

T-10362

T-10362

Historical

Name Louis Molt

By _____

Address 72299 Turnout RdBurns OR 97720541-573-7888 541-589-0007 cellChange in APDA

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 4-30-08 Vol. 74, page 756

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

84121
84120

DESCRIPTION OF WATER RIGHT

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

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1962In name of Eben Ray

_____ Adjudication, Vol. _____, page _____

App. No. G-2418 Per. No. G-2234 Cert. No. 35134

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4/9/07</u>	<u>350.00</u>	<u>87046</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOTE/CWRHarney County



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 1, 2008

LOUIS P. MOLT
72299 TURNOUT RD
BURNS OR 97720

Reference: Transfer 10362

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

Also enclosed is the certificate issued to confirm a historic change in point of diversion approved by the order herein. Please read this document carefully and abide by the requirements.

Sincerely,

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #10

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE
T-10362, Harney County	)	IN POINT OF APPROPRIATION TO
	)	REFLECT HISTORIC USE

Authority

ORS 540.505 to 540.580 establishes 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

LOUIS P. MOLT
72299 TURNOUT RD
BURNS OR 97720

Findings of Fact

Background

1. On April 9, 2007 Louis P. Molt filed a transfer application for authorization of a historic point of appropriation under Certificate 35134. The Department assigned the application number T-10362.
2. The portion of the right to be transferred is as follows:
Certificate: 35134 in the name of Eben Ray (perfected under Permit G-2234)
Use: SUPPLEMENTAL IRRIGATION of 61.8 ACRES
Priority Date: AUGUST 14, 1962
Rate: 0.77 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: WELL 1, a tributary of the FOLEY and NEWMAN SLOUGHS (Silvies River)

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 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 Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23S	31E	WM	5	SW NW	600 FEET EAST AND 880 FEET NORTH FROM THE W¼ CORNER OF SECTION 5.

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23S	31E	WM	5	NE NW	3	1.2
23S	31E	WM	5	NW NW	4	1.70
23S	31E	WM	5	SW NW		32.3
23S	31E	WM	5	SE NW		26.6

3. Application T-10362 proposes to add a point of appropriation to reflect historical use. The historic point of appropriation is approximately 1000 feet from the existing point of appropriation which is located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23S	31E	WM	5	NW SW	40 FEET SOUTH AND 80 FEET EAST FROM THE W¼ CORNER OF SECTION 5.

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

5. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of appropriation for the water right in question, has been used for more than 10 years.
6. Pursuant to OAR 690-380-2120(2)(c) the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of appropriation, prior to the transfer request.
7. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
8. Water has been used within the last five years according to the terms and conditions of the right. No evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change will not result in enlargement of the right.
11. The proposed change will not result in injury to other water rights.

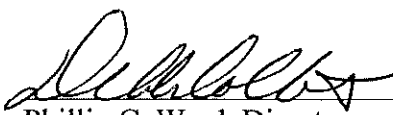
Conclusions of Law

The proposed change in point of appropriation to reflect historical use in application T-10362 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change proposed in T-10362 is approved and effective immediately.
2. Water right certificate 35134 is cancelled. Certificate 84121 will be issued to describe the change in point of appropriation for the portion of the right included in T-10362. Certificate 84120 shall be issued to describe the portion of Certificate 35134 not modified by this order. Together, Certificates 84121 and 84120 shall supersede Certificate 35134.
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 35134 and any related decree.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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.

Dated at Salem, Oregon this 30th day of April 2008.


fa Phillip C. Ward, Director

Mailing date: MAY 02 2008

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOUIS P. MOLT
72299 TURNOUT RD
BURNS OR 97720

confirms the right to use the waters of WELL 1 and WELL 3, in the MALHEUR LAKE BASIN, for SUPPLEMENTAL IRRIGATION of 61.8 ACRES.

This right was perfected under Permit G-2234. The date of priority is AUGUST 14, 1962. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.77 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23 S	31 E	WM	5	SW NW	WELL 1: 600 FEET EAST & 880 FEET NORTH FROM W1/4 CORNER, SECTION 5
23 S	31 E	WM	5	NW SW	WELL 3: 40 FEET SOUTH AND 80 FEET EAST FROM THE W1/4 CORNER, SECTION 5

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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

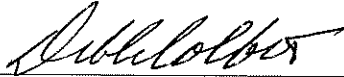
A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	31 E	WM	5	NE NW	3	1.2
23 S	31 E	WM	5	NW NW	4	1.7
23 S	31 E	WM	5	SW NW		32.3
23 S	31 E	WM	5	SE NW		26.6

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 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.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered APR 30 2008, approving Transfer Application T-10362 and combined with Certificate 84120, supercedes Certificate 35134, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 30 2008.



Phillip C. Ward, Director *pcw*

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EBEN RAY
RT 1 BOX 65
BURNS OR 97720

confirms the right to use the waters of WELL 1, tributary to FOLEY and NEWMAN SLOUGHS (SILVIES RIVER) for SUPPLEMENTAL IRRIGATION of 19.8 ACRES.

This right was perfected under Permit G-2234. The date of priority is AUGUST 14, 1962. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.250 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
23 S	31 E	WM	5	SW NW	WELL 1: 600 FEET EAST & 880 FEET NORTH FROM W1/4 CORNER, SECTION 5

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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

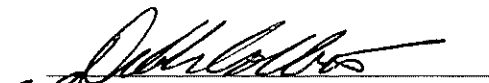
A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	31 E	WM	5	NW NW	4	3.5
23 S	31 E	WM	5	SW NW		3.7
23 S	31 E	WM	6	NE NE	11	6.4
23 S	31 E	WM	6	SE NE		6.2

This certificate describes that portion of the water right confirmed by Certificate 35134, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 30 2008, approving Transfer Application T-10362 for a HISTORIC POINT IN APPROPRIATION.

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 APR 30 2008.


Phillip C. Ward, Director

Water Right Transfer Checklist

Transfer T-10362

Transfer Specialist: Carrie Jones

Transfer Type: historic poa

Applicant Name/Address: Louis Molt; 72299 Turnout Rd, Burns Or 97720

Agent Name/Address: n/a

CWRE Name/Number: n/a

Rec Landowner Name/Address: n/a

Irr. District Name/Address: n/a

Affected Gov'ts Name/Address: Harney county planning

Commentors: Name/Address: n/a

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☐	☐	<u>G-2418</u>		<u>JS134</u>	☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

84121
84120

Key Dates & Initial Actions

Rec'd: <u>4/9/07</u>	Proposed Action(s): <u>HST APOA</u>	
Fees Pd: _____	WM District: <u>10</u>	ODFW District: _____
Initial Notice: _____	WM Review sent: _____	ODFW Review sent: _____
Acknowledgement Letter Sent ☐		GW Review sent: _____

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: n/a

☐ not required

DPD Mailed

Affid of Pub Rec'd: _____

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

Last Day Published: _____

DFO Mailed: 3/13/08

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

☒ CE right

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <u>JP</u>
Date: _____	Date: _____	Date: <u>4/28</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>ASJP</u>
Date: _____	Date: _____	Date: <u>4/28/08</u>
Comments/Special Issues:		

Special Order Volume: Vol 74 Pages 756 Final Order Signature Date: 4-30-08

Notice of FO email'd to processors Carrie/Kody

3/8 Told Lewis to send me Melodi's Signature
3/9 Lewis called me to see if I received the info

Review Checklist**T-10362****Processor: CARRIE JONES****Application**

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. *NA* 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)*
- NA* ☒ 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.
- NA* ☒ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- NA* ☒ 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/deed 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 POU's 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.
- NA* ☒ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- NA* ☒ 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 | ☒ certificate | ☒ fees paid | ☐ well logs | ☒ plat card |
| ☐ audit | ☒ DFO | ☒ FO | | |

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 |
| Fish Screen Devices | ☐ | | |

Injury: N Enlargement: N

Conditions to avoid enlargement/injury –

proposed point of diversion downstream, below the inflow, from the authorized point of diversion;

(b) Provide the applicant a copy of a notice to be mailed or hand-delivered to the affected water right holders that:

(A) Describes the locations of the authorized and actual points of diversion or appropriation;

(B) States that the recipient on the notice may provide comments to the Department on whether the requested change in point of diversion or appropriation will cause injury; and

(C) Establishes a comment period of at least 30 days after the notice is mailed or hand-delivered to each of the affected water right holders;

(c) Consult with ODFW in the manner provided under OAR 690-380-5060; and

(d) Provide notice of the application in the weekly notice published by the Department.

(4) Upon receipt from the Department of the list of affected water rights and a copy of the notice, the individual shall determine the name and address of the current holder of each affected water right identified by the Department and shall mail or hand deliver the notice to all such holders. The individual shall provide to the Department written proof of service upon the water right holders. A transfer under section (1) of this rule shall not be approved by the Department before the Department receives the written proof of service and before the comment date specified in the notice, whichever is later.

(5) If, after considering any comments received, the Department finds the individual requesting a change in point of diversion or appropriation to reflect historical use satisfies the requirements under section (2) to (4) of this rule and that the change does not cause injury, the request shall be approved. The order approving the change in point of diversion or appropriation shall establish a deadline for compliance with any conditions needed to prevent injury and, where required, to provide fish screening. If a certificate had previously been issued, the order shall cancel the certificate. The director shall issue a new certificate confirming the change in point of diversion or appropriation and preserving all other conditions of the water right.

(6) After the deadline for compliance with conditions of an approval established pursuant to section (5) of this rule, the use of water from the point of diversion or appropriation shall be subject to continued compliance with the conditions.

(7) As used in this rule, "individual" means a natural person and does not include a government body, organization, business enterprise, or other such entity.

690-380-2120**Change in Point of Diversion to Reflect Historical Use**

(1) As provided in ORS 540.532, any individual who holds a water right certificate or decree may request a change in point of diversion or appropriation to reflect the historical use of water at a point of diversion or appropriation other than that described in the water right certificate or decree. The individual shall use the Department's water right transfer application form, clearly marked "Historic Change in POD," and, except as otherwise provided in section (2) of this rule, include the information required in OAR 690-380-3000.

(2) An individual requesting a change in the point of diversion or appropriation under section (1) of this rule shall provide to the Department the following additional information:

☒ (a) Evidence that the actual, current point of diversion or appropriation for the water right in question has been in use for more than 10 years;

☒ (b) A map meeting the requirements of OAR 690-380-3100, except that it need not be prepared by a certified water rights examiner. The map shall be of sufficient detail and clarity to identify the true point of diversion or appropriation including but not limited to:

☒ (A) The county tax lot number, township, range and section, and to the nearest quarter-quarter section or latitude and longitude as established by a global positioning system; and

☒ (B) The locations of the point of diversion or appropriation as specified in the water right certificate or decree and the actual, current point of diversion or appropriation;

☒ (c) Evidence that there has been no claim of injury prior to the request for the change in point of diversion or appropriation. The evidence shall include a statement from the local watermaster, based upon the watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion or appropriation.

