

T-10321

T-10321

Name Fred & Connie Kregger

By _____

Address 54935 Lava Bed RdPrinceton, OR 97721541-493-2854 hm & FaxChange in POADate filed 2-16-2007

Date of hearing _____

Place of hearing _____

Date of order 9-27-07 Vol. 73, page 334

Date for application of water _____

Proof mailed _____

Proof received COBK 8/22/2012Certificate issued NOV 01 2013 Vol. _____, page 8891983402

DESCRIPTION OF WATER RIGHT

Name of stream WellTrib. of Malheur LK County of HarneyUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 3/29/1979In name of Fred & Walter Kregger

_____ Adjudication, Vol. _____, page _____

App. No. 6-9182 Per. No. 68527 Cert. No. 82697

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-16-07</u>	<u>350.00</u>	<u>86302</u>
<u>7-23-12</u>	<u>75.00</u>	<u>106323</u>
<u>7-12-13</u>	<u>\$125.00</u>	<u>109298</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOIDHarney CountyRLO: Jim GilmourCWRE:Assignment: 7/23/12

JAMES & SUE GILMOUR
30427 SW STELLMACHER
ALBANY OR 97321

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **86302**

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

INVOICE # _____

RECEIVED FROM: Kreger Farms

BY: _____

CASH: ☐ CHECK: # 5021 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>F-10321</u>

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER \$ _____
0203 GROUND WATER \$ _____
0205 TRANSFER \$ 350.00

EXAM FEE
\$ _____
\$ _____
\$ <u>350.00</u>
EXAM FEE
\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____
LANDOWNER'S PERMIT \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____
0210 MONITORING WELLS \$ _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **86302** DATED: 2-16-07 BY: L Powell

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

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

RECEIPT # 109298

INVOICE #

RECEIVED FROM: River Bottom Farm Inc.

BY:

CASH: ☐ CHECK: # ☒ 11210 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER TID321

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R1207911
0408 OTHER: (IDENTIFY) Reimbursement Auth. \$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

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

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 109298

DATED: 7-12-13 BY: B Williamson

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

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STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES AND SUE GILMOUR
30427 SW STELLMACHER DR
ALBANY OR 97321

confirms the right to use the waters of A WELL, in the MALHEUR LAKE BASIN for IRRIGATION of 126.7 ACRES.

This right was perfected under permit G-8527. The date of priority is MARCH 29, 1979. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.85 CUBIC FOOT PER SECOND measured at the points of appropriation.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	33 E	WM	1	NW NW	HARN 51070 - 70 FEET SOUTH AND 285 FEET EAST FROM NW CORNER, SECTION 1
27 S	33 E	WM	1	NW NW	HARN 51069 - 1195 FEET SOUTH AND 1291 FEET EAST FROM NW CORNER, SECTION 1

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	33 E	WM	1	NE NW		29.2
27 S	33 E	WM	1	NW NW		37.6
27 S	33 E	WM	1	SE NW		32.1
27 S	33 E	WM	2	NE NE	1	27.8

The quantity of water diverted at the new points of appropriation (wells), shall not exceed the quantity of water available from the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	33 E	WM	35	SW SE	45 FEET NORTH AND 1300 FEET EAST FROM THE SOUTH 1/4 CORNER, SECTION 35

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.

When required by the Department the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type of measuring device must be approved and shall be installed under the general supervision of the Department.

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

This certificate is issued to confirm a change in POINTS OF APPROPRIATION approved by an order of the Water Resources Director entered September 27, 2007, at Special Order Volume 73, Page 334, approving Transfer Application 10321, and together with Certificate 83402, supersedes Certificate 82697, State Record of Water Right Certificates.

Issued NOV 01 2013.



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director
Oregon Water Resources Department



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: November 1, 2013

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that correctly describes the water rights established under the terms of a transfer order issued by this Department.

This certificate 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.

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

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

If you have any questions please contact Craig Kohanek at 503-986-0823.

RA Mailing List for Transfer Certificate

Mailing Date:

Application: T- 10321

Certificate: 88919

Certificate/Transfer Holder: (include copy of map)

JAMES & SUE GILMOUR ✓
30427 SW STELLMACHER DR
Albany, OR 97321

Copies Mailed

By: *Connie Vance*
(SUPPORT STAFF)

on: 11/1/2013
(DATE)

Copies of final Certificate to be sent to:

1. Data Center ✓
2. Water Availability ✓
3. Vault ✓
4. File ✓

Persons to receive via e-mail draft/proposed copies (completed by RA staff)

- 1.

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

1. Vacant, Watermaster #10 ✓
2. Scott Montgomery, CWRE ✓

Record Marking(s):

1. Original Application# G-9182 ✓
2. Old Certificate# 82697 ✓

S:\groups\wr\certs\Resource Center\Forms_Checklists_Mailing
Instructions\Transfer_CertMailingList for RA.doc

Application # Permit # Transfer # T-
10321

Applicant's Name: RA#
James & Sue Gilmore R12079-11

Reimbursement Authority Process

Itemized Estimate Sheet

for

Certificates

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Claim of Beneficial Use report and map	1.00	Craig	\$92	7/18 10/17	0.5hr 0.4hr
2. Conflict Check		Craig	\$0		
3. Preparation of deficiency letter		Craig	\$0		
4. Preparation of proposed certificates	1.50	Craig	\$137	10/17 10/24	1.2hr 0.3hr
5a. Peer review		Jon	\$0		
5b. Peer review	0.10	Dwight	\$12	10/31	0.1
5c. Peer review	0.50	Gerry Ann	\$46	10/23	.5
6. Project Management	2.50	Craig	\$229	7/18 10/18 10/31	0.5hr 0.5hr 0.2
7a. Water right data record update	0.20	Connie	\$12	10/31	0.2
7b. Water right data record update	1.00	Data Tech	\$59	10/29	1.4hr
8. Pump test (if applicable)	0.00	Mike Z	\$0		
Total	6.80		\$586		

10/28 0.1hr

#9205

#13705

#1205

#4605

#21100

#12

#8260

<#59320>

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Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director
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Mailing Date:

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Certificate/Transfer Holder: (include copy of map)

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2. Old Certificate# 82697

Copies Mailed

By:
(SUPPORT STAFF)

on:
(DATE)

S:\groups\wr\certs\Resource Center\Forms_Checklists_Mailing
Instructions\Transfer_CertMailingList for RA.doc

Craig Kohanek

From: Craig Kohanek
Sent: Monday, October 28, 2013 9:40 AM
To: 'Scott'; 'Craig Kohanek'
Cc: 'Gerry Clark'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

Scott,

I've made the change to your map and am going to proceed with processing the document toward certification.

Craig

From: Scott [mailto:scott@apeands.com]
Sent: Monday, October 28, 2013 8:14 AM
To: 'Craig Kohanek'
Cc: 'Gerry Clark'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

Craig,

It appears the original surveyors ran the random line between Sections 1 & 2 exactly to the corner (not east or west at the township line like usually happens) and exactly 80.00 chains. I see a lot of township plats and this was a first for me. Normally the areas of sections bordering an existing township that they're matching into will be at least a little different than 640.00 acres.

Sorry for my bad. I'm glad you caught this. You have my permission to add the lot numbers to my final proof map or send it back to me and I'll edit it.

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

From: Craig Kohanek [mailto:ron.c.kohanek@state.or.us]
Sent: Monday, October 28, 2013 7:11 AM
To: Scott
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

Scott,

I spoke with Gerry Clark about Section 1 and we agreed those weren't government lots since they weren't numbered, like the rest of the N ½ of Section 2-6, and they were all 40 acres, unlike all the others.

Craig

From: Scott [mailto:scott@apeands.com]
Sent: Thursday, October 24, 2013 4:29 PM
To: 'Craig Kohanek'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

You're right. Sorry for the mixup. You also need to label the NW NW Section 1 as Lot 4 and NE NW as Lot 3. Unfortunately, my map doesn't show any of these three Gov Lots.

Thanks,

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(541) 548-5833

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Scott,

Seems I need to rescind my previous email. Upon looking at the [Land Status & Cadastral Survey Records Viewer Oregon/Washington BLM](#) for township 27 South range 33 East section 2, I found that the North half of the North ¼'s are government lots. See attached.

I look forward to your reply.

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From: Scott [<mailto:scott@apeands.com>]
Sent: Thursday, October 24, 2013 12:03 PM
To: 'Craig Kohanek'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

No problem and thanks.

From: Craig Kohanek [<mailto:ron.c.kohanek@state.or.us>]
Sent: Thursday, October 24, 2013 12:01 PM
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All I see that needs fixing in the POU table is taking out "1" for Gov't Lot in NE NE Section 2.

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(541) 548-5833

From: Craig Kohanek [<mailto:ron.c.kohanek@state.or.us>]

Sent: Thursday, October 24, 2013 9:31 AM

To: Scott (scott@apeands.com)

Subject: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

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Attached is the proposed certificate for T-10321 for the Gilmour's. Please review it for accuracy and completeness and provide me with your edits or comments, should you have any. If you have no edits or comments, please send me a reply to this email to that affect and I will continue with the processing of the document toward certification.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrdd.state.or.us

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Sorry for that mistake. Will do, and will proceed toward certification.

Craig

From: Scott [<mailto:scott@apeands.com>]
Sent: Thursday, October 24, 2013 11:53 AM
To: 'Craig Kohanek'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

Craig,

All I see that needs fixing in the POU table is taking out "1" for Gov't Lot in NE NE Section 2.

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

From: Craig Kohanek [<mailto:ron.c.kohanek@state.or.us>]
Sent: Thursday, October 24, 2013 9:31 AM
To: Scott (scott@apeands.com)
Subject: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

Scott,

Attached is the proposed certificate for T-10321 for the Gilmour's. Please review it for accuracy and completeness and provide me with your edits or comments, should you have any. If you have no edits or comments, please send me a reply to this email to that affect and I will continue with the processing of the document toward certification.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrd.state.or.us

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Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrdd.state.or.us

Craig Kohanek

From: Craig Kohanek
Sent: Monday, October 28, 2013 7:11 AM
To: 'Scott'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

Scott,

I spoke with Gerry Clark about Section 1 and we agreed those weren't government lots since they weren't numbered, like the rest of the N ½ of Section 2-6, and they were all 40 acres, unlike all the others.

Craig

From: Scott [mailto:scott@apeands.com]
Sent: Thursday, October 24, 2013 4:29 PM
To: 'Craig Kohanek'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

You're right. Sorry for the mixup. You also need to label the NW NW Section 1 as Lot 4 and NE NW as Lot 3. Unfortunately, my map doesn't show any of these three Gov Lots.

Thanks,

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All Points Engineering and Surveying, Inc.
(541) 548-5833*

From: Craig Kohanek [mailto:ron.c.kohanek@state.or.us]
Sent: Thursday, October 24, 2013 1:11 PM
To: Scott
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

Scott,

Seems I need to rescind my previous email. Upon looking at the [Land Status & Cadastral Survey Records Viewer Oregon/Washington BLM](#) for township 27 South range 33 East section 2, I found that the North half of the North ¼'s are government lots. See attached.

I look forward to your reply.

Craig

From: Scott [mailto:scott@apeands.com]
Sent: Thursday, October 24, 2013 12:03 PM
To: 'Craig Kohanek'
Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

No problem and thanks.

From: Craig Kohanek [<mailto:ron.c.kohanek@state.or.us>]

Sent: Thursday, October 24, 2013 12:01 PM

To: Scott

Subject: RE: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321

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Attachments: Cadastral map T-27S R-33E Section 2 Glot1.pdf

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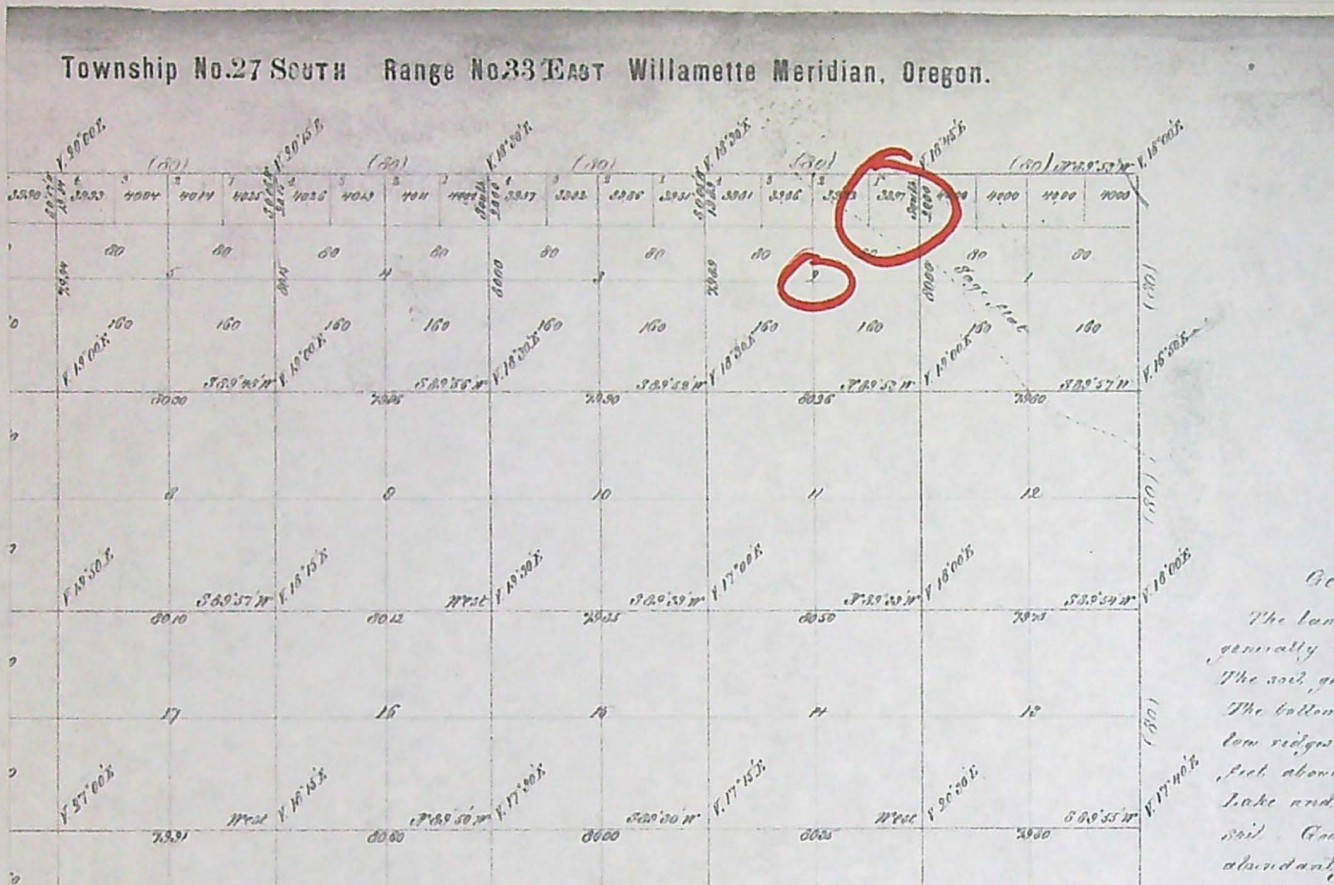
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USDI-BLM-OREGON File: or1270s330e_001.jpg Printed: 10/17/2013 11:31



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Sent: Thursday, October 24, 2013 9:31 AM
To: Scott (scott@apeands.com)
Subject: Proposed certificate for Reimbursement Authority project R12079-11, for Gilmour's, transfer T-10321
Attachments: T10321-or-prop.pdf; Transfer_CertMailingList for RA.pdf

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Craig Kohanek

From: Scott <scott@apeands.com>
Sent: Thursday, July 18, 2013 7:37 AM
To: riverbottomfarms1@gmail.com
Cc: 'Craig Kohanek'
Subject: FW: RA Agreement for Gilmour's R12079-11 involving transfer T-10321
Attachments: RA contract executed.pdf; Receipt 4 RA contract.pdf

Jim and Sue,

I've attached the receipt for Reimbursement Authority on the Kreger transfer for your records.

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

From: Craig Kohanek [<mailto:ron.c.kohanek@state.or.us>]
Sent: Thursday, July 18, 2013 7:25 AM
To: Scott (scott@apeands.com)
Subject: RA Agreement for Gilmour's R12079-11 involving transfer T-10321

Scott,

Attached are copies of the fully executed Applicant's Agreement signed by the required parties and a receipt for the monies paid for these expedited services. The agreement details the terms and conditions under which a Work Order was issued for the expedited services that you requested.

If you have any questions concerning the agreements or the program, please contact me.

Please let me know if you would like me to mail a copy of these document to the Gilmour's.

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Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@ wrd.state.or.us

Craig Kohanek

From: Scott <scott@apeands.com>
Sent: Thursday, July 18, 2013 7:36 AM
To: 'Craig Kohanek'
Subject: RE: RA Agreement for Gilmour's R12079-11 involving transfer T-10321

Craig,

I'll forward your message with attachments to the Gilmours for their records. So, probably no need to mail the same.

