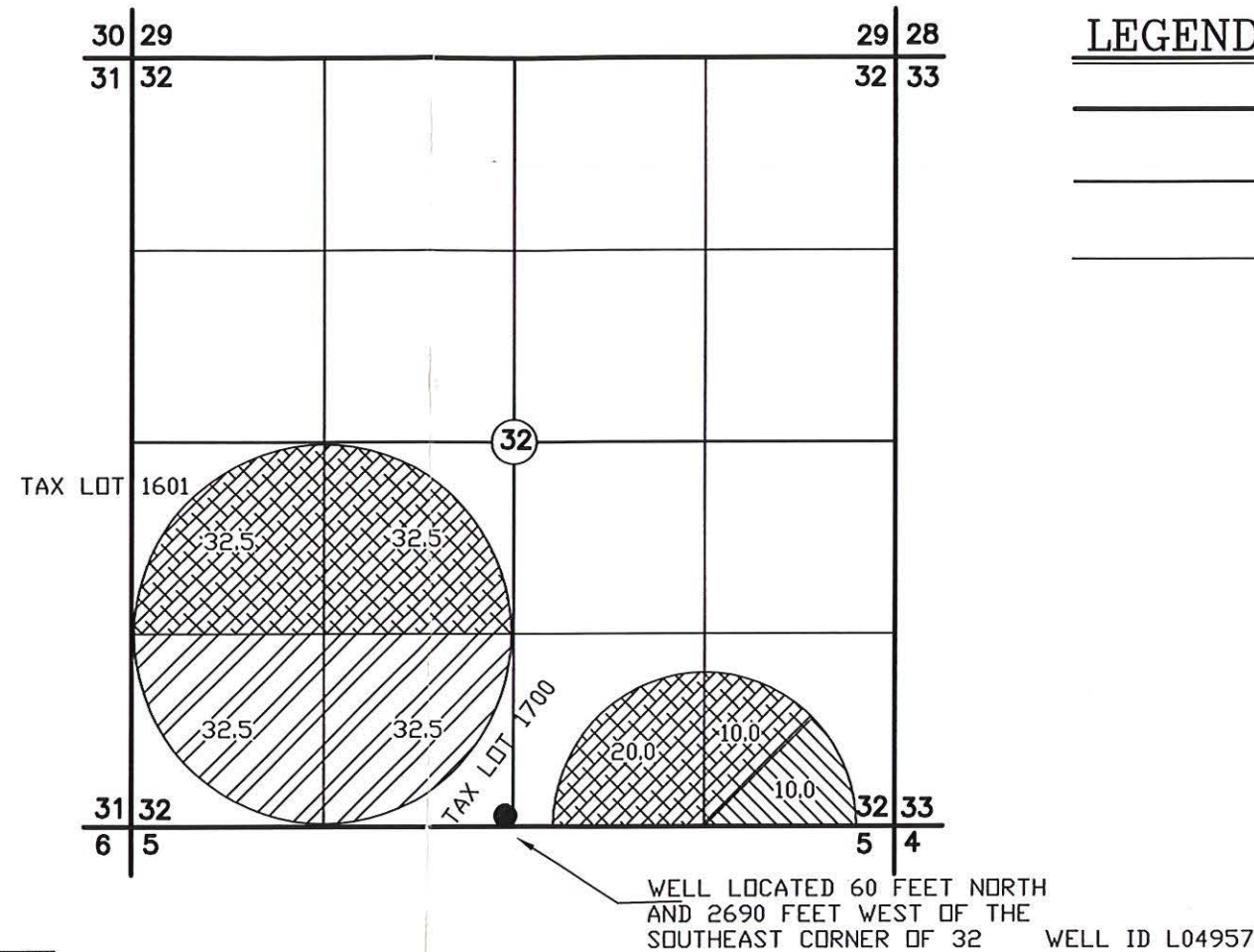
MAP TO ACCOMPANY TRANSFER APPLICATION

TRANSFER NO. _____

TOWNSHIP 25 SOUTH RANGE 15 EAST



TOWNSHIP 25 SOUTH RANGE 15 EAST



LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

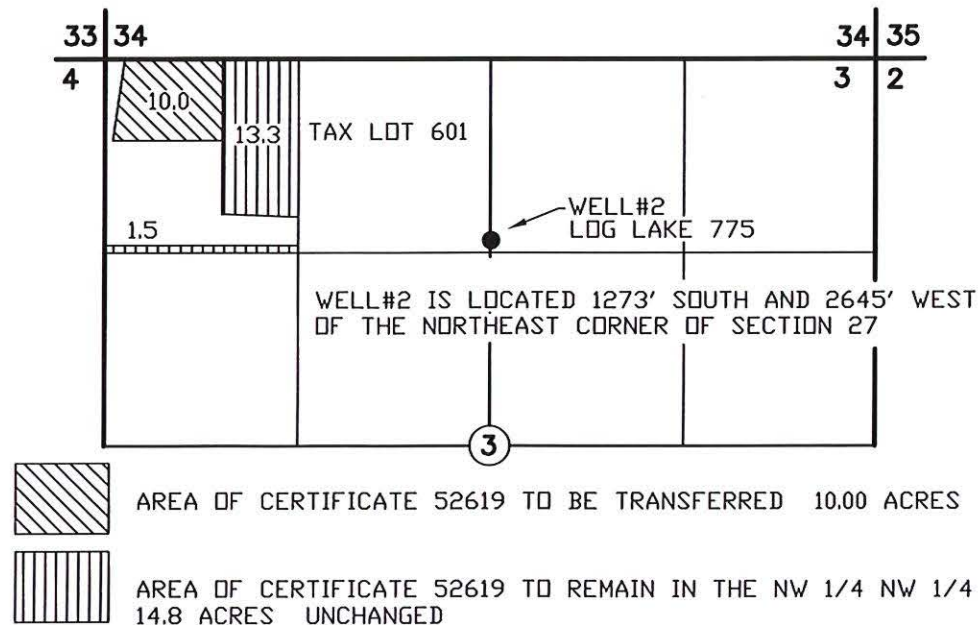
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WATER RESOURCES DEPT
 SALEM, OREGON

SCALE: 1"=1320'

TOWNSHIP 27 SOUTH RANGE 15 EAST



AREA OF CERTIFICATE 52620 TO REMAIN IN PLACE - 65.0 ACRES

AREA OF CERTIFICATE 52620 TO BE RECONFIGURED (TRANSFERRED) 95.0 ACRES

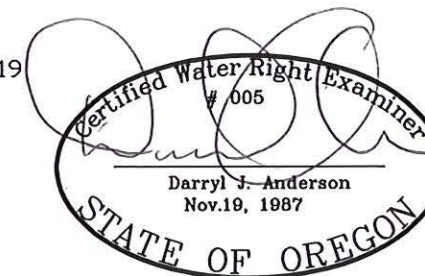
RESULTING CONFIGURATION OF CERTIFICATE 52620 AFTER TRANSFER

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.5 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.5 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 20.00 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 10.00 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.5 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.0 ACRES

AREA TRANSFERRED FROM CERTIFICATE 52619 PERMIT G-7054, 10.00 ACRES TOTAL

NOTE:
 ONLY THE PORTION OF RIGHT UNDER CERTIFICATE 52619 EFFECTED BY THIS TRANSFER IS SHOWN. THE REMAINDER OF THE RIGHT UNDER THE CERTIFICATE IS UNCHANGED AND NOT SHOWN ON THE MAP.

NOTE: PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE LOCATIONS OR DIMENSIONS OF PROPERTY BOUNDRIES.



PREPARED FOR:
 DUANE AND ANN CUMMINS
 35835 SANTIAM HIGHWAY S.E.
 ALBANY, OREGON 97322
 (541) 791-3219

PREPARED BY:
ANDERSON ENGINEERING & SURVEYING, INC.
 P.O. BOX 28 LAKEVIEW, OREGON 97630
 (541) 947-4407 FAX 947-2321
 P.O. BOX 419 REDMOND, OREGON 97756
 (541) 923-4307 FAX 923-4308

DATE: DECEMBER 2006 DWG. FILE: 2006-120

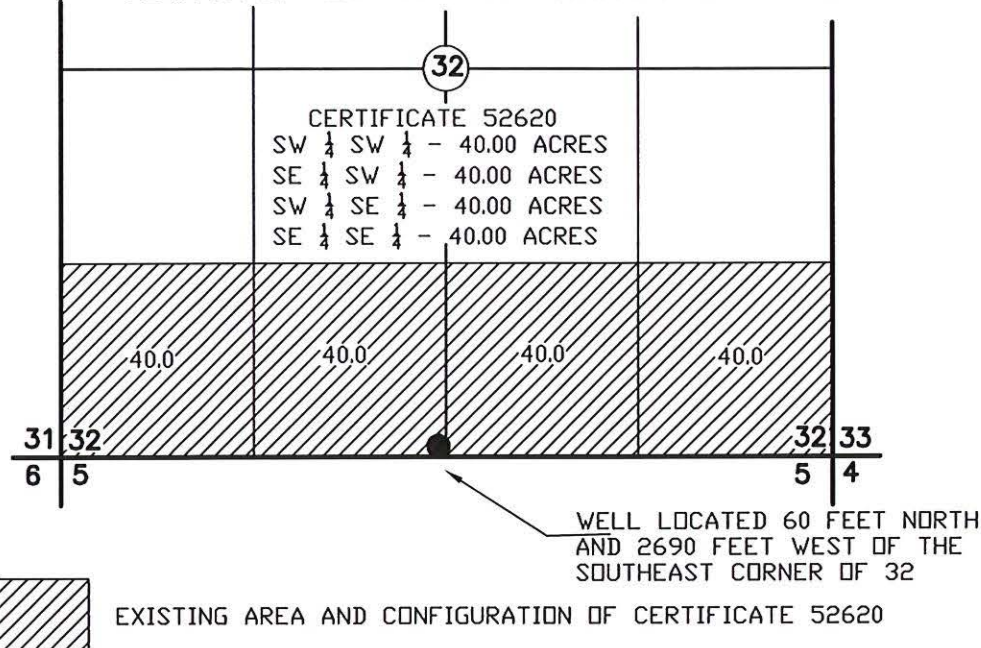
JOB NO.: 2006-120 SHEET 1 OF 1

RENEWAL 12/31/07

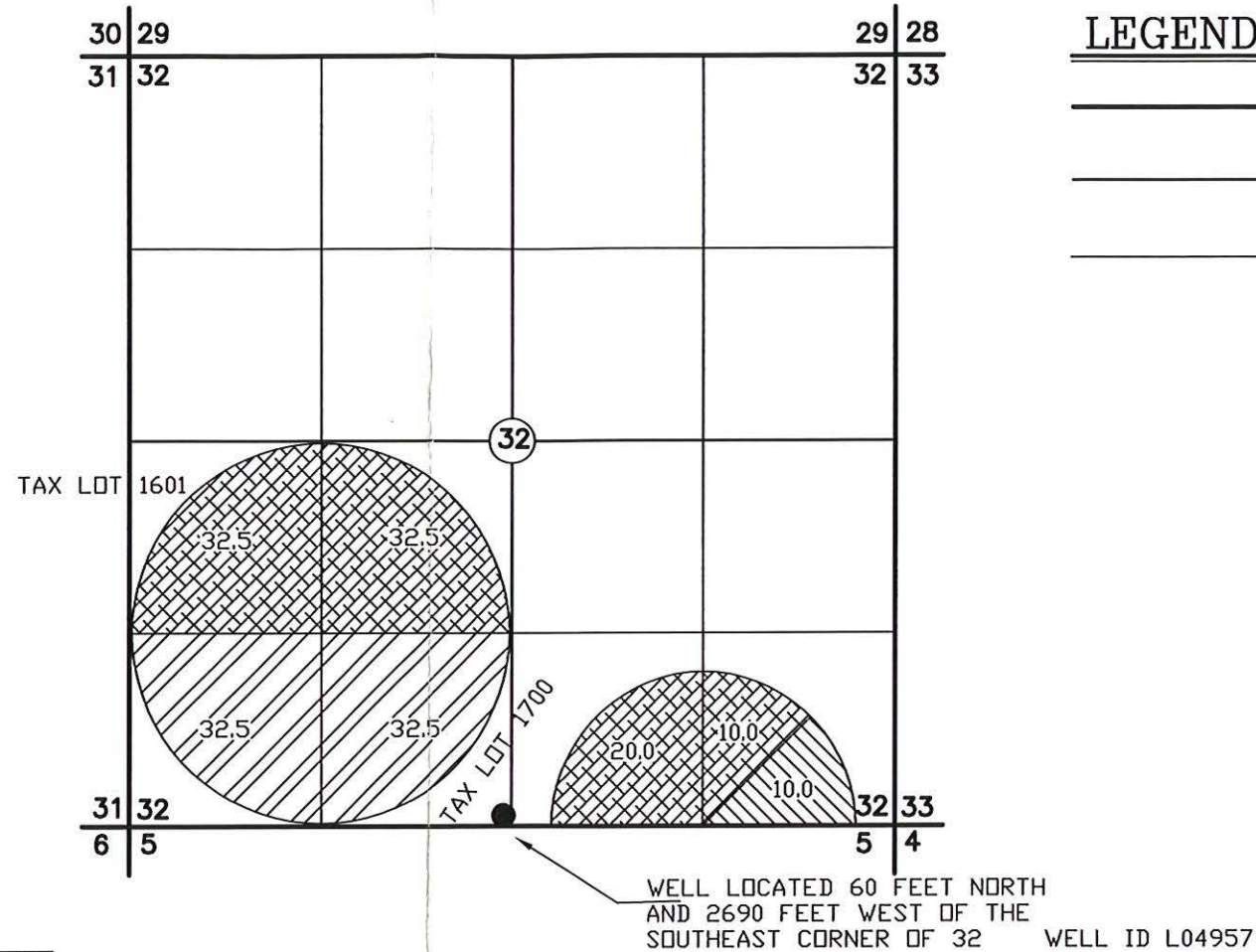
MAP TO ACCOMPANY TRANSFER APPLICATION

TRANSFER NO. _____

TOWNSHIP 25 SOUTH RANGE 15 EAST



TOWNSHIP 25 SOUTH RANGE 15 EAST



LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

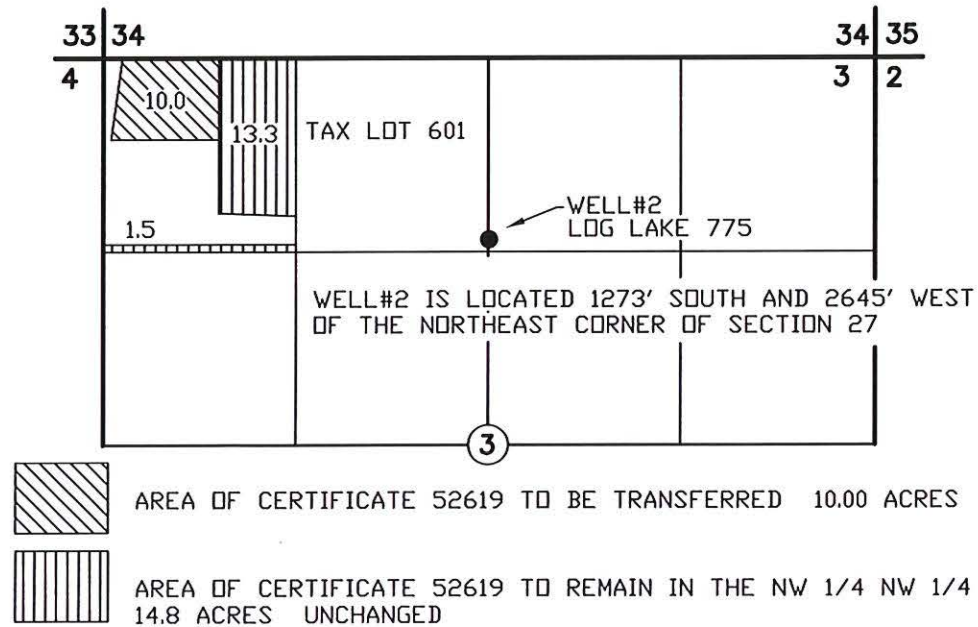
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WATER RESOURCES DEPT
 SALEM, OREGON

SCALE: 1"=1320'

TOWNSHIP 27 SOUTH RANGE 15 EAST



- AREA OF CERTIFICATE 52620 TO REMAIN IN PLACE - 65.0 ACRES
- AREA OF CERTIFICATE 52620 TO BE RECONFIGURED (TRANSFERRED) 95.0 ACRES

RESULTING CONFIGURATION OF CERTIFICATE 52620 AFTER TRANSFER

- SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.5 ACRES
- SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.5 ACRES
- SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 20.00 ACRES
- SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 10.00 ACRES
- NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.5 ACRES
- NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.0 ACRES

- AREA TRANSFERRED FROM CERTIFICATE 52619 PERMIT G-7054, 10.00 ACRES TOTAL

NOTE:
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RENEWAL 12/31/07

PREPARED FOR:
 DUANE AND ANN CUMMINS
 35835 SANTIAM HIGHWAY S.E.
 ALBANY, OREGON 97322
 (541) 791-3219

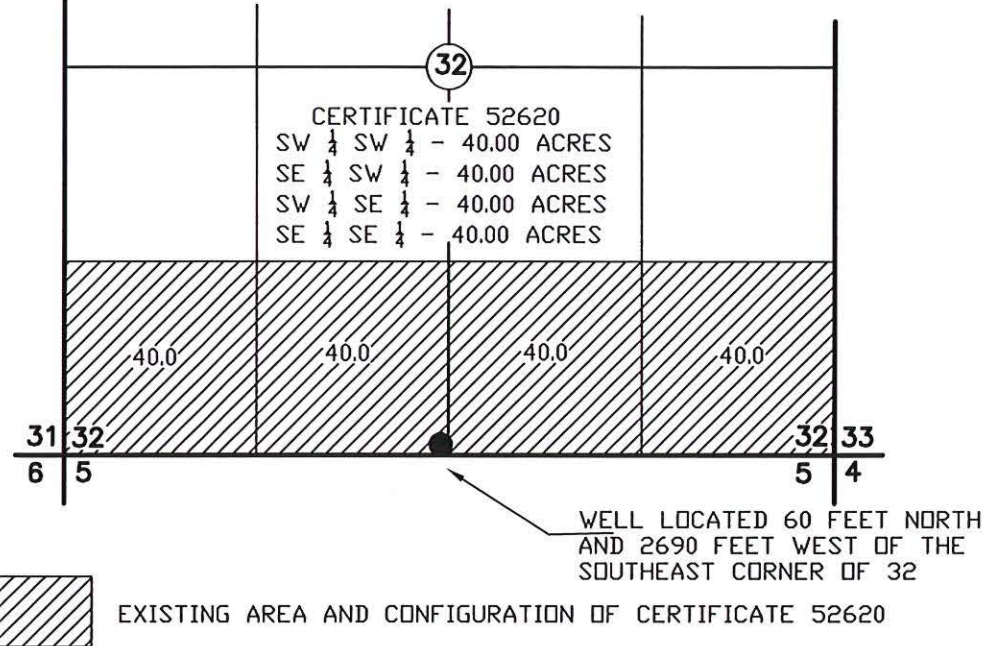
PREPARED BY:
ANDERSON ENGINEERING & SURVEYING, INC.
 P.O. BOX 28 LAKEVIEW, OREGON 97630
 (541) 947-4407 FAX 947-2321
 P.O. BOX 419 REDMOND, OREGON 97756
 (541) 923-4307 FAX 923-4308

DATE: DECEMBER 2006 DWG. FILE: 2006-120
 JOB NO.: 2006-120 SHEET 1 OF 1

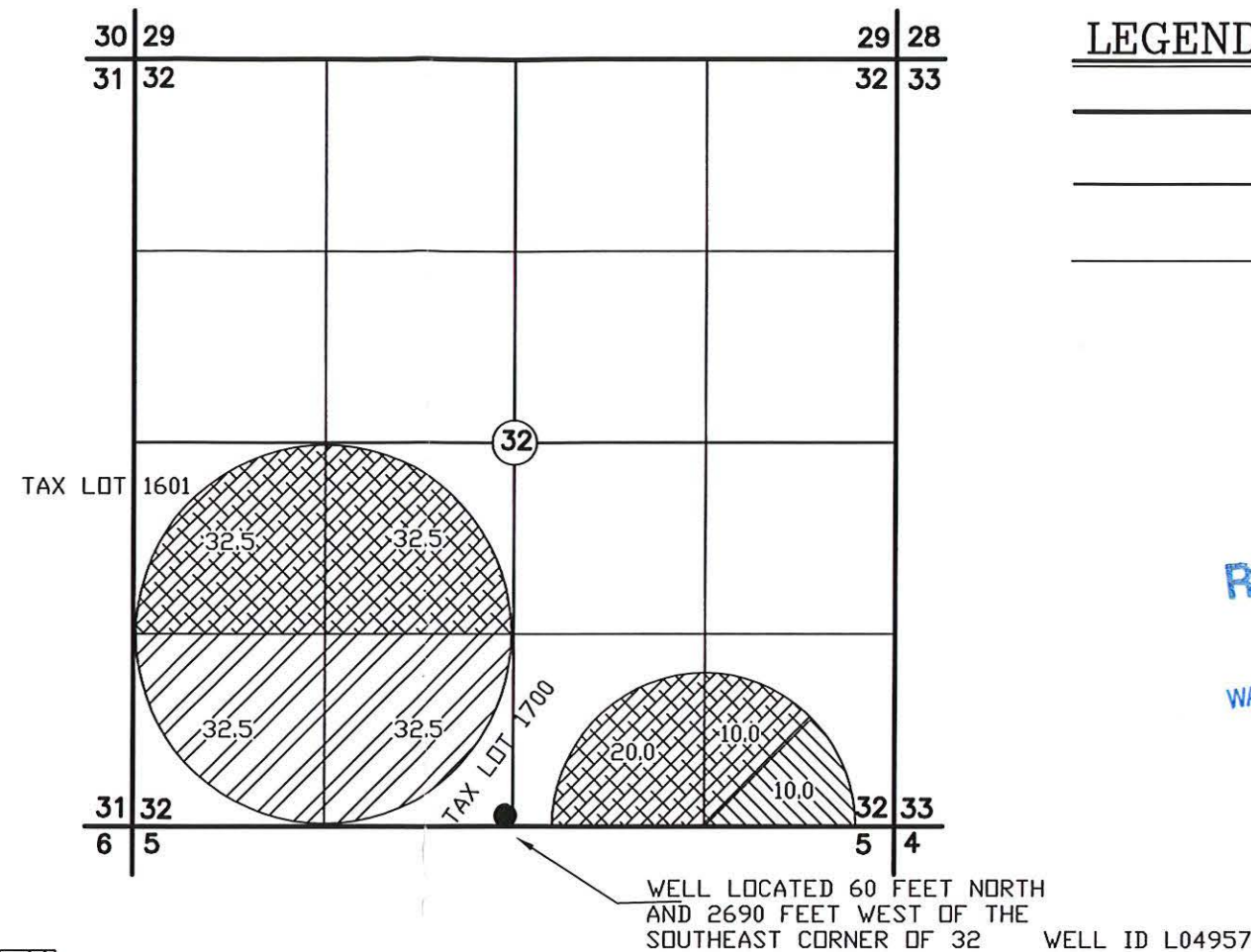
MAP TO ACCOMPANY TRANSFER APPLICATION

TRANSFER NO. _____

TOWNSHIP 25 SOUTH RANGE 15 EAST



TOWNSHIP 25 SOUTH RANGE 15 EAST



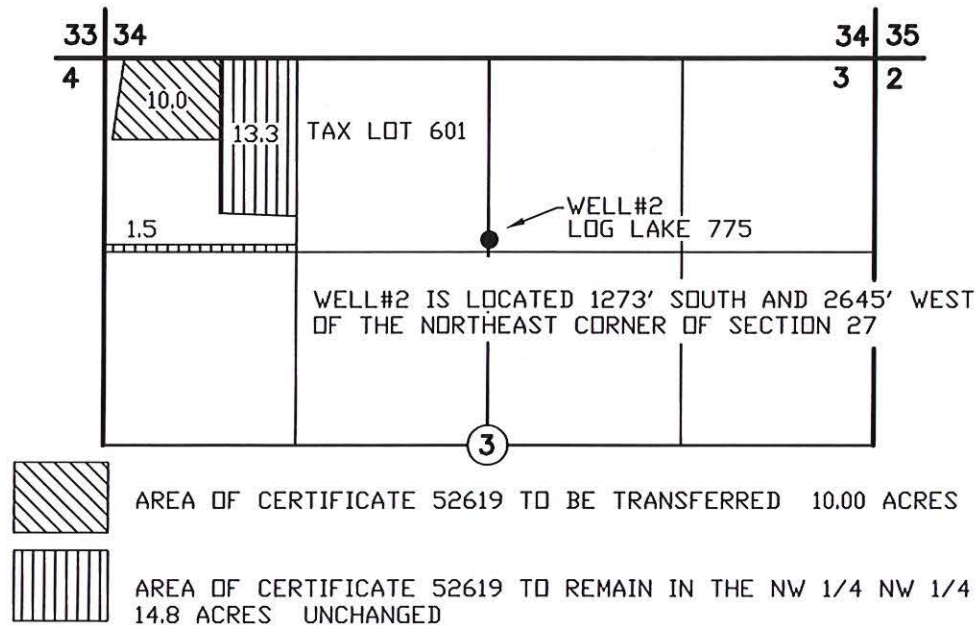
LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

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WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1"=1320'

TOWNSHIP 27 SOUTH RANGE 15 EAST



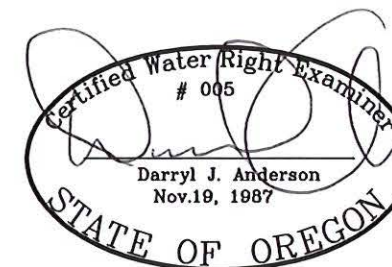
RESULTING CONFIGURATION OF CERTIFICATE 52620 AFTER TRANSFER

- SW 1/4 SW 1/4 - 32.5 ACRES
- SE 1/4 SW 1/4 - 32.5 ACRES
- SW 1/4 SE 1/4 - 20.00 ACRES
- SE 1/4 SE 1/4 - 10.00 ACRES
- NW 1/4 SW 1/4 - 32.5 ACRES
- NE 1/4 SW 1/4 - 32.0 ACRES

AREA TRANSFERRED FROM CERTIFICATE 52619 PERMIT G-7054, 10.00 ACRES TOTAL

NOTE:
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RENEWAL 12/31/07

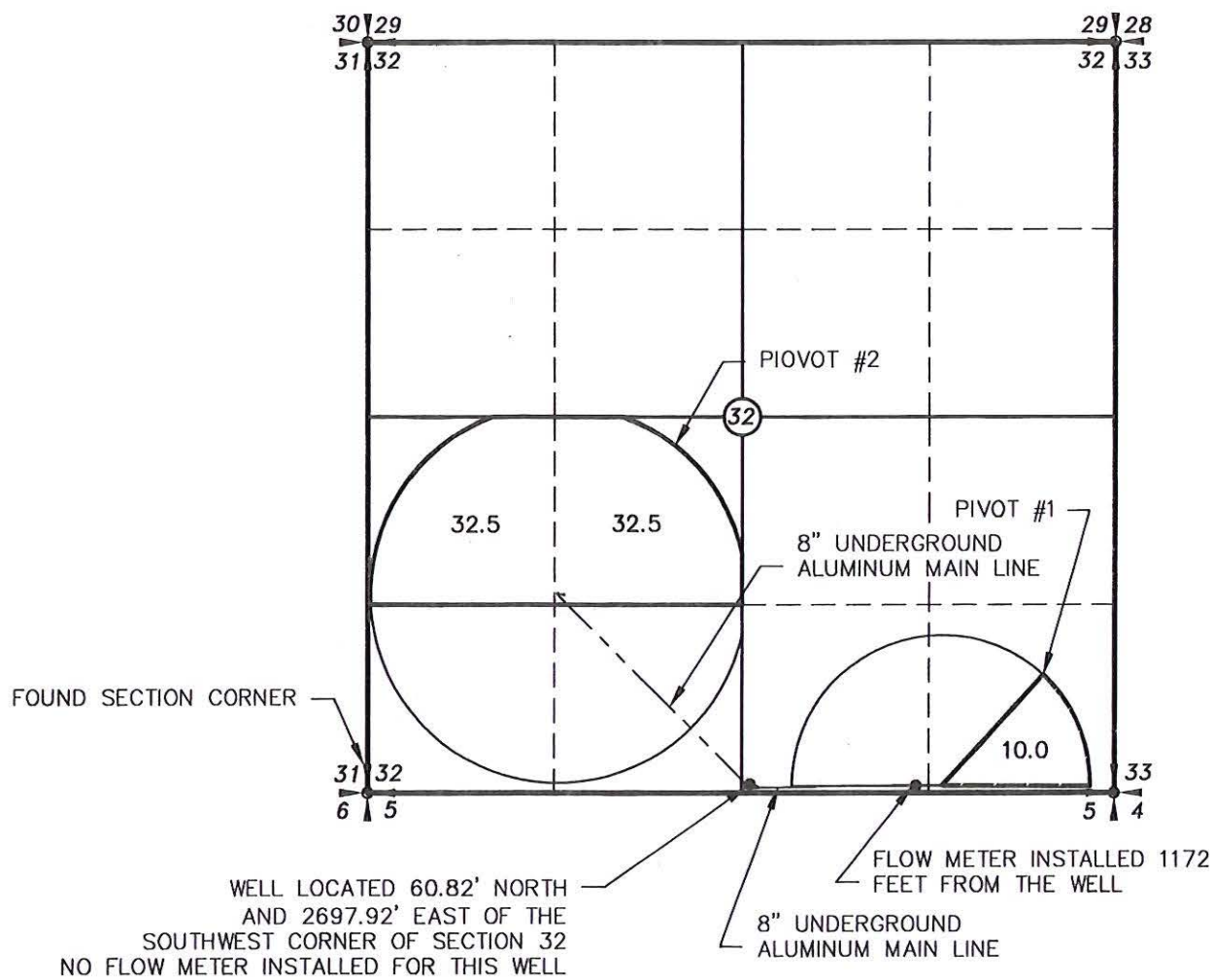
PREPARED FOR:
DUANE AND ANN CUMMINS
35835 SANTIAM HIGHWAY S.E.
ALBANY, OREGON 97322
(541) 791-3219

PREPARED BY:
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FAX 947-2321 FAX 923-4308

DATE: DECEMBER 2006 DWG. FILE: 2006-120

JOB NO.: 2006-120 SHEET 1 OF 1

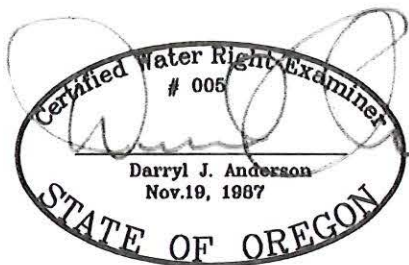
CLAIM OF BENEFICIAL USE MAP
FOR
DUANE AND ANN CUMMINS
SECTION 32 TOWNSHIP 25 SOUTH RANGE 15 EAST,
LAKE COUNTY, OREGON



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WATER RESOURCES DEPT
SALEM, OREGON



RENEWAL 12/31/09

LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE
- IRRIGATION MAIN LINE
- WHEEL LINE

- IRRIGATED AREA OF TRANSFER T-10310
- IRRIGATED AREA NOT PART OF T-10310

TRANSFER NO. T-10310

SCALE: 1"=1320'

NOTE:
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WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE
LOCATIONS OR DIMENSIONS OF PROPERTY BOUNDARIES.

REVISION	BY

ANDERSON ENGINEERING
AND SURVEYING, INC.

P.O. BOX 28
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(541) 947-4407
FAX 947-2321

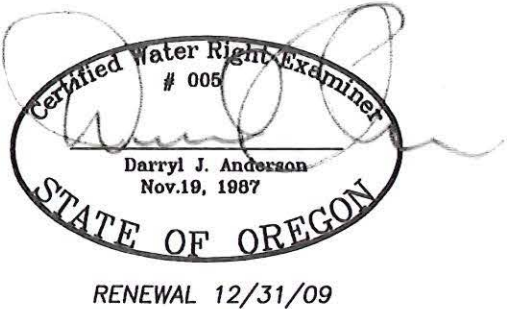
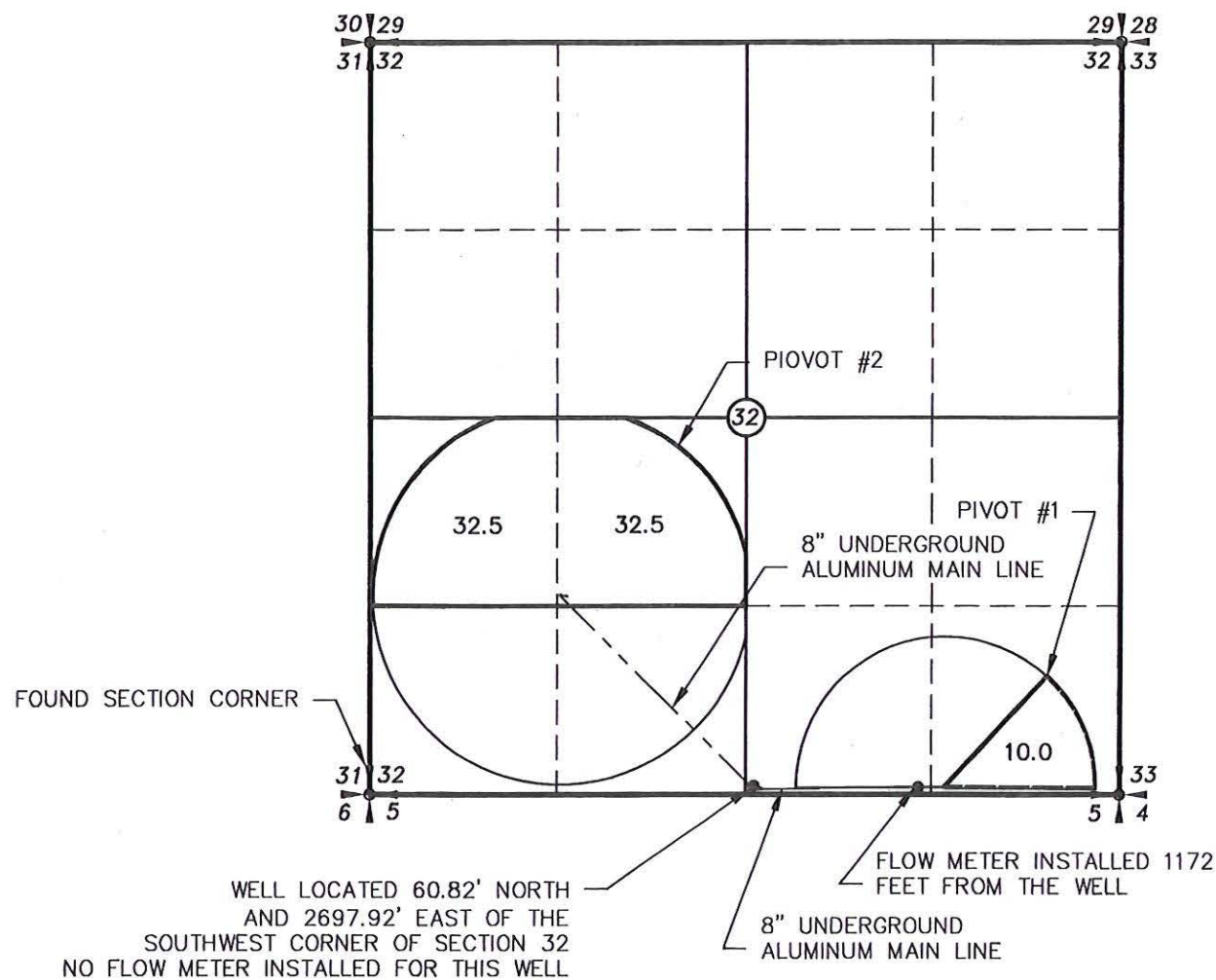
FOR:
DUANE & ANN CUMMINS
661 EAST D ST.
CULVER, OR. 97734
(541) 546-9206

CLAIM OF BENEFICIAL USE
TRANSFER NO. T-10310

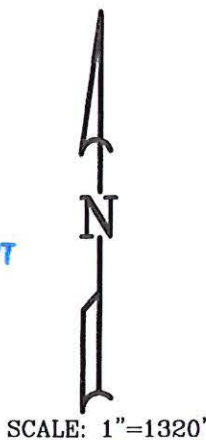
DATE: NOV. 2007
SCALE: 1"=1320'
DWG. BY: J.E.H.
JOB: T-10310
FILE: 2007-172
SHEET: 1 OF 1

COBU MAP # 0319

CLAIM OF BENEFICIAL USE MAP
FOR
DUANE AND ANN CUMMINS
SECTION 32 TOWNSHIP 25 SOUTH RANGE 15 EAST,
LAKE COUNTY, OREGON



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WATER RESOURCES DEPT
SALEM, OREGON



- LEGEND**
- SECTION LINE
 - 1/4 SECTION LINE
 - 1/16 SECTION LINE
 - IRRIGATION MAIN LINE
 - WHEEL LINE
 - IRRIGATED AREA OF TRANSFER T-10310
 - IRRIGATED AREA NOT PART OF T-10310

TRANSFER NO. T-10310

NOTE:
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COBU MAP #0319

REVISION	BY

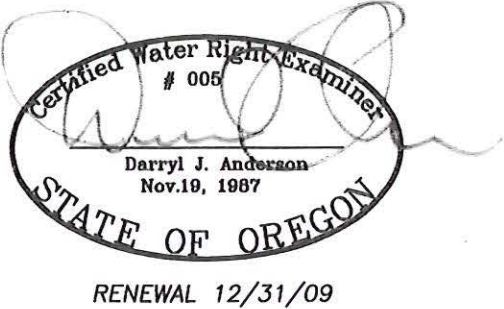
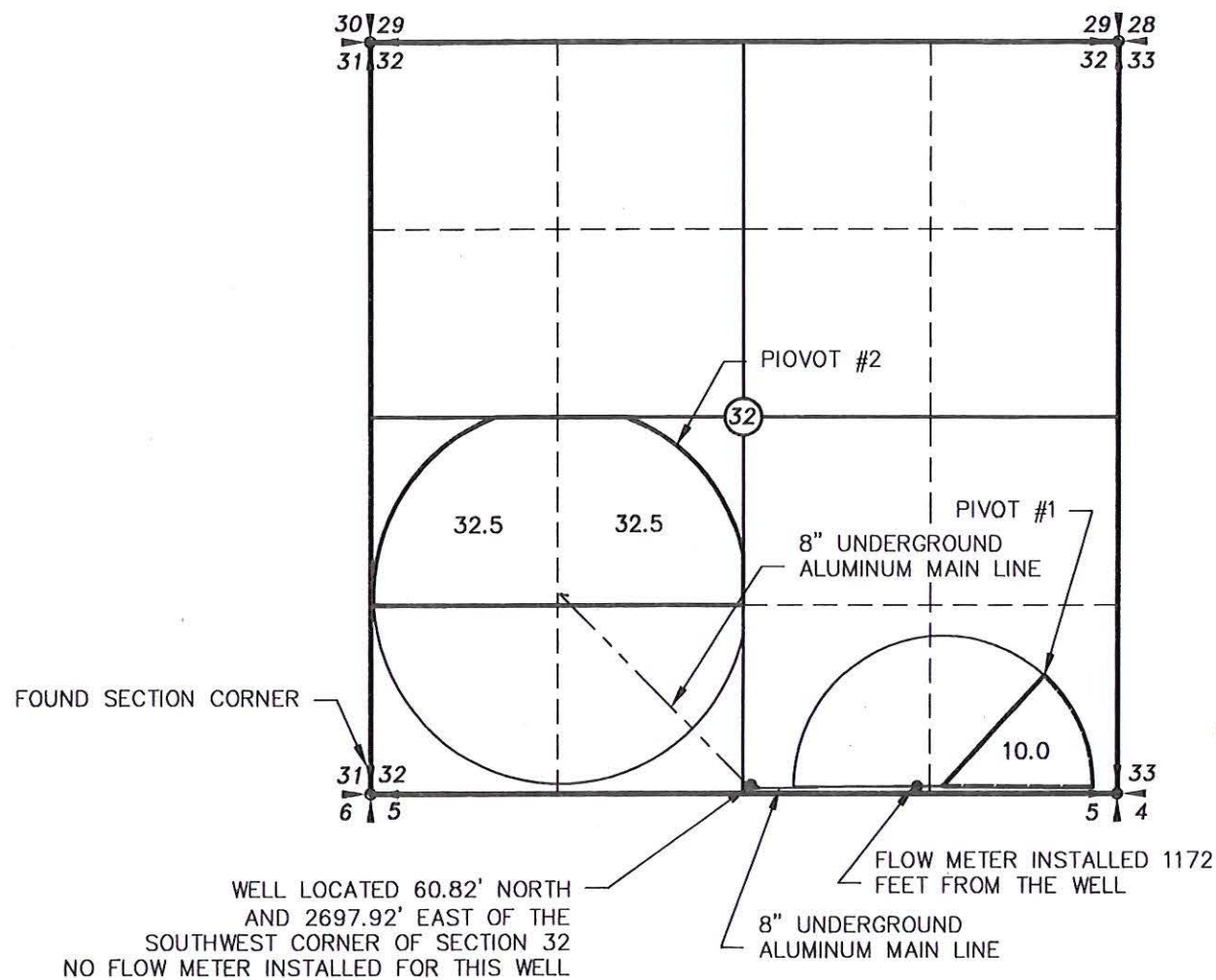
ANDERSON ENGINEERING
AND SURVEYING, INC.
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LAKEVIEW, OREGON 97630
(541) 947-4407
FAX 947-2321

FOR:
DUANE & ANN CUMMINS
861 EAST D ST.
CULVER, OR. 97734
(541) 548-9206

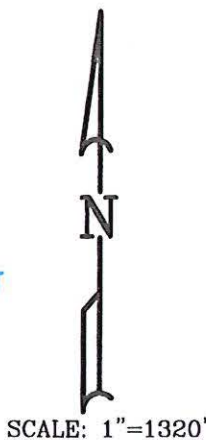
CLAIM OF BENEFICIAL USE
TRANSFER NO. T-10310

DATE:	NOV. 2007
SCALE:	1"=1320'
DWG. BY:	J.E.H.
JOB:	T-10310
FILE:	2007-172
SHEET:	1 OF 1

CLAIM OF BENEFICIAL USE MAP
FOR
DUANE AND ANN CUMMINS
SECTION 32 TOWNSHIP 25 SOUTH RANGE 15 EAST,
LAKE COUNTY, OREGON



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JAN 23 2008
WATER RESOURCES DEPT
SALEM, OREGON



- LEGEND**
- SECTION LINE
 - 1/4 SECTION LINE
 - 1/16 SECTION LINE
 - IRRIGATION MAIN LINE
 - WHEEL LINE
 - IRRIGATED AREA OF TRANSFER T-10310
 - IRRIGATED AREA NOT PART OF T-10310

TRANSFER NO. T-10310

NOTE:
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REVISION	BY

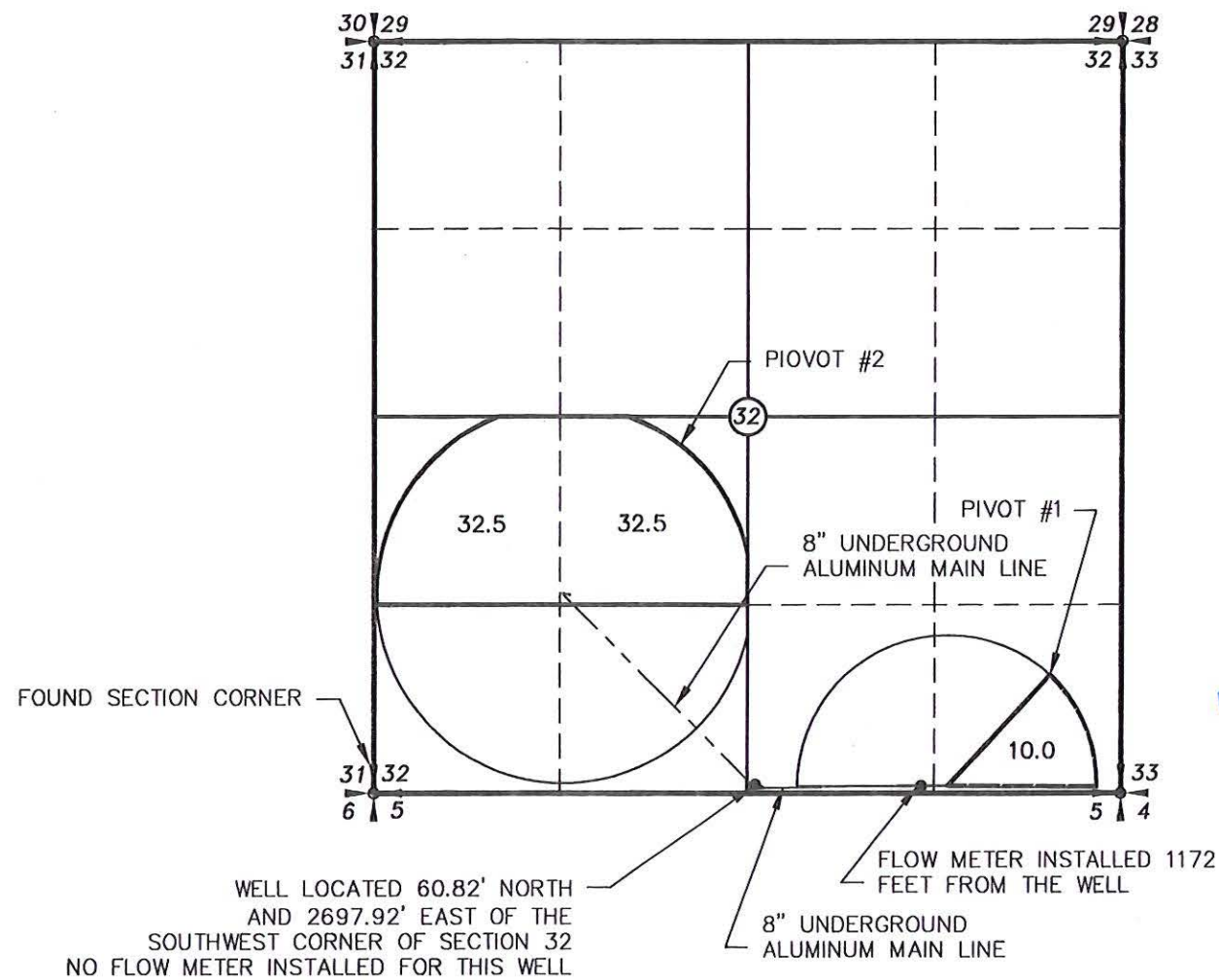
ANDERSON ENGINEERING
AND SURVEYING, INC.
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LAKEVIEW, OREGON 97630
(541) 947-4407
FAX 947-2321

FOR:
DUANE & ANN CUMMINS
661 EAST D ST.
CULVER, OR. 97734
(541) 546-9206

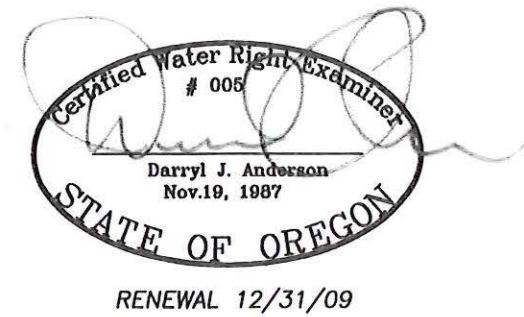
CLAIM OF BENEFICIAL USE
TRANSFER NO. T-10310

DATE:	NOV. 2007
SCALE:	1"=1320'
DWG. BY:	J.E.H.
JOB:	T-10310
FILE:	2007-172
SHEET:	1 OF 1

CLAIM OF BENEFICIAL USE MAP
FOR
DUANE AND ANN CUMMINS
SECTION 32 TOWNSHIP 25 SOUTH RANGE 15 EAST,
LAKE COUNTY, OREGON

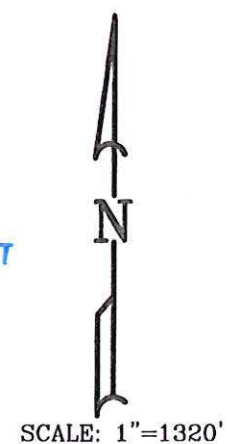


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WATER RESOURCES DEPT
SALEM, OREGON



- LEGEND**
- SECTION LINE
 - 1/4 SECTION LINE
 - 1/16 SECTION LINE
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 - IRRIGATED AREA OF TRANSFER T-10310
 - IRRIGATED AREA NOT PART OF T-10310

TRANSFER NO. T-10310



NOTE:
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COBU MAP # 0319

REVISION	BY

**ANDERSON ENGINEERING
AND SURVEYING, INC.**
P.O. BOX 28
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(541) 947-4407
FAX 947-2321

FOR:
DUANE & ANN CUMMINS
661 EAST D ST.
CULVER, OR. 97734
(541) 546-9206

**CLAIM OF BENEFICIAL USE
TRANSFER NO. T-10310**

DATE:	NOV. 2007
SCALE:	1"=1320'
DWG. BY:	J.E.H.
JOB:	T-10310
FILE:	2007-172
SHEET:	1 OF 1