(3) On receipt of an application for a change in point of diversion or appropriation under section (1) of this rule, the Department shall:

(a) Provide the applicant a list of the affected water rights. The list shall include, but is not limited to:

(A) Any water right with an intervening point of diversion or appropriation;

~~(B) Any water right for use of stored water being delivered from an upstream reservoir to a downstream user;~~

~~(C) Any water right upstream from a significant inflow of water if the request moves the proposed point of diversion upstream, above the inflow, from the authorized point of diversion;~~

~~(D) Any water right downstream from a significant inflow of water if the request moves the~~

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **EBEN RAY**

of **Route 1, Box 65, Burns**, State of **Oregon**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **Well No. 1**

a tributary of **Foley and Newman Sloughs (Silvies River)** for the purpose of supplemental irrigation of **81.6 acres**

under Permit No. **G-2234** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **August 14, 1962**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **1.02 cubic feet per second**

(T) - 0.77

(R) 0.25 or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 23 S., R. 31 E., W. M.** Well located **600 feet East and 880 feet North from W $\frac{1}{4}$ Corner, Section 5.**

add #3
40's 980' E FM W $\frac{1}{4}$ cor S. 5

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **3 acre feet per acre** for each acre irrigated during the irrigation season of each year;

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

R	T	
0	-1.2	1.2 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
3.5	-1.7	5.2 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
3.7	-32.3	36.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
0	-26.6	26.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
		Section 5
6.4	0	6.4 acres Lot 11 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
6.2		6.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
		Section 6
19.8	61.8	T. 23 S., R. 31 E., W. M.
cfs (0.25)	(0.77)	

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

WITNESS the signature of the State Engineer, affixed

this date. **July 26, 1968**

CHRIS L. WHEELER

State Engineer

Water Rights Platcard Report

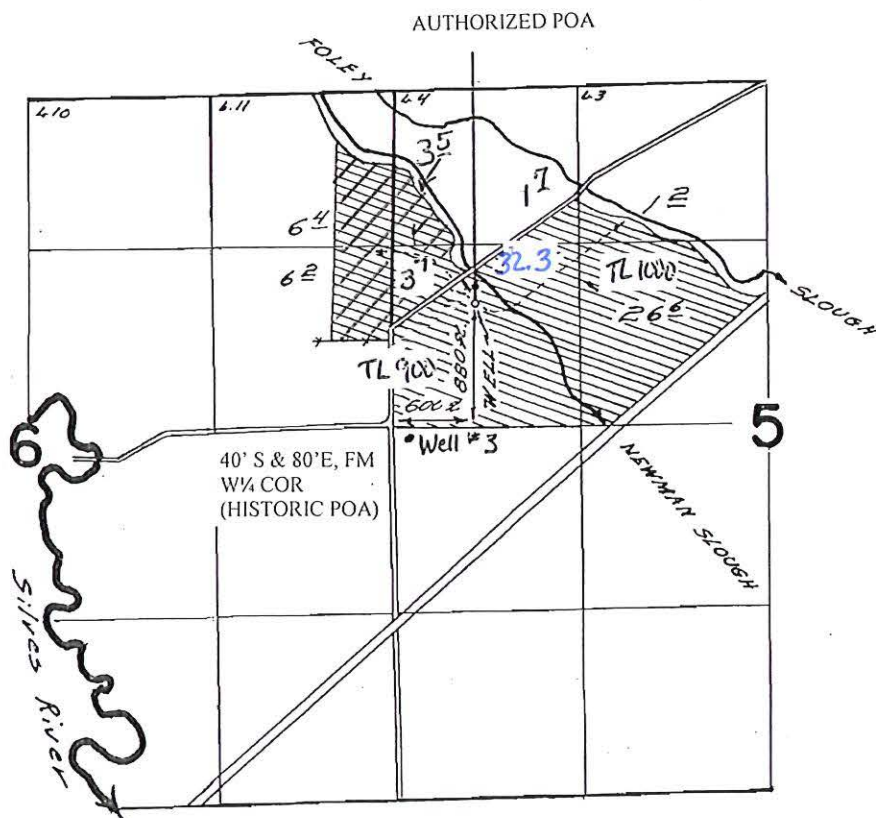
Meridian: WILLAMETTE Township: 23 South Range: 31 East Section: 5 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	Dt.C	Gov't Lot	QQ(40): Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
Select Decree:Vol:9 Page:79 [Silvies River, 1926] * Additional Info: WILLIAM HANLEY CO. Decree: SILVIES RIVER, 1926	T10338, T10333	12/31/1900	IRRIGATION					38.5	39	40	40	26	6	10	40								
Select Cert:35219 OR * Additional Info: HARRY PON App: G1954 Permit: G1798 Cert: 35219		3/14/1961	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			3						24.4											
Select Cert:35225 OR * Additional Info: HARRY PON App: S38836 Permit: S28891 Cert: 35225		6/14/1963	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			3						24.4											
Select Cert:35221 OR * Additional Info: HARRY PON App: G1971 Permit: G1807 Cert: 35221		4/3/1961	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			3						14.4											
Select Cert:35134 OR * Additional Info: EBEN RAY App: G2418 Permit: G2234 Cert: 35134	T10362	8/14/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			3						1.2											
Select Decree:Vol:9 Page:79 [Silvies River, 1926] * Additional Info: TIM DONOVAN Decree: SILVIES RIVER, 1926		12/31/1906	IRRIGATION											26									
Select Decree:Vol:9 Page:79 [Silvies River, 1926] CN Additional Info: HARNEY VALLEY DAM DITCH & IRRIGATION CO. Decree: SILVIES RIVER, 1926		12/31/1886	IRRIGATION	CN														40	40				
Select Decree:Vol:9 Page:79 [Silvies River, 1926] CN Additional Info: HARNEY VALLEY DAM DITCH & IRRIGATION CO. Decree: SILVIES RIVER, 1926		12/31/1886	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN														40	40				
Select Decree:Vol:9 Page:79 [Silvies River, 1926] * Additional Info: L E HIBBERD Decree: SILVIES RIVER, 1926		12/31/1900	IRRIGATION			4								30									
Select Decree:Vol:9 Page:79 [Silvies River, 1926] * Additional Info: C W LEWIS Decree: SILVIES RIVER, 1926		12/31/1889	IRRIGATION													40	40				40	40	
Select Permit:G 12485 CN Additional Info: WILLIAM GUTHRIDGE App: G12764 Permit: G12485		1/23/1992	IRRIGATION	CN									10.0	0.2									
Select Permit:G 12720 * Additional Info: WILLIAM SPRINGSTON App: G13971 Permit: G12720		1/4/1995	IRRIGATION										3	2									
Select Cert:35134 OR * Additional Info: EBEN RAY App: G2418 Permit: G2234 Cert: 35134	T10362	8/14/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											36	26.6								
Select Cert:35134 OR * Additional Info: EBEN RAY App: G2418 Permit: G2234 Cert: 35134	T10362	8/14/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			4								5.2									
Select Cert:35219 OR * Additional Info: HARRY PON App: G1954 Permit: G1798 Cert: 35219		3/14/1961	SUPPLEMENTAL IRRIGATION (Suppl'mtl)							0.8					0.6								
Select Cert:35219 OR * Additional Info: HARRY PON App: G1954 Permit: G1798 Cert: 35219		3/14/1961	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			1		1.6															
Select Cert:35219 OR * Additional Info: HARRY PON App: G1954 Permit: G1798 Cert: 35219		3/14/1961	SUPPLEMENTAL IRRIGATION			2		25.2															

Meridian: WILLAMETTE Township: 23 South Range: 31 East Section: 6 Records per Page: 100 Search

3/11/2008

T. 23 S. R. 31 E. W. M.



 LANDS UNDER HISTORIC POA TRANSFER
CERTIFICATE 35134

 REMAINING RIGHTS
CERTIFICATE 35134

Most Recent Map

1967-1968

IF1-IV-198

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY PON
BURNS OR 97720

confirms the right to use the waters of PON WELL 20 in the Poison Creek Basin for IRRIGATION 50.0 ACRES and SUPPLEMENTAL IRRIGATION of 6.0 ACRES.

This right was perfected under Permit G-2338. The date of priority is JANUARY 11, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.70 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
22 S	31 E	WM	33	NE NW	230 FEET SOUTH AND 860 FEET EAST FROM NE CORNER, NW¼ NW¼, SECTION 33

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; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	NW NE	7.6
22 S	31 E	WM	33	NE NW	16.6
22 S	31 E	WM	33	SW NW	0.4
22 S	31 E	WM	33	SE NW	25.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	SW NE	6.00

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. 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.

The certificate describes that portion of the water right confirmed by Certificate 35223, State Record of Water Right Certificates, NOT cancelled by an order of the Administrative Law Judge, entered May 30, 1997, at Special Order Volume 51, Page 484, in Cancellation Proceeding PC 97-3.

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

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

WITNESS the signature of the Water Resources Director, affixed JAN 18 2008.


Phillip C. Ward, Director
Water Resources Department

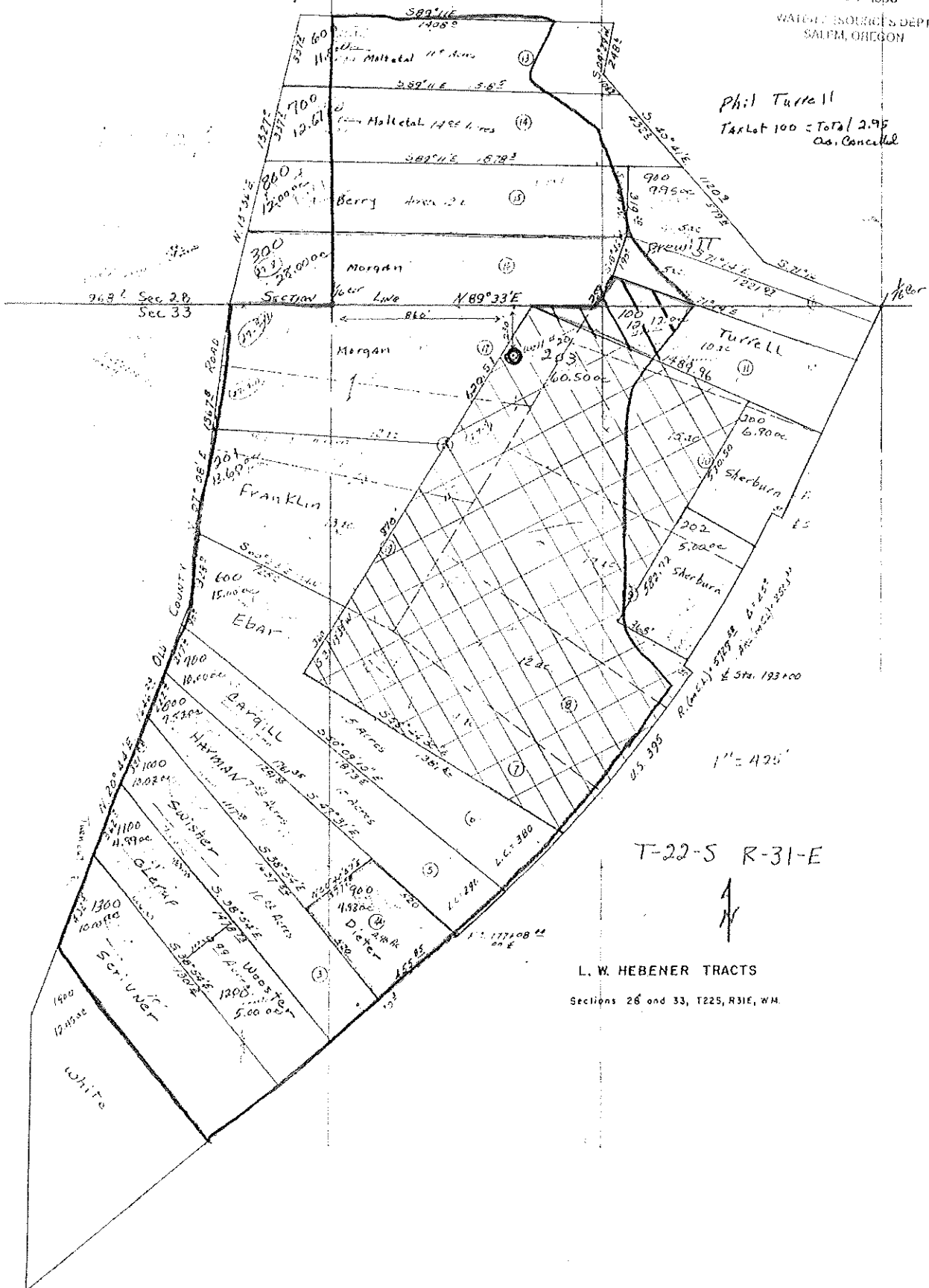
M 124 and
M 124 R.

RECEIVED

DEC 17 1936

WATER RESOURCES DEPT.
SALEM, OREGON

Phil Turrell
Tax Lot 100 = Total 2.95
as Cancelled



STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **HARRY PON**

of P. O. Box 1191, Burns, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Wells No. 3 and 16

a tributary of Foley Slough and Newman Slough (Silvies River) for the purpose of supplemental irrigation of 104.4 acres

under Permit No. G-1806 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 3, 1961

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.31 cubic feet per second; being 0.25 c.f.s. from Well No. 3 and 1.06 c.f.s. from Well No. 16

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 23 S., R. 31 E., W. M. Wells located: No. 3 - 40 feet South and 80 feet East; No. 16 - 630 feet South and 1090 feet East; both from W $\frac{1}{2}$ Corner, Section 5.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Well No. 3	Well No. 16	
	14.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
20.0 acres	5.6 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
	40.0 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	24.8 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 5	
	T. 23 S., R. 31 E., W. M.	