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

From: Craig Kohanek [<mailto:ron.c.kohanek@state.or.us>]
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Phone: 503-986-0823
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Ron.C.Kohanek@wrд.state.or.us

RECEIVED FROM: Riverbottom Farms, Inc. APPLICATION
BY: PERMIT
TRANSFER T-10321
CASH: CHECK: # OTHER: (IDENTIFY)
☐ ☒ 5081 ☐ TOTAL REC'D \$ 600.00

1083 TREASURY 4170 WRD MISC CASH ACCT
0407 COPIES 47126 R1207911 \$
0408 OTHER: (IDENTIFY) Reimbursement Auth. \$ 600.00
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT
MISCELLANEOUS
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ 0202 \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$
WELL CONSTRUCTION EXAM FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE
0211 WELL CONST START FEE \$ CARD #
0210 MONITORING WELLS \$ CARD #
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX
FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

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DESCRIPTION \$



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT

Contract Number: **R12079-11**



This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, James & Sue Gilmour hereafter Applicants, hereafter known together as the parties.

OWRD Information

Project Contact: R. Craig Kohanek
Reimbursement Authority
Oregon Water Resources Department

725 Summer Street, NE

Salem, OR 97301-1271

Phone: 503-986-0823

Email: Ron.c.kohanek@state.or.us

Applicant's Information

Name: James & Sue Gilmour
Title: Owners
Company:

Address: 30427 SW Stellmacher
Drive

Albany, OR 97321

Phone: 541-979-4124

Email:

Applicant's Representative

Name: Scott Montgomery
Title: Representative
Company: All Points Engineering &
Surveying, Inc.

Address: P.O. Box 767

Terrebonne, OR 97760

Phone: 541-548-5833

Email: scott@apeands.com

- 1. Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (Transfer: T-10321)
- 2. Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 3. Restrictions.** James & Sue Gilmour and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 4. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- 5. Consideration.** James & Sue Gilmour shall pay OWRD in advance for actual costs incurred by OWRD. James & Sue Gilmour agrees to pay the full amount of **\$600** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 6. Confidentiality.** James & Sue Gilmour agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 7. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant:

Name: James & Sue Gilmour

Title: Owners

Company:

Date: 7-18-2013 REC@OWRD

For OWRD:

Name: R. Craig Kohanek

Water Rights and Adjudication Division

Date: 7-18-2013

Mail signed Agreement to:

Craig Kohanek

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

PCA 47126

Craig Kohanek

From: Scott <scott@apeands.com>
Sent: Monday, July 15, 2013 9:36 AM
To: 'Craig Kohanek'
Subject: RE: RA Certificate Estimate for James& Sue Gilmour R12079-11 involving transfer T-10321

Thanks, Craig. I've spoken to the owner and will forward this to them.

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

From: Craig Kohanek [<mailto:ron.c.kohanek@state.or.us>]
Sent: Monday, July 15, 2013 9:10 AM
To: Scott (scott@apeands.com)
Subject: RA Certificate Estimate for James& Sue Gilmour R12079-11 involving transfer T-10321

Scott,

Please find the attached estimate and agreement to process your client's transfer into a certificate. If the proposed agreement is acceptable to you and your client, please return a signed copy to our office along with the payment of the estimated cost to process the transfer into a certificate.

If you have any questions, please call me.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrdd.state.or.us



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



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

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

<u>TYPE</u>	<u>FILE NUMBER</u>
Transfer Application	Transfer Number 10321

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	James & Sue Gilmour	Scott Montgomery
Address:	30427 SW Stellmacher Dr.	P.O. Box 767
	Albany, OR 97321	Terrebonne, OR 97760
Phone:	(541) 979-4124	(541) 548-5833
Fax:		(541) 585-4602
E-Mail Address:		scott@apeands.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 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 one (1) business day.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

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

I certify that I am the (check one):

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

Name: Sue Gilmour, Owner

Signature: _____

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JUL 12 2013

SALEM, OR

OWRD USE ONLY: Reimbursement Authority Number: RL2079 11

Craig Kohanek

From: Sandra Todd
Sent: Friday, July 12, 2013 2:28 PM
To: Bethanie Williamson
Cc: Ann Reece; Craig Kohanek; Salem Opeifa; Dave Nelson
Subject: RE: CERTIFICATE REQUEST

R12079 11 PCA 47126

Thank you.

Sandy

From: Bethanie Williamson
Sent: Friday, July 12, 2013 2:11 PM
To: Sandra Todd
Cc: Ann Reece; Craig Kohanek; Salem Opeifa; Dave Nelson
Subject: CERTIFICATE REQUEST

Hello,

Applicant: James and Sue Gilmour

Related to Application # T-10321

Receipt # 109298

Thanks,

~Bethanie Williamson~

Receptionist

Oregon Water Resources Department

(503) 986-0900

Bethanie.R.Williamson@wrdr.state.or.us

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From: Bethanie Williamson
Sent: Friday, July 12, 2013 2:11 PM
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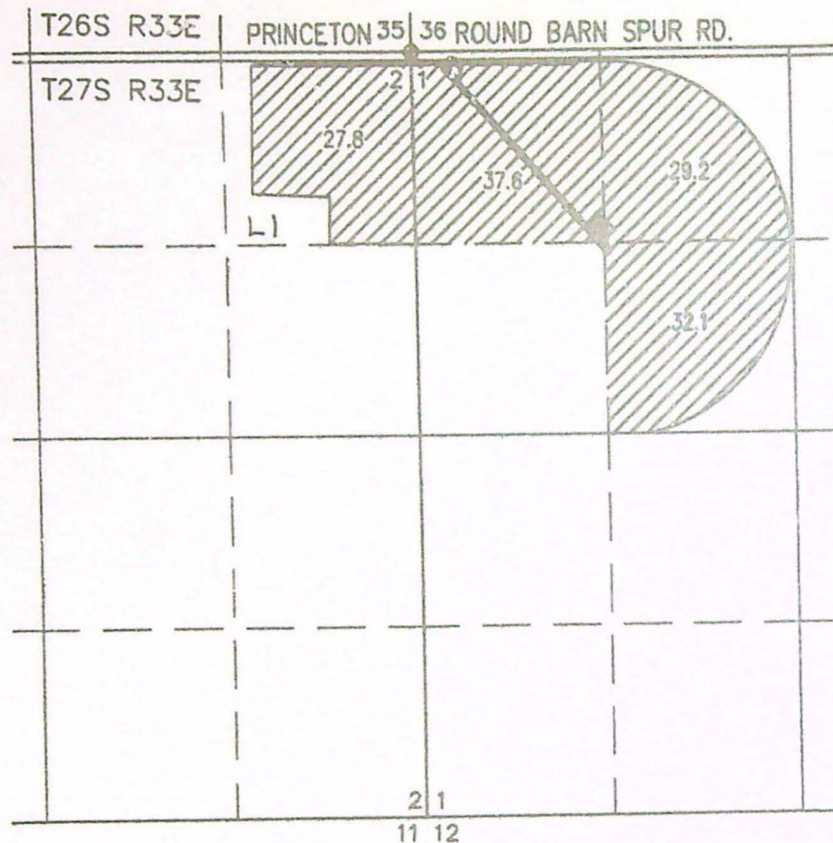
FINAL PROOF MAP

TO CHANGE POINT OF APPROPRIATION

FOR T-10321

JAMES & SUE GILMOUR

TOWNSHIP 27 SOUTH, RANGE 33 EAST, SECTIONS 1 & 2, W.M.
TAX LOT: 200

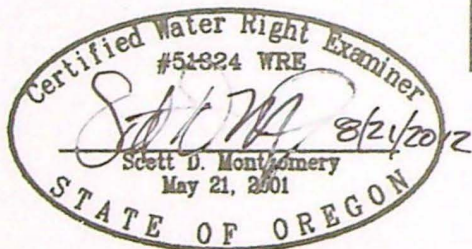


SCALE: 4 INCHES = 1 MILE

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AUG 22 2012

SALEM, OR



RENEWAL DATE: 12/31/2012

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES



126.7 ACRES WATER RIGHTS FROM
C/82607 (G-8527), AS SHOWN.

◆ 2-1/2" ALUMINUM CAPPED SECTION MONUMENT

BURIED 6 OR 8 INCH STEEL PIPE

HARN 51070 - WELL 2

LOCATED IN THE NW 1/4 NW 1/4 SECTION 1, T27S
R33E, W.M. AND 70 FEET SOUTH AND 285 FEET EAST
FROM THE NW CORNER OF SECTION 1.

◆ HARN 51069 WELL 3

LOCATED IN THE NW 1/4 NW 1/4 SECTION 1, T27S
R33E, W.M. AND 1195 FEET SOUTH AND 1291 FEET
EAST FROM THE NW CORNER OF SECTION 1.

PREPARED FOR:

JAMES & SUE GILMOUR
30427 STELLMACHER DRIVE
ALBANY, OR 97321

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.
P.O. BOX 767 (CRR) TERREBONNE, OR 97760
(541) 548-5833 www.APEandS.com

added Riv' Lot RCK/10/28/13



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

September 28, 2007

FRED AND CONNIE KREGER
57935 LAVA BED ROAD
PRINCETON OR 97721

Reference: Transfer 10321

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,

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #10
Chris Palmer, CWRE

Enclosure



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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-10321, Harney County)	A CHANGE IN POINT OF
)	APPROPRIATION

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

FRED AND CONNIE KREGER
57935 LAVA BED ROAD
PRINCETON, OR 97721

Findings of Fact

Background

- On February 16, 2007, Fred and Connie Kreger filed an application to change the point of appropriation under Certificate 82697. The Department assigned the application number T-10321.
- The portion of the right to be transferred is as follows:
Certificate: 82697 in the name of Fred and Walter Kreger (perfected under Permit G-8527)
Use: IRRIGATION of 146.0 ACRES
Priority Date: MARCH 29, 1979
Rate: 0.95 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: A WELL in the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	33 E	WM	35	SW SE	45 FEET NORTH AND 1300 FEET EAST FROM THE SOUTH 1/4 CORNER, SECTION 35

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. 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.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	33 E	WM	1	NE NW	39.1
27 S	33 E	WM	1	NW NW	39.1
27 S	33 E	WM	1	SE NW	40.0
27 S	33 E	WM	2	NE NE	27.8

3. Application T-10321 proposes to change the authorized point of appropriation to two wells (Wells #2 and #3) located approximately 0.31 and 0.54 mile, respectively, from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
27 S	33 E	WM	1	NW NW	4	WELL #2 - 70 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER, SECTION 1
27 S	33 E	WM	1	NW NW	4	WELL #3 - 1195 FEET SOUTH AND 1291 FEET EAST FROM THE NW CORNER, SECTION 1

4. Notice of the application for transfer was published on February 27, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On May 10, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10321 to the applicants. The draft Preliminary Determination set forth a deadline of June 15, 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 applicant is authorized to pursue the transfer.
6. On July 20, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10321 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 July 24, 2007, and in the *Burns Times-Herald* newspaper on August 1, 8 and 15, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10321.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

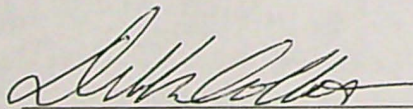
Conclusions of Law

The change in point of appropriation proposed in application T-10321 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in application T-10321 is approved.
2. Water right certificate 82697 is cancelled. A new certificate will be issued describing that portion of the right 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 Certificate 82697 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. When required by the Department, the water user shall install, maintain and operate 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.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. 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 change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 27 day of September 2007.


Phillip C. Ward, Director

Mailing date: OCT 01 2007

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED KREGER AND WALTER KREGER
57935 LAVA BED ROAD
PRINCETON, OR 97721

confirms the right to use the waters of ONE WELL, in the MALHEUR LAKE BASIN, for IRRIGATION of 148.4 ACRES.

This right was perfected under Permit G-8527. The date of priority is MARCH 29, 1979. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.97 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	33 E	WM	35	SW SE	45 FEET NORTH AND 1300 FEET EAST FROM THE SOUTH 1/4 CORNER, SECTION 35

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. 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.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	33 E	WM	35	SW NE	12.3
26 S	33 E	WM	35	SE NE	12.3
26 S	33 E	WM	35	NE SE	31.4
26 S	33 E	WM	35	NW SE	31.4
26 S	33 E	WM	35	SW SE	30.5
26 S	33 E	WM	35	SE SE	30.5

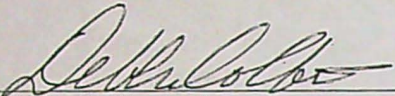
The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of groundwater withdrawn.

This certificate describes that portion of the water right confirmed by Certificate 82697, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 27 2007, approving Transfer Application T-10321.

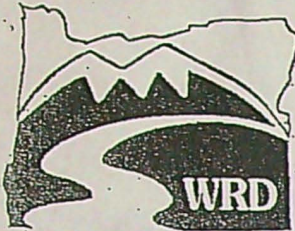
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed SEP 27 2007.


Phillip C. Ward, Director

Completion Checklist for CWRE Claims of Beneficial Use

Application # 1-10321



Date Received 8/22/2012

CWRE Name Scott Montgomery

Claim Logged ☒

File Marked

Oversized Map #

Read the file and attach a copy of the permit or transfer final order.

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
 - ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
 - ☒ Disclaimer (OAR 690-014-0170(5))
 - ☒ North arrow (OAR 690-310-0050(2)(c))
 - ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
 - ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
 - ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
 - ☒ Source illustrated if surface water (OAR 690-014-0170(3))
 - ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
 - ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
 - ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
 - ☒ 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))
 - ☒ 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)
- N/A* Source illustrated if surface water (OAR 690-014-0170(3))
- N/A* 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))
- Should be map legend on COBU Form -*

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Point of diversion/appropriation location (OAR 690-014-0100)
- ☒ Use, period of use, and rate for use (OAR 690-014-0100) *1/20 3.3 acre-feet per acre*
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
 - ☒ Calculated capacity of system (required)
 - ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - ☒ Time limits
 - ☒ Initial water level measurements
 - ☒ Annual static water level measurements
 - ☒ Measurement, recording, and reporting
 - ☒ Meter/measuring device
 - ☒ Water use reporting
 - ☒ Fish screening and/or by-pass
 - ☒ Pump test (ground water) *Not req'd.*
 - ☒ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

Certificate Issuance Processing Checklist

- ☒ Map and COBU reviewed
- ☐ Conflict check (include copy of plat card printout) Any Conflicts? _____
- ☐ Check for ownership

Staff Recommendations:

- ☒ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
- ☐ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
- ☐ Proof to the Satisfaction has not been established for the following reasons: _____
Proposed Actions:
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

☒ Yes

If "Yes":

☒ Proposed *less acres developed than permitted.*
☐ Final Certificate # _____

Mailing list:

Proposed:

Final:

**CLAIM OF
BENEFICIAL USE
for Permits claiming more
than 0.1 cfs and All Transfers**



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

No fee is required for submitting this form for a transfer.

A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION # (G, R, S or T) T-10321	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME James & Sue Gilmour		PHONE NO. 541-979-4124	ADDITIONAL CONTACT NO. 541-928-5556
ADDRESS 30427 Stellmacher Drive			
CITY Albany	STATE OR	ZIP 97321	E-MAIL

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

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

PERMIT OR TRANSFER HOLDER OF RECORD James & Sue Gilmour			
ADDRESS 30427 Stellmacher Drive			
CITY Albany	STATE OR	ZIP 97321	RECEIVED BY OWRD AUG 22 2012 SALEM, OR

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **May 2, 2012**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Sue Gilmore	May 2, 2012	Water Right Transfer Holder

6. County: **Harney**

7. 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(4)):

****Mark "NA" if there are no owners of property not included in this claim**

OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

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SECTION 2 SYSTEM DESCRIPTION

AUG 22 2012

A. Points of Diversion/Appropriation

SALEM, OR

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Well #2	HARN 51070	
Well #3	HARN 51069	

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

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

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
Well #2	Malheur Lake Basin	
Well #3	Malheur Lake Basin	

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

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
Well #2	Irrigation	Alfalfa	March - October	1.25 cfs
Well #3	Irrigation	Alfalfa	March - October	1.29 cfs
Total Quantity of Water Used				2.43 cfs*

***Only one well should operate at a time**

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

Water is pumped from both wells and conveyed by buried pipe to risers that connect to wheel lines & hand lines & a center pivot.

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

YES

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

Well #2 HARN 51070

B. Place of Use

1. Is the right for municipal use?

NO

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
27S	33E	WM	1	NE NW			Irrigation	29.2	
27S	33E	WM	1	NW NW	4		Irrigation	37.6	
27S	33E	WM	1	SE NW			Irrigation	32.1	
27S	33E	WM	2	NE NE	1		Irrigation	27.8	
Total Acres Irrigated								126.7	

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C. Diversion and Delivery System Information

AUG 22 2012

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

1. Is a pump used?

YES

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
National		314726	Turbine	12"	6"

3. Motor Information

MANUFACTURER	HORSEPOWER
US Motors	40

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	35	130'	6'	1.25

5. Provide pump calculations:

$$Q = \frac{7.04 \text{ ft}^3/\text{s} \times \text{hp}}{H} = \frac{(7.04)(40)}{(224.9)} = 1.25 \text{ cfs}$$

$$H = 88.9' + 130' + 6' = 224.9'$$

6. 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 (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6 inch	1260 lf	Steel	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4 - inch	1200 lf	Aluminum	Above ground
3 inch	600 lf	Aluminum	Above ground

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/16"	40	6.4	60	120	0.85 cfs

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

12. Additional notes or comments related to the system:

Pump was not operating during visit.

D. Groundwater Source Information (Well and Sump)

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1. Is the appropriation from ground water (well or sump)?

AUG 22 2012

YES

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

SALEM, OR

2" capped pipe out of NW side of casing

3. 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

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

NO

E. Storage

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

NO

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

G. Gravity Flow Canal or Ditch

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

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

NO

H. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

Well #3 HARN 51069

B. Place of Use

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. Is the right for municipal use?

AUG 22 2012

NO

If "YES" the table below may be deleted. NOTE * SAME AS WELL 2

SALEM, OR

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
National		312410	Turbine	12"	8"

3. Motor Information

MANUFACTURER	HORSEPOWER
US Motors	40

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	35	130'	0'	1.29

5. Provide pump calculations:

$$Q = \frac{7.04 \text{ ft}^3/\text{s} \times \text{hp}}{H} = \frac{(7.04)(40)}{(218.9)} = 1.29 \text{ cfs}$$

$$H = 88.9 + 130 + 0 = 218.9'$$

6. 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 (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	150 lf	Steel	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Valley	1300'	35	600	1.3

12. Additional notes or comments related to the system:

Pump wasn't operating during visit

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D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

SALEM, OR

YES

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

2" pipe exposed in SE side of pump casing

3. 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

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

NO

E. Storage

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

NO

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

G. Gravity Flow Canal or Ditch

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

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

NO

H. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

SECTION 3 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	Sept 27, 2007		
BEGIN CONSTRUCTION (A)	Not mentioned	NA	NA
COMPLETE CONSTRUCTION (B)	Not mentioned	NA	NA
COMPLETE APPLICATION OF WATER (C)	October 1, 2009	Spring 2008	Pumps, pipes, and sprinklers purchased 6/2007

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

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

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NO

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4. Initial Water Level Measurements:

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

5. Annual Static Water Level Measurements:

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

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? NO

b. Has the pump test been previously submitted to the Department? NO

c. Is the pump test attached to this claim? NO

d. Has the pump test been approved by the Department? NO

e. Has a pump test exemption been approved by the Department? NO

7. Measurement Conditions:

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

8. Recording and reporting conditions

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

9. Fish Screening

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

10. By-pass Devices

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

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

a. Were there special well construction standards? NO

b. Was submittal of a ground water monitoring plan required? NO

c. Was the water user required to restore the riparian area if it was disturbed? NO

d. Was a fishway required? NO

e. Was submittal of a letter from an engineer required prior to storage of water? NO

f. Was submittal of a water management and conservation plan required? NO

g. Other conditions? NO

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

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SECTION 4

VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

The permit allowed 146.0 acres of irrigation. The water user only developed 126.7 acres.

SECTION 5

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Well Logs	HARN 51069 & HARN 51070
Aerial imagery	USDA FSA 2011 aerial image

SECTION 6

CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Well #2	1/80 cfs/ac	1.25 cfs		Irrigation	146.0*	126.7*
Well #3	1/80 cfs/ac	1.29 cfs		Irrigation	146.0*	126.7*

* Area of irrigation is the same for both wells

SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

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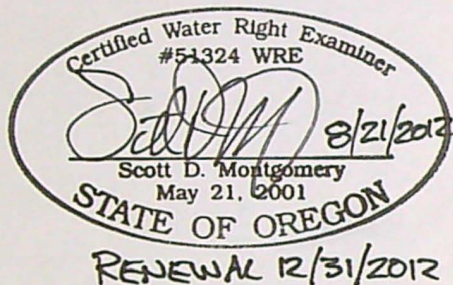
The wells, pumps, piping, sprinklers, and fields were tied to approx. boundaries using GPS RTK methods with statewide Lambert geodetic projection and overlaid & compared to 2011 USDA FSA imagery for accuracy

SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



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SALEM, OR

CWRE NAME Scott D. Montgomery		PHONE NO. 541-548-5833	ADDITIONAL CONTACT NO. 541-420-0401
ADDRESS PO Box 767			
CITY Terrebonne	STATE OR	ZIP 97760	E-MAIL scott@apeands.com

Permit or Transfer Holder's of Record Signature or Acknowledgement

This Claim of Beneficial Use must be signed by each permit or transfer holder of record.

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

SIGNATURE	PRINT OR TYPE NAME	DATE
	James Gilmour	8-17-12
	Sue Gilmour	8-17-12



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AUG 22 2012

SALEM, OR

2011 USDA FSA AERIAL IMAGERY 27

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

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

(1) **LAND OWNER** Well Number _____
 Name Fred Krogen
 Address 57935 Lava Bed Rd
 City Princeton State Or Zip 97721

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

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

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

(5) **BORE HOLE CONSTRUCTION:**
 Special Construction approval ☐ Yes ☒ No ☐ Deeper or Completed Well 20 ft.
 Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
 Diameter From To Material From To Sacks or pounds
16 0 31 Bent 0 31 17
12 12 130 - - - -

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

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) **CASING/LINER:**
 Diameter From To Gauge Steel Plastic Welded Threaded
 Casing: 12 12 28 250 ☒ ☐ ☒ ☐
 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
 Yield gal/min Drawdown Drill stem at Time
400+ 70' 80' 1 hr.

Temperature of water 66 Depth Artesian Flow Found _____
 Was a water analysis done? ☒ Yes By whom AUG 22 2004
 Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
 Depth of strata: _____

SALEM, OR

(9) **LOCATION OF WELL** by legal description:
 County Marney Latitude _____ Longitude _____
 Township 27S N or S Range 33E E or W. WM.
 Section 1 NW 1/4 NW 1/4
 Tax Lot 200 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 57935 Lava Bed Rd
Princeton, Or. 97721

(10) **STATIC WATER LEVEL:**
9 ft. below land surface. Date 7-12-04
 Artesian pressure _____ lb. per square inch Date _____

(11) **WATER BEARING ZONES:**
 Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
<u>8.5</u>	<u>128</u>	<u>400</u>	<u>9</u>

(12) **WELL LOG:**

Material	From	To	SWL
<u>Top Soil</u>	<u>0</u>	<u>7</u>	<u>0</u>
<u>Brown Sand</u>	<u>7</u>	<u>16</u>	<u>-</u>
<u>Brown Clay</u>	<u>16</u>	<u>38</u>	<u>-</u>
<u>Grey Sand</u>	<u>38</u>	<u>67</u>	<u>-</u>
<u>Green Clay</u>	<u>67</u>	<u>85'</u>	<u>-</u>
<u>Broken Gables</u>			
<u>Clay w/cinder</u>			
<u>Lavas (w/B)</u>	<u>8.5</u>	<u>128</u>	<u>9</u>
<u>Grey Clay</u>	<u>128</u>	<u>130</u>	<u>9</u>

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JUL 15 2004

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

AUG 05 2004

WATER RESOURCES DEPT
 SALEM, OREGON

Date started 7-9-04 Completed 7-12-04

(unbonded) Water Well Constructor Certification:

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

WWC Number _____

Signed _____ Date _____

(bonded) Water Well Constructor Certification:

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

WWC Number 6521

Signed Donald H. Reed Date 7-12-04

HARN 51070

KREGER AZ

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

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

WELL I.D. # L 51610
 START CARD # 155952

(1) **LAND OWNER** Well Number _____
 Name Fred Kreger
 Address 57935 Lava Bed Rd
 City Princeton State Or Zip 97721

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

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

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

(5) **BORE HOLE CONSTRUCTION:**
 Special Construction approval ☐ Yes ☒ No Depth of Completed Well 145 ft.
 Explosives used ☐ Yes ☐ No Type _____ Amount _____

HOLE SEAL
 Diameter From To Material From To Sacks or pounds
16 0 20 Bentonite 0 20 16 Sacks
12 22 145 _____ _____ _____

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

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) **CASING/LINER:**

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: <u>12</u>	<u>22</u>	<u>78</u>	<u>250</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing
☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
<u>500+</u>	<u>52</u>	<u>92</u>	<u>1 hr.</u>

Temperature of water 68 Depth Artesian Flow Found _____
 Was a water analysis done NO Yes By whom _____
 Did any strata contain water not suitable for intended use? NO Too little
☐ Saline ☐ Murky ☐ Other _____

(9) **LOCATION OF WELL by legal description:**
 County Harney Latitude _____ Longitude _____
 Township 27S N or S Range 33E E or W. WM.
 Section 1 NW 1/4 NW 1/4
 Tax Lot 200 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 57935 Lava Bed Rd Princeton Or 97721

(10) **STATIC WATER LEVEL:**
22 ft. below land surface. Date 6-18-04
 Artesian pressure _____ lb. per square inch Date _____

(11) **WATER BEARING ZONES:**
 Depth at which water was first found 129

From	To	Estimated Flow Rate	SWL
<u>129</u>	<u>143</u>	<u>500</u>	<u>22</u>

(12) **WELL LOG:**
 Ground Elevation _____

Material	From	To	SWL
<u>Top Soil</u>	<u>0</u>	<u>7</u>	<u>-</u>
<u>Brown Clay</u>	<u>7</u>	<u>34</u>	<u>-</u>
<u>Brown Black</u>			<u>-</u>
<u>Sand</u>	<u>34</u>	<u>55</u>	<u>-</u>
<u>Black Clay</u>	<u>55</u>	<u>70</u>	<u>-</u>
<u>Blue claystone</u>	<u>70</u>	<u>129</u>	<u>-</u>
<u>Hard Brown +</u>			
<u>Green Claystone</u>			
<u>Fractured</u>	<u>129</u>	<u>143</u>	<u>22</u>
<u>Blue clay</u>	<u>143</u>	<u>145</u>	<u>22</u>

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 JUL 15 2004
 WATER RESOURCES DEPT
 SALEM, OREGON
RECEIVED BY OWRD
 AUG 22 2012
 SALEM, OR

Date started 6-6-04 Completed 6-18-04

(unbonded) Water Well Constructor Certification:

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

Signed _____ WWC Number _____
 Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well



ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767 (CRR)
Terrebonne, Oregon 97760

TRANSMITTAL

To:
Oregon Water Resources Department
725 Summer St. NE, Suit A
Salem, OR 97301-1266

Date: 8/21/2012 Job: 11-081

Attention: Gerry Clark

Re: Transfer T-10321

☒ Prints ☐ Plans ☐ Plat ☐ Specifications ☐ Change order ☐ Other

Copies	No.	Description
1	1	Claim of Beneficial Use Report T-11038 (10 sheets letter bond)
1	2	Final Proof Survey Map (1 sheet letter mylar)
1	3	Well Reports (2 sheet letter bond)
1	4	NRCS Aerial Imagery (1 sheet letter bond)

Remarks:
Gerry,

I prepared the COBU and map for Mr. & Mrs. Gilmour's (originally Kreger) water right transfer.

Thanks and if you have questions please don't hesitate to call (541) 548-5833.

Signed: _____

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AUG 22 2012

SALEM, OR



Oregon

John A. Kitzhaber, MD, Governor

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

August 27, 2012

James and Sue Gilmour
30427 Stellmacher Drive
Albany OR 97321

On August 22, 2012, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

T-10321

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:
http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

For all other questions please call our Customer Service phone: (503) 986-0811.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file



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

Request for Assignment

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JUL 23 2012

If for multiple rights, a separate form and fee for each right will be required.

I, Fred & Connie Kreger

SALEM, OR

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

57935 Lava Bed Road

Princeton

OR 97721

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;

☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # _____; Permit # _____; Transfer # T-10321

-OR-

License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

James & Sue Gilmour

(Name of New Owner)

30427 Stellmacher

Albany

OR 97321

541-928-5556

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 28 day of May, 2012.

Applicant/Permit Holder

Fred Kreger

Applicant/Permit Holder

Connie Kreger

7/24/2012
ASSIGNED

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 106323
For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$75.

RECEIVED

JUN 05 2012

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

July 25, 2012

James and Sue Gilmour
30427 SW Stellmacher
Albany, Oregon 97321

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

Reference: Application G-15009, Permit G-15663 – Transfer T-8540 – Transfer T-10321

Regarding Application G-15009, Permit G-15663 and Transfer T-8540, the assignment by proof from Jill Crosby to James and Sue Gilmour has been recorded in the records of the Water Resources Department.

Regarding Transfer T-10321, that assignment from Fred and Connie Kreger to James and Sue Gilmour has been recorded in the records of the Water Resources Department.

The Departments records will now show James and Sue Gilmour as the permit and transfer holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 106323 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 106323

cc: Watermaster 10
Jill Crosby
Fred and Connie Kreger
All Points Engineering and Surveying, Inc.
Data Center, OWRD (cover letter & request)
OWRD Transfers
Hydrographics
File



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED KREGER AND WALTER KREGER
HC 72, BOX 5
PRINCETON, OREGON 97721

confirms the right to use the waters of ONE WELL in the MALHEUR LAKE BASIN for IRRIGATION OF 294.4 ACRES.

This right was perfected under Permit G-8527. The date of priority is MARCH 29, 1979. This right is limited to 1.92 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SE 1/4, SECTION 35, T 26 S, R 33 E, W.M.; 45 FEET NORTH AND 1300 FEET EAST FROM S 1/4 CORNER, SECTION 35.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. *Calculations done by L. Jaramillo*

$$* 1.92 \text{ cfs } (\div) 294.4 \text{ AC} = 0.006521739 \text{ cfs/AC}$$

$$\text{Transfer: } 146.2 \text{ AC } (x) 0.006521739 \text{ cfs} = 0.952173894 \rightarrow 0.95 \text{ cfs}$$

$$\text{Remain: } 148.4 \text{ AC } (x) 0.006521739 \text{ cfs} = 0.967826068 \rightarrow 0.97 \text{ cfs}$$

G-9182.JWG

Certificate Number 82697

T-10321

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

SW 1/4 NE 1/4	12.3 ACRES
SE 1/4 NE 1/4	12.3 ACRES
NE 1/4 SE 1/4	31.4 ACRES
NW 1/4 SE 1/4	31.4 ACRES
SW 1/4 SE 1/4	30.5 ACRES
SE 1/4 SE 1/4	30.5 ACRES

*All RR
Remain = 148.4 ac*

SECTION 35

TOWNSHIP 26 SOUTH, RANGE 33 EAST, W.M.