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

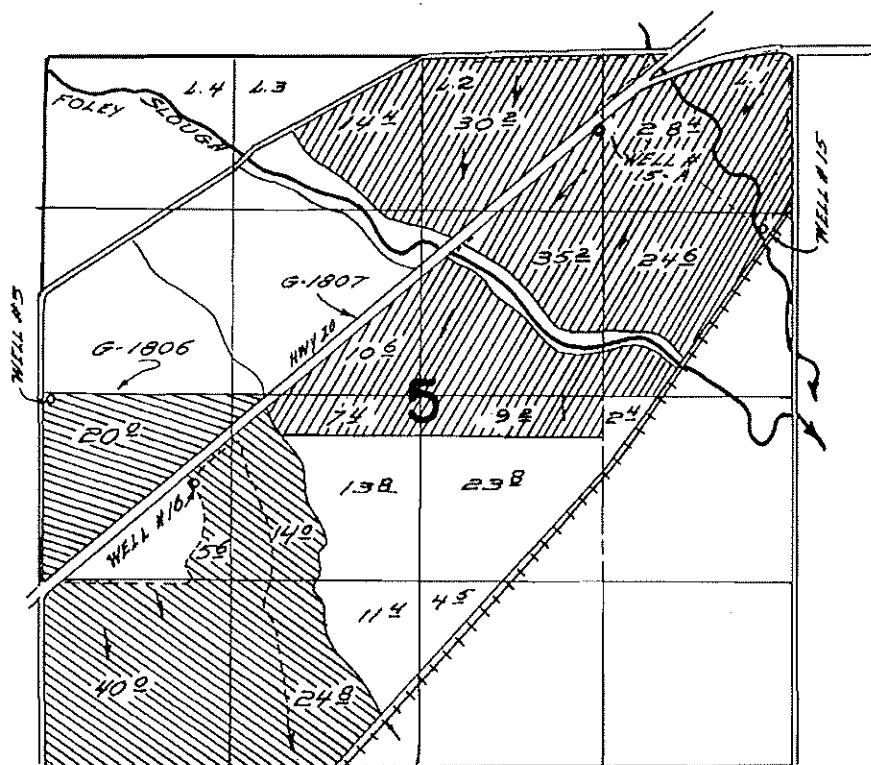
WITNESS the signature of the State Engineer, affixed

this date. August 30, 1968

CHRIS L. WHEELER

State Engineer

T. 23 S. R. 31 E. W. M.



WELL #3 LOCATED 40 FT. S. & 80 FT. E.
 WELL #16 LOCATED 630 FT. S. & 1090 FT. E. BOTH FROM E 1/4 COR. SEC. 5
 WELL #15 LOCATED 530 FT. S. & 1380 FT. W. BOTH FROM NE. COR. SEC. 5
 WELL #15 LOCATED 1270 FT. S. & 220 FT. W.

FINAL PROOF SURVEY UNDER

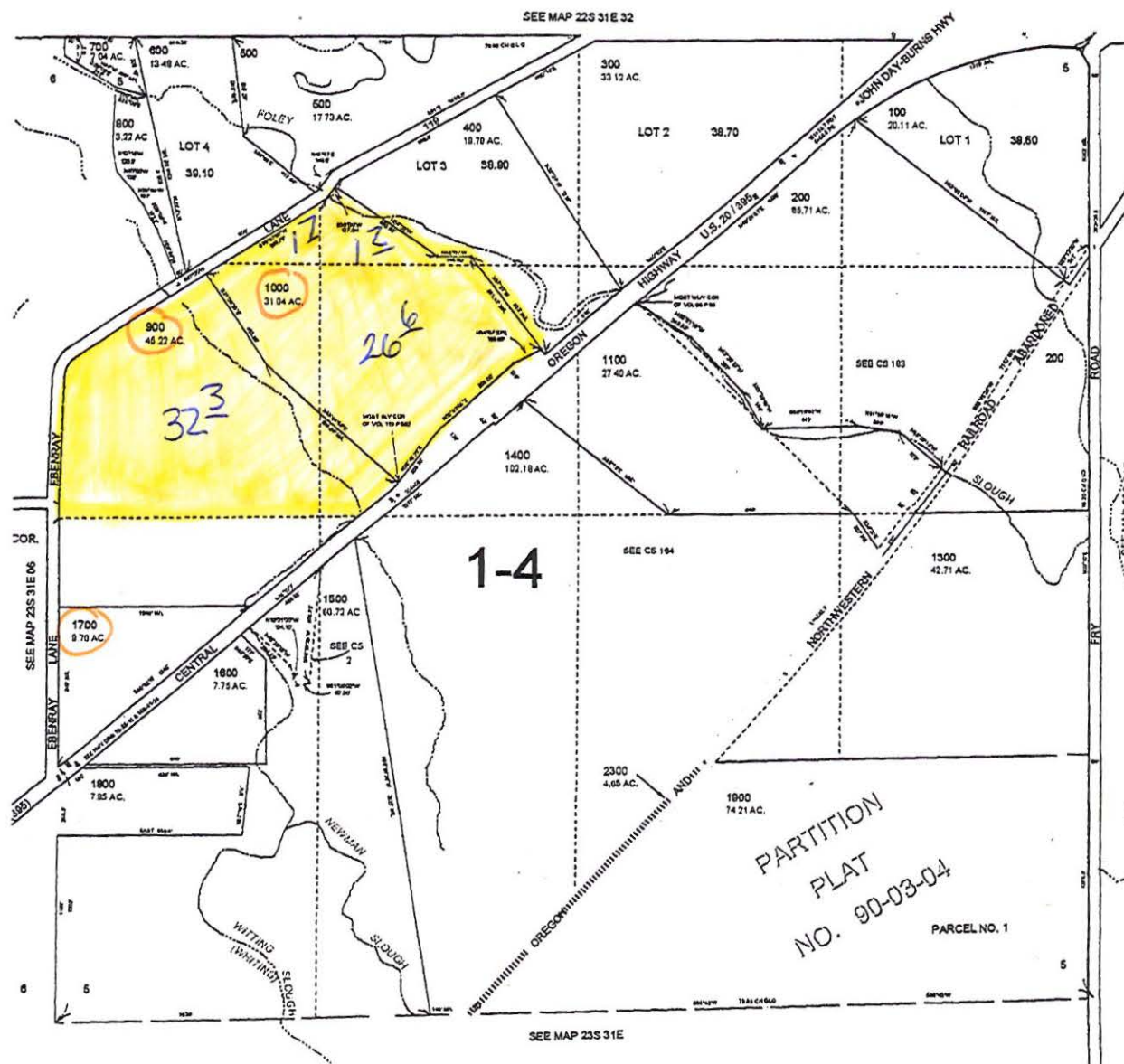
 E
 G-1806
 G-1807

Application No. G-1970 Permit No. G-1806
 IN NAME OF

Harry Pon

Surveyed Sept. 17 1963 by Carl Baker
July 28, 1967 W.D. Ruppert

T 10362





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

Fax: (541) 523-7866

www.wrd.state.or.us

mailed

March 13, 2008

Louis P. Molt
72299 TURNOUT RD
BURNS OR 97720

SUBJECT: Application T-10362

Enclosed is a draft final order regarding transfer application T-10362. 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.

An Ownership and Lien report is required at this time. This report has to meet the following criteria:

- 1) Must be prepared by a title company.
- 2) Includes current ownership (All grantee's listed on the deed)
- 3) Legal description of the lands
- 4) Identification of any lien holders
- 5) A copy of any conveyance agreements that have been recorded for the subject lands and the identification of the owner of the lands at the time the agreement was recorded.

You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Final Order will occur shortly after we receive both your written response and the report of ownership and lien information. Please send the report by April 14, 2008.

Please do not hesitate to contact me at 541-523-8224 x 36 or Carrie.R.Jones@wr.d.state.or.us if I may be of assistance.

Sincerely,

Carrie Jones
Field Services Division

cc: Ivan Gall, Manager, Eastern Region

enc

mailed
3/13/08

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-10362, Harney County)

D R A F T

FINAL ORDER APPROVING A CHANGE
IN POINT OF APPROPRIATION TO
REFLECT HISTORIC USE

Authority

ORS 540.505 to 540.580 establishes 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

LOUIS P. MOLT
72299 TURNOUT RD
BURNS OR 97720

Findings of Fact

Background

1. On April 9, 2007, Louis P. Molt filed a transfer application for authorization of an historic point of appropriation under Certificate 35134. The Department assigned the application number T-10362. "a" or "ha"?

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

Certificate: 35134 in the name of Eben Ray (perfected under Permit G-2234) ✓

Use: SUPPLEMENTAL IRRIGATION of 68.0 ACRES

Priority Date: AUGUST 14, 1962 ✓

Rate: 0.77 CUBIC FOOT PER SECOND ✓

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year ✓

Source: WELL 1 a tributary of the FOLEY SLOUGH (Silvies River)

→ AND NEWMAN SLOUGHS

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 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 Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23 S	31 E	WM	5	SW NW	600 FEET EAST & 880 FEET NORTH FROM THE W 1/4 CORNER, SECTION 5

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	31 E	WM	5	NE NW	3	1.2
23 S	31 E	WM	5	NW NW	4	1.70
23 S	31 E	WM	5	SW NW		32.3
23 S	31 E	WM	5	SE NW		26.6

3. Application T-10362 proposes to add a point of appropriation to reflect historical use. The historic point of appropriation is approximately 1056 feet from the existing point of appropriation which is located at: *→ Measured on G15?*

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23 S	31 E	WM	5	NW SW	40 FEET SOUTH AND 80 FEET EAST FROM THE W 1/4 CORNER, SECTION 5

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

5. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of appropriation for the water right in question, has been used for more than 10 years.
6. Pursuant to OAR 690-380-2120(2)(c) the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of appropriation, prior to the transfer request.
7. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
8. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed change in point of appropriation to reflect historical use in application T-10362 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is **ORDERED**:

12. The change proposed in T-10362 is approved and effective immediately.
13. Water right certificate 35134 is cancelled. A new Certificate will be issued to describe the change in point of appropriation for the portion of the right included in T-10362. A new Certificate shall also be issued to describe the portion of Certificate 35134 not modified by this order. Together, the new Certificates shall supersede Certificate 35134.
14. 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 35134 and any related decree.
15. The quantity of water diverted at the additional point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
16. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this _____ day of _____ 2008.

Phillip C. Ward, Director

Mailing date: _____



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	
☒ Permanent Transfer <i>Add POA. Historical</i>	☐ Instream Transfer
☐ Temporary Transfer	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

2. APPLICANT INFORMATION

Name: Louis MOLT.
First Last
Address: 72299 TURNOUT RD.
BURNS OR. 97720
City State Zip
Phone: 541-573-7888 541-589-0007 CELL
Home Work Other
Fax: 541-573-3000 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: N/A.
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.

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WATER RESOURCES DEPT
SALEM, OREGON

T 10362

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-2418.	G 2234.	35134.
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- 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): NEED Additional WELL TO Tie INTO MAINLINE.
Add Well #3. UNDER CERT. 35220.

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.

This system has been in place since 1988. it is
Buried 8" PVC main line with waterman valves as
Flood openings.

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

N/A.

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SALEM, OREGON

I 10362

6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

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

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

HARNEY Co

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SALEM, OREGON

T 10362

8. LAND OWNERSHIP

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

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?
☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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WATER RESOURCES DEPT
SALEM, OREGON

9. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- ☐ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☒ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☒ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- ☒ Enclosed; *or*
- ☐ Not Required if all of the following are met:
- 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: \$ 350⁰⁰
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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WATER RESOURCES DEPT
SALEM, OREGON

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

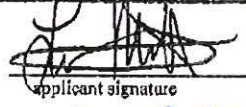
- ☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

- ☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

 applicant signature	Louis MOLT. name (print)	4-5-07. date
 applicant signature	MELODI MOLT name (print)	4-6-08 date

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T 10362

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WATER RESOURCES DEPT
SALEM, OREGON

Before submitting your application to the Department, be sure you have:

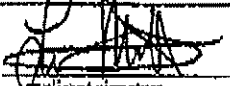
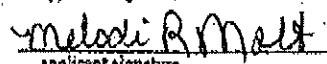
- Answered each question completely.
- Included all the required documents.
- Provided original signatures (for named deed holders) or other parties with knowledge of the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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.

	LOUIS MOLT.	4-5-07
applicant signature	name (print)	date
	MELODI MOLT	4-6-08
applicant signature	name (print)	date

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APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10362

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:

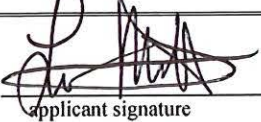
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	Louis MOLT. name (print)	4-5-07 date
 applicant signature	 name (print)	 date

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WATER RESOURCES DEPT
SALEM, OREGON

T 10362

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

■ Certificate Number or other identifying number: 35134

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	<u>35134</u> Certificate Number	<u> </u> Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	<u> </u> Name of Decree	<u> </u> Page Number
☐ Permit for which Proof has been Approved	<u> </u> Permit Number	<u> </u> Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	<u> </u> Previous Transfer Number	<u> </u> Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Eben Ray
- County: Harney
- Authorized Use(s) to be Affected by Transfer: Supplemental irrigation
- Priority Date(s): Aug 14, 1962

*If there are **multiple Priority Dates** identified on the water right, any information provided on pages 3 through 6 of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: ground water

Tributary to: Mathew Lake

*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? N/A

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).

T 10362

▪ Certificate Number or other identifying number: 35134

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
HARN 357	Well 8-14-62	23S	31E	W	5	SWNW		600' E + 880' N from W ¼ corner, Section 5

- 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

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▪ Certificate Number or other identifying number: 35134

*The following information **must be provided** only for those places of use that **are involved in the transfer** (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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Supplemental Form A

- 4 -

Description of Proposed Change(s) to a Water Right

er Right
RESOURCES DEPT
SALEM, OREGON

■ Certificate Number or other identifying number: 35134

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 #3	23	31	W	5	NWSW		40' S and 80' East from NW ¼ corner, Sec 5.

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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APR 09 2007

▪ Certificate Number or other identifying number: 35134

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)
N/A - historical,							
Additional POA							

Remarks: _____

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WATER RESOURCES DEPT
SEASIDE, OREGON

T 10362

Well Log Report

Township: 23S, Range: 31E, Section: 5

Well Log	T-R-S/ QQ-Q	Taxlot	Street of Well	Owner	Company	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bond Constr
HARN 351	23S-31E-5 SW-SW			SHANNON, ROBERT		W		213	12	65	3/13/1969	4/15/1969	SKINN CATHE SKINNI SON
HARN 355	23S-31E-5 SE-NW			RAY, DORLAND		W	10	110	10	15	9/22/1981	2/17/1982	ROO LARR LARRY & SO
HARN 356	23S-31E-5 NW-NE			WOLF WOLFSWINKLE, CLIFFORD TEX DAWSON		W		400	11	1000	2/27/1961	3/29/1962	HOLLOV MA' HOLLO DRILLIN
HARN 2008	23S-31E-5 NW-NW			GUTHRIDGE, WILLIAM		W		168			9/30/1993	10/8/1993	VALEN JOE
HARN 350	23S-31E-5 SW-NW			MOLT, LOUIE	MOLT, MELODI	W		190	18	15	2/21/1987	3/17/1987	WOODR HARO
HARN 357	23S-31E-5 NW-SW			PON, HARRY		W		200	11	700	3/4/1961	3/29/1962	HOLLOV MA' HOLLO DRILLIN
HARN 360	23S-31E-5 SW-NW			CLAFIN, PETE		W	31	59	12	60	6/13/1974	6/19/1974	DAVID NEA GORE DAVID DRILLI
HARN 363	23S-31E-5 SW-SW			COOLEY, A B		W		12	3.5				
HARN 354	23S-31E-5 -SW			RAY, EBAN		W		213	18		6/30/1966	8/10/1966	KOENEI EDGA
HARN 352	23S-31E-5 SW-SW			SHANNON, ROBERT		W		265	18	80	5/26/1969	7/11/1969	SKINN CATHE SKINNI SON

Jump to page: 1 2 [Next](#) [Last](#)

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► [Return to the Query screen](#)

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WATER RESOURCES DEPT
SALEM, OREGON

Well Log Report

Township: 23S, Range: 31E, Section: 5

Well Log	T-R-S/ QQ-Q	Taxlot	Street of Well	Owner	Company	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Construct
HARN 352	23S-31E-5 SW-NW			PON, HARRY		W		195	15	700	2/9/1961	2/27/1961	HOLLOWAY MAX HOLLOWAY DRILLING
HARN 361	23S-31E-5 NW-NE			EVERHART, VICTOR		W	38	60	29	40	12/5/1973	4/1/1974	DAVIDSON GORDON DAVIDSON DRILLING
HARN 1878	23S-31E-5 NW-NW			GUTHRIDGE, WILLIAM		W	45	320	45	300	4/22/1991	5/7/1991	VALENTIN JOE
HARN 353	23S-31E-5 -SW			RAY, EBEN		W		214	17	950	5/22/1962	6/5/1962	CHRISLEY PAUL
HARN 358	23S-31E-5 SE-NE			PON, HARRY		W		438	11	1000	3/7/1961	3/29/1962	HOLLOWAY MAX HOLLOWAY DRILLING
HARN 362	23S-31E-5 NE-NW				WILLIAM HANLEY CO.	W		42			8/12/1930	4/22/1936	
HARN 50310	23S-31E-5 NW-NW	4	EBAN RAY RD	SPRINGSTON, BILL		W	19	195	13	500	5/20/1998	5/29/1998	RILEY, TIMOTHY WESTER DRILLING

Jump to page: [First](#) [Previous](#) [1](#) [2](#)

► [Download tabular data in an ascii tab delimited format](#)

► [Return to the Query screen](#)

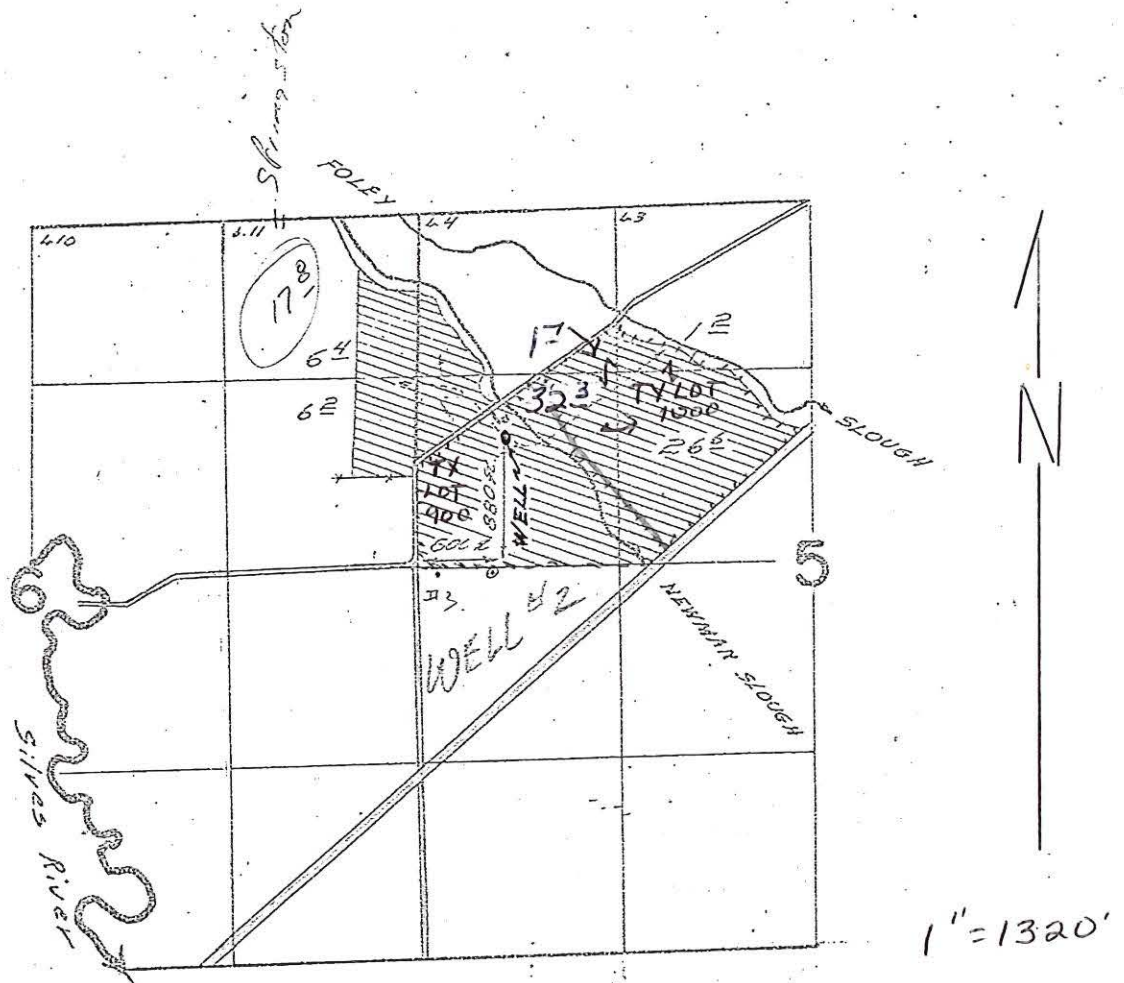
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WATER RESOURCES DEPT
SALEM, OREGON

T 10362

T.23S. R.31E.W.M.



Application Map for
Louis P Molt

for: Additional, Historical
POA Transfer.

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WATER RESOURCES DEPT
SALEM, OREGON

T 10362

G 2234

17-11-198

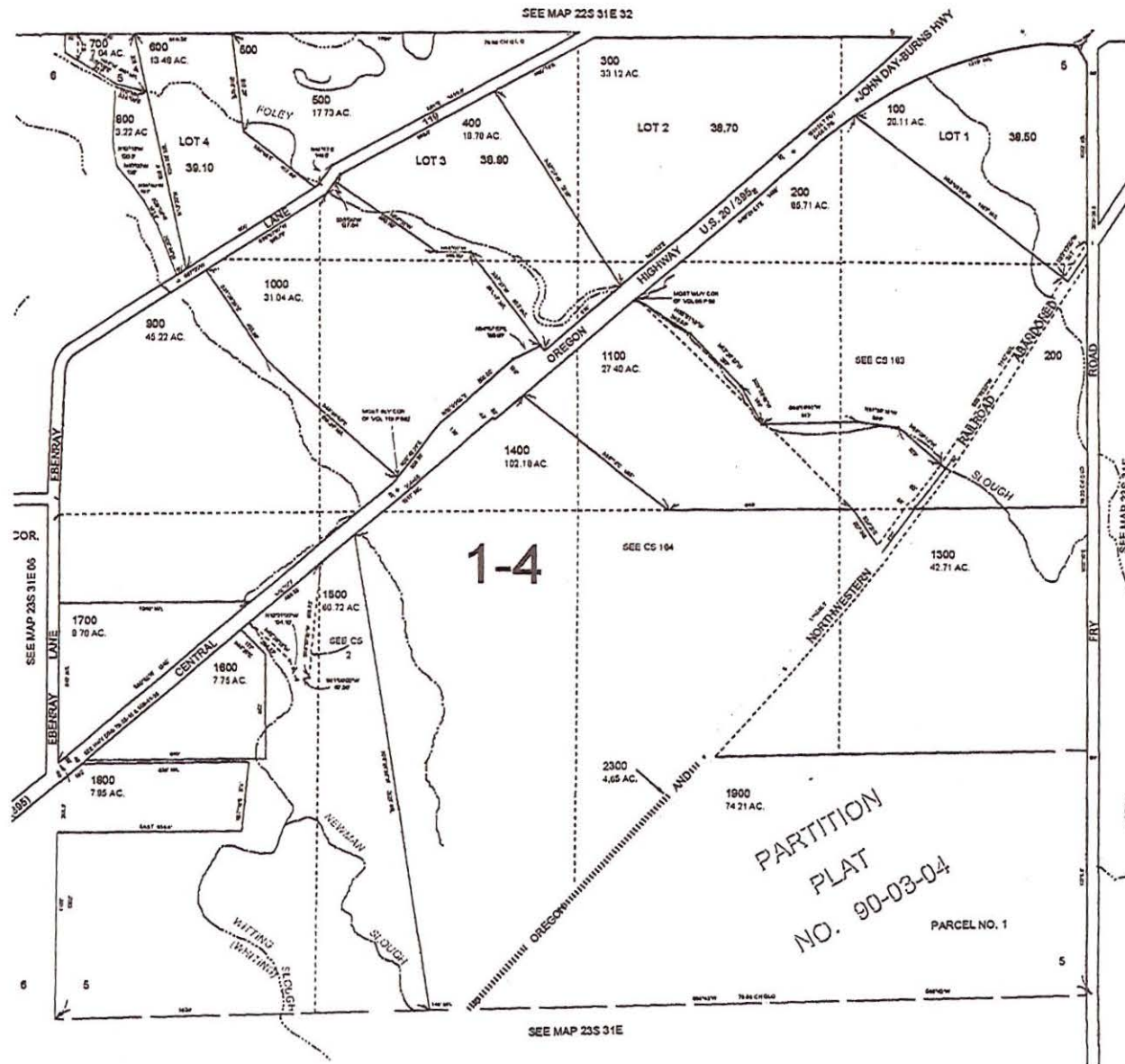
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 05 T.23S - R.31E. W.M.
HARNEY COUNTY
1" = 40"

& INDEX

CANCEL
1201
2001
2101
2201

0 400 800
SCALE IN FEET



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WATER RESOURCES DEPT
SALEM, OREGON

PRINTED ON
Jul 13, 2005
23S 31E 05
& INDEX

1 10362

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

State of Oregon)
 County of HARNEY) ss

I, LOUIS P. MOLT, in my capacity as OWNER,
 mailing address 72299 TURNOUT Rd BURNS, OR. 97720
 telephone number (541) 573-7888, 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	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
23 S	3	1 E	5	NW NW.		1.7
23 S	3	1 E	5	SW NW.		32.3
23 S	3	1 E	5	SE NW.		26.6
23 S	3	1 E	5	NE NW.		1.2

(continues on reverse side)

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

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WATER RESOURCES DEPT
 BUREAU OF WATER

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

IRR. HAY.