NE 1/4 NW 1/4	39.1 ACRES
NW 1/4 NW 1/4	39.1 ACRES
SE 1/4 NW 1/4	40.0 ACRES

*All out
Transfer = 146.2 ac*

SECTION 1

NE 1/4 NE 1/4	27.8 ACRES
---------------	------------

SECTION 2

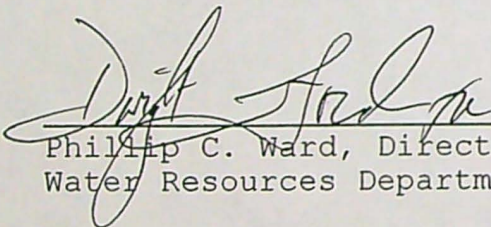
TOWNSHIP 27 SOUTH, RANGE 33 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

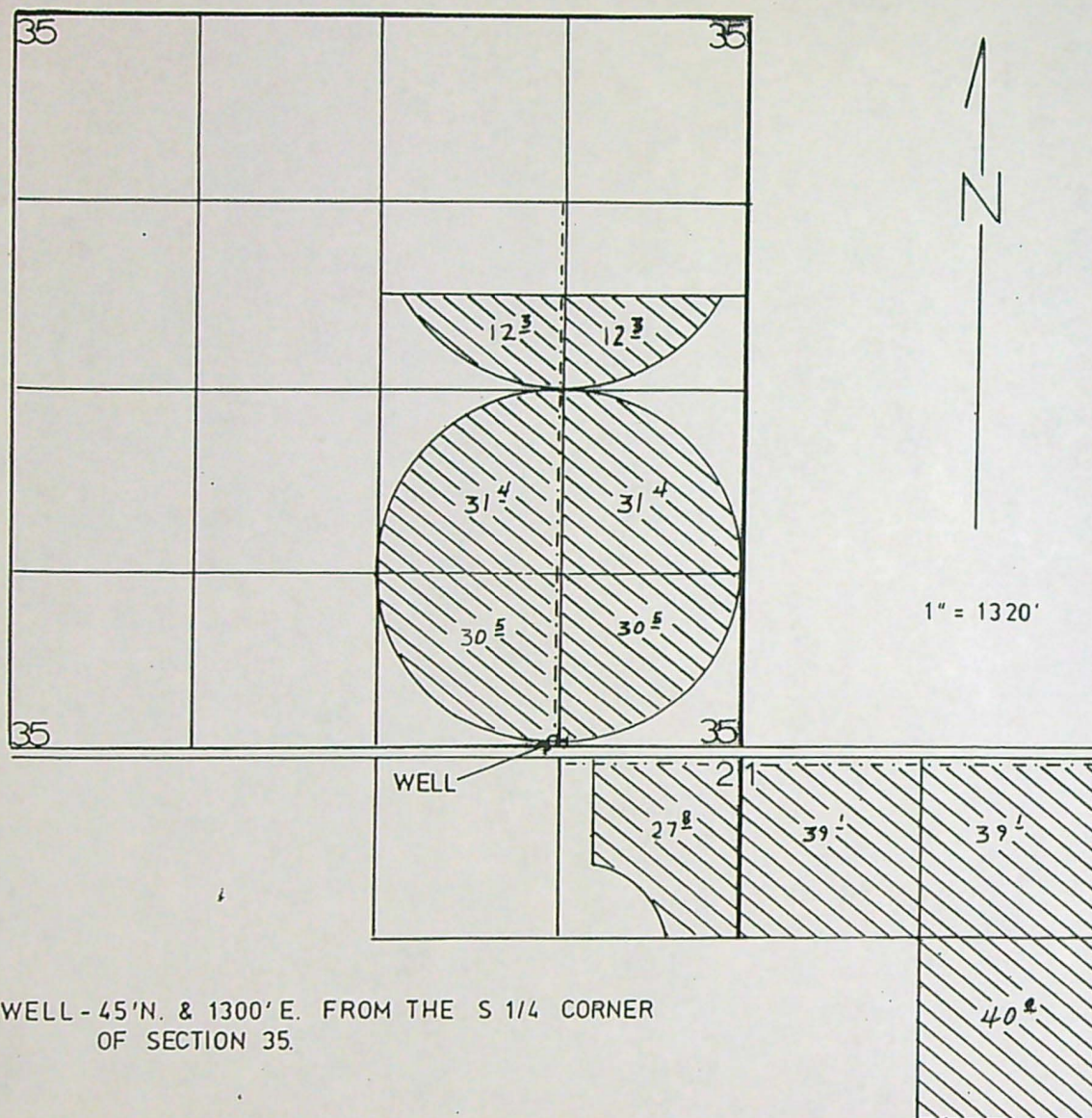
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed **NOV 17 2006**


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates number 82697.

T. 26 & 27 S., R. 33 E., W.M.



WELL - 45' N. & 1300' E. FROM THE S 1/4 CORNER
OF SECTION 35.

FINAL PROOF SURVEY
UNDER

Application No. G-9182 Permit No. G-8527
IN NAME OF

FRED KREGER AND WALTER KREGER

Surveyed AUGUST 6, 1993 by L. MILLER

Gerry Clark

From: Gerry Clark
Sent: Thursday, May 10, 2012 9:11 AM
To: 'Scott'
Subject: RE: Assignments for Harney County WRs

Scott,

In response to your questions:

Can the Gilmours re-assign Crosby's name from G-15663 and T-8540 with only the current deed or will they need to track down Ms. Crosby?

If they cannot contact the previous owner, can do the Assignment by proof of ownership using their deed.

No flow meters have been installed at either property. However, they do have dedicated electric meters for each well.

Permit G-15663 required a meter or other approved suitable measuring device. A dedicated electrical meter is acceptable for the purpose of demonstrating compliance with the condition for the purpose of beneficial use. Please be aware that the Department may in the future require the water user to install some other type of meter device.

Transfer T-8540 required an in-line flow meter other approved measuring device. To demonstrate compliance with this condition, the water user would have had to either install an "in-line flow meter", or have the approval from the Watermaster for some other measuring device. A dedicated electrical meter does not equate to compliance with this condition. The water user may need an extension of time in order to come into compliance with this condition.

Transfer T-10321 does not require a measuring device. It provides for the Department the opportunity to require a future installation.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Scott [<mailto:scott@apeands.com>]
Sent: Wednesday, May 09, 2012 11:05 AM
To: 'Gerry Clark'
Subject: Assignments for Harney County WRs

Good Morning Gerry,

I am working to prove up some water rights in the Princeton area for Jim and Sue Gilmour. They bought irrigation land with two transfers and a permit attached.

The first property is Tax Lot 601 in Section 5, T27S R34E, deeded in the names of James L. and Marvin J. Gilmour. Permit G-15663 & Transfer T-8540 are currently assigned to Jill Crosby. They want to re-assign to James and Sue Gilmour. I informed them they would need to contact Ms. Crosby and have her sign the form releasing interest. However, they cannot find Ms. Crosby at the address along Hwy 78. There is another address in Idaho listed in WRIS.

The second property is Tax Lot 200 in Sections 1 & 2, T27S R33E, deeded in the name of James Lee Gilmour. Transfer T-10321 is currently assigned to Fred and Connie Kreger. I have informed them to contact the Kregers to sign off their interests in the inchoate rights. Luckily the Kregers still live in the area, so this shouldn't be a problem.

No flow meters have been installed at either property. However, they do have dedicated electric meters for each well. So, I told the Gilmours I would submit a letter asking to approve the existing metering system. They don't have any conditions to record usage. I have informed the Gilmours that if the alternate meter is not approved they will need to apply for extensions and install flow meters.

Can the Gilmours re-assign Crosby's name from G-15663 and T-8540 with only the current deed or will they need to track down Ms. Crosby?

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2012

NOT OFFICIAL VALUE

April 2, 2012 3:23:19 pm

Account # [REDACTED] Tax Status ASSESSABLE
Map # 27S33E00-00-00200 Acct Status ACTIVE
Code - Tax # 0420-10611 Subtype NORMAL

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

Mailing Name GILMOUR, JAMES L

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of GILMOUR, MARVIN J

Appraiser JOHN CLEMENS

Mailing Address 30427 SW STELLMACHER ROAD
ALBANY, OR 97321

Prop Class 559 MA SA NH Unit
RMV Class 559 04 00 042 3704-1

Situs Address(s)	Situs City
ID# 57935 LAVA BED RD	PRINCETON

Code Area	AV	RMV	MAV	RMV Exception	CPR %
0420 Land		221,310		Land	0
Impr.		42,150		Impr.	0
Code Area Total	93,183	263,460	167,458		0
Grand Total	93,183	263,460	167,458		0

Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0420	2	R		EFRU-1	Farm Use Zoned	100	A	140.24	2	006*	198,440
0420	4	R		EFRU-1	Farm Use Zoned	100	A	55.00	7A	006*	3,500
0420	5	R		EFRU-1	Farm Use Zoned	100	A	2.00	HS	006*	3,740
0420	7	R		EFRU-1	Farm Use Zoned	100	A	0.00	IW	006*	3,630
Grand Total								197.24			209,310

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
0420	2	1983	452	MS Double wide		100	0		R - 73012	38,880
0420	2		300	Farm Bldg		100	0			750
0420	3		110	Residential Other Improvements		100	0			1,770
0420	4		110	Residential Other Improvements		100	0			750
Grand Total								0		42,150

Code Area	Type	Exemptions/Special Assessments/Potential Liability
0420		NOTATION(S): ■ EXEMPTED MFD STR OWNERSHIP ADDED 2007 TITLE EXEMPTION RECORDED 3/7/07 ■ OTHER POT'L ADD'L TAX LIABILITY EFU IMPROV

MS Account(s): 0420-R-73012

Comments: COMBINED #70312, P4023 WITH REAL PROPERTY ACCOUNT FOR THE 2007 ASSESSMENT YEAR. APPLICATION TO EXEMPT TITLE OF MFD RECORDED 3/7/07
LOT LINE ADJUSTMENT FROM 27 33 500 #12106 FOR 2007 YEAR
RMV/MAV BALANCE FOR VALUATION

ADDED HOME SITE AND 24 AC. CLASS 2 IN 2011

RECEIVED BY OWRD

JUL 23 2012

SALEM, OR

RECEIVED

JUN 05 2012

WATER RESOURCES DEPT
SALEM, OREGON

200
126
273300 3

20070468
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, FRED KREGER AND CONNIE KREGER, husband and wife, Grantors for and in consideration of the sum of TWO HUNDRED TEN THOUSAND AND 00/100 Dollars (\$210000.00) to me paid by the grantees herein,, do hereby grant, bargain, sell and convey unto, JAMES L. GILMOUR AND MARVIN J. GILMOUR, not as tenants in common, but with the right of survivorship, that is fee shall vest in the survivor, Grantees, the following tract of land in the County of Harney and State of Oregon, more particularly described as follows:

Township 27 South, Range 33 East, Willamette Meridian
Section 1: Government Lots 3 and 4, and the SE1/4NW1/4.
Section 2: Government Lot 1.

TO HAVE AND TO HOLD the granted premises unto the said Grantees, their, heirs and assigns forever.
And the Grantors do covenant they are lawfully seized in fee simple of the above granted premises free from all encumbrances EXCEPT:

1. Easements, reservations & restrictions of record.
2. The rights of the public in roads and highways.
3. The described premises is specially assessed as Farm Use Land.
4. Any mobile home on premises, is subject to registration.
5. Right of way for road, Recorded February 20, 1947, in Book 45, Page 480.

and they will, their heirs, executors and administrators, shall Warrant and forever defend the granted premises against the lawful claims and demands of all persons, except as above stated.

WITNESS my Hand and Seal this 13th day of February, in the year Two Thousand and Seven.

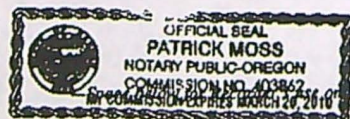
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and Regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against Farming or Forest practice as defined in ORS 30.934

Fred Kreger
FRED KREGER
Connie Kreger
CONNIE KREGER

STATE OF OREGON
COUNTY OF HARNEY

BE IT REMEMBERED, that on this 13th day of February 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named FRED KREGER AND CONNIE KREGER, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Patrick Moss
Notary Public for the State of Oregon
My Commission Expires: 3/20/2010



RECEIVED BY OWRD

JUL 23 2012

SALEM, OR

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JUN 05 2012

WATER RESOURCES DEPT
STATE OF OREGON

Until a change is requested all tax statements:
James Gilmour
Marvin Gilmour
30427 SW Stellmacher Rd.
Albany, Or 97321

After Recording Return To:
James Gilmour
Marvin Gilmour
30427 SW Stellmacher Rd.
Albany, Or 97321

STATE OF OREGON } ss
County of Harney
I certify that the within instrument was received
for record on the 13th day of February
2007 at 2:00 o'clock P.M. and
recorded Microfilm number 2007-0468
By Marla J. Jurek County Clerk
Deputy

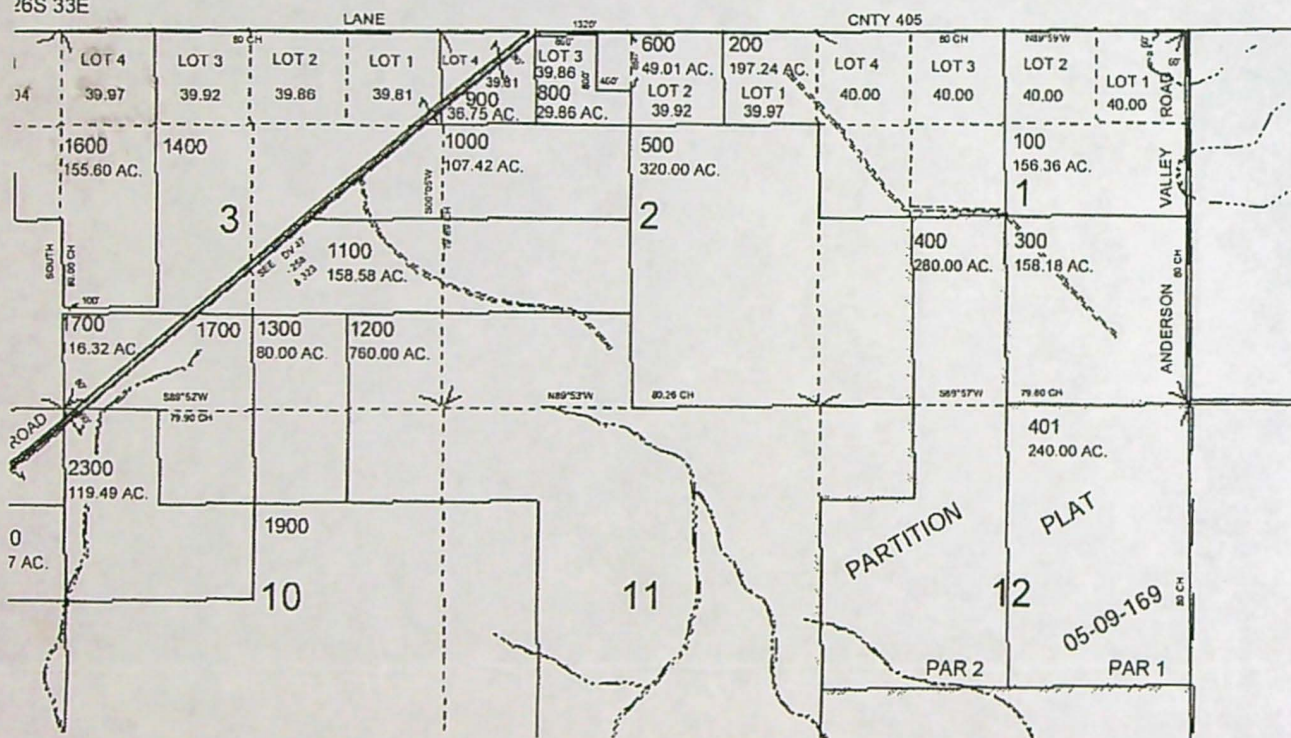
THIS SKETCH IS MADE SOLEY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISE AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.

33E. W.M.
COUNTY

27S 33E

1000'

26S 33E



CANCELLED NO.
700 (2009)
1500
1601
1800

RECEIVED BY OWRD

JUL 23 2012

SALEM, OR
RECEIVED

JUN 05 2012

WATER RESOURCES DEPT
SALEM, OREGON

Gerry Clark

From: Scott <scott@apeands.com>
Sent: Friday, November 18, 2011 4:17 PM
To: 'Gerry Clark'
Subject: RE: Water Right Proofs

Gerry,

Thanks for the information. It appears some attention is needed for all but G-11338. I will inform Ms. Gilmour about the reporting and tests needed, as well as an extension for G-16212. It looks like T-10321, T-8540, and G15663 can be proven up without an extension.

I'm almost never able to get the user ID when people call me requesting my proposal. It's usually not until I get to see all of their records before I find out, if they have records. It's too bad WRIS doesn't include this information.

Thanks again for your help and enjoy the weekend.

Scott

From: Gerry Clark [mailto:gerald.e.clark@state.or.us]
Sent: Friday, November 18, 2011 3:08 PM
To: Scott
Subject: RE: Water Right Proofs

Scott,

I have checked the files that you requested to determine their status.

Have either T-10321 or G-16212 received COBU/final proof?
No COBUs in the files

Have use reports, pump test, and/or static measurements for G-16212 been reported? Is there a User ID #?
I find no evidence of water use reports being submitted for this permit.
I find no evidence of the pump test being submitted for the permit.
I have attached copies of the static water level measurements that have been submitted to the Department (be aware that the measurements were required to be taken in the month of March). It appears that this permit needs an extension to come into compliance with this condition.
Water User ID Number is 29910

The second location I call Crosby fields in T27S R34E Section 5.
Permit G-11338 & T-8540 (WRIS shows COBU done by Palmer in 1993)
Permit G-15663

For G-11338, Proof to the Satisfaction was determined under the Final Order for T-8540. Nothing is needed for that permit.

Have T-8540 or G-15663 received COBU/final proof?
No COBU in either file. I will update WRIS to indicate no COBU in T-8540.

Has a pump test been done for either and is there a User ID #?
I find no evidence of the pump test being submitted for the permit. The transfer does not require a pump test. Since this permit does not require the reporting of water use or static water level measurements, there is no Water User ID #.

FYI - A log of static water level measurements can be viewed at the following link. You will need to know the well log ID number (i.e. HARN 51209):

http://www1.wrd.state.or.us/groundwater/obs wells/data/owrd_wls.txt

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Scott [<mailto:scott@apeands.com>]
Sent: Thursday, November 10, 2011 12:42 PM
To: Gerry Clark
Subject: Water Right Proofs

Hi Gerry,

I've been asked to prove up some water rights near New Princeton in Harney County. There are two different locations with a couple different water rights associated.

The first location I call the Kreger fields in T26&27S R33E Sections 35 & 1.
T-10321 (two wells) & Permit G-16212 (two wells) adds to C82698 & C83402

Have either T-10321 or G-16212 received COBU/final proof? Have use reports, pump test, and/or static measurements for G-16212 been reported? Is there a User ID #?