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

20hp. Pump. Buice Main Line + Flood Valves.

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

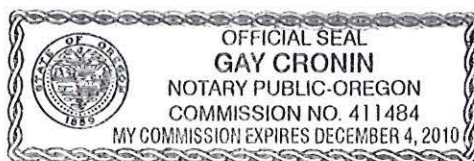
- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☒ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, 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: _____

Signature of Affiant

Date

4-5-07.

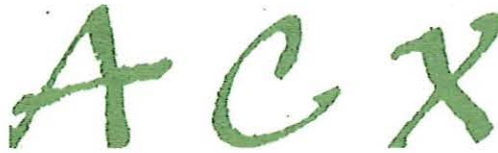
Signed and sworn to (or affirmed) before me this 5th day of April, 2007.



Notary Public for Oregon

My Commission Expires: December 4, 2010

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



ACX Pacific Northwest, Inc.

PRODUCT PURCHASE CONTRACT

☒ 33757 Columbus Street
Albany, Oregon 97321
(541) 791-8454

☐ 5393 Vantage Hwy.
Ellensburg, WA 98926
(509) 962-7801

Purchased From:

Louie's Cattle Service / Louie Molt
72299 Turnout Road
Burns, Oregon 97720

Contract #

WV6036 / OC02924

Telephone #: 541-589-0007

Date: 24-Jan-07

Commodity: 2006 Timothy in big bales - as inspected and discussed.

Quantity: About 75 short tons (3 truckloads).

Shipment: Promptly

Price: US\$200.00 per short ton loaded on our truck.

Terms: 80% deposit to be made (\$12,000) - square up on out-weights.

Deposit check number 215853 is tied to the contract number above. Cashing/Depositing the enclosed check confirms acceptance of this contract as it is written.

Remarks: As agreed, off grade or contaminated bales will not to be loaded.

The Seller upon receipt of payment for above products, does warrant the hay free from all LIENS and encumbrances. The Seller does further agree to reimburse ACX Pacific Northwest, Inc., attorney fees, interest and cost related to breach of said warranties.

EXPLANATION OF FORCE MAJEURE: The Seller or the Buyer, as the case may be, is not responsible for the nondelivery or failure to accept delivery if in so doing caused by strikes, fires, floods, drought, war, insurrection, perils of sea, railroad, and/or shipping embargoes or any other contingency or unavoidable causes beyond Seller's control, or the Buyer's control, as the case may be. Furthermore, should any country place an embargo on products shipped from that country covered by the contract, the seller shall have the privilege of cancelling the undelivered portion and buyer shall be released from the obligation to take delivery of any undelivered portions.

The receipt of this contract, without prompt notice of any inaccuracies, will be construed as acceptance of this contract as it is written.

PLEASE RETURN TWO ORIGINALLY SIGNED COPIES

By:

Louie's Cattle Service / Louie Molt

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WATER RESOURCES DEPT
SALEM, OREGON

By:

ACX PACIFIC NORTHWEST INC.

10362

LCS
Louis MOLT

Summer 4.
~~THE BULL~~ MART

HC 71 131 Turnout Road
Burns, Oregon 97720
503-573-7888

Buyer # _____

DATE 2-13-07

SOLD TO

ACX - WV6036 / OC2924

ADDRESS _____

CITY _____

STATE _____

ZIP _____

TELEPHONE _____

STATEMENT & BILL OF SALE
LIVESTOCK SLAES INVOICE

LOT # OR ID NUMBER	DESCRIPTION	BRAND LOC.	BRAND	AMOUNT
2-8-07.	55 460 lb. 27.73 TONS.			
2-9-07	55 640 lb. 27.82 TONS.			
2-9-07	56 560 lb. 28.28 TONS.			
2-13-07.	21 260 lb. 10.63 TONS.			
	94,46 TONS X 200 ⁰⁰ =			18892. ⁰⁰
	CK 215853. Less Deposit.			<12000 ⁰⁰ >

Balance. TOTAL \$ 6892.⁰⁰

HAULING INSTRUCTIONS

PAPER TRANSFER

____ YES

____ NO

COMMENTS

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WATER RESOURCES DEPT
SALEM, OREGON

This is a Cash Market — All Purchases Must Be Released Before Removal From Yards.
TITLE TO LIVESTOCK REMAINS PROPERTY OF SELLER UNTIL CHECK OR DRAFT
GIVEN AS PAYMENT IS HONORED AND PAID.

T 10362

104592-1 ACCOUNT NO. -

B'S CATTLE SERVICE

Mtr # 55170158

PREVIOUS BALANCE

\$651.68

PAYMENTS

\$651.68CR

PAST DUE BALANCE

\$.00

DUE DATE 9/26/06

RATE SCH	BILL DATE	FROM	SERVICE PERIOD TO	BILLING DAYS	PREVIOUS	METER READINGS PRESENT	MULTI- PLIER	USAGE	AMOUNT
IR	9/12/06	8/03-	9/06	34	50633	68982	1	18349	
			Demand			23.800	1	23.800	

Monthly Consumer Charge

10.00

IRRIGATION RATE

18349 @ .04235

777.08

AUG 2006 BPA IR DISCOUNT

140.47CR

TOTAL CURRENT CHARGES

646.61

TOTAL AMOUNT DUE

646.61

Location: 30HP EBEN RAY LN BU

NOTICE: A 1.5% PER MONTH LATE CHARGE WILL BE ADDED
TO THE PAST DUE BALANCE.

THE "PAST DUE BALANCE" IS SUBJECT TO
DISCONNECTION PRIOR TO THE "DUE DATE"
SHOWN ABOVE.

MAKE CHECKS PAYABLE TO: O.T.E.C.

SERVICE TO	NO. OF DAYS	USAGE	AVG. USE PER DAY
9/09/05	37	21070	569
10/05/05	26	12907	496
11/04/05	30		
12/05/05	31		
1/06/06	32		
2/03/06	28		
3/03/06	28		
4/04/06	32		
5/09/06	35	6430	184
6/05/06	27	9776	362
7/06/06	31	17158	553
8/03/06	28	16140	576
9/06/06	34	18349	540

SEE OTHER SIDE FOR INFORMATION

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APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10362



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: LOUIS MOLT.
Mailing Address: 72299 TURNOUT Rd.
City: BURNS State: OR. Zip: 97720 Day Phone: 541-573-7888.

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	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
23S	31E	5	NW/NE	1000		☒ Diverted ☒ Conveyed ☐ Used	IRR.
23S	31E	5	SW/NW	1000.		☒ Diverted ☒ Conveyed ☐ Used	IRR.
23S	31E	5	SE/NW	900		☒ Diverted ☒ Conveyed ☐ Used	IRR.
23S	31E	5	NE/NW	900		☒ Diverted ☒ Conveyed ☐ Used	IRR.

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 ☐ Limited Water Use License
☒ Permit Amendment or Ground Water Registration Modification

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

Estimated quantity of water needed: 2 CFS ☒ 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: Water Pumping Thru Burns main line to
Flood Values. /
HISTORICAL P.O.D.

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

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

10362

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): 3.610 (EFNU-1)

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

Name: Brendon McMillon Title: Harvey County Planning Director
 Signature: [Signature] Phone: 541-543-6655 Date: 4/8/07
 Government Entity: County Planning (Harvey)

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

RECEIVED

Last updated 12/22/06 WRD **APR 09 2007**

**WATER RESOURCES DEPT
SALEM, OREGON**

1 10362

981882

STATE OF OREGON } ss
County of Harney
I certify that the within instrument was received
for record on the 15th day of October
1998 at 11:25 o'clock A.M. and
recorded Microfilm number 981882
Records of said County.
Maria Iturriaga, County Clerk
Deputy

QUITCLAIM DEED

MELODI R. MOLT, grantor, releases and quitclaims to LOUIS P. MOLT, grantee, the following described real property:

The real property which is more particularly described In Exhibit "A", herewith attached and by this reference incorporated herein.

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 PRACTICES AS DEFINED IN ORS 30.930.

The consideration for this transfer is: equalization of marital property.
Circle 97-11246 pg 6

Until a change is requested, send future tax statements to the following address:
Louis P. Molt, HC 71, Box 65, Burns, OR 97720.

After recording return to: Cramer, Mallon & Lamborn.

DATED: October 15, 1998.

Melodi R. Molt
MELODI R. MOLT

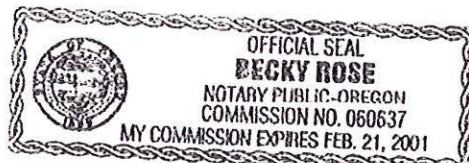
STATE OF OREGON)
County of Harney) ss.

Personally appeared the above named MELODI R. MOLT and acknowledged the foregoing instrument to be her voluntary act and deed.

Before Me:

Becky Rose
Notary Public for Oregon
My Commission Expires: 02/21/01

Prepared by:
CRAMER, MALLON & LAMBORN
Attorneys at Law
90 W. Washington St.
Burns, OR 97720



1 - QUITCLAIM DEED--MOLT/MOLT
[C:\8555\qcdeed.mel]

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APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10362

981882

EXHIBIT "A"

Land in the County of Harney, State of Oregon, to-wit:

In Twp. 23 South, Range 31 East, W.M.:

Section 5: An irregular tract of land in the W½, which is described as follows:
Beginning at a point on the Southeasterly boundary of a county road, which is S. 27°48'50" E., 1370.23 feet from the Northwest corner of said Sec. 5;
thence S. 31°38'35" E. 493.88 feet;
thence S. 46°44'45" E. 955.24 feet, more or less, to the Northwesterly boundary of the Oregon State Highway Department Weigh Station site as described in Book 92, Page 276, Deed Records;
thence S. 38°43'25" W., along said weigh station site, 51.42 feet;
thence S. 50°02' W., along the Northerly boundary of the Central Oregon Highway as same is described in Book 34, Page 589 and Book 35, Page 240, Deed Records, 897.01 feet, more or less, to the Northeast corner of that tract of land described in Book 97, Page 552, Deed Records;
thence S. 88°36'25" W. 1021.73 feet to the East boundary of a county road;
thence N. 00°50' E., along the East boundary of said road, 524.15 feet;
thence N. 03°31'25" E., continuing along the East boundary of said road, 711.03 feet;
thence N. 57°47'25" E., along the Southeasterly boundary of said road, 560.00 feet;
thence N. 54°50'40" E., continuing along said Southeasterly boundary of said road, 319.37 feet, more or less, to the point of beginning.

T 10362

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APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

WARRANTY DEED

Brent Hennings and Shirley A. Hennings, Grantors, convey to Louis Molt and Melodi Molt the following real property situated in Harney County, Oregon, to-wit:

A tract of land situated in the NW1/4 of Section 5, T.23 S., R. 31 E., W.M., Harney County, Oregon, and more particularly described as follows:

That parcel of land described in the land sales contract between Grantors and Lois Molt and Melodi Molt dated June 1, 1988 as recorded on microfilm document # 881311 of Harney Co. Records.

SUBJECT TO:

1. AGREEMENT to pay proportionate share of maintenance and upkeep of what is known as "Sweek Dam", recorded Sept. 23, 1911, in Book "A", Page 379 of Miscellaneous Records of Harney County, Oregon.

2. AGREEMENT for the re-establishment of section corners, including the terms and provisions thereof, recorded Oct. 16, 1913, in Book "V", Page 571, Deed Records.

3. RIGHT OF WAY EASEMENT, including the terms and provisions thereof, to California-Pacific Utilities Company, a corporation, recorded Dec. 31, 1947, in Book 47, Page 552, Deed Records.

4. RIGHT OF WAY EASEMENT, including the terms and provisions thereof, to California-Pacific Utilities Company, a corporation, recorded Dec. 16, 1949, in Book 51, Page 694, Deed Records.

5. RIGHT OF WAY EASEMENT, including the terms and provisions thereof, to California-Pacific Utilities Company, a corporation, recorded May 3, 1961, in Book 69, Page 238, Deed Records.

6. ACCESS RESTRICTIONS, including the terms and provisions thereof, contained in deed to the State of Oregon, by and through its State Highway Commission, dated Jan. 10, 1972, recorded Jan. 10, 1972, in Book 92, Page 276, Deed Records.

1- WARRANTY DEED (HENNING/MOLT)

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APR 09 2007
WATER RESOURCES DEPT
SALEM, OREGON

7. AS DISCLOSED by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

Grantor makes no warranty against liens and encumbrances against subject property created after June 1, 1988 the date of the land sales contract between the Grantors and Louis Molt and Melodi Molt.

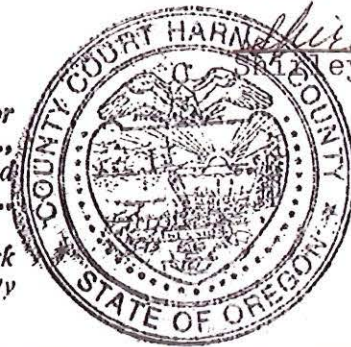
This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate planning department to verify approved uses.

The total consideration of this conveyance is \$45,000.00

Dated this 30th day of August, 1993.

STATE OF OREGON } ss.
County of Harney }

I certify that the within instrument was received for record on the 30th day of September, 1993 at 11:15 o'clock P.M. and recorded Microfilm number 51568 Deed Records of said County.
By: Dolores Swisher County Clerk
Wanda Shumgo Deputy



Brent Hennings
Brent Hennings

Shirley A. Hennings
Shirley A. Hennings

STATE OF CALIFORNIA }
COUNTY OF Lassen } S.S.

On 8:30-93 before me,

Jane E Gardner
a Notary Public in and for said County and State, personally appeared Brent Hennings and Shirley A Hennings

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

WITNESS my hand and official seal

Signature Jane E Gardner

F 2492 (5-91)

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

FOR NOTARY SEAL OR STAMP



10362

Staple

CERTIFICATE OF ACKNOWLEDGEMENT

Staple

BARGAIN AND SALE DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

LILA C. LEATHERS, individually and as Trustee under Decree in Charles Carl Leathers v. Lila Carol Leathers, Clackamas County, Oregon Circuit Court Case No. 86-1-371, Grantor,
conveys to LOUIE MOLT and MELODI MOLT

Grantee, the following real property situated in Harney
County, Oregon, to-wit:

In Twp. 23 S., R. 31 E., W.M.:

Sec. 5: All that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ included within the following description:
Beginning at the intersection of the West line of said Sec. 5, and
the Northwesterly boundry line of U.S. Highway 20 and 395, as said
highway is described in Deed Book 34, Page 589, said point being North
1305 feet, more or less, from the Southwest corner of said Sec. 5;
thence North 840 feet;
thence East 1040 feet, more or less, to the said
Northwesterly boundry line of U.S. Highway 20
and 395;
thence S. 50" o2' W., along said right of way, 1340
feet, more or less, to the point of beginning.

The property is being sold subject to taxes deferred due to the farm use of the
property. The property is being sold "as is" without any representation or warranty
regarding the condition of the property or the absence of environmental contamination, or
the uses to which the property may be put. (IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)
The true consideration for this conveyance is \$ 5,000.00 (Here comply with the requirements of ORS 93.030)

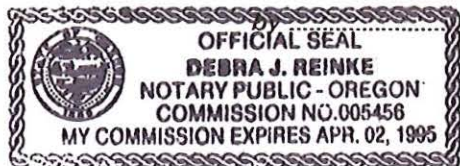
Dated this 9th day of March April, 1991.

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.

LILA C. LEATHERS, individually and as Trustee
under Decree in Clackamas County, Oregon
Circuit Court Case No. 86-1-371

STATE OF OREGON, County of Multnomah ss.

This instrument was acknowledged before me on April 9, 1991,
by Lila C. Leathers



Debra J. Reinke
Notary Public for Oregon
My commission expires 4-2-95

BARGAIN AND SALE DEED

GRANTOR
GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:

LOUIE MOLT
HC 71 Box 65
Burns, Or. 97720

10362

NAME, ADDRESS, ZIP

RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of Harney ss.

I certify that the within instru-
ment was received for record on the
26 day of May, 1991,
at 9:02 o'clock P.M., and recorded
in book/reel/volume No. on
page or as fee/file/instru-
ment/microfilm/reception No. 910738
Record of Deeds of said county.

Witness my hand and seal of
County affixed.

Dolores Swisher Clerk
NAME TITLE
By Maria Sturiga Deputy



Harney County Title Company

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



PROPERTY ANALYSIS REPORT

Fee: \$85.00

March 27, 2008

Order No. 0252

WATER RESOURCES DEPARTMENT
EASTERN REGION
1995 3RD STREET, SUITE 180
BAKER CITY, OREGON 97814

*Re: Molt, Louis P. (Title A)
Molt, Louis P. & Melodi (Title B)*

	<u>TITLE A - TITLE B</u>
ASSESSED LAND VALUE:	\$ 81,920/\$51,170
ASSESSED IMPROVEMENT VALUE:	\$243,396/\$ 2,481
MANUFACTURED STRUCTURE:	\$
TOTAL ASSESSED VALUE:	\$424,316/\$53,651

According to a search of our tract indices of Harney County, Oregon, Harney County Title Company (hereinafter referred to as "The Company") certifies as follows:

LEGAL DESCRIPTION OF THE PROPERTY:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO-----

WE FIND THAT THE LAST DEED OF RECORD RUNS TO:

TITLE A:

LOUIS P. MOLT

TITLE B:

LOUIS and MELODI MOLT



EXHIBIT "A"

LEGAL DESCRIPTION

LAND IN COUNTY OF HARNEY AND STATE OF OREGON

TITLE A:

Township 23 South, Range 31 East, Willamette Meridian
Section 5: An irregular tract of land in the W½,
which is described as follows:

Beginning at a point on the
Southeasterly boundary of a county
road, which is S. 27° 48' 50" E.,
1,370.23 feet from the Northwest
corner of said Section 5;
thence S. 31° 38' 35" E., 493.88 feet;
thence S. 46° 44' 45" E., 955.24 feet,
more or less, to the Northwesterly
boundary of the Oregon State Highway
Department Weigh Station site as
described in Book 92, Page 276,
Harney County Deed Records;
thence S. 38° 43' 25" W., along said
weigh station site, 51.42 feet;
thence S. 50° 02' W., along the
Northerly boundary of the Central
Oregon Highway as same is described
in Book 34, Page 589 and in Book 35,
Page 240, Harney County Deed
Records, 89701 feet, more or less,
to the Northeast corner of that
tract of land described in Book 91,
Page 552, Harney County Deed
Records;
thence S. 88° 36' 25" W., 1,021.73
feet to the East boundary of a
county road;
thence N. 00° 50' E., along the East
boundary of said road, 524.15 feet;
thence N. 03° 31' 25" E., continuing
along the East boundary of said
road, 711.03 feet;
thence N. 57° 47' 25" E., along the
Southeasterly boundary of said road,
560.00 feet;
thence N. 54° 50' 40" E., continuing
along the Southeasterly boundary of
said road, 319.37 feet, more or
less, to the Point of Beginning.



TITLE B:

Township 23 South, Range 31 East, Willamette Meridian
Section 5: A tract of land situated in the NW¼, and

more particularly described as follows:

Beginning at a point that is S. 27° 48' 50" E., 1,370.23 feet from the Northwest corner of said Section 5, said point being on the South boundary of a county road, formerly the Burns-Canyon City county road;

thence S. 31° 38' 35" E., 493.88 feet to an existing fence line;

thence S. 46° 44' 45" E., along said fence line 955.24 feet, more or less, to the Northwesterly boundary of the Oregon State Highway Department Weigh Station site as described in Deed recorded in Book 92, Page 276, Harney County Deed Records;

thence along said Weigh Station boundary as follows:

thence N. 38° 43' 25" E., 359.35 feet;

thence N. 50° 02' 00" E., 500.00 feet;

thence N. 64° 57' 50" E., 196.86 feet to the East boundary of Tract 2 as described in Deed recorded in Book 53, Page 707, Harney County Deed Records, said point being N. 97° 27' W., 18.53 feet from a steel axle;

thence Northwesterly along the boundary between said Tract 2 and that tract as described in Deed recorded in Book 93, Page 6, Harney County Deed Records, as follows:

thence N. 37° 27' W., 561.74 feet, more or less;

thence N. 88° 01' W., 168.00 feet;

thence N. 54° 32' W., 680.80 feet to the South boundary of said county road;

thence along said county road boundary as follows:

thence S. 35° 09' W., 127.64 feet;

thence S. 58° 07' 50" W., 696.79 feet to the Point of Beginning.

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APR 10 2008

WATER RESOURCE DEPT.
EASTERN REGION

RECORDED VOLUNTARY LIENS AND TAX INFORMATION :

TITLE A:

1. Mortgage, including the terms and provisions thereof, executed by Louis Phillip Molt, in favor of Melodi Rae Molt, dated _____, recorded January 5, 1999, as Instrument No. 990011, Harney County Mortgage Records, given to secure the payment of \$240,000.00.
2. Judgment in favor of Melodi Rae Molt, vs. Louis Phillip Molt, entered February 17, 1998, in Suit No. 97-11-246DO, in the amount of \$175.00, child support plus arrearages if any.

NOTE:Taxes for the year 2007-08: \$3,478.05, PAID IN FULL.
(Acct. No. 1-4 23-31-05 900)
(Tax ID No. 8145)

NOTE:We have been advised that the address of said premises is
30886 Eben Ray Lane, Burns, Oregon 97720.

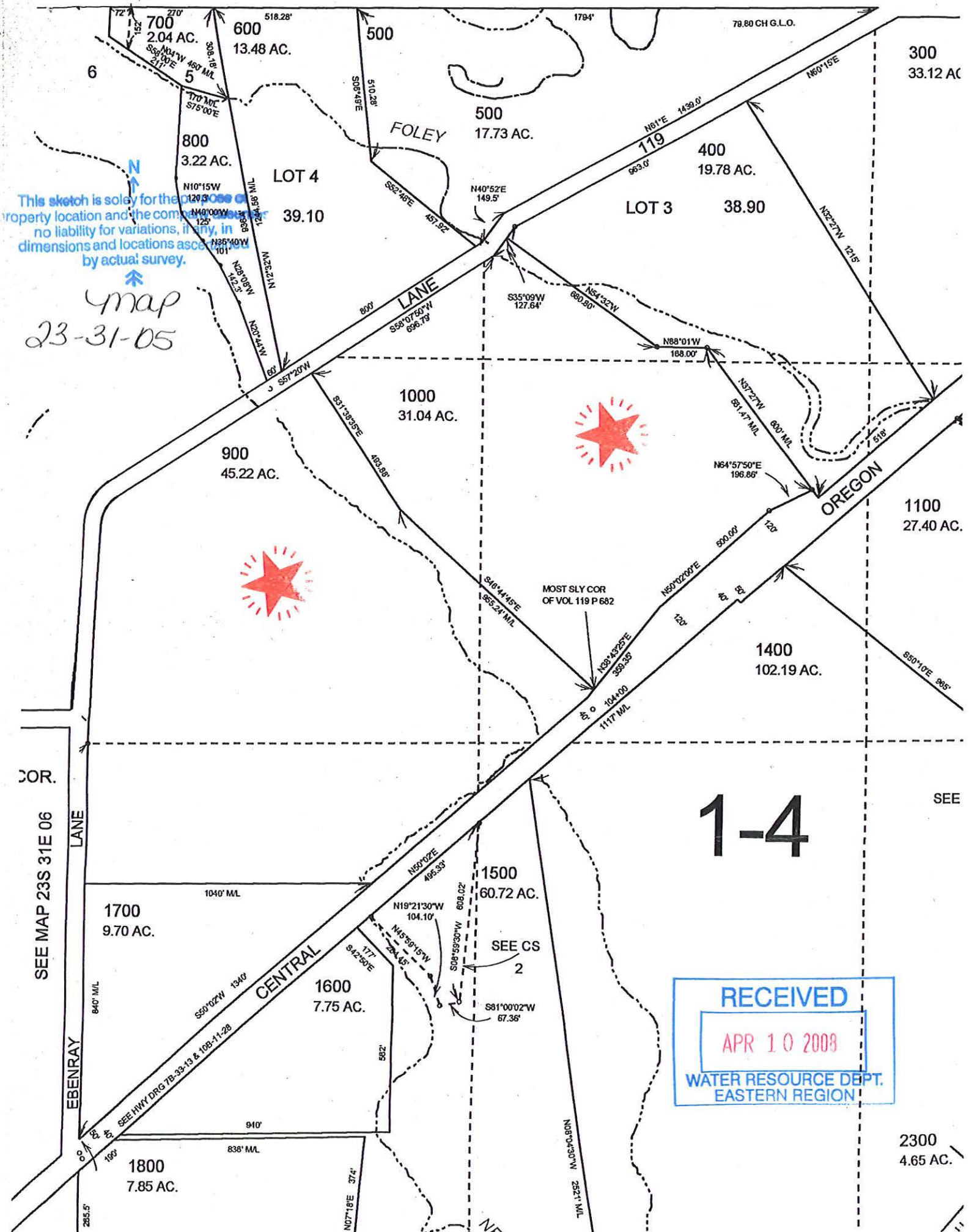


TITLE B:

- NOTE:Taxes for the year 2007-08: \$160.37, PAID IN FULL.
(Acct. No. 1-4 23-31-05 1000)
(Tax ID No. 8153)

Kimberly McCanna
KIMBERLY MCCANNA
TITLE OFFICER





4map
23-31-05

1-4

RECEIVED

APR 10 2008

WATER RESOURCE DEPT.
EASTERN REGION

2300
4.65 AC.