The second location I call Crosby fields in T27S R34E Section 5.
Permit G-11338 & T-8540 (WRIS shows COBU done by Palmer in 1993)
Permit G-15663

Have T-8540 or G-15663 received COBU/final proof? Has a pump test been done for either and is there a User ID #?

My contact for both of these location is Sue Gilmour.

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

June 6, 2012

River Bottom Farm, Inc.
30427 Stellmacher
Albany, Oregon 97321

Reference: Transfer T-8540 – Application G-15009, Permit G-15663

The requested assignments by proof from Jill Crosby to James and Sue Gilmour cannot be made as the requests were not signed by you. The request for assignment from the Kregers to you appears to be proper.

Please sign the requests for assignment from Jill Crosby so that we may accept the proof you have submitted for ownership. Upon return of all three requests, the Department will be able to process the requests

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Requests and check

cc: files



Gerry Clark

From: Gerry Clark
Sent: Friday, November 18, 2011 3:08 PM
To: 'Scott'
Subject: RE: Water Right Proofs
Attachments: 20111118124149689.pdf

Scott,

I have checked the files that you requested to determine their status.

Have either T-10321 or G-16212 received COBU/final proof?
No COBUs in the files

Have use reports, pump test, and/or static measurements for G-16212 been reported? Is there a User ID #?

I find no evidence of water use reports being submitted for this permit.

I find no evidence of the pump test being submitted for the permit.

I have attached copies of the static water level measurements that have been submitted to the Department (be aware that the measurements were required to be taken in the month of March). It appears that this permit needs an extension to come into compliance with this condition.

Water User ID Number is 29910

The second location I call Crosby fields in T27S R34E Section 5.
Permit G-11338 & T-8540 (WRIS shows COBU done by Palmer in 1993)
Permit G-15663

For G-11338, Proof to the Satisfaction was determined under the Final Order for T-8540. Nothing is needed for that permit.

Have T-8540 or G-15663 received COBU/final proof?
No COBU in either file. I will update WRIS to indicate no COBU in T-8540.

Has a pump test been done for either and is there a User ID #?

I find no evidence of the pump test being submitted for the permit. The transfer does not require a pump test. Since this permit does not require the reporting of water use or static water level measurements, there is no Water User ID #.

FYI - A log of static water level measurements can be viewed at the following link. You will need to know the well log ID number (i.e. HARN 51209):

http://www1.wrd.state.or.us/groundwater/obswells/data/owrd_wls.txt

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Scott [mailto:scott@apeands.com]

Sent: Thursday, November 10, 2011 12:42 PM

To: Gerry Clark

Subject: Water Right Proofs

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T-10321 (two wells) & Permit G-16212 (two wells) adds to C82698 & C83402

Have either T-10321 or G-16212 received COBU/final proof? Have use reports, pump test, and/or static measurements for G-16212 been reported? Is there a User ID #?

The second location I call Crosby fields in T27S R34E Section 5.
Permit G-11338 & T-8540 (WRIS shows COBU done by Palmer in 1993)
Permit G-15663

Have T-8540 or G-15663 received COBU/final proof? Has a pump test been done for either and is there a User ID #?

My contact for both of these location is Sue Gilmour.

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*



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 26, 2007

FRED KREGER
CONNIE KREGER
57935 LAVA BED ROAD
PRINCETON OR 97721

Reference: Transfer 10321

On February 16, 2007 we received your water right transfer application requesting a change in point of appropriation for use of water from A WELL, tributary to MALHEUR LAKE. The application was accompanied by \$350. Our receipt 86302 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 #10
Groundwater

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/27/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: HARNEY
Transfer: 10321
Water Right: CERT 82697
Priority Date: 03/29/1979
Name: FRED & CONNIE KREGER
Address: 57935 LAVA BED RD, PRINCETON OR 97721
Change: POA
Source: WELL
Authorized POA: T26S R33E 35
Proposed POA: T27S R33E 1

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

COPY

T-10321
Oregon Water Resources
Department

Memo

Date: February 16, 2007
To: Transfer File T-10321
From: Lisa Jaramillo, Transfer Specialist
Re: Transfer Application Map

About three or four weeks ago Fred Kreger came into the Salem office to get information about submitting a transfer application. At that time, he had a partially completed application and a map prepared by a CWRE. However, Mr. Kreger explained to me that the map did not accurately describe what he was trying to accomplish with the transfer. I told him he would need to take the map back to the CWRE to be revised to his (Mr. Kreger's) wishes and then submit it along with the completed application.

Mr. Kreger came into the Salem office again today to submit the completed transfer application. Unfortunately, the changes that the CWRE made to the map still did not accurately reflect his intent for the transfer.

Mr. Kreger is going to go back to his CWRE once again to hopefully get the map revised so that it matches the application for transfer.

Mr. Kreger did submit all other parts of the transfer application. He will submit the map as soon as the CWRE can revise it appropriately.



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

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	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

RECEIVED
FEB 16 2007
WATER RESOURCES DEPT
SALEM, OREGON

2. APPLICANT INFORMATION

Name: Fred + Connie Kreger
First Last
Address: 57935 Lava Bed Rd
Princeton, Or, 97721
City State Zip
Phone: 541-493-2854
Home Work Other
Fax: 541-493-2854 E-Mail address: _____

3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____

City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail address: _____

- 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.

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.	G - 9182	G - 8527	82697
2.			
3.			
4.			
5.			
6.			

RECEIVED

FEB 16 2007

WATER RESOURCES DEPT
SALEM, OREGON

- 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): Sold property where well was
Had new wells drilled

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.

Turbine pump to lift water. centrifugal pump to pressurize
system along mainline wheel lines to dispense water

- ?
- System capacity: 3 1/2 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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).

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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).

Harney County

8. LAND OWNERSHIP

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- 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 *4/2, 2-16-07*

If "No", provide the following information:

★ NOTE: Upon approval of transfer property will be sold to:

Names of Receiving Landowner(s): *JIM Gilmour*
First Last

Address: _____

City *4/2, 2-16-07* State Zip

★ New owners will be responsible for completing changes

- 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.)

9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

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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:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☐ Amount enclosed: \$ _____
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.

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:

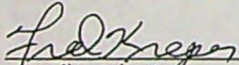
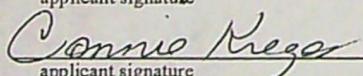
☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	<u>Fred Krieger</u> name (print)	<u>2-16-07</u> date
 applicant signature	<u>Connie Krieger</u> name (print)	<u>2-16-07</u> date

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**WATER RESOURCES DEPT
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.

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▪ Certificate Number or other identifying number: 82697

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or <u>appropriation</u> will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> 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.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> 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.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> 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: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> 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, OREGON2. CURRENT WATER RIGHT INFORMATIONWater Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>82697</u> Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Fred Krieger & Walter Krieger
- County: Hannay
- Authorized Use(s) to be Affected by Transfer: Portion of C# 82697
Point of Appropriation change
- Priority Date(s): March 29, 1979 For 2 weeks (new)

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

? Tributary to: Maltaper Lake Basin

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).

▪ Certificate Number or other identifying number: 82697

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.

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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)

WATER RESOURCES DEPT
SALEM, OREGON

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)
	well	26	33	WM	35	SWSE		45' N and 1300' E From S ¼ Cor, Sec 35
	Moving	off this well to wells #2 & #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.

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

▪ Certificate Number or other identifying number: 82697

*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.*

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WATER RESOURCES DEPT
SALEM, OREGON

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]

▪ Certificate Number or other identifying number: 82697

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)
Well #2	T27	33	WN	1	NW NW	Gov. Lot 4 200	From 285' East 70'S NW Cor. Sec 1
Well #3	27	33	WN	1	NW NW	Gov. Lot 4 Tax Lot 200	From 1291' E + 1195'S NW Cor Sec 1

- 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)

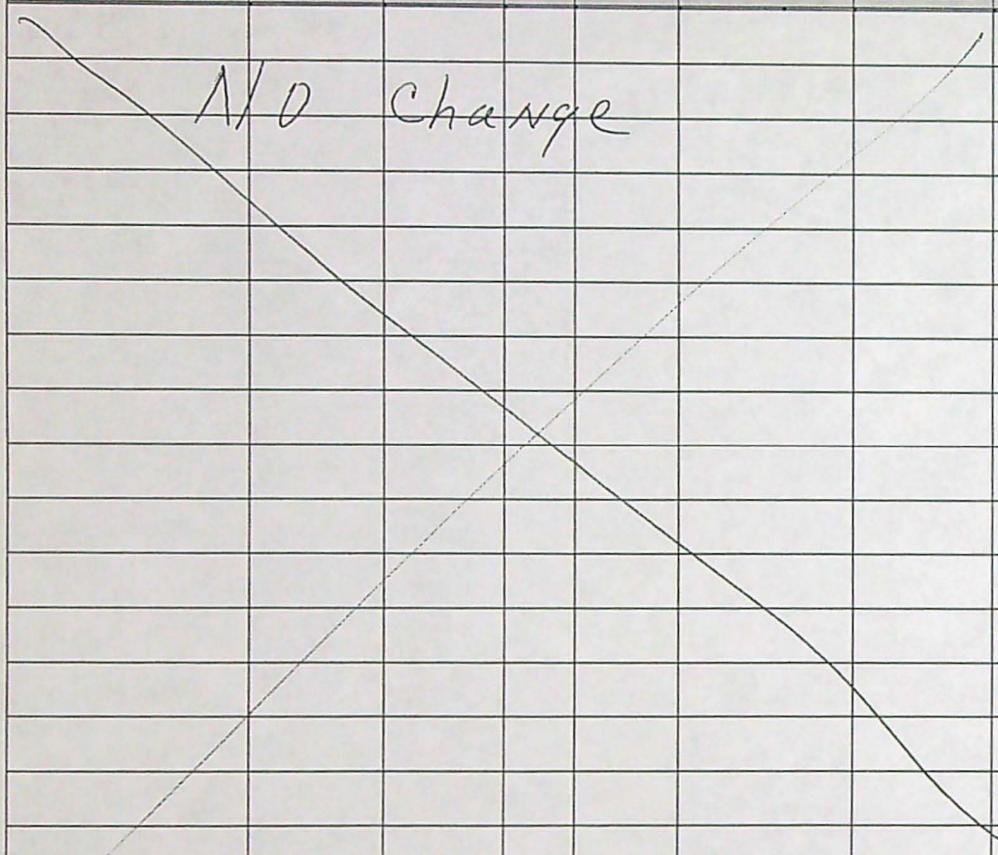
Well numbers in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

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
	See attached well logs									

▪ Certificate Number or other identifying number: 82697

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	$\frac{1}{4}$ $\frac{1}{4}$ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
 No Change							

Remarks: _____

Well #3

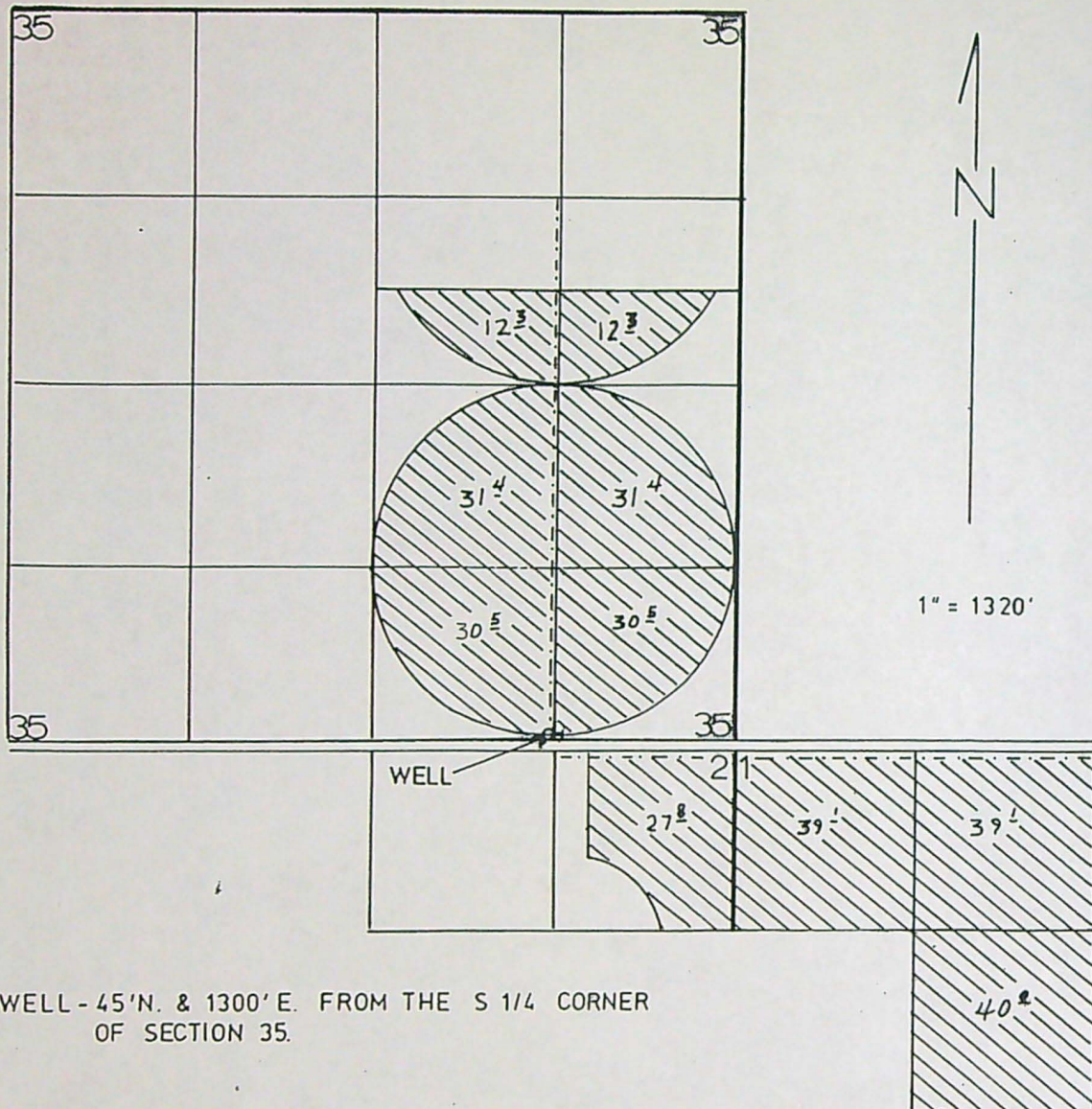
WELL I.D. # L 26620
START CARD # 155953

(bonded) Water Well Constructor Certification:

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

Signature Donald W. Keen WWC Number 1521
Date 7-12-04

T. 26 & 27 S., R. 33 E., W.M.



WELL - 45' N. & 1300' E. FROM THE S 1/4 CORNER
OF SECTION 35.

FINAL PROOF SURVEY
UNDER

Application No. G-9182 Permit No. G-8527
IN NAME OF

FRED KREGER AND WALTER KREGER

Surveyed AUGUST 6, 1993, by I. MILLER



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Sarah Henderson
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 2-26-07

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) Michael Zwart date signed 5/7/07
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10321

A change in: POU POD POA USE of water.

In the name(s) of Fred & Connie Krieger

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

☒ MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*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

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water Rights Files Date: May 7, 2007
From: Michael Zwart
Subject: Application Review: T-10321, Fred and Connie Kreger

This application proposes two additional POAs as a result of a property sale. The authorized well, HARN 1410, will not be used for the lands involved. Well #2, HARN 51070, and well #3, HARN 51069, are proposed. These wells develop the same water-bearing zones as the original well.

I find that the proposed change may be made without injury provided the following: the right is valid and the Watermaster can approve the proposal.

Well #2

FEB 16 2007

START CARD # 155952

ORIGINAL – WATER RESOURCES DEPARTMENT FIRST COPY – CONSTRUCTOR SECOND COPY – CUSTOMER

NAAN Well #3
51069

51069

WELL I.D. # L 26620
START CARD # 155953

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

35

35

12 ³/₄

12 ³/₄

31 ¹/₄

31 ¹/₄

30 ¹/₂

30 ¹/₂

35

35

WELL

HARN
1410
—
(?)

27 ¹/₂

39 ¹/₂

39 ¹/₂

40 ¹/₂

40 ¹/₂

1" = 1320'

WELL - 45' N. & 1300' E. FROM THE S 1/4 CORNER OF SECTION 35.

WELL - 45' N. & 1300' E. FROM THE S 1/4 CORNER
OF SECTION 35.

Application No. G-9182 Permit No. G-8527
IN NAME OF _____

Surveyed AUGUST 6, 1993, by J. MILLER

Water Right Transfer Checklist

Transfer T-10321

Transfer Specialist: J. Spriet

Transfer Type: POA

Applicant Name/Address: Fred & Connie Kreger, 57935 Lava Bed Road, Princeton, OR 97721

Agent Name/Address: _____

CWRE Name/Number: 100

Rec Landowner Name/Address: _____

Irr. District Name/Address: _____

Affected Gov'ts Name/Address: Harney County

Commentors: Name/Address: _____

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	G-9182	G-8527	83697	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	83402
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: <u>2/16/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER:	
Fees Pd: <u>350.00</u>	WM District: <u>10</u>	ODFW District: _____
Initial Notice: <u>2/27/07</u>	WM Review sent: <u>3/27/07</u>	ODFW Review sent: _____
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: _____

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☒ Electronic Files uploaded

☒ Preliminary Determination

☒ PD Cover letter

☐ Fee Refund Due

☒ PD Notice

☒ Remaining Rights

☒ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: 6-13-07	Date: 9-19-07
Coordinator: _____	Coordinator: JSP	Coordinator: JSP
Date: _____	Date: 7/20/07	Date: 9/21/07
Comments/Special Issues:		

Special Order Volume: Vol 73 Pages 334

Final Order Signature Date: SEP 27 2007

Notice of FO email'd to processors Jason S/Lisa J.

Application

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☒ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☒ All required attachments received.

Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction...."
- ☒ The right been exercised according to terms & conditions of certificate.
- ☒ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☒ No information in record that suggests forfeiture.
- ☒ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☒ The map has an original CWRE signature.
- ☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☒ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☒ Map acres match the tabulation on the certificate.
- ☒ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- ☒ Only the authorized POD's/POA's and POUs to be transferred are listed.
- ☒ Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
- ☒ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☒ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☒ Have current tax lot map. (If transfer application is several years old, contact assessor's office)
- ☒ The applicant is the owner of the "from" lands.
- ☒ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- ☒ application complete ☒ map ☒ FPS ☒ evidence of use ☒ land-use form
- ☒ deed/ROLI - See 7-19-07 ☒ certificate ☒ fees paid ☒ well logs ☒ plat card
- ☐ audit ☒ dpd

Reviews/comments/conditions received? ☒ Watermaster ☐ ODFW ☒ GW

Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Measuring Devices ☒ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury -

WATER RIGHT TRANSFER**NOTICE OF
PRELIMINARY
DETERMINATION FOR
WATER RIGHT
TRANSFER T-10321**

T-10321 filed by Fred and Connie Kreger, 57935 Lava Bed Rd., Princeton, OR 97721, proposes a change in point of appropriation under Certificate 82697. The right allows the use of 0.95 cfs (priority date MARCH 29, 1979) from a well in Sec. 35, T26S, R33E, W.M. (Malheur Lake Basin) for irrigation of 146.0 acres in Sec. 1 & 2. The applicant proposes to change the point of appropriation to two wells approximately 0.31 and 0.54 mile east (Sec. 1, T27S, R33E, 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) 986-0852. The last date of newspaper publication is August 15, 2007. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish August 1, 8, and 15, 2007

RECEIVED**AUG 20 2007****WATER RESOURCES DEPT
SALEM, OREGON****BURNS TIMES-HERALD**

AFFIDAVIT OF PUBLICATION

STATE OF OREGON (

(s.s.

County of Harney

I, Susan Pedersen, being first and duly sworn, depose and say that I am the General Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times Herald that the

Public Notice: 7-10321

a printed copy of which is hereto annexed, was published in the said newspaper for

3 successive and consecutive weeks in the following issues:
Dates of Publication: August 1, 8 & 15, 2007

Signed

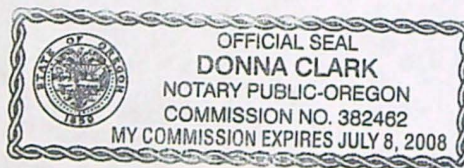
Susan Pedersen

By Susan Pedersen, General Manager
The Burns Times-Herald

Subscribed and sworn before me this 15th day of August 2007

Donna Clark

Notary Public for Oregon



No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 20____

Clerk

Deputy

From the Office of _____

Attorney for _____

**Notice of Preliminary Determination for
Water Right Transfer T-10321**

T-10321 filed by Fred and Connie Kreger, 57935 Lava Bed Rd., Princeton, OR 97721, proposes a change in point of appropriation under Certificate 82697. The right allows the use of 0.95 cfs (priority date MARCH 29, 1979) from a well in Sec. 35, T26S, R33E, W.M. (Malheur Lake Basin) for irrigation of 146.0 acres in Sec. 1 & 2. The applicant proposes to change the point of appropriation to two wells approximately 0.31 and 0.54 mile east (Sec. 1, T27S, R33E, 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) 986-0852. 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.



Oregon

Theodore R. Kulongoski, Governor

July 23, 2007

FRED AND CONNIE KREGER
57935 LAVA BED ROAD
PRINCETON, OR 97721

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

*Pl Noticed
7-24-07*

SUBJECT: Transfer Application T-10321

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10321. 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.

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.

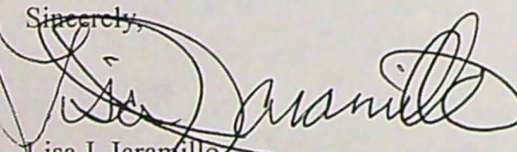
Because the new points of appropriation are more than ¼ mile from the authorized point of appropriation, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. **The notice must be published at least 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 by Friday, August 22, 2007.** Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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

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

Please do not hesitate to contact me at (503) 986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if I may be of assistance.

Sincerely,


Lisa J. Jaramillo
Field Services Division

cc: **Transfer T-10321**
June Miller, Dist. 10 Watermaster
Chris T. Palmer, CWRE #100

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10321, Harney County)	PROPOSING APPROVAL OF A
)	CHANGE IN POINT OF
)	APPROPRIATION

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

FRED AND CONNIE KREGER
57935 LAVA BED ROAD
PRINCETON, OR 97721

Findings of Fact

Background

1. On February 16, 2007, Fred and Connie Kreger filed an application to change the point of appropriation under Certificate 82697. The Department assigned the application number T-10321.
2. The portion of the right to be transferred is as follows:
Certificate: 82697 in the name of Fred and Walter Kreger (perfected under Permit G-8527)
Use: IRRIGATION of 146.0 ACRES
Priority Date: MARCH 29, 1979
Rate: 0.95 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: A WELL in the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	33 E	WM	35	SW SE	45 FEET NORTH AND 1300 FEET EAST FROM THE SOUTH 1/4 CORNER, SECTION 35

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.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	33 E	WM	1	NE NW	39.1
27 S	33 E	WM	1	NW NW	39.1
27 S	33 E	WM	1	SE NW	40.0
27 S	33 E	WM	2	NE NE	27.8

3. Application T-10321 proposes to change the authorized point of appropriation to two wells (Wells #2 and #3) located approximately 0.31 and 0.54 mile, respectively, from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
27 S	33 E	WM	1	NW NW	4	WELL #2 - 70 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER, SECTION 1
27 S	33 E	WM	1	NW NW	4	WELL #3 - 1195 FEET SOUTH AND 1291 FEET EAST FROM THE NW CORNER, SECTION 1

4. Notice of the application for transfer was published on February 27, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. 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.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10321.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

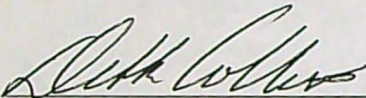
The change in point of appropriation proposed in application T-10321 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10321 is approved, the final order will include the following:

- The change in point of appropriation proposed in application T-10321 is approved.*
- Water right certificate 82697 is cancelled. A new certificate will be issued describing that portion of the right 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 Certificate 82697 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *When required by the Department, the water user shall install, maintain and operate 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*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. 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.*
8. *When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this 20th day of July 2007.


for Phillip C. Ward, Director

This Preliminary Determination was prepared by Jason Spriet. If you have any questions about the information in this document, you may reach me at (541) 523-8224 or Jason.D.Spriet@wrdd.state.or.us.

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



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Sarah Henderson
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 2-26-07

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) Michael Zwart date signed 5/7/07
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10321

A change in: POU POD POA USE of water.

In the name(s) of Fred & Connie Kreyer

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

☒ MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*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

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water Rights Files Date: May 7, 2007
From: Michael Zwart
Subject: Application Review: T-10321, Fred and Connie Kreger

This application proposes two additional POAs as a result of a property sale. The authorized well, HARN 1410, will not be used for the lands involved. Well #2, HARN 51070, and well #3, HARN 51069, are proposed. These wells develop the same water-bearing zones as the original well.

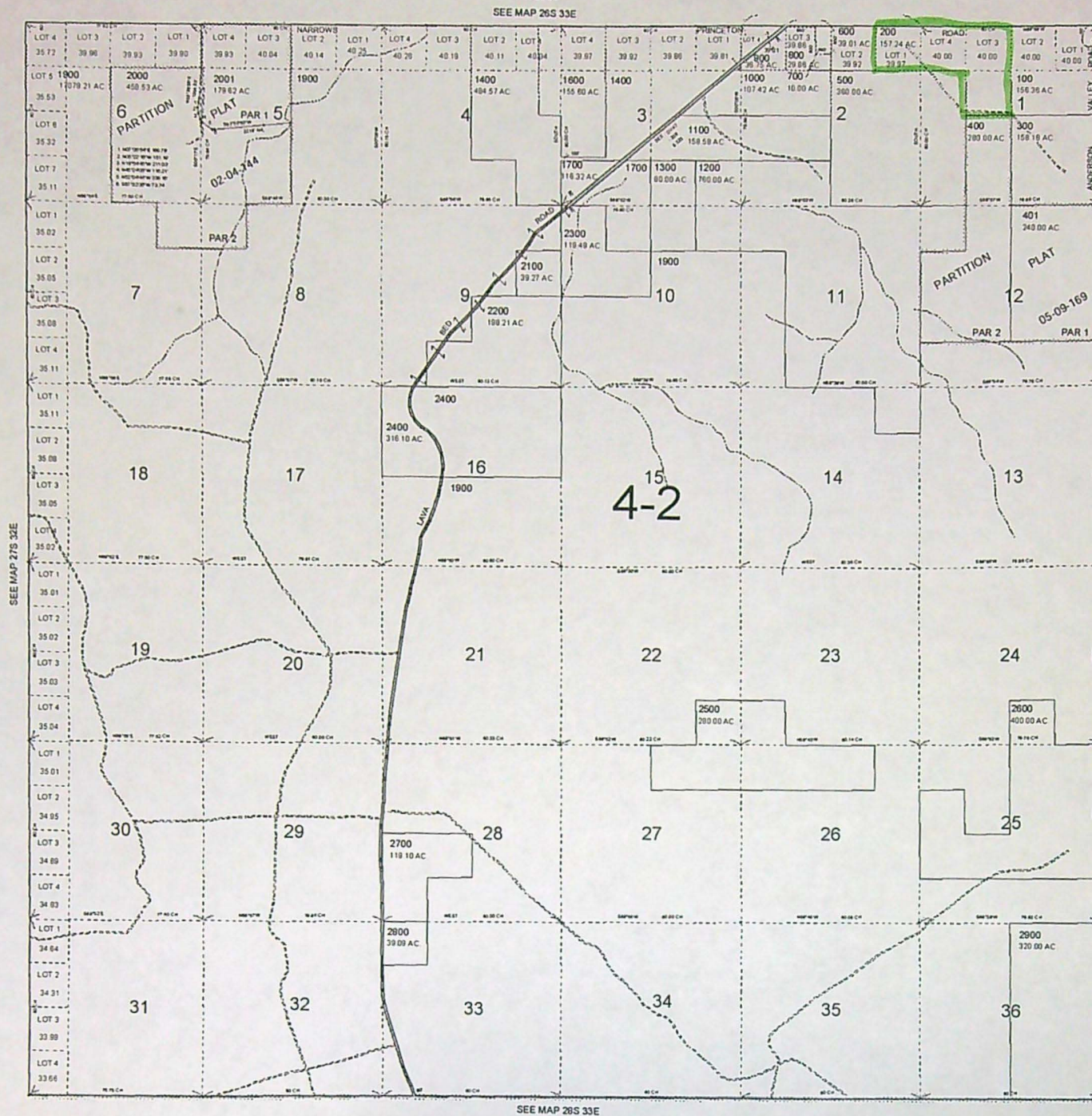
I find that the proposed change may be made without injury provided the following: the right is valid and the Watermaster can approve the proposal.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.27S. R.33E. W.M.
HARNEY COUNTY
1" = 2000'

27S 33E

SCALE IN FEET
0 2,000 4,000



CANCELLED NO.
1500
1601
1800

PRINTED ON
Mar 08, 2006
27S 33E

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 27 South Range: 33 East Section: 1 Records per Page: 10 Search

Water Right	Changing Years	Priority	Use	Use Status	DLC	Gov't Lot	Q(40)	Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QO
Select Permit:G 11411 CN		3/27/1991	IRRIGATION	CN					38.2	39.1	40	39.1													
Additional Info: ROBERT G ISOM App: G12458 Permit: G11411									N/A																
Select Cert:63584 OR *		4/30/1979	IRRIGATION																	39.1	40	40	35.7		
Additional Info: RALPH KILLINGER App: G9219 Permit: G9840 Cert: 63584									N/A																
Select Permit:G 15432 *		9/13/1996	IRRIGATION													40			30						
Additional Info: ROGER HAWORTH App: G14377 Permit: G15432									N/A																
Select Cert:82697 OR *	T10321	3/29/1979	IRRIGATION										39.1	39.1	40										
Additional Info: FRED KREGER App: G9182 Permit: G8527 Cert: 82697																									
Select Permit:G 16180 *		4/10/2006	IRRIGATION						31.5	31.5	31.5	31.5													
Additional Info: GARY WILLSON App: G16660 Permit: G16180									N/A																

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 27 South Range: 33 East Section: 2 Records per Page: 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	OO(40): OO(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown OO
Select Cert:27019 OR *		4/29/1955	IRRIGATION		4							12.6											
Additional Info: E A WING App: U818 Permit: U724 Cert: 27019																							
Select Cert:50682 OR *		6/17/1976	IRRIGATION													40	18.6			2.7			
Additional Info: TOM C DAVIES App: G7407 Permit: G6911 Cert: 50682																							
Select Cert:82697 OR * T10321		3/29/1979	IRRIGATION					27.8															
Additional Info: FRED KREGER App: G9182 Permit: G8527 Cert: 82697																							

Memo

Date: June 13, 2007
To: Transfer File T-10321
From: Lisa Jaramillo, Transfer Specialist
Re: Clarification of Watermaster Injury Review

Today, I was performing a Peer Review on the Preliminary Determination for T-10321. I noticed that the section of the Watermaster Injury Review that indicates whether or not a measuring device is being required at this time was left blank.

Therefore, I contacted June Miller (WM Dist. 10) to see which condition she wants added to the transfer order. June stated that the form should have indicated the following condition be included:

“...Measuring devices may be required in the future...”



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-10321

Review Due Date: 3-27-2007

Applicant Name: Fred and Connie Kreger

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

Reviewer(s): June Miller

Date of Review: Mar. 2, 2007

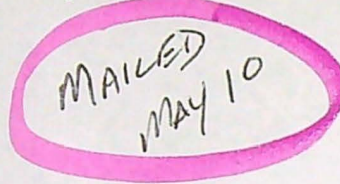
1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there 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: N/A
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: N/A
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: _____
10. What alternatives may be available for addressing any issues identified 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	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

May 9, 2007

Fred Kreger
57935 LAVA BED ROAD
PRINCETON OR 97721



SUBJECT: Application T-10321

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10321. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. 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 $\frac{1}{4}$ 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.

Issuance of the Preliminary Determination will occur shortly after we receive your response, or on June 15 2007, whichever occurs first. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at (541) 523-8224 if I may be of assistance.

Sincerely,

Jason Spriet
Field Services Division

cc: June Miller, District 10 Watermaster

enc



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:


FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 2-26-07

FROM:

WATERMASTER, DISTRICT # _____

~~GROUNDWATER SECTION~~

(SIGNATURE) Michael Zwart date signed 5/7/07
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10321

A change in: POU POD POA USE of water.

In the name(s) of Fred & Connie Krieger

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

✓ MAY BE MADE WITHOUT INJURY 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

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

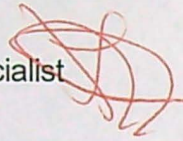
To: Ground Water Rights Files Date: May 7, 2007
From: Michael Zwart
Subject: Application Review: T-10321, Fred and Connie Kreger

This application proposes two additional POAs as a result of a property sale. The authorized well, HARN 1410, will not be used for the lands involved. Well #2, HARN 51070, and well #3, HARN 51069, are proposed. These wells develop the same water-bearing zones as the original well.

I find that the proposed change may be made without injury provided the following: the right is valid and the Watermaster can approve the proposal.

Memo

Date: February 16, 2007
To: Transfer File T-10321
From: Lisa Jaramillo, Transfer Specialist
Re: Transfer Application Map



About three or four weeks ago Fred Kreger came into the Salem office to get information about submitting a transfer application. At that time, he had a partially completed application and a map prepared by a CWRE. However, Mr. Kreger explained to me that the map did not accurately describe what he was trying to accomplish with the transfer. I told him he would need to take the map back to the CWRE to be revised to his (Mr. Kreger's) wishes and then submit it along with the completed application.

Mr. Kreger came into the Salem office again today to submit the completed transfer application. Unfortunately, the changes that the CWRE made to the map still did not accurately reflect his intent for the transfer.

Mr. Kreger is going to go back to his CWRE once again to hopefully get the map revised so that it matches the application for transfer.

Mr. Kreger did submit all other parts of the transfer application. He will submit the map as soon as the CWRE can revise it appropriately.

TRANSFER CHECK OFF LIST

TRANSFER FILE # 10321
 DATE RECEIVED 2-16-07
 DATE MONEY SLIPPED 2-16-07
 DATE RECEIPTED 2-16-07
 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

DECREE MARKED

DECREE COPIED

ADJUDICATION MAP COPIED

ENTRIES CHECKED CHECKED BY INIT FOLDER

PUBLIC NOTICE DATE 2-27-07 (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 not yes

LETTER TO ODFW no

TRANSFER SENT TO: e. drawer

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
 POA, APOA, or [SW TO GW ONLY(as POD)]

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

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

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

20071304



SATISFACTION OF MORTGAGE

STATE OF OREGON,

County of Harney } SS.

Fred Kreger and Connie Kreger
57935 Lava Bed Rd.
Princeton, Or 97721

Mortgagor's (or Mortgagor's Successor's) Name and Address

Donald Kreger
3641 West Basin Unit "A"
Pahrump NV 89041

Mortgagee's Name and Address

After recording, return to (Name, Address, Zip):

Fred Kreger and Connie Kreger
57935 Lava Bed Rd.
Princeton, Or 97721



I certify that the within instrument was
received for recording on June 12, 2007
at 2:28 o'clock P.M., and recorded in
Book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. 20071204 Records of this County.

Witness my hand and seal of County affixed.

Maia Sturges NAME TITLE Clk

By Maia Sturges Deputy

KNOW ALL BY THESE PRESENTS that DONALD KREGER, as to an undivided one-fifth interest

as owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage dated July 30, 1999, made and executed by FRED KREGER AND CONNIE

KREGER, husband and wife

as mortgagor, to DONALD KREGER, as to an undivided one-fifth interest.

as mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST, 9, 1999,

in ☐ book ☐ reel ☐ volume No. _____ on page _____, and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm
☐ reception No. 991725* (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.

In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this instrument shall apply equally to corporations and to individuals. June 7, 2007 DK

IN WITNESS WHEREOF, the undersigned has executed this instrument on June 7, 2007

If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

*re-recorded May 6, 2002
as instrument No. 20020901

Donald Kreger
DONALD KREGER

STATE OF NEVADA County of NYE) SS.

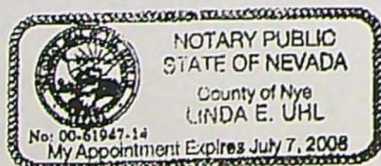
This instrument was acknowledged before me on MAY 7, 2007
by DONALD KREGER

This instrument was acknowledged before me on June 7, 2007

by _____

as _____

of _____



Linda E. Uhl
Notary Public for NEVADA
My commission expires 7/7/08

RECEIVED

SEP 19 2007

WATER RESOURCES DEPT.
SALEM, OREGON

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



SATISFACTION OF MORTGAGE

20070803

STATE OF OREGON, Harney ss.

County of

Fred Kreger and Connie Kreger

57935 Lava Bed Rd.

Princeton, Or 97721

Mortgagor's (or Mortgagor's Successor's) Name and Address

Lorene Gotta

31999 Griffith Dr.

Tangent, Or 97389

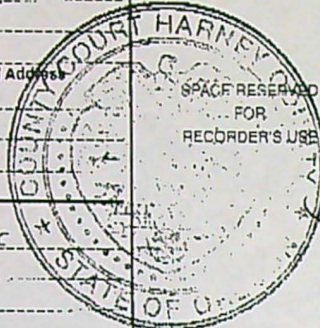
Mortgagee's Name and Address

After recording, return to (Name, Address, Zip):

Fred Kreger and Connie Kreger

57935 Lava Bed Rd.

Princeton, Or 97721



I certify that the within instrument was received for recording on April 12, 2007, at 2:14 o'clock P.M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. 20070803, Records of this County.

Witness my hand and seal of County affixed.

Marie Brumby, C. Clerk
NAME TITLE

By [Signature] Deputy.

KNOW ALL BY THESE PRESENTS that LORENE GOTTA, as to an undivided one-fifth interest

as owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage dated JULY 30, 1999, made and executed by FRED KREGER AND CONNIE KREGER, husband and wife

as mortgagor, to LORENE GOTTA, as to an undivided one-fifth interestas mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST 9, 1999

in ☐ book ☐ reel ☐ volume No. _____ on page _____ and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm ☐ reception No. 991725 * (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.

In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this instrument shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the undersigned has executed this instrument on APRIL 9, 2007 x

If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

*re-recorded May 6, 2002
as instrument No. 20020901

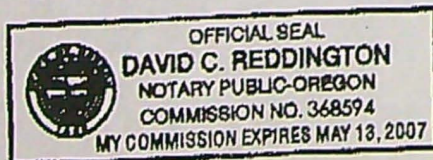
x [Signature]
LORENE GOTTA

STATE OF OREGON, County of Lincoln ss.

This instrument was acknowledged before me on APRIL 9, 2007
by LORENE GOTTA

This instrument was acknowledged before me on APRIL 9, 2007
by LORENE GOTTA
as HER AGT
of SIGNING THIS DOCUMENT

David C. Reddington
Notary Public for Oregon

My commission expires MAY 13, 2007

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WATER RESOURCES DEPT.
SALEM, OREGON

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

20070766

SATISFACTION OF MORTGAGE

FRED KREGER AND CONNIE KREGER

57935 Lava Bed Rd.

Princeton, Or 97721

Mortgagor's (or Mortgagor's Successor's) Name and Address

Dorene Kutsch

6303 Fairway Ave SE

Salem, Or 97306

Mortgagee's Name and Address

After recording, return to (Name, Address, Zip):

Fred Kreger and Connie Kreger

57935 Lava Bed Rd.

Princeton, Or 97721

STATE OF OREGON, } ss.

County of Harney

I certify that the within instrument was received for recording on April 12, 2007 at 3:15 o'clock P.M., and recorded in book/reel/volume No. on page and as fee/file/instrument/microfilm/reception No. 20070766 Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE
 Marion Blumhagen Co. Clerk

By D Robm Deputy.



KNOW ALL BY THESE PRESENTS that DORENE KUTSCH, as to an undivided one-fifth interest

as owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage dated JULY 30, 1999, made and executed by FRED KREGER AND CONNIE KREGER, husband and wife

as mortgagor, to DORENE KUTSCH, as to an undivided one-fifth interest

as mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST 9, 1999, in ☐ book ☐ reel ☐ volume No. on page and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm ☐ reception No. 991725* (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.

In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this instrument shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the undersigned has executed this instrument on APRIL 6, 2007

If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

*re-recorded May 6, 2002
 as instrument No. 20020901

x Dorene Kutsch
 DORENE KUTSCH

STATE OF OREGON, County of Marion } ss.

This instrument was acknowledged before me on APRIL 6, 2007. X
 by DORENE KUTSCH

This instrument was acknowledged before me on

by

as

of

Elin Ann
 Notary Public for Oregon

My commission expires



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WATER RESOURCES DEPT.
 SALEM, OREGON

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NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS



SATISFACTION OF MORTGAGE

20070765

STATE OF OREGON, Harney } ss.
County of _____Fred Kreger and Connie Kreger
57935 Lava Bed Rd.
Princeton, Or 97721

Mortgagor's (or Mortgagee's) Name and Address

Jerold Kreger
P.O. Box 1471
Ocean Park, WA 98640

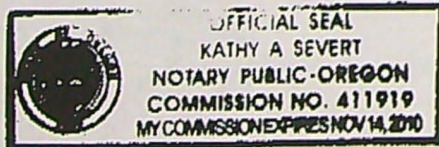
Mortgagee's Name and Address

After recording, return to (Name, Address, Zip):

Fred Kreger
Connie Kreger
57935 Lava Bed Rd.
Princeton, Or 97721I certify that the within instrument was
received for recording on April 16, 2007
at 3:11 o'clock P.M., and recorded in
book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. 20070765 Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE
By D. R. [Signature], Deputy.KNOW ALL BY THESE PRESENTS that JEROLD KREGER, as to an undivided one-fifth interestas owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage
dated July 30, 1999, made and executed by FRED KREGER AND CONNIE KREGER,
husband and wifeas mortgagor, to JEROLD KREGER, as to an undivided one-fifth interestas mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST 9, 1999in ☐ book ☐ reel ☐ volume No. _____ on page _____, and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm☐ reception No. 991725 * (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be
made so that this instrument shall apply equally to corporations and to individuals.IN WITNESS WHEREOF, the undersigned has executed this instrument on APRIL, 2007.If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly
authorized to do so by order of its board of directors.*re-recorded May 6, 2002
as instrument No. 20020901

JEROLD KREGER
STATE OF OREGON, County of Clackamas) ss.This instrument was acknowledged before me on APRIL, 2007
by JEROLD KREGERThis instrument was acknowledged before me on APRIL 4, 2007by KATHY A. SEVERTas OFFICERof WASHINGTON MUTUAL BANK

Notary Public for Oregon
My commission expires NOV 14, 2010

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SEP 19 2007

WATER RESOURCES DEPT.
SALEM, OREGON

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

20071304



SATISFACTION OF MORTGAGE

STATE OF OREGON,
County of Harney } ss.

Fred Kreger and Connie Kreger
57935 Lava Bed Rd.
Princeton, Or 97721

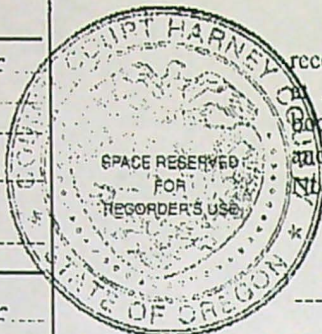
Mortgagor's (or Mortgagor's Successor's) Name and Address

Donald Kreger
3641 West Basin Unit "A"
Pahrump NV 89041

Mortgagee's Name and Address

After recording, return to (Name, Address, Zip):

Fred Kreger and Connie Kreger
57935 Lava Bed Rd.
Princeton, Or 97721



I certify that the within instrument was
received for recording on June 12, 2007
2:28 o'clock P.M., and recorded in
Book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. 20071304 Records of this County.

Witness my hand and seal of County affixed.

Maria Sturaga Clerk
NAME TITLE
By Maria Sturaga Deputy

KNOW ALL BY THESE PRESENTS that DONALD KREGER, as to an undivided one-fifth interest

as owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage dated July 30, 1999, made and executed by FRED KREGER AND CONNIE KREGER, husband and wife

as mortgagor, to DONALD KREGER, as to an undivided one-fifth interest
as mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST, 9, 1999,
in ☐ book ☐ reel ☐ volume No. _____ on page _____, and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm
☐ reception No. 991725* (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.

In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this instrument shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the undersigned has executed this instrument on June 7, 2007 OK

If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

*re-recorded May 6, 2002
as instrument No. 20020901

Donald Kreger
DONALD KREGER

STATE OF ~~OREGON~~ NEVADA County of NYE) ss.

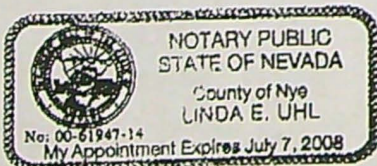
This instrument was acknowledged before me on MAY 7, 2007
by DONALD KREGER

This instrument was acknowledged before me on June 7, 2007

by _____
as _____
of _____

Linda E. Uhl
Notary Public for ~~Oregon~~ NEVADA

My commission expires 7/7/08



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WATER RESOURCES DEPT.
SALEM, OREGON

FORM No. 725 - SATISFACTION OF MORTGAGE (Individual or Corporate).

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SATISFACTION OF MORTGAGE

20070803

STATE OF OREGON

County of

Harney } ss.

Fred Kreger and Connie Kreger

57935 Lava Bed Rd.

Princeton, Or. 97721

Mortgagor's (or Mortgagee's) Name and Address

Lorene Gotta

31999 Griffith Dr.

Tangent, Or. 97389

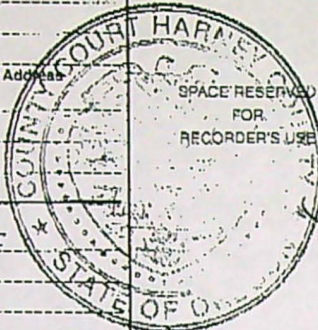
Mortgagee's Name and Address

After recording, return to (Name, Address, Zip):

Fred Kreger and Connie Kreger

57935 Lava Bed Rd.

Princeton, Or. 97721



I certify that the within instrument was received for recording on April 12, 2007, at 2:14 o'clock P.M., and recorded in book/reel/ volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. 20070803, Records of this County.

Witness my hand and seal of County affixed.

Maria Bismaga County Clerk
NAME TITLE

By De R..., Deputy.KNOW ALL BY THESE PRESENTS that LORENE GOTTA, as to an undivided one-fifth interest

as owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage dated JULY 30, 1999, made and executed by FRED KREGER AND CONNIE KREGER, husband and wife

as mortgagor, to LORENE GOTTA, as to an undivided one-fifth interest

as mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST 9, 1999 in ☐ book ☐ reel ☐ volume No. _____ on page _____, and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm ☐ reception No. 991725 * (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.

In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this instrument shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the undersigned has executed this instrument on APRIL 9, 2007 x

If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

*re-recorded May 6, 2002
as instrument No. 20020901

Lorene Gotta
LORENE GOTTA

STATE OF OREGON, County of LINN ss.This instrument was acknowledged before me on APRIL 9, 2007by LORENE GOTTAThis instrument was acknowledged before me on APRIL 9, 2007by LORENE GOTTAas HER ACTof SIGNING THIS DOCUMENT

David C. Reddington
Notary Public for Oregon

My commission expires MAY 13, 2007

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SEP 19 2007

WATER RESOURCES DEPT.
SALEM, OREGON

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



SATISFACTION OF MORTGAGE

FRED KREGER AND CONNIE KREGER

57935 Lava Bed Rd.

Princeton, Or 97721

Mortgagor's (or Mortgagor's Successor's) Name and Address

Dorene Kutsch

6303 Fairway Ave SE

Salem, Or 97306

Mortgagee's Name and Address

After recording, return to (Name, Address, Zip):

Fred Kreger and Connie Kreger

57935 Lava Bed Rd.

Princeton, Or 97721

20070766

STATE OF OREGON, } ss.

County of Harney

I certify that the within instrument was received for recording on April 10, 2007, at 3:15 o'clock P.M., and recorded in book/reel/volume No. on page and/or as fee/file/instrument/microfilm/reception No. 20070766 Records of this County.

Witness my hand and seal of County affixed.

Marion Blumhagen Co. Clerk
NAME TITLE

By D. Robm Deputy.



KNOW ALL BY THESE PRESENTS that DORENE KUTSCH, as to an undivided one-fifth interest

as owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage dated JULY 30, 1999, made and executed by FRED KREGER AND CONNIE KREGER, husband and wife

as mortgagor, to DORENE KUTSCH, as to an undivided one-fifth interest

as mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST 9, 1999, in ☐ book ☐ reel ☐ volume No. on page, and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm ☐ reception No. 991725. * (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.

In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this instrument shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the undersigned has executed this instrument on APRIL 6, 2007.

If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

*re-recorded May 6, 2002
as instrument No. 20020901

x Dorene Kutsch
DORENE KUTSCH

STATE OF OREGON, County of Marion) ss.

This instrument was acknowledged before me on APRIL 6, 2007, by DORENE KUTSCH.

This instrument was acknowledged before me on _____ by _____ as _____ of _____

Elaine Allen
Notary Public for Oregon

My commission expires _____



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SEP 19 2007

WATER RESOURCES DEPT.
SALEM, OREGON

EO

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



SATISFACTION OF MORTGAGE

20070765

STATE OF OREGON, Harney } ss.
County of _____Fred Kreger and Connie Kreger
57935 Lava Bed Rd.

Princeton, Or 97721

Mortgagor's (or Mortgagor's Successor's) Name and Address

Jerold Kreger

P.O. Box 1471

Ocean Park, WA 98640

Mortgagee's Name and Address

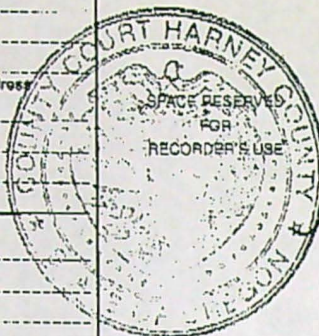
After recording, return to (Name, Address, Zip):

Fred Kreger

Connie Kreger

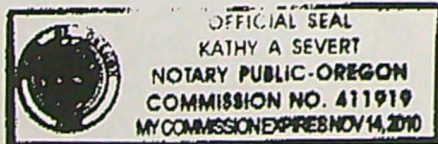
57935 Lava Bed Rd.

Princeton, Or 97721

I certify that the within instrument was
received for recording on April 12, 2007
at 3:11 o'clock P.M., and recorded in
book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. 20070765 Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE
By D. Bow Deputy.KNOW ALL BY THESE PRESENTS that JEROLD KREGER, as to an undivided one-fifth interestas owner and holder of the mortgage and obligation hereinafter described, does hereby certify and declare that a certain mortgage
dated July 30, 1999, made and executed by FRED KREGER AND CONNIE KREGER,
husband and wifeas mortgagor, to JEROLD KREGER, as to an undivided one-fifth interest
as mortgagee, and recorded in the Records of HARNEY County, Oregon, on AUGUST 9, 1999
in ☐ book ☐ reel ☐ volume No. _____ on page _____, and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm
☐ reception No. 991725 * (indicate which) together with the debt thereby secured, is fully paid, satisfied and discharged.In construing instrument, where the context so requires, the singular includes the plural and all grammatical changes shall be
made so that this instrument shall apply equally to corporations and to individuals.IN WITNESS WHEREOF, the undersigned has executed this instrument on APRIL, 2007If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly
authorized to do so by order of its board of directors.*re-recorded May 6, 2002
as instrument No. 20020901

JEROLD KREGER
STATE OF OREGON, County of Clackamas) ss.This instrument was acknowledged before me on APRIL, 2007
by JEROLD KREGERThis instrument was acknowledged before me on APRIL 4, 2007
by KATHY A. SEVERT
as OFFICER
of WASHINGTON MUTUAL BANK

Notary Public for Oregon
My commission expires NOV. 14, 2010

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WATER RESOURCES DEPT.
SALEM, OREGON



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

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	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

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WATER RESOURCES DEPT
SALEM, OREGON

2. APPLICANT INFORMATION

Name: Fred + Connie Kreger
First Last
Address: 57935 Lava Bed Rd
Princeton, Or, 97721
City State Zip
Phone: 541-493-2854
Home Work Other
Fax: 541-493-2854 E-Mail address: _____

3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____

City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail address: _____

- 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.

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.	G - 9182	G - 8527	82697
2.			
3.			
4.			
5.			
6.			

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WATER RESOURCES DEPT
SALEM, OREGON

- 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): Sold property where well was
Had new wells drilled

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.

Turbine Pump To lift water. centrifugal pump To pressurize
system alum. mainline. wheel lines To dispense water

- ?
- System capacity: 3 1/2 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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).

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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).

Harney County

8. LAND OWNERSHIP

FEB 16 2007
WATER RESOURCES DEPT
SALEM, OREGON

- 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): Jim Gilmour
First Last

Address: _____

City State Zip

★ *New owners will be responsible for completing changes*

- 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.)

9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

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WATER RESOURCES DEPT
SALEM, OREGON

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:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☐ Amount enclosed: \$ _____
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.

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:

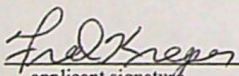
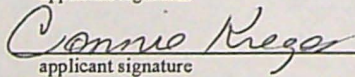
☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	<u>Fred Kreger</u> name (print)	<u>2-16-07</u> date
 applicant signature	<u>Connie KREGER</u> name (print)	<u>2-16-07</u> date

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WATER RESOURCES DEPT
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.

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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 82697

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>82697</u> Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Fred Krager & Walter Krager
- County: Hanney
- Authorized Use(s) to be Affected by Transfer: Portion of C# 82697
Point of Appropriation change
- Priority Date(s): March 29, 1979 For 2 wells (new)

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

? Tributary to: Maltby Lake Basin

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).

▪ Certificate Number or other identifying number: 82697

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.

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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)

WATER RESOURCES DEPT
SALEM, OREGON

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)
	well	26	33	WM	35	SW SE		45' N and 1300' E From S ¼ cor. Sec 35
	Moving	off this well To wells #2 & #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.

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

▪ Certificate Number or other identifying number: 82697

*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.*

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WATER RESOURCES DEPT
SALEM, OREGON

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]

T 10321

▪ Certificate Number or other identifying number: 82697

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)
Well #2	T27	33	WN	1	NW NW	Gov. Lot 4 200	From 285' East 70'S NW corner
Well #3	27	33	WN	1	NW NW	Gov. Lot 4 Tax Lot 200	From 1291' E & 1195'S NW corner Sec 1

- 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
	See attached well logs									

▪ Certificate Number or other identifying number: 82697

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.)

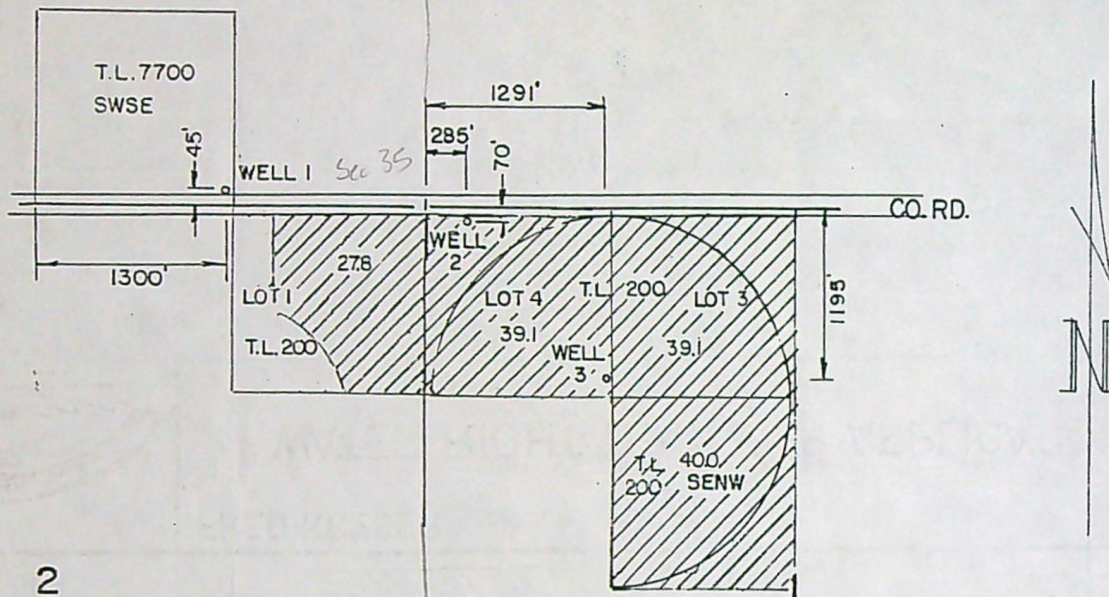
Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
NO Change							

Remarks: _____

T-10321

T 26 S,
T 27 S, R 33 E, WM

35



2

WELL 1 - PERMIT G-8527
WELLS 2 & 3 - NEW WELLS

THE PURPOSE OF THIS MAP IS TO
IDENTIFY THE LOCATION OF THE
WATER RIGHT. IT IS NOT INTENDED
TO PROVIDE INFORMATION RELATIVE
TO THE LOCATION OF PROPERTY
OWNERSHIP.

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	FRED KREGER		
	WATER RIGHT TRANSFER APPLICATION MAP		
	Scale: 4" = 1 MILE	Date: FEB 2007	
	Job: 2384	Sht. No.	
Dsn:		M.A. PALMER & SONS, INC. ENGINEERING & SURVEYING 711 Ponderosa Village • Box 61 Burns, Oregon 97720	
Drm: CHRIS			of 1
Ckd:			



Harney County Title Company

190 West "A" Street - Burns, Oregon 97720
(541) 573-1440 - (541) 573-1443 Fax
email: hctitle@centurytel.net

ORDER NO. 3516
DATE 02-13-07

Fred + Connie Kueger
57935 Lava Bed Rd.
Princeton, OR 97721

Attn.

SELLER:

PURCHASERS/MORTGAGATORS

Ordered by

PROPERTY DESCRIPTION	CHARGES	LIABILITY	PREMIUM
Twp. 21 R. 33 Sec. 1: Lots 3+4 SE 1/4 NW 1/4 Sec. 2: Lot 1	OWNERS TITLE POLICY PURCHASERS TITLE POLICY STANDARD MORTGAGEES EXTENDED MORTGAGEES POLICY INDORSEMENTS ESCROW FEE LOT BOOK FORECLOSURE GUARANTEE LITIGATION GUARANTEE SEARCHES H.E.L.P. COURTESY SIGNINGS		\$175.00
FOR CUSTOMER USE ONLY	CASH ADVANCES: RECORDINGS OTHER		
	LESS RECEIVED ON ACCOUNT		
	TOTAL BALANCE DUE		\$175.00

REMARKS:

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SALEM, OREGON

T 10321



Harney County Title Company

190 West "A" Street - Burns, Oregon 97720
(541) 573-1440 - (541) 573-1443 Fax
email: hctitle@centurytel.net



LOTBOOK REPORT

Order No. 3516

WE HAVE SEARCHED OUR TRACT INDICES ON THE FOLLOWING DESCRIBED PROPERTY:

LAND IN COUNTY OF HARNEY AND STATE OF OREGON

Township 27 South, Range 33 East, Willamette Meridian
Section 1: Government Lots 3 & 4 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Section 2: Government Lot 1.

AND AS OF FEBRUARY 12, 2007, AT 8:00 A.M.

THE LAST DEED OF RECORD RUNS TO:

FRED KREGER and CONNIE KREGER, husband and wife

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SALEM, OREGON

WE FIND THE FOLLOWING APPARENT ENCUMBRANCES WITHIN 10 YEARS PRIOR TO THE EFFECTIVE DATE HEREIN:

1. Mortgage, including the terms and provisions thereof, executed by Fred Kreger and Connie Kreger, husband and wife, Mortgagors, in favor of Walter E. Kreger and Virginia A. Kreger, husband and wife, for their life and for the life of the survivor of them, then to Fred Kreger, Dorene Kutsch, Gerald Kreger, Lorene Gotta and Donald Kreger, each as to an undivided one-fifth interest as tenants in common, Mortgagees, dated July 30, 1999, recorded August 9, 1999, as Instrument No. 991725, re-recorded May 6, 2002, as Instrument No. 20020901, Harney County Mortgage payment of \$124,000.00. (Affects consideration)

Walter E. & Virginia A. Kreger
passed away, so
loan went to Fred
Kreger's siblings:
Dorene Kutsch
Gerald Kreger
Lorene Gotta
Donald Kreger
all signed
off as
loan
satisfied.
- See Fax
Rec'd 9-19-07

LotBook #3516
Page No. 2

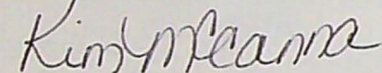
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2. Taxes for 2006-07: \$517.88; \$172.63, pd.; \$345.25, unpaid
(Acct. No. 4-2 27-33 200)
(Tax ID No. 10611)

NOTE: Taxes for the year 2006-07: \$302.09, PAID IN FULL.
(Acct. No. 4-2 O E OP 4023)
(Tax ID No. 73012)

THIS IS NOT A COMMITMENT TO ISSUE TITLE INSURANCE, OR A PRELIMINARY TITLE REPORT, and no Examination has been made of the Title to the above described property. The search of our tract indices was limited to apparent monetary encumbrances, and therefore above listings do not include additional matters which may have been disclosed by an examination of the record title. The Liability in connection with this Lot Book Service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

HARNEY COUNTY TITLE COMPANY



KIM MCCANNA
TITLE OFFICER

T 10321



Oregon Water Resources Department Land Use Information Form

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, exchange, permit amendment, or ground water registration modification, 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.

Applicant Name: Fred Kreyer
Mailing Address: 57935 Lava Bed Rd.
City: Princeton State: OR Zip: 97721 Day Phone: 541-493-2854

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
27S	33	1	WENE	200		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	irrigation
27S	33	1	NE NW	"		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
27S	33	1	SE NW	"		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
27S	33	2	WENE	"		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 825 ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other _____

Briefly describe: _____

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

Receipt for Request for Land Use Information

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

T 10321

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FEB 16 2007
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 that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

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

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

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

Name: Brandon McMullen Title: Harvey County Planning Director
Signature: [Signature] Phone: 541-573-6655 Date: 1/12/07
Government Entity: County Planning

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Well #2

WELL I.D. # L 51610
START CARD # 155952

Well #3

WELL I.D. # L 26620
START CARD # 155953

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

Signed Donald W. Lee WWC Number 1527
Date 7-12-04

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

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FEB 16 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

State of Oregon)
) ss
 County of Harney)

I, Fred Krieger, in my capacity as OWNER,
 mailing address 5793 Shara Bed Rd, Princeton, Or, 97721
 telephone number (541) 493-2854, 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	33 E	WM	2	NE NE	LOT 1 200	27.8
27 S	33 E	WM	1	NENW	LOT 3 200	39.1
27 S	33 E	WM	1	NW NW	LOT 4 200	39.1
27 S	33 E	WM	1	SE NW	Tax LOT 200	40.0

(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):

Grain Hay - Alfalfa Hay

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

alum. mainline with wheel lines to disperse water

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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[Signature]
Signature of Affiant

2-16-07
Date

Signed and sworn to (or affirmed) before me this 16th 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.

5 (COOP) Billing System Inquiries CH
 Acct Nbr: 16900 Name: FRED KREGER Inv Grp: _____
 Mem Nbr: 2082 Srv Map Loc#: AB014A SSN: _____
 Mtr#: _____ Trf#: _____ S/S: 43 Rev: 4 Rat: _____
 Phone: (541) 493-2854 Srv Addr: PRINCETON Cyc: 2 D/O: B

6 ACTION:		Consumption		01-By	Acct	02-Date	Summary	03-Avgs	04-36mo
Rev Mo	[Rdg Dt]	Ps	R	Cd	[Rate	Rdg	Mult	Usage Unit	Rev Hist Rot]
05-May	05/31/04	01	1	FIN	IR1	1062	40.00	2680 KWH	500.00 00
06-Apr	04/30/04	01	1	ACT	IR1	995	40.00	0 KWH	.00 00
07-Nov	11/19/03	01	1	FIN	IR1	995	40.00	160 KWH	8.00 00
08-Sep	09/30/03	01	1	ACT	IR1	991	40.00	10880 KWH	544.00 00
09-Aug	08/31/03	01	1	ACT	IR1	719	40.00	15480 KWH	774.00 00
10-Jul	07/31/03	01	1	ACT	IR1	332	40.00	29640 KWH	1482.00 00
11-Jun	06/30/03	01	1	ACT	IR1	9591	40.00	14160 KWH	680.00 00
12-May	05/31/03	01	1	ACT	IR1	9237	40.00	9440 KWH	500.00 00
13-Apr	05/05/03	01	1	FIN	IR1	9001	40.00	0 KWH	.00 00
14-Oct	10/23/02	01	1	FIN	IR1	9001	40.00	0 KWH	.00 00
15-Sep	09/30/02	01	1	ACT	IR1	9001	40.00	3000 KWH	150.00 00
16-Aug	08/31/02	01	1	ACT	IR1	8926	40.00	31560 KWH	1578.00 00
17-Jul	07/31/02	01	1	ACT	IR1	8137	40.00	30640 KWH	1532.00 00

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5 (COOP) Billing System Inquiries CH
 Acct Nbr: 16900 Name: FRED KREGER Inv Grp: _____
 Mem Nbr: 2082 Srv Map Loc#: AB014A SSN: _____
 Mtr#: _____ Trf#: _____ S/S: 43 Rev: 4 Rat: _____
 Phone: (541) 493-2854 Srv Addr: PRINCETON Cyc: 2 D/O: B

6 ACTION:	Consumption	01-By Acct	02-Date	Summary	03-Avgs	04-36mo
Rev Mo [Rdg Dt] Ps R Cd [Rate]	Rdg	Mult	Usage	Unit	Rev Hist	Rot]
05-Oct 10/23/02 01 1 FIN IR1	9001	40.00	0	KWH	.00	00
06-Sep 09/30/02 01 1 ACT IR1	9001	40.00	3000	KWH	150.00	00
07-Aug 08/31/02 01 1 ACT IR1	8926	40.00	31560	KWH	1578.00	00
08-Jul 07/31/02 01 1 ACT IR1	8137	40.00	30640	KWH	1532.00	00
09-Jun 06/30/02 01 1 ACT IR1	7371	40.00	29600	KWH	1480.00	00
10-May 05/31/02 01 1 ACT IR1	6631	40.00	24800	KWH	1240.00	00
11-Apr 04/30/02 01 1 ACT IR1	6011	40.00	1560	KWH	78.00	00
12-Oct 10/15/01 01 1 FIN IR1	5972	40.00	480	KWH	24.00	00
13-Sep 09/30/01 01 1 ACT IR1	5960	40.00	13040	KWH	586.80	00
14-Aug 08/31/01 01 1 ACT IR1	5634	40.00	28160	KWH	1267.20	00
15-Jul 07/31/01 01 1 ACT IR1	4930	40.00	27960	KWH	1258.20	00
16-Jun 06/30/01 01 1 ACT IR1	4231	40.00	28600	KWH	1287.00	00

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