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **EBEN RAY**

of Route 1, Box 65, Burns, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Well No. 1

a tributary of Foley and Newman Sloughs (Silvies River) for the purpose of supplemental irrigation of 81.6 acres

under Permit No. G-2234 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 14, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.02 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 23 S., R. 31 E., W. M. Well located 600 feet East and 880 feet North from W $\frac{1}{4}$ Corner, Section 5.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right appurtenant, is as follows:

1.2 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
5.2 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
36.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
26.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 5

6.4 acres Lot 11 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
6.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 6
T. 23 S., R. 31 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. July 26, 1968

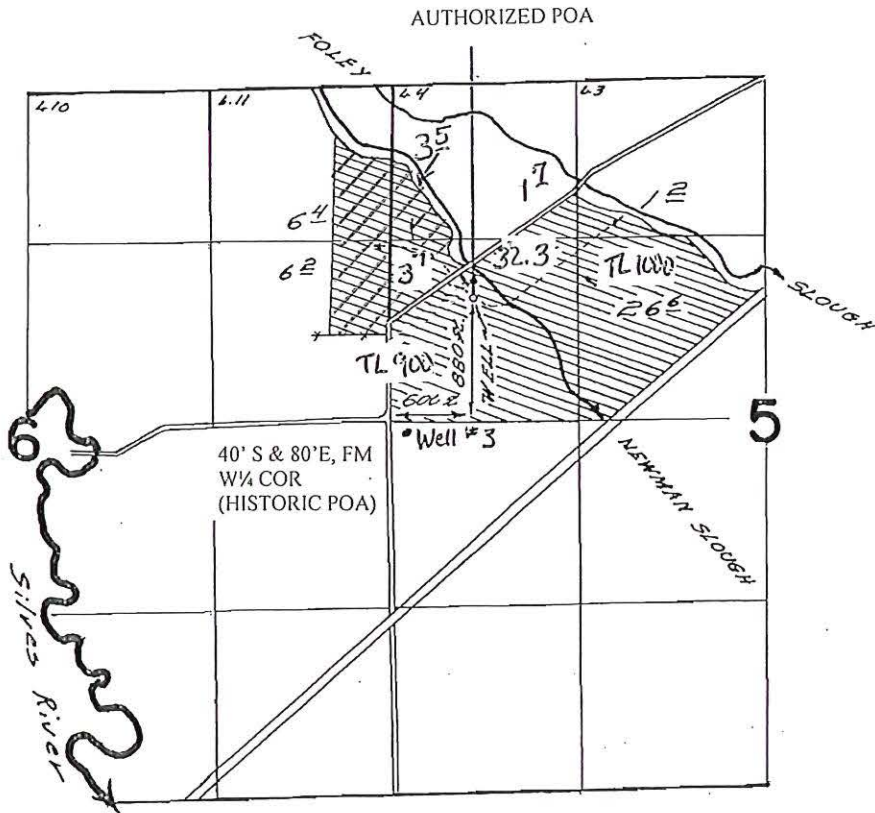
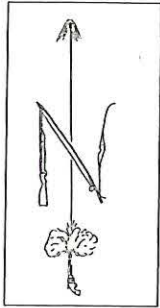
CHRIS L. WHEELER

State Engineer

APPLICATION MAP FOR LOUIS MOLT
 ADDITIONAL P.O.A TO REFLECT
 HISTORIC USE T-10362

AMENDED 3/13/08

T. 23 S. R. 31 E. W. M.



SCALE 1"=1320'



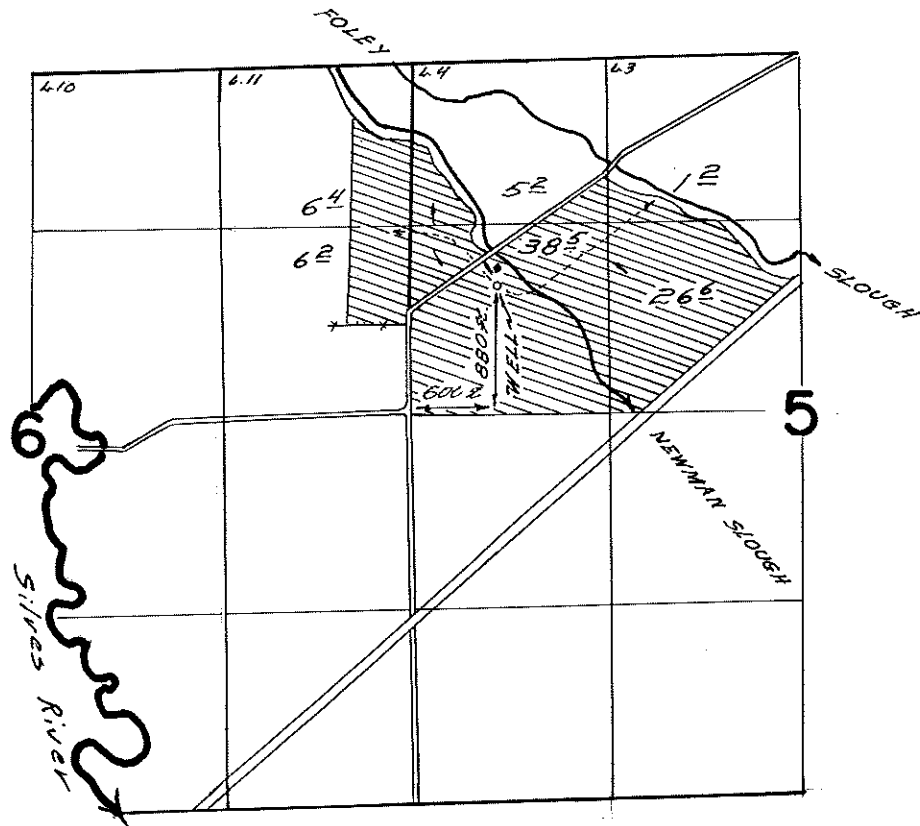
LANDS UNDER HISTORIC POA T
 CERTIFICATE 35134



REMAINING RIGHTS
 CERTIFICATE 35134

Most Recent Map

T. 23 S. R. 31 E. W. M.



FINAL PROOF SURVEY
UNDER

Application No. G-2418 Permit No. G-2234
IN NAME OF

Eben Ray

Surveyed July 28, 1967 by Ed. Ruppert



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

April 13, 2007

LOUIS MOLT
72299 TURNOUT RD
BURNS OR 97720

Reference: Historic Transfer 10362

On April 9, 2007 we received your water right transfer application requesting an additional point of appropriation for use of water from a well, tributary to Malheur Lake. The application was accompanied by \$350.00. Our receipt 87046 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.

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)986-0900.

cc: Watermaster #10
Groundwater

enclosure

**Harney County Title Company**

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

FAXDate: 04-07-08Number of pages 8 (include cover sheet in total)

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.

TO: Cassie Jones
1-866-214-3423FROM: Kim

REMARKS:

PAR Reportfor Louis Mott.Thank you

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee, or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the U.S. Postal Service.

Thank you.

**Harney County Title Company**

190 West "A" Street - Burns, Oregon 97720
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email: hctitle@centurytel.net

**PROPERTY ANALYSIS REPORT**

Fee: \$85.00

March 27, 2008

Order No. 0252

WATER RESOURCES DEPARTMENT
EASTERN REGION
1995 3RD STREET, SUITE 180
BAKER CITY, OREGON 97814

*Re: Molt, Louis P. (Title A)
Molt, Louis P. & Melodi (Title B)*

	<u>TITLE A - TITLE B</u>
ASSESSED LAND VALUE:	\$ 81,920/\$51,170
ASSESSED IMPROVEMENT VALUE:	\$243,396/\$ 2,481
MANUFACTURED STRUCTURE:	\$
TOTAL ASSESSED VALUE:	\$424,316/\$53,651

According to a search of our tract indices of Harney County, Oregon, Harney County Title Company (hereinafter referred to as "The Company") certifies as follows:

LEGAL DESCRIPTION OF THE PROPERTY:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO----

WE FIND THAT THE LAST DEED OF RECORD RUNS TO:**TITLE A:**

LOUIS P. MOLT

TITLE B:

LOUIS and MELODI MOLT

TITLE B:

Township 23 South, Range 31 East, Willamette Meridian
Section 5: A tract of land situated in the NW¼, and
more particularly described as follows:

Beginning at a point that is S. 27° 48' 50" E., 1,370.23 feet from the Northwest corner of said Section 5, said point being on the South boundary of a county road, formerly the Burns-Canyon City county road;
thence S. 31° 38' 35" E., 493.88 feet to an existing fence line;
thence S. 46° 44' 45" E., along said fence line 955.24 feet, more or less, to the Northwestern boundary of the Oregon State Highway Department Weigh Station site as described in Deed recorded in Book 92, Page 276, Harney County Deed Records;
thence along said Weigh Station boundary as follows:
thence N. 38° 43' 25" E., 359.35 feet;
thence N. 50° 02' 00" E., 500.00 feet;
thence N. 64° 57' 50" E., 196.86 feet to the East boundary of Tract 2 as described in Deed recorded in Book 53, Page 707, Harney County Deed Records, said point being N. 97° 27' W., 18.53 feet from a steel axle;
thence Northwesternly along the boundary between said Tract 2 and that tract as described in Deed recorded in Book 93, Page 6, Harney County Deed Records, as follows:
thence N. 37° 27' W., 561.74 feet, more or less;
thence N. 88° 01' W., 168.00 feet;
thence N. 54° 32' W., 680.80 feet to the South boundary of said county road;
thence along said county road boundary as follows:
thence S. 35° 09' W., 127.64 feet;
thence S. 58° 07' 50" W., 696.79 feet to the Point of Beginning.

Louis & Melodi
Molt
TAX Lot
1000

EXHIBIT "A"

LEGAL DESCRIPTION

LAND IN COUNTY OF HARNEY AND STATE OF OREGON

TITLE A:

Township 23 South, Range 31 East, Willamette Meridian
Section 5: An irregular tract of land in the W½,
which is described as follows:

Beginning at a point on the
Southeasterly boundary of a county
road, which is S. 27° 48' 50" E.,
1,370.23 feet from the Northwest
corner of said Section 5;
thence S. 31° 38' 35" E., 493.88 feet;
thence S. 46° 44' 45" E., 955.24 feet,
more or less, to the Northwesterly
boundary of the Oregon State Highway
Department Weigh Station site as
described in Book 92, Page 276,
Harney County Deed Records;
thence S. 38° 43' 25" W., along said
weigh station site, 51.42 feet;
thence S. 50° 02' W., along the
Northerly boundary of the Central
Oregon Highway as same is described
in Book 34, Page 589 and in Book 35,
Page 240, Harney County Deed
Records, 89701 feet, more or less,
to the Northeast corner of that
tract of land described in Book 91,
Page 552, Harney County Deed
Records;
thence S. 88° 36' 25" W., 1,021.73
feet to the East boundary of a
county road;
thence N. 00° 50' E., along the East
boundary of said road, 524.15 feet;
thence N. 03° 31' 25" E., continuing
along the East boundary of said
road, 711.03 feet;
thence N. 57° 47' 25" E., along the
Southeasterly boundary of said road,
560.00 feet;
thence N. 54° 50' 40" E., continuing
along the Southeasterly boundary of
said road, 319.37 feet, more or
less, to the Point of Beginning.

Louis P. Molt
TAX Lot 900

Property Analysis Report
Page No. 2

RECORDED VOLUNTARY LIENS AND TAX INFORMATION :

TITLE A:

1. Mortgage, including the terms and provisions thereof, executed by Louis Phillip Molt, in favor of Melodi Rae Molt, dated _____, recorded January 5, 1999, as Instrument No. 990011, Harney County Mortgage Records, given to secure the payment of \$240,000.00.
2. Judgment in favor of Melodi Rae Molt, vs. Louis Phillip Molt, entered February 17, 1998, in Suit No. 97-11-246DO, in the amount of \$175.00, child support plus arrearages if any.

NOTE:Taxes for the year 2007-08: \$3,478.05, PAID IN FULL.
(Acct. No. 1-4 23-31-05 900)
(Tax ID No. 8145)

NOTE:We have been advised that the address of said premises is
30886 Eben Ray Lane, Burns, Oregon 97720.

Property Analysis Report
Page No. 3

TITLE B:

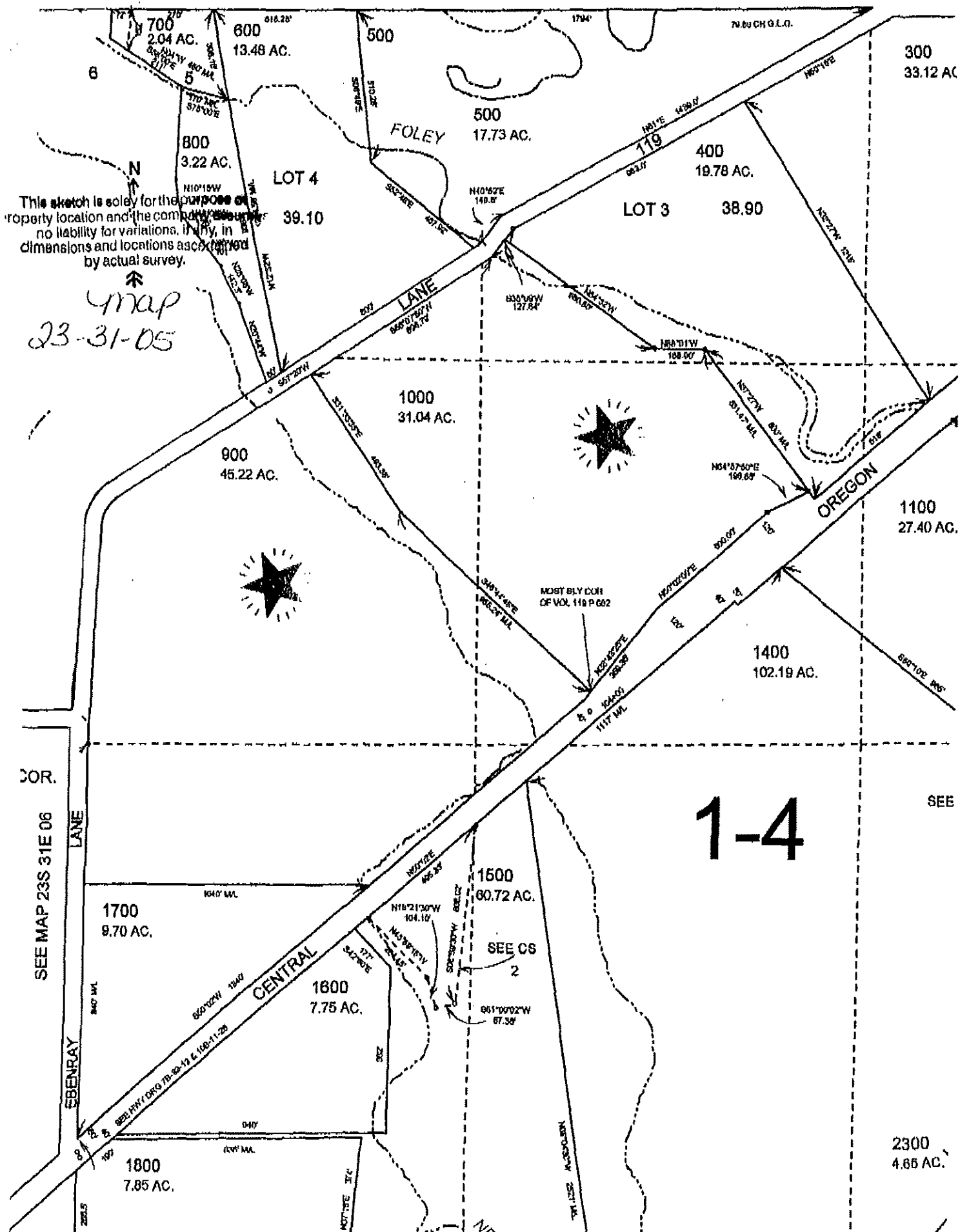
3. Mortgage, including the terms and provisions thereof, executed by J. F. Witzel and Darlene Witzel, husband and wife, in favor of Louis Molt and Melodi Molt, husband and wife, dated December 23, 1992, recorded December 28, 1992, as Instrument No. 922045, Harney County Mortgage Records, given to secure the payment of \$170,000.00.
4. Judgment in favor of Melodi Rae Molt, vs. Louis Phillip Molt, entered February 17, 1998, in Suit No. 97-11-246DO, in the amount of \$175.00, child support plus arrearages if any.

NOTE:Taxes for the year 2007-08: \$160.37, PAID IN FULL.
(Acct. No. 1-4 23-31-05 1000)
(Tax ID No. 8153)

THIS IS NOT A TITLE REPORT. Our search for voluntary encumbrances was limited to our Tract Indices. The liability in connection with this 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


KIMBERLY MCCANNA
TITLE OFFICER



April 9th, 2007

Reference: Transfer for Historical Additional Point of Appropriation for Louis Molt

To: Transfer Section, Water Resource Department

I have been the watermaster in District 10 since September, 1, 2003.

There is no evidence in the watermaster files in this office of any injury due to the use of the additional well in Township 23 South, Range 31 East, NW 1/4 SW 1/4, Section 5, under certificate 35222, to irrigate lands under certificate 35134 within tax lots 400 and 1000, section 5, Township 23 S, Range 31 E, W.M.

If the wells are in the same aquifer, I find no injury to Mr. Molt's filing for an additional point of appropriation.

Mr. Molt will submit evidence the well proposed for the additional POA, has been in use for the lands requested, for more than 10 years. Therefore, he will file for an additional historic point of appropriation.

Please let me know if you need other information related to this diversion well.

June Miller
District 10 Watermaster



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-10362

Review Due Date: 5-12-2007

Applicant Name: Louis Molt

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

Reviewer(s): June Miller

Date of Review: May. 10, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
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	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☒ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.

April 9th, 2007

Reference: Transfer for Historical Additional Point of Appropriation for Louis Molt

To: Transfer Section, Water Resource Department

I have been the watermaster in District 10 since September, 1, 2003.

There is no evidence in the watermaster files in this office of any injury due to the use of the additional well in Township 23 South, Range 31 East, NW 1/4 SW 1/4, Section 5, under certificate 35222, to irrigate lands under certificate 35134 within tax lots 400 and 1000, section 5, Township 23 S, Range 31 E, W.M.

If the wells are in the same aquifer, I find no injury to Mr. Molt's filing for an additional point of appropriation.

Mr. Molt will submit evidence the well proposed for the additional POA, has been in use for the lands requested, for more than 10 years. Therefore, he will file for an additional historic point of appropriation.

Please let me know if you need other information related to this diversion well.

June Miller
District 10 Watermaster



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO:



Sarah Henderson
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE:

4-13-07

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE)

Mike Zwart
signed by injury reviewer

8/21/07

SUBJECT:

HISTORIC POD TRANSFER #

10362

A change in:

POD

APOA

of water.

In the name(s) of

Louis Molt

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.

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water Rights Files Date: August 21, 2007

From: Michael J. Zwart

Subject: Application Review: T-10362, Louis Molt (Historic POA Change)

This application proposes an additional POA as a result of continuous use since 1988. Well 1 (HARN 357) is authorized and well 3 (HARN 359) is proposed as the additional POA. Both wells develop the same aquifer.

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. Watermaster June Miller has a memo in the file indicating no evidence of any injury or claim thereof.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

April 13, 2007

LOUIS MOLT
72299 TURNOUT RD
BURNS OR 97720

Reference: Historic Transfer 10362

On April 9, 2007 we received your water right transfer application requesting an additional point of appropriation for use of water from a well, tributary to Malheur Lake. The application was accompanied by \$350.00. Our receipt 87046 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.

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)986-0900.

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 04/17/07

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: 10362
Water Right: CERT 35134
Priority Date: 1962
Name: LOUIS MOLT
Address: 72299 TURNOUT RD; BURNS OR 97720
Change: APOA
Source: WELL
Authorized APOA: T23S R31E 5
Proposed APOA: T23S R31E 5

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.

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **EBEN RAY**

of Route 1, Box 65, Burns, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Well No. 1

a tributary of Foley and Newman Sloughs (Silvies River) for the purpose of supplemental irrigation of 81.6 acres

under Permit No. G-2234 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 14, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.02 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T. 23 S., R. 31 E., W. M. Well located 600 feet East and 880 feet North from W $\frac{1}{4}$ Corner, Section 5.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

1.2 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
5.2 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
36.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
26.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 5

6.4 acres Lot 11 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
6.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 6
T. 23 S., R. 31 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. July 26, 1968

CHRIS L. WHEELER

State Engineer

A hand-drawn map of a section of the Sivers River. The map is divided into a grid with labels 4.10, 4.11, 4.4, and 6.3 along the top. A diagonal line runs from the bottom left to the top right, labeled 'NEWMAN SLOUGH'. A wavy line on the left is labeled 'Sivers River'. A shaded area in the upper right is labeled 'FOLLEY'. A point is marked with a circle and labeled '#3 well'. Other labels include '64', '62', '52', '385', '266', '12', '5', '77.4', '50.2', and 'HONG SLOUGH'.

Surveyed July 28 1967, by J. Ruppert

MAR 29 1962

STATE ENGINEER
SALEM, OREGON.

WATER WELL REPORT

STATE OF OREGON

State Well No.

State Permit No.

Name HARRISON
Address BURNS OREGON

County HARNEY Owner's number, if any # 16
NW 1/4 SW 1/4 Section 5 T. 23S R. 31E W.M.
 Bearing and distance from section or subdivision corner

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

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

Rotary	☐	Driven	☐
Cable	☒	Jettied	☐
Dug	☐	Bored	☐

(6) CASING INSTALLED: Threaded ☐ Welded ☒ 1 1/4"
1 1/4" Diam. from -1 ft. to 125 ft. Gage 1 1/4"
 _____" Diam. from _____ ft. to _____ ft. Gage _____
 _____" Diam. from _____ ft. to _____ ft. Gage _____

Type of perforator used Star

SIZE of perforations 1" in. by 3/16" in.

4669 perforations from 14' ft. to 130' ft.

perforations from _____ ft. to _____ ft.

perforations from _____ ft. to _____ ft.

perforations from _____ ft. to _____ ft.

perforations from _____ ft. to _____ ft.

Manufacturer's Name _____

Type _____ Model No. _____

Part No. _____ Slot size _____ Set from _____ ft. to _____ ft.

_____ Slot size _____ Set from _____ ft. to _____ ft.

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.
Was a surface seal provided? ☐ Yes ☒ No To what depth? _____ ft.
Material used in seal—
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

Static level 111.4 ft. below land surface Date 3-4-61
Artesian pressure _____ lbs. per square inch Date _____

[Signed] [Signature] Date 2-21-1961
(Owner)

Drawdown is amount water level is lowered below static level

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

Yield: 700 gal./min. with 59 ft. drawdown after 41 hrs.

Bailer test	gal./min. with	ft. drawdown after	hrs.
-------------	----------------	--------------------	------

Artesian flow	g.p.m.	Date
---------------	--------	------

Temperature of water, 5.5 Was a chemical analysis made? ☐ Yes ☒ No

Diameter of well 14 inches.

Depth drilled 205 ft. Depth of completed well 200 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	8
Clay	8	14
Sand Gravel & water	14	28
Clay	28	40
Gravel	40	52
Clay & Gravel mixed	52	80
Gravel	80	92
Clay	92	100
Gravel	100	114
Blue shale	114	160
Strip Blue sand	160	164
Blue shale	164	180
Strip Black sand	180	184
Blue sandy shale	184	203
Pea Gravel	203	205

Work started Feb 12 1961 Completed Feb 21 1961

Manufacturer's Name *HP Pump* *yes.*
Type: *HP*

Well Driller's Statement:

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

NAME HOLLOWAY VIKING CO.
(Person, firm, or corporation) (Type or print)

Address CHATHAM OREGON

Driller's well number # 30 Dragoon

[Signed] Max Halladay
(Well Driller)

License No. 16 Date March 17, 1961

(USE ADDITIONAL SHEETS IF NECESSARY)



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

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TRANSFER CHECK OFF LIST

TRANSFER FILE # 10362
DATE RECEIVED 4-9-07
DATE MONEY SLIPPED "
DATE RECEIPTED "
VALID WATER RIGHT? X Yes No
TEMP ALT AC IRR DIST PERM AMEND DIV 15
TEMP Div 15 ISWR HIST X

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 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 /
DECRBE MARKED /
DECRBE COPIED /
ADJUDICATION MAP COPIED /

ENTRIES CHECKED 4-17-07 CHECKED BY INIT FOLDER
PUBLIC NOTICE DATE yes (PREPARED & COPIED) yes
LETTER SENT yes Irrigation District no (copy of app & map)
COPY TO WM yes
BLUE FORM TO WM yes Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
COPY TO GW yes POA, APOA, or [SW TO GW ONLY(as POD)]
BLUE FORM TO GW yes Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
COPY TO CWRE no
LETTER TO ODFW no ALL Surface water POU/USE (POD and APOD FISH SCREENS)
ANSWER SENT TO: every drawer SW --- NCR --- SCR --- ER

PRINT DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER