

T-10316

T-10316

Name Daniel & Tammy Shuck

By _____

Address P.O. Box 864Merrill, OK 97633541-798-5139 541-891-4972Change in POADate filed 2-8-07

Date of hearing _____

Place of hearing _____

Date of order 8-17-07 Vol. 73, page 106

Date for application of water _____

Proof mailed _____

Proof received COBIL 7/29/2010

Certificate issued _____ Vol. _____, page _____

DEC 20 2013

88718

DESCRIPTION OF WATER RIGHT

Name of stream WellTrib. of Lost River County of KlamathUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 9-14-1971In name of Charles Shuck

_____ Adjudication, Vol. _____, page _____

App. No. B-548 Per. No. 65457 Cert. No. 74895

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-8-07</u>	<u>350.00</u>	<u>86162</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOTE/NO CUREKlamath County

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # T-10316

ROUTED TO: Sarah Henderson (Transfer Section)

TOWNSHIP/

RANGE-SECTION: 40S / 11E - sec 32 & 33

CONDITIONS ATTACHED?: ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

See pg 4 of review mem

- proposed change may be made w/o injury
- condition to abandon well KRAM 14775

Reviewer: Jerry Grondin

Mailing List for Transfer Certificate

Application: T-10316

Certificate: 88718

Certificate/Transfer Holder: (include copy of map)

☒ DANIEL J AND TAMMY A SHUCK
PO BOX 864
MERRILL OR 97633

Copies of final Certificate to be sent to:

- ☒ 1. Watermaster # 17 (Include map)
- ☒ 2. Data Center
- ☒ 3. Water Availability
- ☒ 4. Vault
- ☒ 5. File

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

DOUGLAS E. ADKINS, CWRE

Record Marking(s) :

- ☒ 1. Original Application# G- 5618
- 2. Old Certificate# 74895

Copies Mailed

By: RA/CW
(SUPPORT STAFF)

on: DEC 20 2013
(DATE)



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Date Mailed: December 20, 2013

NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DANIEL J AND TAMMY A SHUCK
PO BOX 864
MERRILL OR 97633

confirms the right to use the waters of A WELL in LOST RIVER BASIN for IRRIGATION of 37.6 ACRES.

This right was perfected under Permit G-5457. The date of priority is SEPTEMBER 14, 1971. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.47 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	Measured Distances
40 S	11 E	WM	33	SW NW	1400 FEET SOUTH AND 840 FEET EAST FROM NW CORNER, 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.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	32	NE SE	30.8
40 S	11 E	WM	33	NW/SW	6.8

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

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	32	SW NE	40 FEET NORTH AND 600 FEET EAST FROM C1/4 CORNER, SECTION 32

Water shall be acquired from the same aquifer as the original point of appropriation.

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

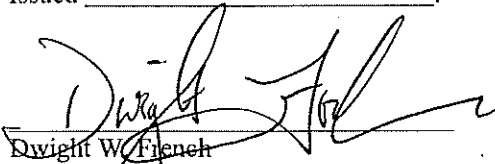
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial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

When required by the Department the water user shall install, maintain, and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

This certificate is issued to confirm a CHANGE IN POINT OF APPROPRIATION approved by an order of the Water Resources Director entered AUGUST 17, 2007, at Special Order Volume 73, Page 106, approving Transfer Application 10316, and supercedes Certificate 74895, State record of Water Right Certificates.

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.

Issued DEC 20 2013

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

MEMO

TO: FILE T-10316

FROM: jmc 8/8/13

DATE: 7/16, 2013

RE: DETERMINATION OF PROOF

I've determined that a PROPOSED ☒ FINAL certificate should be prepared and mailed to the permit holder consistent with:

Permit ☒ Transfer

FPS ☒ COBU

As described in the permit/transfer but as clarified by the FPS COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

Conflict? ☒ No Yes: _____

☒ stamped PROPOSED or assign Cert # 88718

☒ Draft certificate(s) are available in the transfer directory.

☒ Water Organization identified using area of interest tool? ☒ No Yes, cc: _____

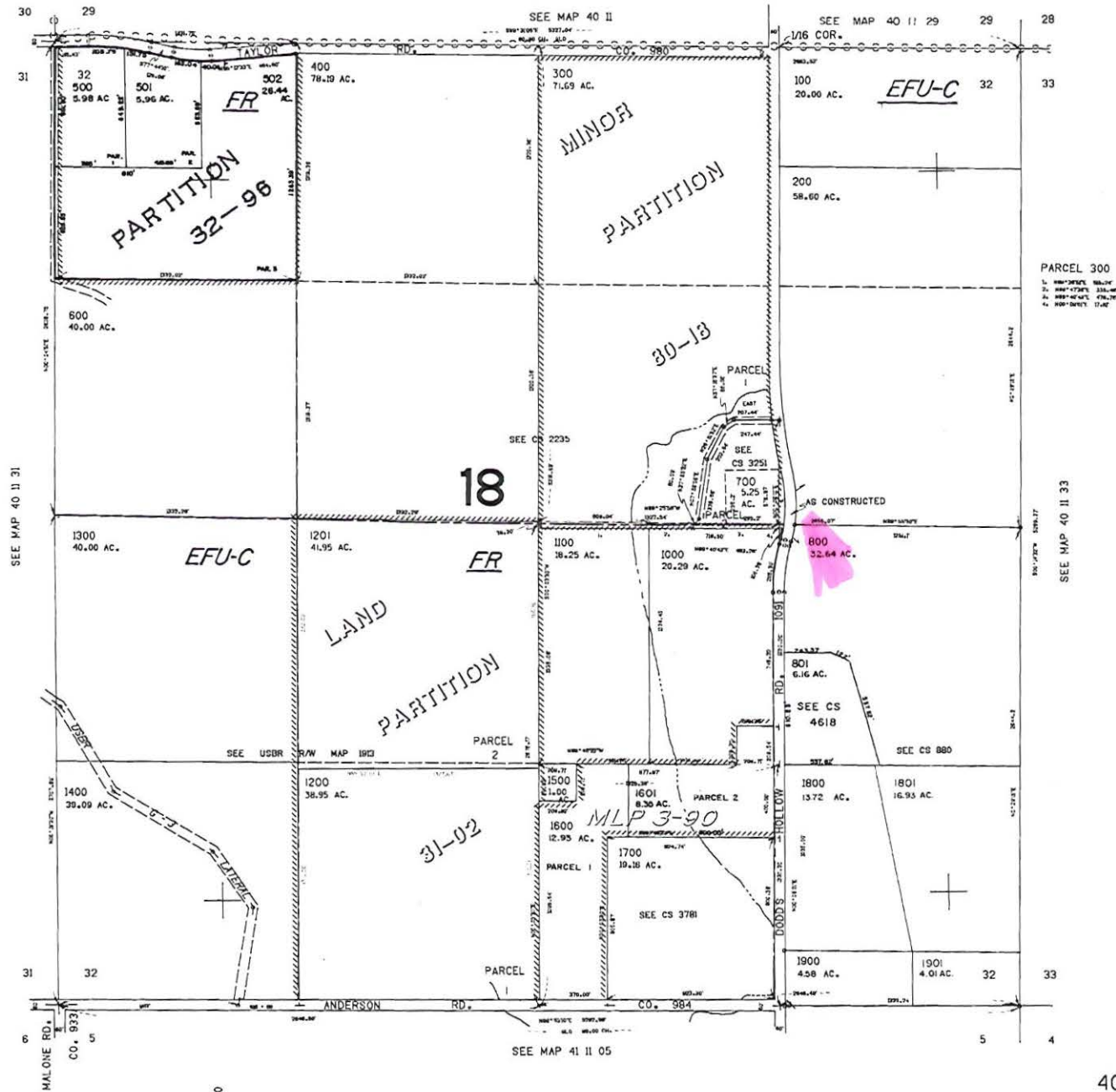
☒ Check ownership; and if there is a new owner, add them to the mailing list.

☒ Prepare a mailing list.

☒ Record marking: App _____ Cert _____

NOTES:

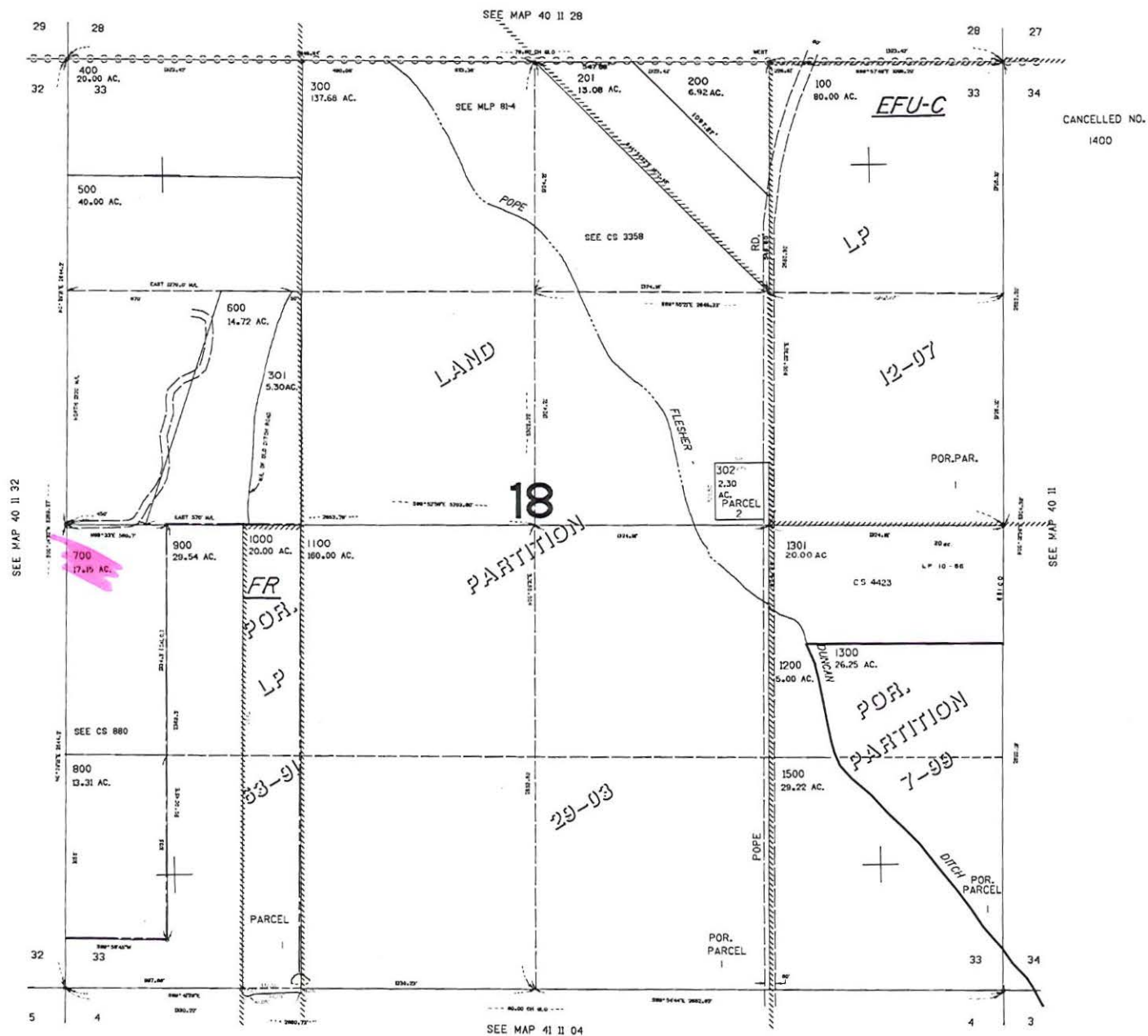
1-400-



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1"-400"

40 11 33



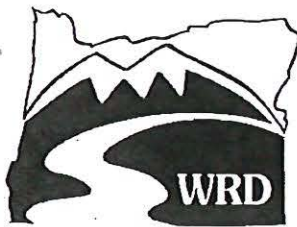
138,000

40 11 33

2002

Completion Checklist for CWRE Claims of Beneficial Use

Application # T-10316



Date Received 7/29/2010
 CWRE Name Douglas Adkins Claim Logged yes
 File Marked yes
 Oversized Map # _____
 Read the file and attach a copy of the permit or transfer final order. _____
postcard mailed 8/4/2010

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- Source illustrated if surface water (OAR 690-014-0170(3))
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ ~~Application & permit #; or transfer # (OAR 690-014)~~
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ ~~Tax lot information (OAR 690-014)~~
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Point of diversion/appropriation location (OAR 690-014-0100)
- Use, period of use, and rate for use (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100)
- Diversion rate for each use (OAR 690-014-0100)
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
 - Calculated capacity of system (required)
 - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - Time limits
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

Certificate Issuance Processing Checklist

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

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:
_____ Send letter requesting the following items/information: _____
_____ Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

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



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

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**WATER RESOURCES DEPT
SALEM, OREGON**

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

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

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

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml.

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION # (G, R, S or T) T-10316	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Daniel J. and Tammy A. Shuck		PHONE NO. 541-798-5139	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 864			
CITY Merrill	STATE OR	ZIP 97633	E-MAIL

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

3. Is the Property Owner the permit or transfer holder of record?

NO

If "YES" the remainder of this item may be deleted.

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

PERMIT OR TRANSFER HOLDER OF RECORD		
Charles V. Shuck		
ADDRESS		
P.O. Box 204		
CITY	STATE	ZIP
Merrill	OR	97633

Are there additional permit or transfer holders of record?

NO

If "NO" the following box may be deleted.

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: 6/7/10

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Daniel J. Shuck	6/7/10	Owner

6. County: Klamath

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

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

OWNER OF RECORD		
n/a		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record?

NO

If "NO" the following box may be deleted.

ADDITIONAL OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

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SECTION 2

SYSTEM DESCRIPTION

A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
East well	KLAM 50223	

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

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

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
East well	Ground water	n/a

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

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
East well	irrigation	Alfalfa, hay, grain	Irrigation season	0.47 cfs
		sugar beets, potatoes, rotated as necessary		
Total Quantity of Water Used				112.8 af

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

Water is pumped from the well by a 125hp motor and pump and conveyed through $\pm 90'$ of 10" steel pipe above ground. From this point the main line disappears underground, changes to 10" pvc and conveys water southwesterly $\pm 600'$ to bend, then reduces to an 8" pvc main conveying water in a southerly direction $\pm 700'$ to T-1, an 8" tee. From T-1 water is conveyed through an underground 8" pvc main westerly $\pm 1480'$ to T-2. From T-2 water is conveyed southerly to a pivot line or to 3" hand lines. From T-1 water is also conveyed in a southeasterly direction $\pm 70'$ to a 6" aluminum above ground distribution line supplying 3" hand lines.

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

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

B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
40S	11E	WM	32	NESE			IRR	30.8	
40S	11E	WM	33	NWSW			IRR	6.8	
Total Acres Irrigated								37.6	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
US Motors	C9984-00-483	84-17383	Turbine	10"	10"

3. Motor Information

MANUFACTURER	HORSEPOWER
US Electric	125

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
125	60	150	20	2.7

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WATER RESOURCES DEPT
SALEM, OREGON

5. Provide pump calculations:

See Attachment E

6. Measured Pump Capacity (using meter if meter was present and system was operating) n/a

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
10"	90'	Steel	Above
10"	600'	PVC	Buried
8"	2300'	PVC	Buried
8"	320'	Aluminum	Above

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3"	3600'	Aluminum	Above

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/16	60	7.8	90	90	1.6

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Valley	1200'	60	800	1.8

12. Additional notes or comments related to the system:

Well KLAM 50223 is also used as a point of appropriation for Certificate 74645.

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SALEM, OREGON

D. Groundwater Source Information (Well and Sump)

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

YES

If "NO", items 2 through 8 relating to this section may be deleted.

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

There is no access port for this well

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

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
14"	unknown	190'	5/20/75	Prior to 10/1/2008	Stan Flesher	Wilson Drilling

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

KLAM 50223

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

NO

If "NO", items 6 through 8 relating to this section may be deleted.

E. Storage

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

NO

If "NO", item 2 and 3 relating to this section may be deleted.

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

G. Gravity Flow Canal or Ditch

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

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

NO

If "NO", items 2 through 4 relating to this section may be deleted.

H. Reservoir

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

NO

Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

SECTION 3 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	8/17/2007		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)	10/01/2008	Prior to 10/1/2008	Main line installed, changed Point of Appropriation per Transfer 10316
COMPLETE APPLICATION OF WATER (C)	10/01/2008	Prior to 10/1/2008	Water was applied to the authorized place of use from well KLAM50223 prior to 10/1/2008

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

2. Is there an extension final order(s)? NO

If "NO", you may delete item 3 in this section.

4. Initial Water Level Measurements:

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

If "NO", items 4b through 4d relating to this section may be deleted.

5. Annual Static Water Level Measurements:

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

If "NO", items 5b through 5e relating to this section may be deleted.

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

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

If "NO", items 6b through 6d relating to this section may be deleted.

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WATER RESOURCES DEPT
SALEM, OREGON

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WATER RESOURCES DEPT
SALT LAKE COUNTY

7. Measurement Conditions:

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

If "NO", items 7b through 7f relating to this section may be deleted.

8. Recording and reporting conditions

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

If "NO", item 8b relating to this section may be deleted.

9. Fish Screening

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

If "NO", items 9b through 9e relating to this section may be deleted.

10. By-pass Devices

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

If "NO", items 10b and 10c relating to this section may be deleted.

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

- a. Were there special well construction standards? NO
- b. Was submittal of a ground water monitoring plan required? NO
- c. Was the water user required to restore the riparian area if it was disturbed? NO
- d. Was a fishway required? NO
- e. Was submittal of a letter from an engineer required prior to storage of water? NO
- f. Was submittal of a water management and conservation plan required? NO
- g. Other conditions? YES

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

The right to use the water is restricted to beneficial use at the places described, and is subject to all other conditions and limitations contained in Certificate 74895. The applicant has disconnected the water system from Certificated Point of Appropriation and connected to the Authorized Point of Appropriation and is irrigating the Authorized places of use listed within Transfer 10316.

Water shall be acquired from the same aquifer. See Attachment D for well logs of the original well (KLAM 14775) and the Transferred to well (KLAM 50223). It appears from the well logs that water is being appropriated from the same aquifer.

The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation. Water is being applied to the same authorized places of use, using the same equipment. The only changes to the system are the place of appropriation and the conveyance system.

Construction shall be completed on or before October 1, 2008. The applicant installed the conveyance system and transferred the point of appropriation prior to the October 1, 2008 deadline.

SECTION 4 VARIATIONS

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

The Transferred to well, KLAM50223, also irrigates 115.1 acres under Certificate 74645.

SECTION 5 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Attachment A	Copy of Transfer T-10316
Attachment B	Copy of Certificate 74895
Attachment C	Claim of Beneficial Use Map
Attachment D	Copy of well logs KLAM 50223 & KLAM 14775
Attachment E	Theoretical Pump Calculations

SECTION 6 CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
East Well	0.47cfs	2.7cfs	n/a	Irrigation	37.6	37.6

SECTION 7 CLAIM OF BENEFICIAL USE MAP

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

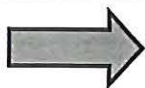
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SALEM, OREGON

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

The survey methods used for this Claim of Beneficial Use include field measurements, NAIP 2005 aerial photography, Oregon GLO Maps and the Klamath County Assessors maps.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

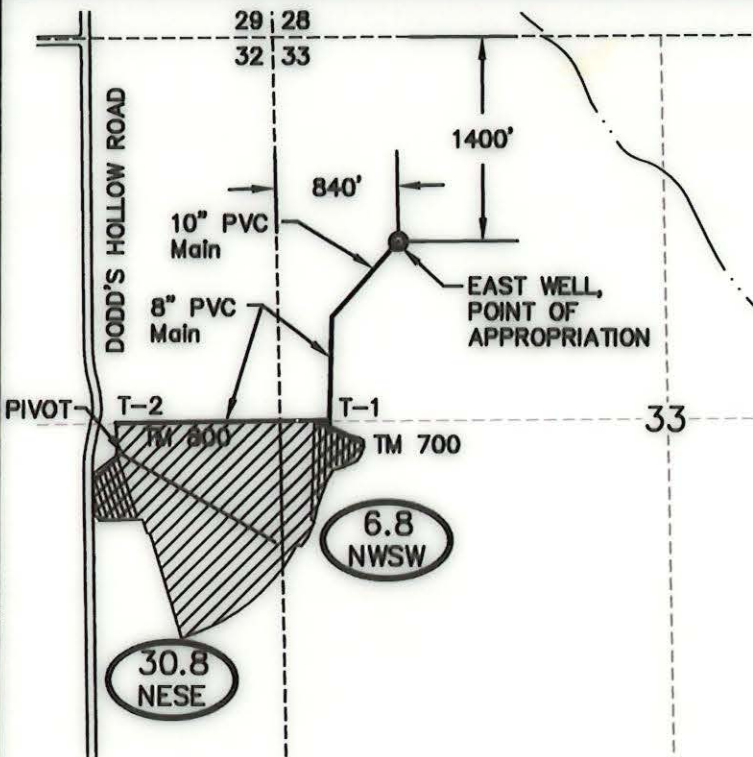
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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T40S., R 11E., SEC.'S 32 & 33 W.M.

KLAMATH COUNTY, OREGON

TRANSFER APPLICATION 10316

CERTIFICATE 74895

PERMIT G-5457



SCALE: 1" = 1320'



WATER RESOURCES DEPT
SALEM, OREGON

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NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2005 AERIAL PHOTOGRAPH, KLAMATH COUNTY TAX MAPS AND KLAMATH COUNTY RECORD OF SURVEY 3455.

2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

TAX MAP #	1/4 1/4	SECTION	TOWNSHIP	RANGE	# IRRIGATED ACRES
800	NE SE	32	40S	R11E, WM	30.8
700	NW SW	32	40S	R11E, WM	6.8

TOTAL ACRES IRRIGATED: 37.6

LEGEND



IRRIGATED LANDS
THIS CLAIM OF
BENEFICIAL USE



IRRIGATED ACREAGE

1/4 1/4 SECTION

TM800

TAX MAP NUMBER

32

SECTION CORNER

33

SECTION NUMBER
AND CENTER OF
SECTION

DITCH LINE

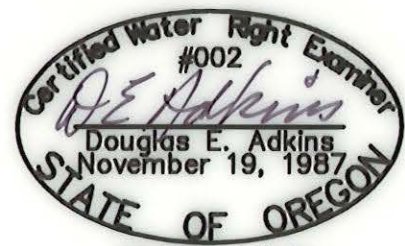
PIVOT LINE

MAIN LINE

HAND LINE

SECTION LINE

1/4 1/4 LINE



RENEWAL 1/1/11

Daniel J. Shuck
Applicant signature

ADKINS

SINCE 1983

CONSULTING
ENGINEERS, INC.

Engineers ▲ Planners ▲ Surveyors

2950 Shasta Way · Klamath Falls, Oregon 97603 · (541) 884-4666 · FAX (541) 884-5335
Klamath Falls, OR · Medford, OR · Alturas, CA

6/21/10

Base.dwg

2858-01

Claim of Beneficial Use Map

for

DANIEL J. SHUCK

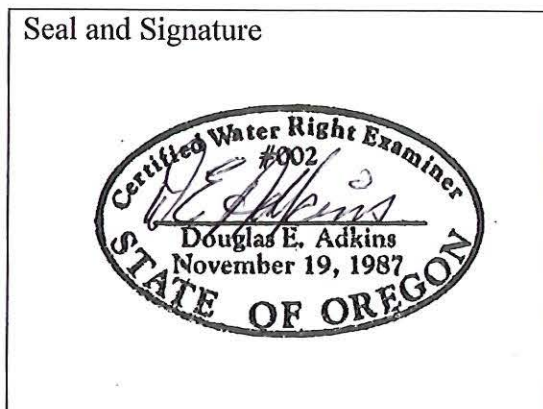
TAMMY A. SHUCK

KLAMATH COUNTY, OREGON

SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

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



CWRE NAME Douglas E. Adkins	PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.	
ADDRESS 2950 Shasta Way			
CITY Klamath Falls	STATE OREGON	ZIP 97603	E-MAIL adkins@adkinsengineering.com

Permit or Transfer Holder's of Record Signature or Acknowledgement

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

SIGNATURE	PRINT OR TYPE NAME	DATE
	Daniel J. Shuck	7/26/10
	Tammy Ann Shuck	7-26-10

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SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

August 21, 2007

DANIEL J. SHUCK
TAMMY A. SHUCK
PO BOX 864
MERRILL OR 97633

Reference: Transfer 10316

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

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

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

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #17
Klamath County (305 Main St. Klamath Falls, OR 97601-6391)

Enclosure

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WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10316, Klamath County) CHANGE IN POINT OF
) APPROPRIATION

Authority

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

Applicant

Daniel J. and Tammy A. Shuck
PO BOX 864
MERRILL OR 97633

Findings of Fact

Background

1. On February 8, 2007, Daniel J. and Tammy A. Shuck filed an application to transfer the point of appropriation under Certificate 74895. The Department assigned the application number T-10316.

2. The right to be transferred is as follows:

Certificate: 74895 in the name of CHARLES V SHUCK (perfected under Permit G-5457)

Use: IRRIGATION of 37.6 ACRES

Priority Date: SEPTEMBER 14, 1971

Rate: 0.47 CUBIC FOOT PER SECOND

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

Source: A WELL within the LOST RIVER BASIN

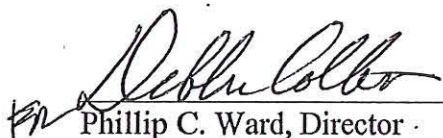
Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	11 E	WM	32	SW NE	40 FEET NORTH AND 600 FEET EAST FROM THE C1/4 CORNER OF SECTION 32

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.

2. Water right certificate 74895 is cancelled.
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 74895.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
11. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17th day of August 2007.


Phillip C. Ward, Director

Mailing date: AUG 22 2007

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

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JUL 29 2010
WATER RESOURCES DEPT
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

CHARLES V. SHUCK
BOX 204
MERRILL, OREGON 97633

confirms the right to use the waters of a WELL in the LOST RIVER BASIN
for IRRIGATION OF 37.6 ACRES.

This right was perfected under Permit G-5457. The date of priority is
SEPTEMBER 14, 1971. The amount of water to which this right is
entitled is limited to an amount actually beneficially used and shall
not exceed 0.47 CUBIC FOOT PER SECOND or its equivalent in case of
rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32, T 40 S, R 11 E, WM; 40 FEET NORTH AND
600 FEET EAST FROM THE CENTER OF SECTION 32.

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

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

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.8 ACRES
SECTION 32

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.8 ACRES
SECTION 33

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

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

This use may be regulated if analysis of data available discloses that
the appropriation will measurably reduce the surface water flows
necessary to maintain the free-flowing character of a scenic waterway
in quantities necessary for recreation, fish and wildlife in effect as
of the priority date of this right or as those quantities may be
subsequently reduced.

This certificate is issued to confirm the water right in accordance
with OAR 690-15-090(3)(b) for a change in point of appropriation not
completed under an order of the Water Resources Director entered
JULY 14, 1997, approving Transfer Application 7731, and supersedes
Certificate 46872, State Record of Water Right Certificates.

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.

WITNESSES the signature of the Water Resources Director,
affixed AUG 27 1997.

15/ G. Huntington
Martha O. Pagel, Director

WATER RESOURCES DEPT
SALEM, OREGON

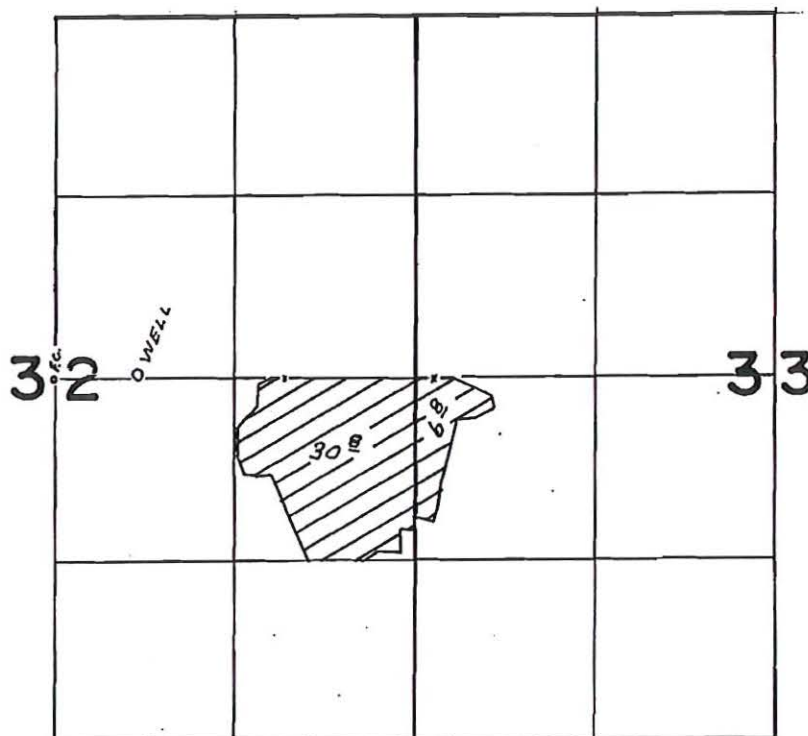
T-7731.LHN

6-5457

Sp. Or. Vol. 51 Pg. 647
 TRANSF. 7731 PDR

74895

T.40S. R.11E. W.M.



WELL LOC. 40' N. & 600' E. FROM CENTER SEC. 32.

FINAL PROOF SURVEY
 UNDER

Application No. G-5618 Permit No. G-5457
 IN NAME OF

CHARLES V. SHUCK

Surveyed APR. 26 1976, by L.H. NUNN

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WATER RESOURCES DEPT
SALEM, OREGON

1976-P

Just River wells

(1) OWNER: STATE ENGINEER
Name Mr. Jim Shuck SALEM, OREGON
Address Merrill, Oregon

(2) LOCATION OF WELL:

County Klamath Owner's number, if any—
 W^{1/2} N.E. 1/4 Section 32 T. 40 S. R. 11 E. W.M.
 Bearing and distance from section or subdivision corner
East 522 ft N 43 ft. from fence corner on
S.W. corner of above description

TYPE OF WORK (check):

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

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐ Rotary ☒ Driven ☐
Cable ☒ Jetted ☐
Excavation ☒ Test Well ☒ Other ☐ Dug ☐ Bored ☐

(5) TYPE OF WELL:

Domestic ☐ Industrial ☐ Municipal ☐ Rotary ☒ Driven ☐
Cable ☒ Jetted ☐
Excavation ☒ Test Well ☒ Other ☐ Dug ☐ Bored ☐

(6) CASING INSTALLED:

10 " Diam. from 0 ft. to 17 ft. Gage
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Type of perforator used	
SIZE of perforations	in. by in.
perforations from	ft. to
perforations from	ft. to
perforations from	ft. to
perforations from	ft. to
perforations from	ft. to

(c) SCREENS:

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

CONSTRUCTION:

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— cement
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

(10) WATER LEVELS:

Static level 82 ft. below land surface Date Aug 15, 5
Artesian pressure _____ lbs. per square inch Date _____

Log Accepted by:

[Signed] Charles V. J. Shuck Date 8/16, 1958
(Owner)

(11) WELL TESTS: Drawdown is amount water level is lowered below static level
 Was a pump test made? ☒ Yes ☐ No If yes, by whom? Interstate
 Yield: 515 gal/min with 7 ft drawdown after 4 h

Field:	gal./min. with	ft. drawdown after	min.
"	"	"	"
"	"	"	"

Baller test	gal./min. with	ft. drawdown after	hr.
1	100	10	1
2	100	10	1
3	100	10	1
4	100	10	1
5	100	10	1
6	100	10	1
7	100	10	1
8	100	10	1
9	100	10	1
10	100	10	1
11	100	10	1
12	100	10	1
13	100	10	1
14	100	10	1
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91	100	10	1
92	100	10	1
93	100	10	1
94	100	10	1
95	100	10	1
96	100	10	1
97	100	10	1
98	100	10	1
99	100	10	1
100	100	10	1

Artesian flow _____ g.p.m. Date _____

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

(12) WELL LOG:

Depth drilled	137	ft.	Depth of completed well	137
---------------	-----	-----	-------------------------	-----

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	4
Sand and gravel	4	14
White sand chalk	14	18
Brown clay	18	38
Brown clay (dark)	38	67
Brown/black lava	67	98
Red cinders (water)	98	105
Grey lava	105	112
Red cinders (water)	112	115
Red lava rock	115	124
Grey lava rock	124	130
Red grey lava (orevice)	130	135
Grey lava	135	137

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WATER RESOURCES DEPT
SALEM, OREGON

Work started July 19 58 Completed Aug 19 58

(13) PUMP:

Manufacturer's Name _____
Type: _____ H.P. _____

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 Wilson Drilling Contractor
(Person, firm, or corporation) (Type or print)

Address Box 136, Merrill. Oregon

Driller's well number 245

[Signed] Walter L Wilson
(Well Driller)

License No. 169 Date Aug. 15,

Dan Shuck

June 18, 2010

Job No.: 2858-01

Permit #: G-5457
Certificate #: 74895

Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine/Submersible = 7.04

Data Entry (fill in underlined blanks)

HP = 125
Efficiency = 7.04
Lift = 170
PSI = 60

Results Calculated

$(hp)(\text{efficiency}) = 880$
Head based on psi = 152.4
Total dynamic head = 322.4
(head + lift)

Pump Capacity = 2.73 feet per second

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**WATER RESOURCES DEPT
SALEM, OREGON**

T40S., R 11E., SEC.'S 32 & 33 W.M.

KLAMATH COUNTY, OREGON

TRANSFER APPLICATION 10316

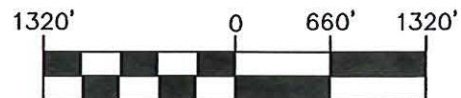
CERTIFICATE 74895

PERMIT G-5457

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JUL 29 2010
WATER RESOURCES DEPT
SALEM, OREGON



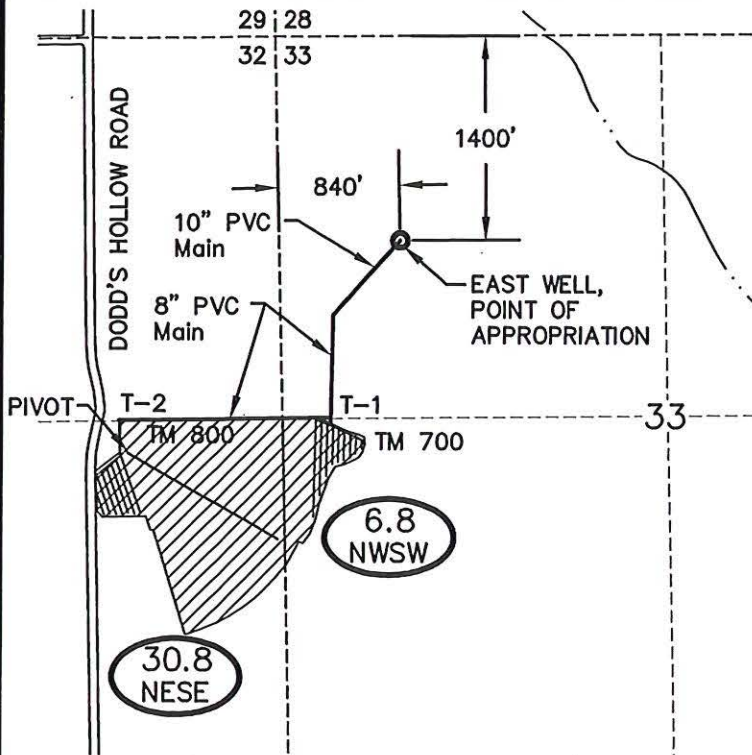
SCALE: 1" = 1320'



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700	NW SW	32	40S	R11E, WM	6.8

TOTAL ACRES IRRIGATED: 37.6

LEGEND



IRRIGATED LANDS
THIS CLAIM OF
BENEFICIAL USE



IRRIGATED ACREAGE

1/4 1/4 SECTION

TM800 TAX MAP NUMBER

32 SECTION CORNER

33 SECTION NUMBER
AND CENTER OF
SECTION

DITCH LINE

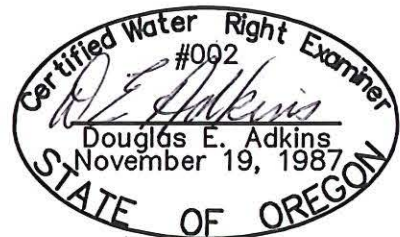
PIVOT LINE

MAIN LINE

HAND LINE

SECTION LINE

1/4 1/4 LINE



RENEWAL 1/1/11

Applicant signature

ADKINS
SINCE 1983

CONSULTING
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Klamath Falls, OR · Medford, OR · Alturas, CA

6/21/10

Base.dwg

2858-01

Claim of Beneficial Use Map

for

DANIEL J. SHUCK

TAMMY A. SHUCK

KLAMATH COUNTY, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

August 21, 2007

DANIEL J. SHUCK
TAMMY A. SHUCK
PO BOX 864
MERRILL OR 97633

Reference: Transfer 10316

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

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

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #17
Klamath County (305 Main St. Klamath Falls, OR 97601-6391)

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10316, Klamath County)	CHANGE IN POINT OF
)	APPROPRIATION

Authority

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

Applicant

Daniel J. and Tammy A. Shuck
PO BOX 864
MERRILL OR 97633

Findings of Fact

Background

1. On February 8, 2007, Daniel J. and Tammy A. Shuck filed an application to transfer the point of appropriation under Certificate 74895. The Department assigned the application number T-10316.

2. The right to be transferred is as follows:

Certificate: 74895 in the name of CHARLES V SHUCK (perfected under Permit G-5457)

Use: IRRIGATION of 37.6 ACRES

Priority Date: SEPTEMBER 14, 1971

Rate: 0.47 CUBIC FOOT PER SECOND

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

Source: A WELL within the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	11 E	WM	32	SW NE	40 FEET NORTH AND 600 FEET EAST FROM THE C1/4 CORNER OF SECTION 32

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

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	32	NE SE	30.8
40 S	11 E	WM	33	NW SW	6.8

3. Application T-10316 proposes to move the authorized point of appropriation approximately ½ mile east from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	11 E	WM	33	SW NW	1400 FEET SOUTH AND 840 FEET EAST FROM THE NW CORNER OF SECTION 33

4. Notice of the application for transfer was published on February 20, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. On April 20, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10316 to the applicants. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
6. On June 12, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10316 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 19, 2007, and in the Herald newspaper on June 26 and July 3 and 10, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Conclusions of Law

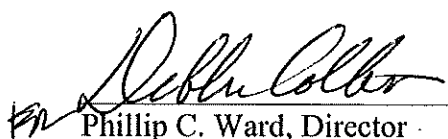
The change in the point of appropriation proposed in application T-10316 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in application T-10316 is approved.

2. Water right certificate 74895 is cancelled.
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 74895.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
11. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17th day of August 2007.


Phillip C. Ward, Director

Mailing date: AUG 22 2007



Oregon

Theodore R. Kulongoski, Governor

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

August 3, 2010

Daniel and Tammy Shuck
PO Box 864
Merrill, OR 97633

RE: Application File T-10316

Dear Mr. & Mrs. Shuck:

Governor Theodore Kulongoski signed SB788 on July 23, 2009, which, in part, raised the fee for many of the Department's water right related processes and created fees for processes not previously requiring fees. The Bill created a fee for the submittal of a Claim of Beneficial Use (Claim).

The Department has determined that the Bill did not contain a requirement for a fee to be submitted for transfer Claims; only for Claims for permits having a priority date of July 9, 1987, or later.

In addition, the check you submitted included fees for the Assignment of the transfer from Charles Shuck to Daniel Shuck. The Transfer was already in the name of Daniel and Tammy Shuck. It does not appear that an Assignment is necessary.

Since a fee is not required for the submittal of a Claim of Beneficial Use for a Transfer, and because the Transfer is already in the name of Daniel and Tammy Shuck, the Department is returning your check in the amount of \$225.00.

Please give Gerry Clark (503-986-0811) a call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Clark", with a long horizontal flourish extending to the right.

Gerry Clark
Water Right Specialist

Cc: file
Andy Hanson, Adkins Consulting Engineers

Letter of Transmittal

To: Oregon Water Resources Department
c/o Mr. Gerry Clark
725 Summers St. N.E., Suite A
Salem, Oregon 97301-1266

Date: July 21, 2010

We are sending you:

- ☒ Attached ☐ Under separate cover via _____ the following items:
- ☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples
- ☐ Specifications ☐ Submittals ☐ Change orders ☒ Other

Copies	Date	Description
1		1 Fee check in the amount of \$225.00 #7611
1		Claim of Beneficial Use Application for Transfer 10316
1		Copy of Request for Assignment
1		Copy of order approving T-10316
1		Copy of Certificate 74895
1		Copy of Claim of Beneficial Use Map, 1 Mylar, 1 paper
1		Copy of original well log and transferred 'to' well log
1		Copy of theoretical pump capacity work sheet

These are transmitted as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
- ☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
- ☐ For review and comment ☐ _____

Should you have any questions or require additional information, please feel free to give me a call.

Andrew Hanson

Andrew Hanson
For Adkins Consulting Engineers

cc: Dan & Tammy Shuck
file:2858-01

RECEIVED

JUL 29 2010

WATER RESOURCES DEPT
SALEM, OREGON

Gerry Clark

From: Gerry Clark
Sent: Friday, May 07, 2010 11:33 AM
To: 'Doug Adkins'
Cc: Andy Hanson
Subject: RE: Transfer 10316, Daniel and Tammy Shuck

Thanks Doug. We will place a copy of your message in the file.

Gerry

Gerry Clark
Water Rights and Adjudications Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
Phone: 503-986-0811
Fax: 503-986-0901

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

From: Doug Adkins [mailto:douga@adkinsengineering.com]
Sent: Friday, May 07, 2010 11:29 AM
To: Gerry Clark
Cc: Andy Hanson
Subject: Transfer 10316, Daniel and Tammy Shuck

Gerry

We are happy to inform you that the COBU which had a 'C' date of Oct, 2008, is progressing, and will be filed shortly.

Doug

Douglas E. Adkins, P.E.
President
Adkins Consulting Engineers, Inc.
2950 Shasta Way
Klamath Falls, OR 97603

Ph. 541 884-4666
Fax 541 884-5335
adkins@adkinsengineering.com

Water Right Transfer Checklist

Transfer T-10316

Transfer Specialist: VLC

Transfer Type: REG

Applicant Name/Address: Daniel and Tammy Shuck

Agent Name/Address: NA

CWRE Name/Number: NA

Rec Landowner Name/Address: NA

Irr. District Name/Address: None

Affected Gov'ts Name/Address: Klamath County, 305 Main St., Klamath Falls 97601-6391

Commentors: Name/Address: None

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	G-5618	G-5457	74895	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: <u>2/8/07</u>	Proposed Action(s): <u>POA</u>	
Fees Pd: <u>350</u>	WM District: <u>17</u>	ODFW District: <u>NA</u>
Initial Notice: <u>2/20/07</u>	WM Review sent: <u>2/15/07</u>	ODFW Review sent: <u>NA</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>2/15/07</u>

Processing Dates & Actions

Deficiency Contacts: NA

Newspaper Pub Affid Due: 8/1/07

☐ not required

DPD Mailed: 4/20/07

Affid of Pub Rec'd: 8/1/07

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

Last Day Published: 7/19/07

PD Mailed: 6/14/07

Affidavit Reminder Sent: _____

PD Weekly Notice: 6/19/07

Reminder Deadline: _____

Preliminary Determination

☒ Electronic Files uploaded

☒ Preliminary Determination

☒ PD Cover letter

☐ Fee Refund Due

☒ PD Notice

☐ Remaining Rights

☒ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>KDD</u>	Reviewer: _____
Date: _____	Date: <u>5/30/07</u>	Date: _____
Coordinator: _____	Coordinator: <u>AKP</u>	Coordinator: <u>AKP</u>
Date: _____	Date: <u>6/12/07</u>	Date: <u>8/10/07</u>
Comments/Special Issues: Change to a well ½ mile from authorized. The well is the POA for Application G-10199/Permit G-9244, and the entire right is included, so a final proof survey maps are being substituted for a transfer map.		

Special Order Volume: Vol 73 Pages 106 Final Order Signature Date: 8-17-07
 Notice of FO email'd to processors Vern

Application

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

Water right subject to transfer

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

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ 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 ¼ ¼.

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

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

Headgate	<input type="checkbox"/> When in the judgment	<input type="checkbox"/> Prior to diverting	<input type="checkbox"/> Existing and maintain
Measuring Devices	<input type="checkbox"/> When in the judgment	<input type="checkbox"/> Prior to diverting	<input type="checkbox"/> Existing and maintain

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager,
being first duly sworn, depose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that I know from
my personal knowledge that the

Legal # 9416

Public Notice

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for: (3)
Three

Insertion(s) in the following issues:

June 26, July 3, 10, 2007

Total Cost: \$177.97

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: July 10, 2007

Debra A Gribble
Notary Public of Oregon

My commission expires March 15, 2008



Notice of Preliminary Determination for Water Right Transfer T-10316

T-10316 filed by
DANIEL J. AND
TAMMY SHUCK,
P.O. Box 864, Mer-
rill, OR 97633, pro-
poses a change in
point of appropria-
tion under Certifi-
cate 74895. The
right allows the use
of 0.47 cfs (priority
date SEPTEMBER
14, 1971) from a well
in Sec. 32, T40S,
R11E, W.M. (Lost
River Basin) for IR-
RIGATION in Sec-
tions 32 and 33. The
applicant proposes
to change the point
of appropriation to a
well approximately
1/4 miles east (Sec.
33, T40S, R11E,
W.M.). The Water
Resources Depart-
ment has concluded
that the proposed
transfer appears to
be consistent with
the requirements of
ORS Chapter 540
and OAR 690-380-
5000.

Any person may
file, jointly or sever-
ally, with the De-
partment a protest
or standing state-
ment within 30 days
after the date of fi-
nal publication of
notice in the Depart-
ment's weekly no-
tice or of this news-
paper notice, which-
ever is later. A pro-
test form and addi-
tional information
on filing protests
may be obtained by
calling (503) 986-
0852. The last date
of newspaper publi-
cation is July 10,
2007. If no protests
are filed, the De-
partment will issue
a final order consis-
tent with the pre-
liminary determina-
tion.
#9416 June 26, July
3, 10, 2007.

RECEIVED

AUG 01 2007

WATER RESOURCES DEPT
SALEM, OREGON



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

RECEIVED

MAR 22 2007

INTEROFFICE MEMO

FORWARD TO:

Sarah Henderson
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 2-16-07

FROM:

WATERMASTER, DISTRICT #

X GROUNDWATER SECTION

(SIGNATURE)

Gerald Groddin

GERALD

GRODDIN

date signed 8 March 2007

signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10316

A change in: POU POD POA USE of water.

In the name(s) of Daniel & Tammy Shuck

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

MAY BE MADE WITHOUT INJURY

right.

WOULD RESULT IN INJURY* to an existing water

↪ see attached memo and recommended condition

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

The existing right may not be valid because

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

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

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

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

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

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

wmtrans.frm

Oregon Water Resources Department Memorandum

Date: 8 March 2007

To: Transfer Section and Application File G-5618 and Transfer File T-10316

From: Jerry Grondin, OWRD Hydrogeologist

Subject: Ground Water Transfer Technical Review
Application Number: G-5618
Permit Number: G-5457
Certificate Number: 74895
Transfer Number: T-10316
Transfer Applicant: Daniel & Tammy Shuck

Daniel and Tammy Shuck have applied for a water right transfer related to application G-5618, permit G-5457, certificate 74895. The transfer seeks to change the point of appropriation (POA) from a well located at T40S/R11E-sec 32 ACC (40 feet north & 600 feet east from the center of section 32) to a well located at T40S/R11E-sec 33 BCA (1400 feet south and 840 feet east from the northwest corner of section 33).

The well identified at the current POA by the transfer application and the water right application is KLAM 14775 constructed in 1958. However, the actual well being used appears to have changed to KLAM 10268 constructed in 1991 and located 22 feet from KLAM 14775 (see history below). The well identified at the proposed new POA is well KLAM 50223.

Water Right and Well History

?? August 1958	well KLAM 14775 is constructed
14 September 1971	ground water right application received by OWRD
21 February 1975	ground water permit signed by OWRD
26 April 1976	final proof survey conducted by OWRD staff
17 November 1978	water right certificate 46872 signed by OWRD
21 June 1991	Charles Shuck notes he is unable to do pump test due problem with well
24 July 1991	well KLAM 10268 constructed (22 feet from KLAM 14775)
15 August 1991	pump test received by OWRD (KLAM 14775 or KLAM 10268?)
12 March 1997	OWRD receives transfer application T-7731 to change the POA from well KLAM 14775 to a new well to be constructed
14 July 1997	water right transfer T-7731 approval signed by OWRD

13 August 1997	OWRD receives a note from Charles Shuck that requests OWRD to not approve water right transfer T-7731, Mr. Shuck tells OWRD staff that costs to construct the new well are too high
27 August 1997	water right certificate 74895 signed by OWRD to supersede certificate 46872 and confirm changes not completed under water right transfer T-7731
05 July 2000	Charles Shuck verbally confirms to OWRD staff that KLAM 14775 is not fixed, but replaced by KLAM 10268 located 22 feet away (an "informal transfer")
08 February 2007	OWRD receives transfer application T-7731 to change the POA from well KLAM 14775 (T40S/R11E-sec 32 ACC, 40 feet north & 600 feet east from the center of section 32) to well KLAM 50223 (T40S/R11E-sec 33 BCA, 1400 feet south and 840 feet east from the northwest corner of section 33)

Comparative Assessment of well KLAM 14775 and well KLAM 10268

Notes in water right file G-5618 indicates an "informal transfer" from well KLAM 14775 to well KLAM 10268 occurred due to problems with well KLAM 14775. The wells are 22 feet apart.

Well	KLAM 14775	KLAM 10268
Date completed	August 1958	July 1991
Total Depth	137 feet	191 feet
Casing	0 to 17 feet blsd	+1 to 58 feet blsd
Seal	0 to 17 feet blsd	0 to 58 feet blsd
Sed-Basalt Contact	67 feet blsd	63 feet blsd
First water	?	4 feet
Water Producing Zones	cinders & basalt	basalt
Static water level	82 feet blsd	94 feet blsd
Yield	515 gpm	800 gpm
Drawdown	7 feet	14 feet
Elapsed time	4 hours	4 hours
Specific capacity	73.57 gal/ft	57.14 gal/ft

The available information indicates both wells obtain water from the same source, primarily basalt.

It should be noted that hydrogeologic data indicates ground water in the basalt and the overlying sediments in the Upper Klamath Basin valleys is hydraulically connected. However, the yield from basalt is typically much higher than the yield from the overlying sediments.

Transfer Technical Review by Ground Water Section Staff

1. A comparison of wells KLAM 14775, well KLAM 10268, and KLAM 50223:

Well	KLAM 14775	KLAM 10268	KLAM 50224
Date completed	August 1958	July 1991	May 1974
Total Depth	137 feet	191 feet	190 feet
Casing	0 to 17 feet blsd	+1 to 58 feet blsd	0 to ? feet
Seal	0 to 17 feet blsd	0 to 58 feet blsd	0 to 20 feet blsd
Sed-Basalt Contact	67 feet blsd	63 feet blsd	3 feet blsd
First water	?	4 feet	100 feet
Water Producing Zones	cinders & basalt	basalt	basalt
Static water level	82 feet blsd	94 feet blsd	110 feet blsd
Yield	515 gpm	800 gpm	1200 gpm
Drawdown	7 feet	14 feet	0 feet
Elapsed time	4 hours	4 hours	4 hours
Specific capacity	73.57 gal/ft	57.14 gal/ft	?
Water temperature	?	79 degree F	72 degree F
Land elevation (map)	4115 feet	4115 feet	4145 feet

The available information indicates the 3 wells obtain water from the same source, primarily basalt.

Again, it should be noted that hydrogeologic data indicates ground water in the basalt and the overlying sediments in the Upper Klamath Basin valleys is hydraulically connected. However, the yield from basalt is typically much higher than the yield from the overlying sediments.

2. The ground water at wells KLAM 14775, well KLAM 10268, and KLAM 50223 is hydraulically connected to the Lost River.

Well	Distance to Lost River	Comment
KLAM 14775	4900 feet	original POA well
KLAM 10268	4900 feet	"informal transfer" well
KLAM 50223	8000 feet	proposed new POA well

The POA well proposed by transfer application T-7731 is further away from the Lost River than the original POA well. Therefore, the ground water interference with the Lost River should be the same or less than currently allowed under the existing water right.

3. The POA well proposed by transfer application T-7731 is closer to a neighboring water right well than the original POA well.

Well	Distance to nearest Water right well	Comment
KLAM 14775	2500 feet	original POA well
KLAM 10268	2500 feet	"informal transfer" well
KLAM 50223	1500 feet	proposed new POA well

The ground water drawdown interference with the closest neighboring water right well will be greater than currently occurs under the existing water right. The increased drawdown was estimated using the Theis equation and a range of transmissivity values derived from specific capacity data for wells KLAM 14775 and well KLAM 10268 and the "Silbernagle aquifer test" conducted by OWRD staff.

The drawdown at the closest water right well is estimated to increase at most an additional 0.14 feet to 0.22 feet during the irrigation season (see attached spreadsheet), a 11 to 29 percent increase. This should result in "injury" as defined by OAR 690-380-0100.

Injury Assessment by Ground Water Section Staff

OAR 690-380-100 (definitions) notes "(3) 'Injury' or 'Injury to an existing water right' means a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled."

The proposed change by water right transfer T-10316 may be made without "injury" as defined by OAR 690-380-100 given:

- The new POA well is located further away from the Lost River; and
- The closest neighboring water right well should continue receiving previously available water to which it is legally entitled despite the increased drawdown.

Recommended Condition by Ground Water Section Staff

Existing well KLAM 14775 shall be properly abandoned before use of the new POA well begins.

Attachments:

Map showing well locations
Water well reports (well logs) for KLAM 14775, KLAM 10268, and KLAM 50223
Theis drawdown calculations
Specific capacity to transmissivity calculations

Drawdown Calculations Using Theis Equation

Theis Equation: $s = [Q/(4 \cdot T \cdot \pi)] [W(u)]$

$u = (r^2 S)/(4 T t)$

$W(u) = (-\ln u) - (0.5772157) + (u/1 \cdot 1) - (u^2/2 \cdot 2!) + (u^3/3 \cdot 3!) - (u^4/4 \cdot 4!) + \dots$

s = drawdown (L)

T = transmissivity (L²/T)

S = storage coefficient (dimensionless)

pi = 3.141592654

r = radial distance (L)

t = time (T)

u = dimensionless

W(u) = well function

Transmissivity T (gpd/ft)	Transmissivity T (ft ² /day)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r (feet)	pi	u	W(u)	Drawdown s (feet)	Comments
Note: yellow grid areas are where values are calculated											
								7.0000	1.1545E-04		W(u) calculation test
KLAM 14775 and KLAM 10268 to Closest Water Right Well (lowest Transmissivity from Silbernagle Aquifer Test)											
141,100.00	18,862.33	0.00750	210.95	0.47	30.00	2,500.00	3.14	0.0207	3.3206	0.5689	Continuous Pumping at Full Rate
141,100.00	18,862.33	0.00750	210.95	0.47	184.00	2,500.00	3.14	0.0034	5.1171	0.8767	Continuous Pumping at Full Rate
141,100.00	18,862.33	0.00750	210.95	0.47	245.00	2,500.00	3.14	0.0025	5.4026	0.9256	Continuous Pumping at Full Rate
KLAM 14775 and KLAM 10268 to Closest Water Right Well (highest Transmissivity from Silbernagle Aquifer Test)											
174,700.00	23,353.99	0.00750	210.95	0.47	30.00	2,500.00	3.14	0.0167	3.5302	0.4885	Continuous Pumping at Full Rate
174,700.00	23,353.99	0.00750	210.95	0.47	184.00	2,500.00	3.14	0.0027	5.3300	0.7375	Continuous Pumping at Full Rate
174,700.00	23,353.99	0.00750	210.95	0.47	245.00	2,500.00	3.14	0.0020	5.6157	0.7770	Continuous Pumping at Full Rate
KLAM 14775 and KLAM 10268 to Closest Water Right Well (Transmissivity from KLAM 14775 Specific Capacity Data)											
148,122.61	19,801.11	0.00010	210.95	0.47	30.00	2,500.00	3.14	0.0003	7.6663	1.2511	Continuous Pumping at Full Rate
148,122.61	19,801.11	0.00010	210.95	0.47	184.00	2,500.00	3.14	0.0000	9.4798	1.5471	Continuous Pumping at Full Rate
148,122.61	19,801.11	0.00010	210.95	0.47	245.00	2,500.00	3.14	0.0000	9.7661	1.5938	Continuous Pumping at Full Rate
KLAM 14775 and KLAM 10268 to Closest Water Right Well (Transmissivity from KLAM 10268 Specific Capacity Data)											
113,291.29	15,144.84	0.00010	210.95	0.47	30.00	2,500.00	3.14	0.0003	7.3983	1.5786	Continuous Pumping at Full Rate
113,291.29	15,144.84	0.00010	210.95	0.47	184.00	2,500.00	3.14	0.0001	9.2117	1.9655	Continuous Pumping at Full Rate
113,291.29	15,144.84	0.00010	210.95	0.47	245.00	2,500.00	3.14	0.0000	9.4980	2.0266	Continuous Pumping at Full Rate
KLAM 50223 to Closest Water Right Well (lowest Transmissivity from Silbernagle Aquifer Test)											
141,100.00	18,862.33	0.00750	210.95	0.47	30.00	1,500.00	3.14	0.0075	4.3291	0.7416	Continuous Pumping at Full Rate
141,100.00	18,862.33	0.00750	210.95	0.47	184.00	1,500.00	3.14	0.0012	6.1366	1.0513	Continuous Pumping at Full Rate
141,100.00	18,862.33	0.00750	210.95	0.47	245.00	1,500.00	3.14	0.0009	6.4226	1.1003	Continuous Pumping at Full Rate
KLAM 50223 to Closest Water Right Well (highest Transmissivity from Silbernagle Aquifer Test)											
174,700.00	23,353.99	0.00750	210.95	0.47	30.00	1,500.00	3.14	0.0060	4.5412	0.6284	Continuous Pumping at Full Rate
174,700.00	23,353.99	0.00750	210.95	0.47	184.00	1,500.00	3.14	0.0010	6.3499	0.8786	Continuous Pumping at Full Rate
174,700.00	23,353.99	0.00750	210.95	0.47	245.00	1,500.00	3.14	0.0007	6.6360	0.9182	Continuous Pumping at Full Rate
KLAM 50223 to Closest Water Right Well (Transmissivity from KLAM 14775 Specific Capacity Data)											
148,122.61	19,801.11	0.00010	210.95	0.47	30.00	1,500.00	3.14	0.0001	8.6978	1.4178	Continuous Pumping at Full Rate
148,122.61	19,801.11	0.00010	210.95	0.47	184.00	1,500.00	3.14	0.0000	10.5014	1.7138	Continuous Pumping at Full Rate
148,122.61	19,801.11	0.00010	210.95	0.47	245.00	1,500.00	3.14	0.0000	10.7877	1.7505	Continuous Pumping at Full Rate
KLAM 50223 to Closest Water Right Well (Transmissivity from KLAM 10268 Specific Capacity Data)											
113,291.29	15,144.84	0.00010	210.95	0.47	30.00	1,500.00	3.14	0.0001	8.4197	1.7965	Continuous Pumping at Full Rate
113,291.29	15,144.84	0.00010	210.95	0.47	184.00	1,500.00	3.14	0.0000	10.2333	2.1835	Continuous Pumping at Full Rate
113,291.29	15,144.84	0.00010	210.95	0.47	245.00	1,500.00	3.14	0.0000	10.5197	2.2446	Continuous Pumping at Full Rate

Transmissivity from Specific Capacity using the Theis Equation Adapted from Vorhis (1979) Theis Equation: $T = \frac{Q}{4 \cdot s \cdot \pi} [W(u)]$ $u = \frac{(r^2 \cdot S)}{4 \cdot T \cdot t}$ $W(u) = (-\ln u) - (0.5772157) + (u^{1.1}) - (u^{1.1} / 2) + (u^{1.1} \cdot u^{1.1} / 3) - (u^{1.1} \cdot u^{1.1} / 4) + \dots$ T = transmissivity (L ² /T) s = drawdown (L) S = storage coefficient (dimensionless) π = 3.141592654 r = radial distance (L) t = time (T) u = dimensionless $W(u)$ = well function						Data Entry Enter Data Below (yellow boxes only) Well Log ID or Comment for Records: KLAM 14775 Pumping Rate (gpm) = Q = 515.00 (gpm) Drawdown (feet) = s = 7.00 (feet) Time (hours) = t = 4.0000 (hours) Storage Coefficient = S = 0.001000 (dimensionless) Well Diameter (Inches) = d = 10.0000 (Inches) <div style="text-align: center;">Press F9 to Calculate</div>			
Note: Transmissivity is derived using an iterative process The calculations use a known or assumed Storage Coefficient (S) provided by the user Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration Total Theis Equation iterations = 25 iterations Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001 Can accept answer if u in the last iteration is < 7.1 Note: Well efficiency is not included in the calculations References: Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524. Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.						Calculated Results Transmissivity (ft ² /day) = T = 19,801.11 (ft ² /day) Transmissivity (gpd/ft) = T = 148,122.61 (gpd/ft) Transmissivity Difference = (last 2 iterations) 0.0000E+00 (ft ² /day) <div style="text-align: center;">okay to use T if diff < 0.0001</div> u = 1.3152E-08 (last iteration) <div style="text-align: center;">okay to use T if u < 7.1</div>			

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note : W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
7.00	0.00100	515.00	1.15	0.17	0.42			14,182.50		T = Q/s	
7.00	0.00100	515.00	1.15	0.17	0.42	1.8388E-08	17.2344	19,423.40	5.2609E+03	T = Theis Equation	1.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3407E-08	17.5902	19,779.41	3.5600E+02	T = Theis Equation	2.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3166E-08	17.5684	19,799.88	2.0470E+01	T = Theis Equation	3.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5694	19,801.04	1.1667E+00	T = Theis Equation	4.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	6.6352E-02	T = Theis Equation	5.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	3.7766E-03	T = Theis Equation	6.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	2.1495E-04	T = Theis Equation	7.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	1.2234E-05	T = Theis Equation	8.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	5.9633E-07	T = Theis Equation	9.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	3.9632E-08	T = Theis Equation	10.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	2.2555E-09	T = Theis Equation	11.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	1.2733E-10	T = Theis Equation	12.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	13.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	14.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	15.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	16.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	17.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	18.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	19.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	20.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	21.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	22.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	23.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	24.00
7.00	0.00100	515.00	1.15	0.17	0.42	1.3152E-08	17.5695	19,801.11	0.0000E+00	T = Theis Equation	25.00

Transmissivity from Specific Capacity using the Theis Equation

Adapted from Vorhies (1979)

Theis Equation: $T = [Q/(4 \cdot s \cdot \pi)] W(u)$

$u = (r^2 \cdot S)/(4 \cdot T \cdot t)$

$W(u) = (-\ln u) - (0.5772157) + (u/1 \cdot 1) - (u^2/2 \cdot 2!) + (u^3/3 \cdot 3!) - (u^4/4 \cdot 4!) + \dots$

T = transmissivity (L²/T)

s = drawdown (L)

S = storage coefficient (dimensionless)

$\pi = 3.141592654$

r = radial distance (L)

t = time (T)

u = dimensionless

W(u) = well function

Note: Transmissivity is derived using an iterative process

The calculations use a known or assumed Storage Coefficient (S) provided by the user

Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration

The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration

Total Theis Equation iterations = 25 iterations

Can accept answer if difference in calculated Transmissivity for the last 2 iterations is < 0.0001

Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

References:

Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.

Vorhies, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Data Entry

Enter Data Below
(yellow boxes only)

Well Log ID or Comment for Records

KLAM-10268

Pumping Rate (gpm) = Q =

800.00

(gpm)

Drawdown (feet) = s =

14.00

(feet)

Time (hours) = t =

4.0000

(hours)

Storage Coefficient = S =

0.001000

(dimensionless)

Well Diameter (Inches) = d =

10.0000

(inches)

Press F9 to Calculate

Calculated Results

Calculated Results

Transmissivity (ft²/day) = T =

15,144.84

(ft²/day)

Transmissivity (gpd/ft) = T =

113,291.29

(gpd/ft)

Transmissivity Difference =
(last 2 iterations)

0.0000E+00

okay to use T if diff < 0.0001

(ft²/day)

u =

1.7195E-08

(last iteration)

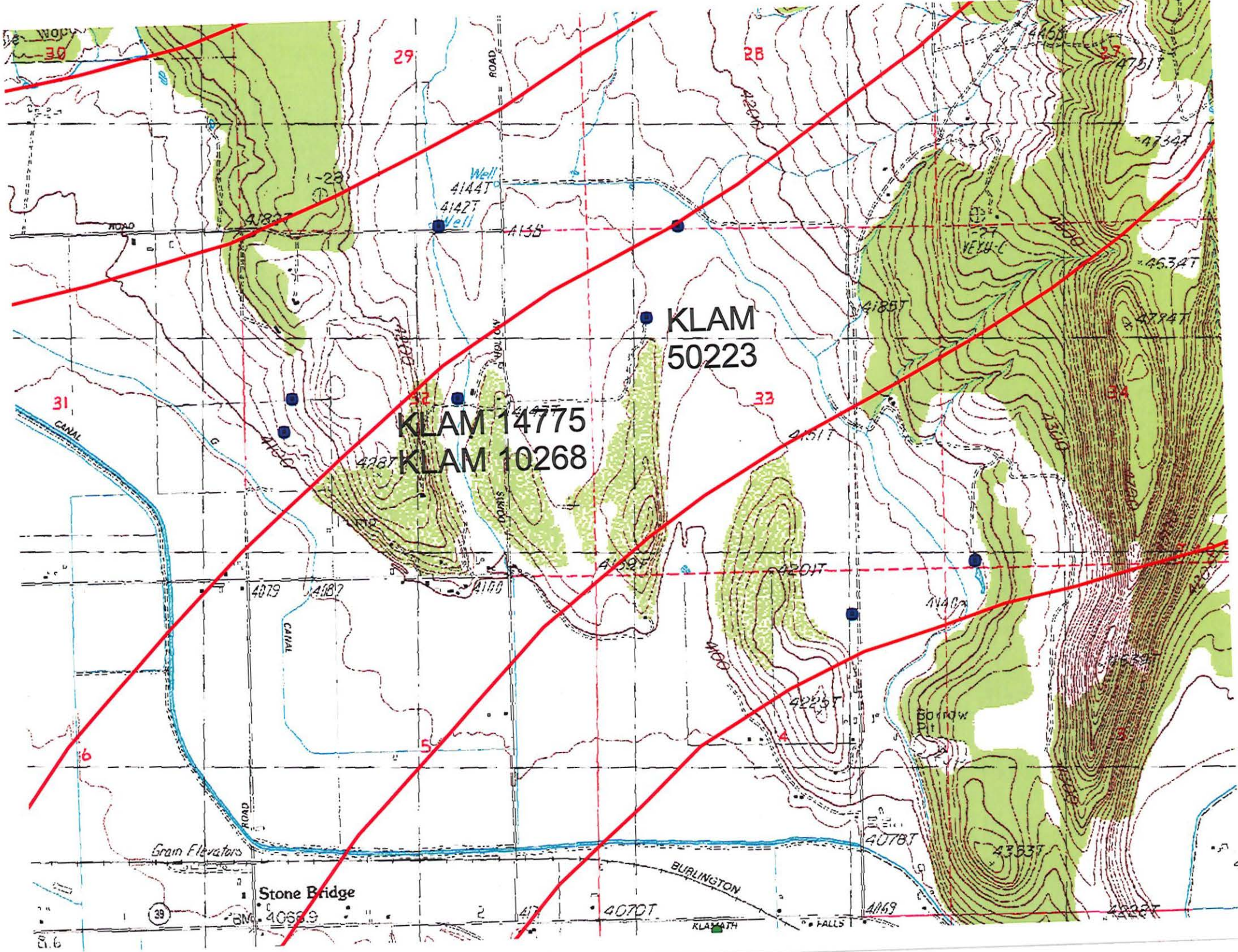
okay to use T if u < 7.1

Drawdown s (feet)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r = d/2 (feet)	u	W(u)	Transmissivity T (ft ² /day)	Transmissivity difference from previous	Comments	Theis Equation Iteration
Note: yellow grid areas are where values are calculated						Note: W(u) calculation valid when u < 7.1					
						7.0000	1.1545E-04			W(u) calculation test	
14.00	0.00100	800.00	1.78	0.17	0.42			11,000.00		T = Q/s	
14.00	0.00100	800.00	1.78	0.17	0.42	2.3674E-08	18.9817	14,864.93	3.8549E+03	T = Theis Equation	1.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7519E-08	17.2828	15,128.51	2.6358E+02	T = Theis Equation	2.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7214E-08	17.3003	15,143.90	1.5385E+01	T = Theis Equation	3.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7196E-08	17.3014	15,144.79	8.8976E-01	T = Theis Equation	4.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7196E-08	17.3014	15,144.84	5.1428E-02	T = Theis Equation	5.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7196E-08	17.3014	15,144.84	2.9725E-03	T = Theis Equation	6.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	1.7181E-04	T = Theis Equation	7.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	9.9302E-06	T = Theis Equation	8.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	5.7395E-07	T = Theis Equation	9.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7196E-08	17.3014	15,144.84	3.3175E-08	T = Theis Equation	10.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	1.9172E-09	T = Theis Equation	11.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	1.0914E-10	T = Theis Equation	12.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	13.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	14.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	15.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	16.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	17.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	18.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	19.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	20.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	21.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	22.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	23.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	24.00
14.00	0.00100	800.00	1.78	0.17	0.42	1.7195E-08	17.3014	15,144.84	0.0000E+00	T = Theis Equation	25.00

(START CARD) # 30943

9809C 3/88

belief. WWC Number 408
Signed Nelson Lewis Date 8-1-91





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

Water Right Transfer Review

Watermaster, District # 17

Reimbursement Authority : ☐ Yes ☒ No

Transfer Application T- 10316

Referral Date: 2-16-07

Review Due Date: 3-17-07

Applicant Name: Daniel & Tammy Shuck

Application Type:

<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Instream Permanent	<input type="checkbox"/> Permanent District Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> GW Registration Modification	<input type="checkbox"/> Instream Time Limited	<input type="checkbox"/> Temporary District Transfer
<input type="checkbox"/> Historic POD Transfer	<input type="checkbox"/> Exchange	<input type="checkbox"/> Substitution	

Proposed Changes:

<input type="checkbox"/> POU	<input type="checkbox"/> POD	<input checked="" type="checkbox"/> POA	<input type="checkbox"/> USE	<input type="checkbox"/> Other
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Please complete a review of the transfer using the new Watermaster Review form. The form is available as Section 11.02 of the Technical Operations Manual on the Intranet.

For reviews of all applications **except** *District Permanent Transfers*, address all questions that apply to the specific changes proposed in the application (e.g., question 7 is only applicable for POU changes). For reviews of *District Permanent Transfers* involving changes in place of use only, address questions 1, 3, and 6 – 10.

The review should be returned to the Transfers Section:

- Electronically attached to an e-mail message to Sarah.A.Henderson@wrd.state.or.us, or
- Printed and mailed to the Transfers Section in Salem.

Please do not hesitate to contact Doug Parrow at Douglas.M.Parrow@wrd.state.or.us or 503-986-0881 if you have questions or problems completing the new review form. If you are unable to contact Doug and need immediate assistance, please call Sarah at 503-986-0883.



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-10316

Review Due Date: _____

Applicant Name: Daniel J. and Tammy A. Shuck

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

Reviewer(s): JS/MS

Date of Review: 2-21-07

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	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.



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

June 14, 2007

Daniel J. and Shuck
PO BOX 864
MERRILL OR 97633

SUBJECT: Transfer Application T-10316

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10316. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

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

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. You will want to request the newspaper to prepare and mail an original *affidavit of publication* to the Department to me at the address above by **August 1, 2007**.

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

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

Please do not hesitate to contact me at (503) 986-0890 or Dorothy.I.PEDERSEN@wr.d.state.or.us if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: CWRE

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10316, Klamath County)	PROPOSING APPROVAL OF A
)	CHANGE IN POINT OF
)	APPROPRIATION

Authority

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

Applicant

Daniel J. and Tammy A. Shuck
PO BOX 864
MERRILL OR 97633

Findings of Fact

Background

1. On February 8, 2007, Daniel J. And Tammy A. Shuck filed an application to transfer the point of appropriation under Certificate 74895. The Department assigned the application number T-10316.
2. The right to be transferred is as follows:

Certificate: 74895 in the name of CHARLES V SHUCK (perfected under Permit G-5457)

Use: IRRIGATION of 37.60 ACRES

Priority Date: SEPTEMBER 14, 1971

Rate: 0.47 CUBIC FOOT PER SECOND

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

Source: A WELL within the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	11 E	WM	32	SW NE	40 FEET NORTH AND 600 FEET EAST FROM THE C1/4 CORNER OF SECTION 32

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

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	32	NE SE	30.80
40 S	11 E	WM	33	NW SW	6.80

3. Application T-10316 proposes to move the authorized point of appropriation approximately ½ mile east from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	11 E	WM	33	SW NW	1400 FEET SOUTH AND 840 FEET EAST FROM THE NW CORNER OF SECTION 33

4. Notice of the application for transfer was published on February 20, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

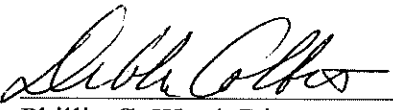
The change in the point of appropriation proposed in application T-10316 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10316 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in application T-10316 is approved.*
- 2. Water right certificate 74895 is cancelled.*
- 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 74895.*
- 4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 5. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*

6. *When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 12th day of June 2007.


Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Vern Church. If you have questions about the information in this document, you may reach me at 541-883-4182 or Vernon.L.Church@wrdd.state.or.us.

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

**Notice of Preliminary Determination for
Water Right Transfer T-10316**

T-10316 filed by DANIEL J. AND TAMMY SHUCK, P.O. Box 864, Merrill, OR 97633, proposes a change in point of appropriation under Certificate 74895. The right allows the use of 0.47 cfs (priority date SEPTEMBER 14, 1971) from a well in Sec. 32, T40S, R11E, W.M. (Lost River Basin) for IRRIGATION in Sections 32 and 33. The applicant proposes to change the point of appropriation to a well approximately ¼ miles east (Sec. 33, T40S, R11E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0852. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Ken Dowden

From: Vern Church
Sent: Thursday, May 31, 2007 9:09 AM
To: Ken Dowden
Subject: RE: T-10316 (Schuck)

Ken, I talked to the schuck and they approved the dpd and wanted to go forward. vern

From: Ken Dowden
Sent: Wednesday, May 30, 2007 5:23 PM
To: Vern Church
Subject: T-10316 (Schuck)

I am doing the PEER Review on this.....!

Question: Did you get a reply or statement response from the Shucks to continue, that they agreed with the conditions of the dPD ????

Call me when you get a chance on Thursday, at (503) 986-0897.

Thanks.

Vern Church

From: Jerry Grondin [Gerald.H.GRONDIN@wrđ.state.or.us]
Sent: Thursday, March 29, 2007 1:44 PM
To: 'Vern Church'
Cc: Jerry Grondin; Douglas WOODCOCK; Dorothy PEDERSEN; Kristopher BYRD; Karl WOZNIAK
Subject: Reply: Wells and Transfer T-10316

Hi Vern,

Background:

Daniel and Tammy Shuck applied for a water right transfer (T-10316) related to application G-5618, permit G-5457, certificate 74895. The transfer seeks to change the point of appropriation (POA) from a well located at T40S/R11E-sec 32 ACC (40 feet north & 600 feet east from the center of section 32) to a well located at T40S/R11E-sec 33 BCA (1400 feet south and 840 feet east from the northwest corner of section 33).

The well identified at the current POA by the transfer application and the water right application is KLAM 14775 constructed in 1958. However, the actual well being used appears to have changed to KLAM 10268 constructed in 1991 and located 22 feet from KLAM 14775 (see history below). The well identified at the proposed new POA is well KLAM 50223.

Notes in water right file G-5618 indicates an "informal transfer" from well KLAM 14775 to well KLAM 10268 occurred due to problems with well KLAM 14775. The wells are 22 feet apart.

?? August 1958	well KLAM 14775 is constructed
14 September 1971 OWRD	ground water right application received by
21 February 1975	ground water permit signed by OWRD
26 April 1976	final proof survey conducted by OWRD staff
17 November 1978	water right certificate 46872 signed by OWRD
21 June 1991	Charles Shuck notes he is unable to do pump test due to a problem with the well
24 July 1991	well KLAM 10268 constructed (22 feet from KLAM 14775)
15 August 1991	pump test received by OWRD (uncertain that test was done at KLAM 14775 or KLAM 10268?)
05 July 2000	Charles Shuck verbally confirms to OWRD staff that KLAM 14775 is not fixed, but replaced by KLAM 10268 located 22 feet away (an "informal transfer")

Reviewing the file and ground water data submitted indicates ongoing confusion about which well the data should be associated.

Injury Finding:

The finding is "the proposed change may be made without injury."

Recommended Condition by GW Staff:

"Existing well KLAM 14775 shall be properly abandoned before use of the new POA well begins."

Justification for Abandoning Well KLAM 14775:

Abandoning KLAM 14775 is appropriate for practical and legal reasons:

1. Practical:

- a. To eliminate future confusion.
- b. To avoid potential expansion.
- c. To protect health and safety from a defective well.

2. Legal: ORS 537.775 Wasteful or defective wells;
permanent abandonment of old well.

- a. Well KLAM 14775 is defective.
- b. The owner choose to replace rather than repair the defective well (KLAM 14775) and made an "informal transfer".
- b. Kris Byrd indicated abandonment under ORS 537.775 is appropriate.

It was my understanding that including this condition with the transfer is allowed and would be appropriate. If not, I apologize, and the well abandonment should be addressed directly by well enforcement staff.

I hope this reply adequately addresses your questions and concerns.

Please contact me if you have additional questions or concerns.

Thanks!

Jerry Grondin

Jerry Grondin, Hydrogeologist
Oregon Water Resources Department
Phone: 503-986-0848
E-Mail: Gerald.H.Grondin@wrdd.state.or.us

Please Note: under Oregon Law, messages to and from this e-mail address may be available to the public.

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

From: Vern Church [mailto:Vernon.L.Church@wrdd.state.or.us]
Sent: Wednesday, March 28, 2007 11:28 AM
To: Gerald.H.GRONDIN@wrdd.state.or.us
Subject: FW: t-10316

Gerald,

I received your injury review on the above file. I am a little confused about the "recommended condition by Ground Water Section Staff - Existing well KLAM 14775 shall be properly abandoned before use of the new POA well begins."

If we don't have injury or enlargement the transfer can not deal with it.
do we have either?

Now is this an issue the watermaster needs to deal with from safety or health issue? we can work on that.

Vern Church

From: Vern Church [Vernon.L.Church@wrd.state.or.us]
Sent: Wednesday, March 28, 2007 12:28 PM
To: Gerald.H.GRONDIN@wrd.state.or.us
Subject: FW: t-10316

Gerald, I received your injury review on the above file. I am a little confused about the "recommended condition by Ground Water Section Staff - Existing well KLAM 14775 shall be properly abandoned before use of the new POA well begins."

If we don't have injury or enlargement the transfer can not deal with it. do we have either?

Now is this an issue the watermaster needs to deal with from safety or health issue? we can work on that.

From: Dorothy Pedersen [mailto:Dorothy.I.PEDERSEN@wrd.state.or.us]
Sent: Wednesday, March 28, 2007 11:59 AM
To: 'Vern Church'
Subject: RE: t-10316

-->

Vern,

Yes, that would be a good idea.

Dorothy

Dorothy Pedersen
(503) 986-0890

From: Vern Church [mailto:Vernon.L.Church@wrd.state.or.us]
Sent: Wednesday, March 28, 2007 10:52 AM
To: 'Dorothy Pedersen'
Subject: RE: t-10316

I don't believe that is point of the report, but I understand what you are saying, should we ask them if they believe this injury to other rights?

3/28/2007

From: Dorothy Pedersen [mailto:Dorothy.I.PEDERSEN@wrd.state.or.us]
Sent: Wednesday, March 28, 2007 11:48 AM
To: 'Vern Church'
Subject: RE: t-10316

-->

Vern,

In the transfer order, we can't simply require a well to be abandoned just to enforce the well construction rules, but if we can determine that proper abandonment of the well is necessary to avoid enlargement of the transferred right, or injury to other rights, then we can require it.

Dorothy

Dorothy Pedersen
(503) 986-0890

From: Vern Church [mailto:Vernon.L.Church@wrd.state.or.us]
Sent: Wednesday, March 28, 2007 7:15 AM
To: 'Dorothy Pedersen'
Subject: t-10316

Dorothy, I got a groundwater review with existing well KLAM 14775 shall be properly abandoned before use of the new POA well begin. Can we do this?

Vern Church

Klamath Basin Water Manager

Field Division

South Central Region

(541) 883-4182

3/28/2007



PLANT SEARCH

RECEIVED
APR 23 2007

DANIEL AND TAMMY SHUCK
PO BOX 864
MERRILL, OR 97633

Date: April 20, 2007
Title Number: 0079102
Title Officer: BARBARA BEAUCHEMIN

cc: WATER MASTER DISTRICT 17 – VERN CHURCH

Dated: April 13, 2007 at 8:00 A.M.

Fee: \$125.00

Assessed Owner:

DANIEL J. SHUCK AND TAMMY SHUCK,
AS TENANTS BY THE ENTIRETY

Property Address:

NONE

Legal Description:

PLEASE SEE ATTACHED EXHIBIT "A"

Last Vesting Deed/Contract:

Parcel 1: STATUTORY WARRANTY DEED

Parcel 2: WARRANT DEED

Volume & Page/Fee Number:

Parcel 1: M04, page 04767, Microfilm Records of Klamath County, Oregon

Re-Recorded: M04, page 08257, Microfilm Records of Klamath County, Oregon

Parcel 2: M98, page 7354, Microfilm Records of Klamath County, Oregon

APPARENT VOLUNTARY MONETARY LIENS RECORDED:

1. Any assessments which are shown by the records of any authority that levies assessments on real property.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Grazing Fire Patrol.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Adams Point Improvement District.
4. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.

5. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;

Dated: March 3, 1998
Recorded: March 6, 1998
Volume: M98, page 7357, Microfilm Records of Klamath County, Oregon
Amount: \$174,000.00
Grantor: Daniel J. Shuck and Tammy A. Shuck
Trustee: AmeriTitle
Beneficiary: Northwest Farm Credit Services, ACA

The beneficial interest under said Trust Deed was assigned by instrument;

Recorded: February 15, 2000
Volume: M00, page 4698, Microfilm Records of Klamath County, Oregon
From: Northwest Farm Credit Services, ACA
To: Northwest Farm Credit Services, FLCA
(Affects Parcel 2 and other property)

6. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;

Dated: January 21, 2004
Recorded: January 26, 2004
Volume: M04, page 04769, Microfilm Records of Klamath County, Oregon
Re-recorded: February 11, 2004
Volume: M04, page 8260, Microfilm Records of Klamath County, Oregon
Amount: \$63,000.00
Grantor: Daniel J. Shuck and Tammy Shuck, as tenants by the entirety
Trustee: AmeriTitle, an Oregon corporation
Beneficiary: Charles V. Shuck
(Affects Parcel 1)

Continued

7. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;

Dated: February 1, 2007
Recorded: February 2, 2007
Volume: 2007, page 001875, Microfilm Records of Klamath County, Oregon
Amount: \$140,000.00
Grantor: Daniel J. Shuck and Tammy A. Shuck, husband and wife
Trustee: AmeriTitle, an Oregon corporation
Beneficiary: Northwest Farm Credit Services, FLCA
(Affects Parcel 2 and other property)

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

Account No:	4011-03200-00300-000	Key No:	104880
Amount:	\$696.54	Code No:	018
Account No:	4011-03200-00300-000	Key No:	602413
Amount:	\$86.78	Code No:	023
Account No:	4011-03200-00800-000	Key No:	104988
Amount:	\$155.36	Code No:	023
Account No:	4011-03300-00700-000	Key No:	804222
Amount:	\$65.73	Code No:	023

THIS IS NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent encumbrances is limited to our Tract Indices and therefore above listings do not include additional matters which may have been disclosed by an examination of the record title. We assume no liability in connection with this Plant Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

This Plant Service is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation, or entity of any kind should use this report as a basis to produce a title insurance policy, it should be understood that it is clearly outside of Oregon Law. Any liability hereunder is limited to the amount paid for said report.

Very truly yours,

AMERITITLE



BARBARA BEAUCHEMIN
Title Officer

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1

A tract of land situated in the E1/2 of Section 32, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the center 1/4 corner of said Section 32; thence along the boundary of that tract of land described in Deed Volume M80, page 14194 of the Klamath County Deed Records South 00° 03' 30" West 38.30 feet, North 89° 36' 51" East 515.24 feet and North 89° 47' 36" East 335.48 feet to the most Southerly corner common to Parcel 2 of "Minor Partition No. 80-18" and said Parcel 1; thence, along the boundary common to said Parcels 1 and 2, North 37° 55' 22" East 31.70 feet to a point on the East-West center Section line of said Section 32, said point also being on the North line of said Deed Volume M80, page 14194; thence, continuing along the said common boundary, North 37° 55' 22" East 28.39 feet, North 07° 59' 08" East 336.66 feet, North 26° 51' 52" East 202.84 feet, North 57° 15' 37" East 66.00 feet and East 207.44 feet to a point on the West right of way line of Dodds Hollow Road; thence North, along the said West right of way line, 2076 feet, more or less, to a point on the North line of said Section 32, thence West, along the North line of said Section 32, 1289 feet, more or less to the North 1/4 corner of said Section 32; thence West along the North line of said Section 32; thence South along the North-South center section line of said Section 32, 2640 feet, more or less, to the point of beginning, with bearings based on record of survey 3251 on file at the office of the Klamath County Surveyor.

PARCEL 2

A tract of land being a portion of Parcel 1 of Minor Land Partition 80-19 situated in the E1/2 SE1/4 of Section 32, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows, to wit:

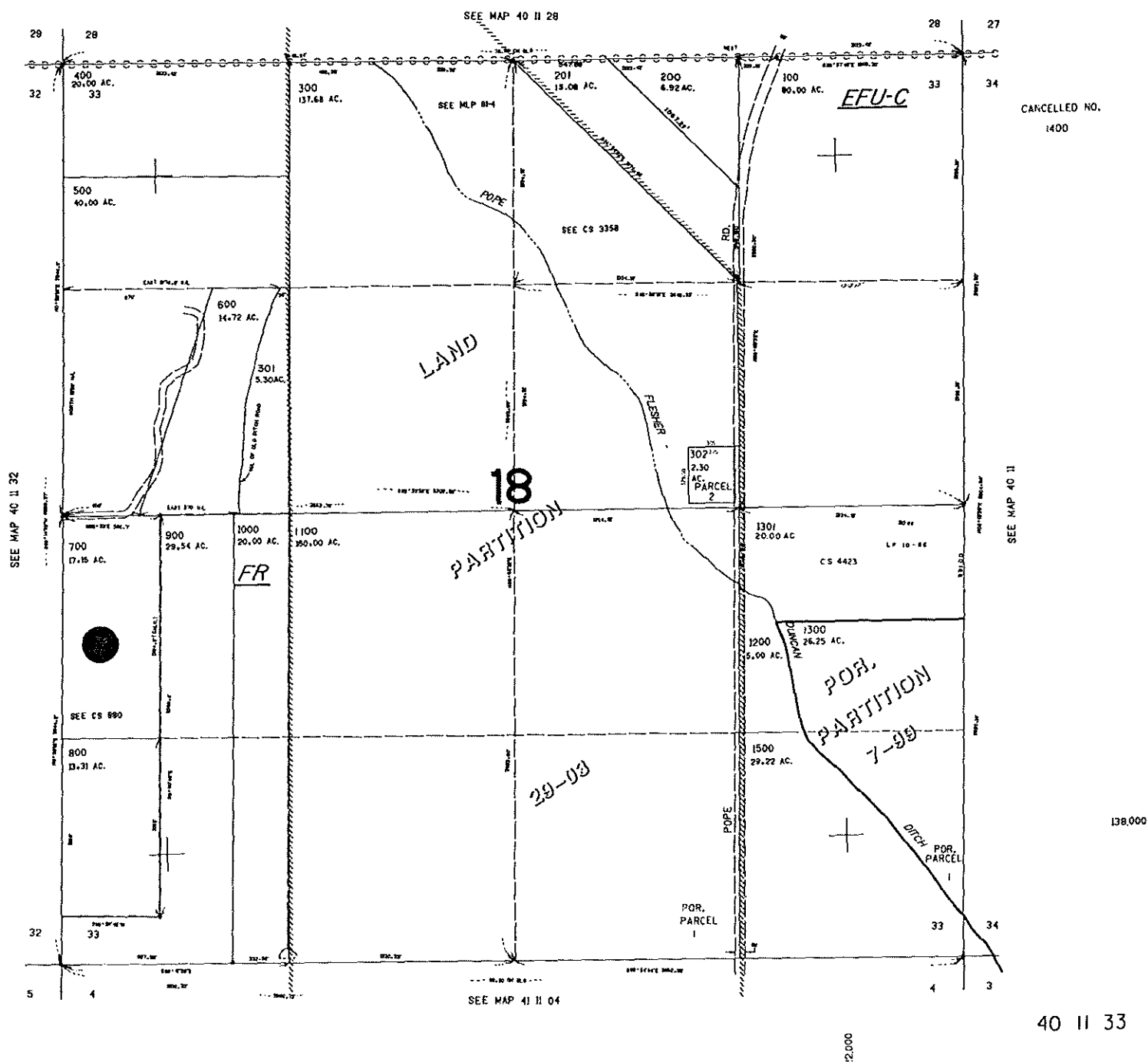
A parcel of land located in the E1/2 SE1/4 of Section 32 and in the W1/2 SW1/4 of Section 33, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at an iron pipe marking the 1/4 section corner common to said Sections 32 and 33; thence North 89° 35' 00" East, along the East-West centerline of said Section 33, 560.7 feet to an iron pipe; thence South 00° 00' 45" East 2369.3 feet to an iron pipe; thence South 89° 56' 45" West 1870.00 feet to an iron pipe on the Easterly right of way boundary of the County Road as the same is presently located and constructed on the ground (said County Road right of way deed being recorded at Pages 387 and 389, Volume 118, Deed Records of Klamath County); thence North, along the said Easterly County Road right of way boundary, 2364.5 feet to a point on the East-West centerline of said Section 32; thence North 89° 55' 30" East, along the East-West centerline of the said Section 32, 58.00 feet to an iron pipe reference monument; thence continuing North 89° 55' 30" East 1251.1 feet, more or less, to the point of beginning, with bearings and distances based on Survey No. 880 as recorded in the office of the Klamath County Surveyor.

EXCEPTING THEREFROM: the Southerly 1035.00 feet of the above-described tract.

ALSO EXCEPTING THEREFROM: Beginning at the Southwest Corner of said Parcel 1, from which the Southeast Corner of said Section 32 bears South 44° 36' 16" East 1836.79 feet; thence North 00° 09' 01" East, along the Easterly right-of-way line of the County Road, 610.23 feet; thence North 88° 54' 00" East 243.37 feet; thence South 70° 24' 08" East 122.00 feet; thence South 17° 17' 40" East 598.65 feet to a point on the South line of said Parcel 1; thence South 89° 44' 41" West, 537.82 feet to the point of beginning, with bearings based on Recorded Survey No. 2522.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

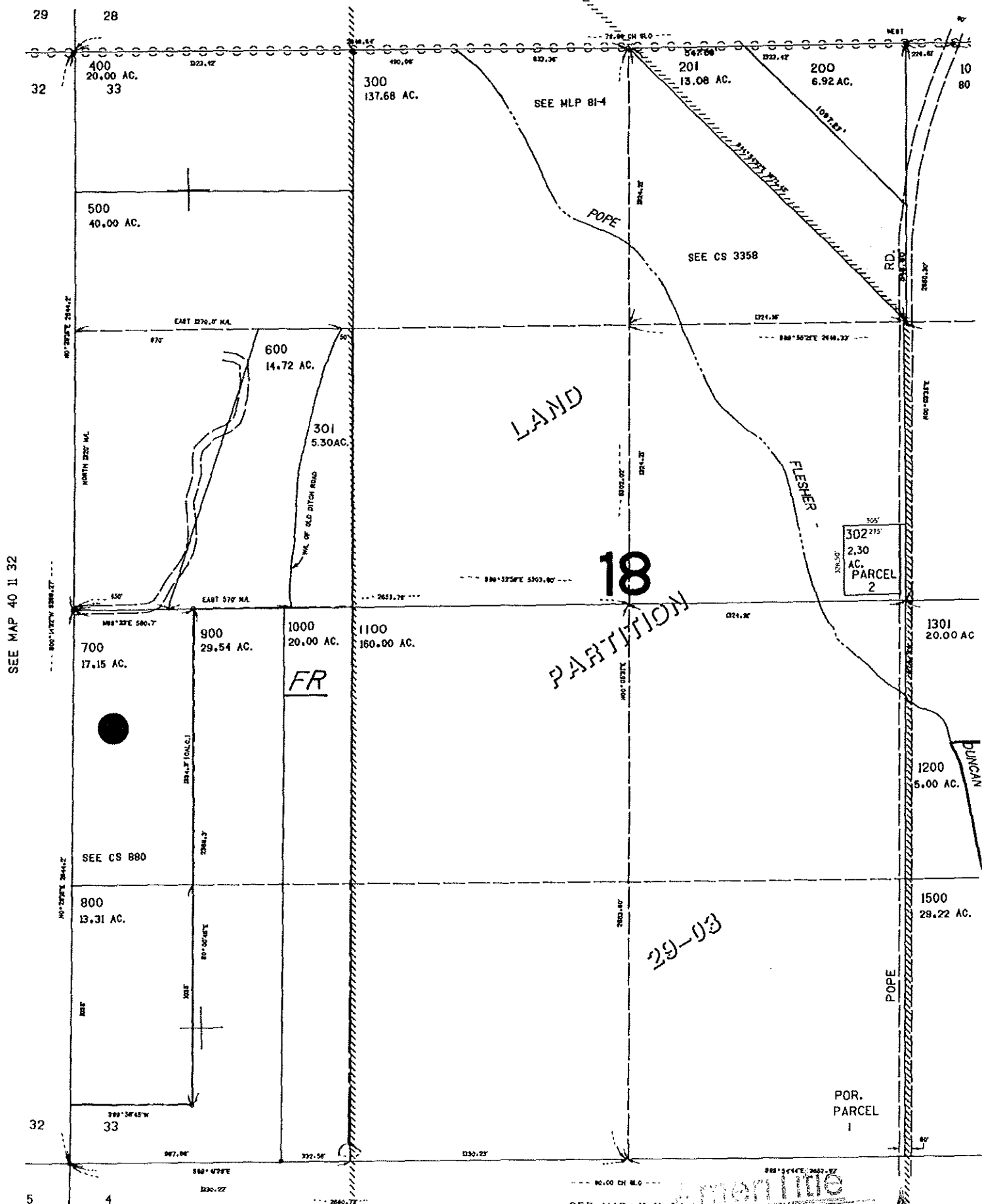
1-400*



AmeriTitle

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

SEE MAP 40 II 28



SEE MAP 40 II 32

18
PARTITION

29-03

SEE MAP 41 II 04

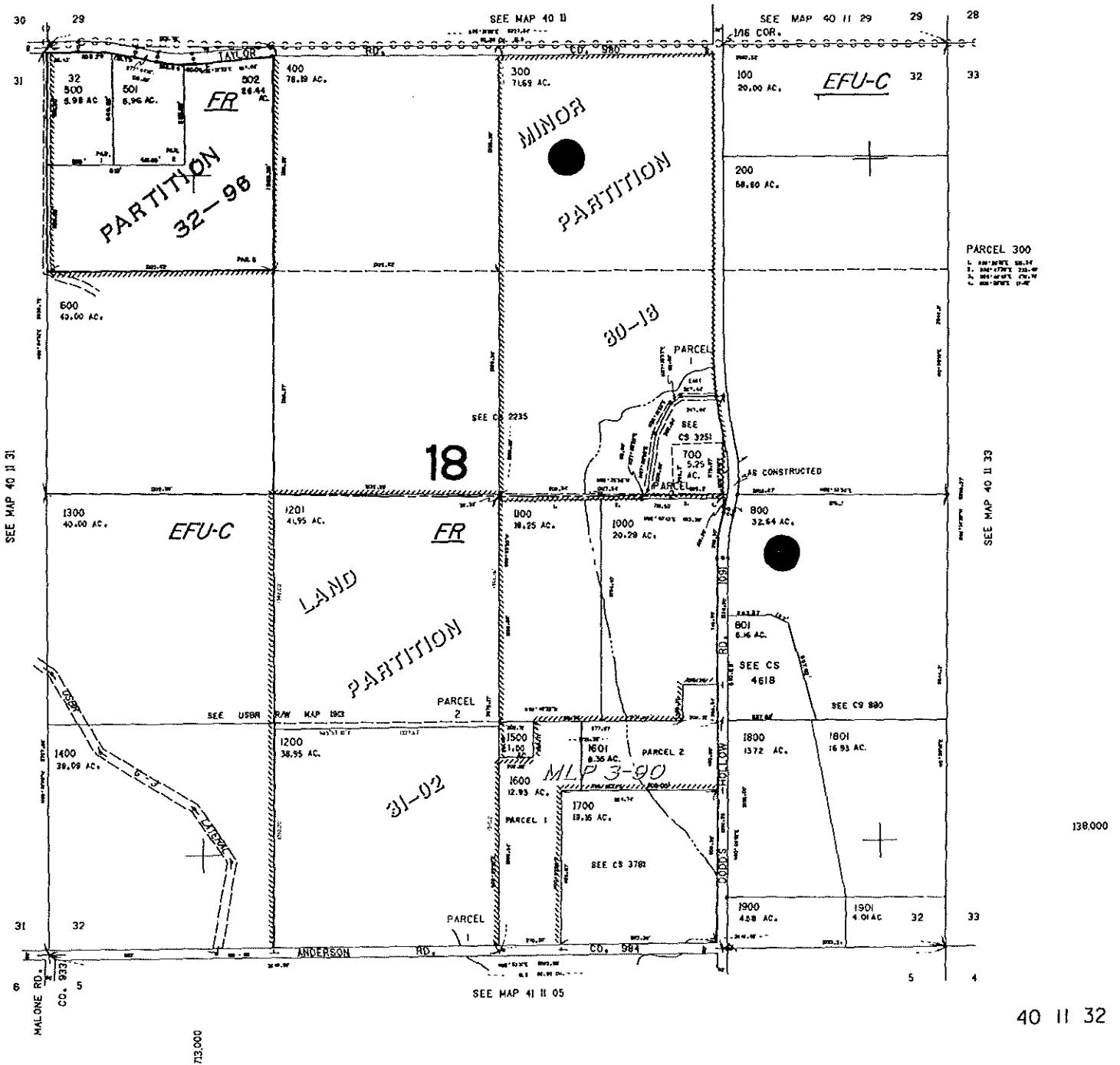
WARRANTY
THE SURVEYOR MAKES NO WARRANTY FOR THE
ACCURACY OF THE SURVEY IN LOCATING
THE PREMISES AND NO LIABILITY IS
ASSUMED FOR VARIATIONS IF ANY, IN
DIMENSIONS AND LOCATIONS ASCERTAINED
BY A FIELD SURVEY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 32 T.40S. R.11E. W.M.
KLAMATH COUNTY

1"=400'

40 11 32



40 11 32

AmonTitle

THIS MAP IS MADE SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING
LAND PREMISES AND NO LIABILITY IS
ASSUMED FOR VARIATIONS IF ANY, IN
DIMENSIONS AND LOCATIONS ASCERTAINED



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **86162**

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

INVOICE # _____

RECEIVED FROM: Daniel J. Shuck

BY: _____

CASH: ☐ CHECK: # 4177 OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10316</u>

TOTAL REC'D \$ 380.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>350.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT:

86162

DATED: 2-8-07

BY: L. Partridge

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
<ul style="list-style-type: none"> total number of years: _____ (begin year: _____) (end year: _____) 	<input type="checkbox"/> Time-Limited
	<input type="checkbox"/> Drought Transfer
	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: Daniel J. Tammy A. Shuck
First Last

Address: P.O. Box 864
Merrill OR 97633
City State Zip

Phone: 541-798-5139 GU 541-891-4972
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: _____
First Last

Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

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

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WATER RESOURCES DEPT
SALEM, OREGON

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.		6-5457	74895
2.			
3.			
4.			
5.			
6.			

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

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

- Reason(s) for change(s): Management of Farm.

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.

125 hp. Pump, 10" & 8" underground mainline to 1160' Pivot.

- System capacity: 2, 6 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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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).

Ulamath County

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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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: \$ 350.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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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:

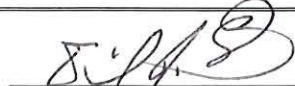
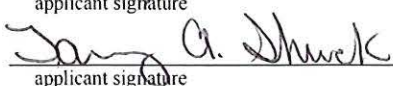
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	Daniel J. Shuck name (print)	2/2/07 date
 applicant signature	Tammy A. Shuck name (print)	2/2/07 date

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: 74895

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	<u>74895</u>	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Charles U. Shuck
- County: Klamath
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): September 14, 1971

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

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

Tributary to: Lost River Basin

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

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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▪ Certificate Number or other identifying number:

74895

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)
		40S	11E		32	SW NE		90' N x 600' E from the center of Sec 32

- 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
	See Attached								

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74895

*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.*

(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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SALEM, OREGON

▪ Certificate Number or other identifying number:

74895

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	40S	11E		33	SW NW		1400' S x 840' E from the NW corner Sec 33

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

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

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

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

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

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

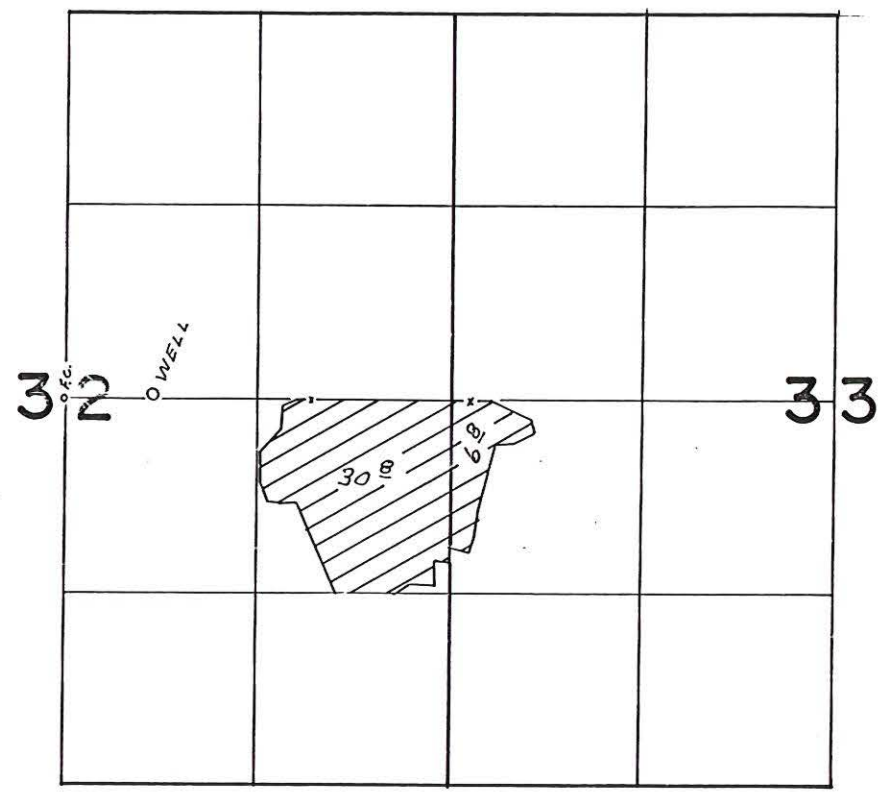
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T.40S. R.11E. W.M.

Just River well



WELL LOC. 40' N. & 600' E. FROM CENTER SEC. 32.

FINAL PROOF SURVEY UNDER

Application No. G-5618 Permit No. G-5457
IN NAME OF

CHARLES V. SHUCK

Surveyed APR. 26 1976, by L.H. NUNN

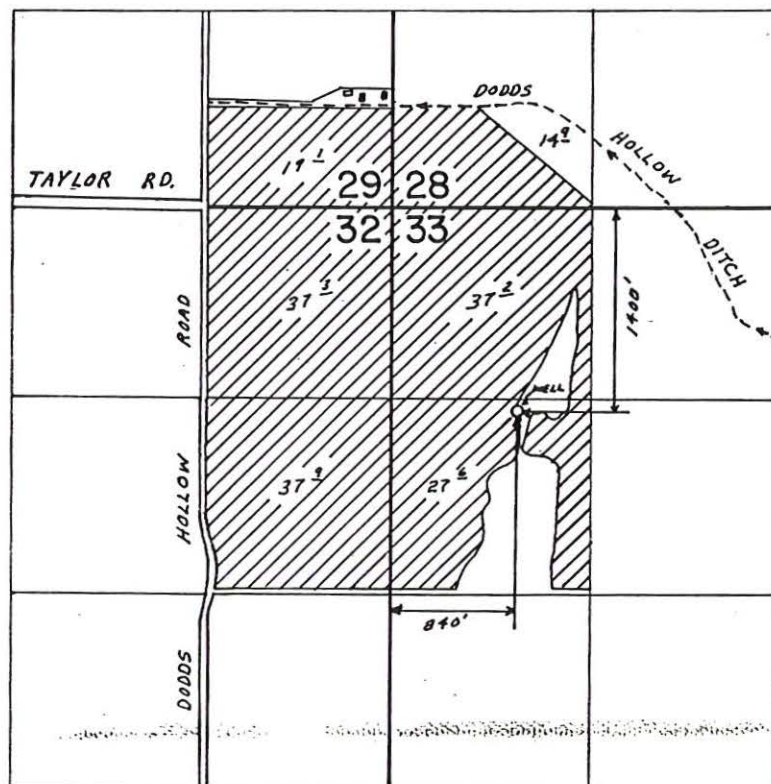
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**WATER RESOURCES DEPT
SALEM, OREGON**

T 10316

T. 40 S., R. 11 E., W. M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. G-10199 Permit No. G-9244
IN NAME OF

CHARLES V. SHUCK

Surveyed AUG. 18, 19.87, by V.L. CHURCH

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WATER RESOURCES DEPT
SALEM, OREGON

T 10316

CNO-3JJ-76

3-8-89
D.C.

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHARLES V. SHUCK
BOX 204
MERRILL, OREGON 97633

confirms the right to use the waters of a WELL in the LOST RIVER BASIN for IRRIGATION OF 37.6 ACRES.

This right was perfected under Permit G-5457. The date of priority is SEPTEMBER 14, 1971. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.47 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW¼ NE¼, SECTION 32, T 40 S, R 11 E, WM; 40 FEET NORTH AND 600 FEET EAST FROM THE CENTER OF SECTION 32.

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

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

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

NE¼ SE¼ 30.8 ACRES
SECTION 32

NW¼ SW¼ 6.8 ACRES
SECTION 33
TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

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

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.

This certificate is issued to confirm the water right in accordance with OAR 690-15-090(3)(b) for a change in point of appropriation not completed under an order of the Water Resources Director entered JULY 14, 1997, approving Transfer Application 7731, and supersedes Certificate 46872, State Record of Water Right Certificates.

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.

WITNESSES the signature of the Water Resources Director,
affixed AUG 27 1997.

15/ G. Huntington
Martha O. Pagel, Director

T-7731.LHN



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: Daniel J. Shuck
Mailing Address: P.O. Box 884
City: Medford State: OR Zip: 97503 Day Phone: 541-798-5139

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:
40 S	11 E	32	NESE	890	EFU-C	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
40 S	11 E	33	NWSE	799	EFU-C	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

B. Description of Proposed Use

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

- ☐ Permit to Use or Store Water ☒ Water-Right Transfer ☐ 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: 800 ☐ 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: Irrigate Alfalfa, Grain or Potatoes with a Pivotal

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

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SALEM, OREGON

T 10316

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): KCLDC ART 54

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

Name: Elizabeth Hamblin Title: Planner
Signature: Elizabeth Hamblin Phone: 853 5101 Date: 1-18-07
Government Entity: Klamath County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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

Irrigation of Alfalfa, Grain, Sugarbeets & Potatoes,

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

Underground mainline from Well to a 1160' Pivot & 2 - 17 Joint
40' ~~joint~~ handlines,

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

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

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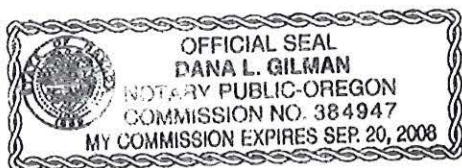
**WATER RESOURCES DEPT
SALEM, OREGON**

[Signature]
Signature of Affiant

[Signature]

1/30/07
Date

Signed and sworn to (or affirmed) before me this 30 day of January, 20 07.



[Signature]
Notary Public for Oregon

My Commission Expires: Sept 20, 2008

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

Salem Elevators P.O. Box 848 Tulelake, CA 953 0000

DAN S. C. W.
GROWER'S SHEET
LOCATION MALONE
VARIETY RED WHEAT
DATE 8/31/02

PROTEINS

LOT NO.	PROTEIN
---------	---------

1	15.00
---	-------

LOT NO.	TW
---------	----

1	58
---	----

Total Average Test Weight for all loads: 58

GROWER'S SHEET TOTALS

POUNDS IN:	183,510
POUNDS SETTLED:	182,644
ADJUSTMENTS:	(366)
POUNDS REMAINING:	0

PURCHASES:	\$12,305.08
PAID FOR:	\$12,303.78
ADJUSTMENTS:	\$(1.30)
BALANCE:	\$0.00

This wheat came off of the field in 2002
located in T40S R11E Sec 32 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.8 Acres
T40S R11E Sec 33 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.8 Acres

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WATER RESOURCES DEPT
SALEM, OREGON

T 10316

Winema Elevators P.O. Box 348 Tillamook, CA 96134-0000

DAN SHUCK
GROWER'S SHEET

NAME: MALONE
CROP: RED WHEAT
DATE: 8/31/02

BULK-IN TRANSACTIONS

DATE	TICKET	LOT NUMBER	TH	WO	OS	GRADE DOCK	SB	COMM	RETAINED POUNDS	BALANCE
8/16/02	19606	1	59			0.40			17,390	17,390
8/16/02	19608	1	59			0.30			17,750	35,140
8/16/02	19613	1	59			0.30			17,390	53,030
8/16/02	19619	1	58			0.30			18,310	71,340
8/16/02	19630	1	58			0.30			18,560	89,900
8/16/02	19634	1	58			0.30			17,280	107,180
8/16/02	19637	1	58			0.30			15,980	123,160
8/17/02	19643	1	58			0.30			16,710	139,870
8/17/02	19653	1	57			0.30			17,150	157,020
8/17/02	19656	1	56			0.30			17,220	174,240
8/17/02	19657	1	7			0.30			8,770	183,010

SETTLEMENTS

[Any comments will be printed on line before settlement]

DATE	POUNDS	UNIT PRICE	AMOUNT	PD	CHECK NUMBER	CHECK AMOUNT	CONTRACT NUMBER
8/31/02	60,000	124.0000 TON	\$3,720.00	0 Y	021348	\$3,720.00	9589
8/31/02	122,644	140.0000 TON	\$8,583.78	3 Y	021348	\$8,583.78	0
	182,644		\$12,303.78			\$12,303.78	

ADJUSTMENTS

DATE	TYPE	AMOUNT	REASON
8/31/02	PREM	\$121.76	+1.0% PU PROTEIN PREMIUM ON 182,644#
8/31/02	MISC	\$(50.00)	LESS 1 GRADE & PROTEIN @ 50.00 EACH
8/31/02	WHTTAX	\$(72.06)	LESS 1.00/TON-ORE.GRAIN COMM.-182,644#
Net Dollars Adjusted:		\$(1.30)	

DATE	TYPE	AMOUNT	REASON
8/31/02	DOCK	(366)	LESS .2% DOCK ON 183,010#
Net Pounds Adjusted:		(366)	

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SALEM, OREGON

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Weighmasters Certificate of Weight & Measure

NO. 19606

Grain Factors
Official Agency

1:18P 8-16-02

10351 27690 LB Inbound

1:27P 8-16-02

GROSS 27690 LB Gross Lbs.

TARE 10300 LB Tare Lbs.

NET 17390 LB Net Lbs.

183,010 lbs

Dockage

91.51 Ton 2.77 Ton/Acre Ret. Lbs.

(Grower or)
Weighed for

DAN SHUCK

Date 9-16-02

Delivered to MALONE, OREGON

Deputy

Pat Nuck

Deputy

Truck Lic.

132 438

Lic.

WENETA ELEVATORS, INC.
MAIN OFFICE: TULELAKE, CALIFORNIA
PHONE: 916-667-2275
PUBLIC WEIGHMASTER

FRG B/L

Commodity

TW

Thin

WO

OS

Doc

S&B

Moist

G B

Bin

Lot #

RED WHT

54

4/10

9

1

CUSTOMER PURCHASE SHEET

Purchase Contract No: 6167

Contract Date: 7/30/04

Customer Contract:

Customer: DAN SHUCK

Variety: ALFALFA

Basis: LOADED BUYERS TURCK

Quantity: 750,000

Shipment: THRU APRIL 2005

Price: \$115.00 TON

Remarks: 3.5 TONS 1ST ALFALFA
BIG SHED

DATE	TICKET	INVOICE	PILE CAR	POUNDS OUT	REMAINING	DESTINATION WEIGHT	CHECK#
12/13/04	13455	44550		54,580	695,420		
12/13/04	13456	44550		53,810	641,610		
12/16/04	13466	44595		54,100	587,510		
12/16/04	13467	44595		52,640	533,870		
1/03/05	13510			55,370	478,500		
1/03/05	13511			53,450	425,050		
				324,950	425,050		

SETTLEMENTS

[Any comments will be printed on line before settlement]

DATE	POUNDS	UNIT PRICE	AMOUNT	CHECK NUMBER	CHECK AMOUNT	CONTRACT NUMBER
1/04/05	216,130	115.0000 TON	\$12,427.48	07101	\$12,427.48	6167
	216,130		\$12,427.48		\$12,427.48	

PURCHASE SHEET TOTALS

POUNDS OUT: 324,950
POUNDS SETTLED: 216,130
ADJUSTMENTS: 0
POUNDS REMAINING: 108,820

PURCHASES: \$12,427.48
PAID FOR: \$12,427.48
ADJUSTMENTS: \$0.00
BALANCE: \$0.00

This Alfalfa came off of the field in 2004
Located in T40S R11E Sec 32 NE 1/4 SE 1/4 30.8 Acres
T40S R11E Sec 33 NW 1/4 SW 1/4 6.8 Acres

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WATER RESOURCES DEPT
SALEM, OREGON

T 10316

CUSTOMER PURCHASE SHEET

Purchase Contract No: 6232
 Customer Contract:
 Customer: DAN SHUCK
 Variety: ALFALFA
 Quantity: 108,000
 Price: \$97.00 TON

Contract Date: 9/04/04

Basis: FOB BUYERS TRUCK
 Shipment: SEPT-OCT 04

Remarks: 2 TRUCKS
 3RD CUTTING
 SMALL SHED

DATE	TICKET	INVOICE	RAIL CAR	POUNDS OUT	REMAINING	DESTINATION WEIGHT	CHECK#
9/04/04	13118	43533		54,070	53,930		
12/28/04	13499			54,720	(790)		
				108,790	(790)		

SETTLEMENTS

[Any comments will be printed on line before settlement]

DATE	POUNDS	UNIT PRICE	AMOUNT	PD	CHECK NUMBER	CHECK AMOUNT	CONTRACT NUMBER
9/30/04	54,070	97.0000 TON	\$2,622.40	Y	026799	\$2,622.40	6232
1/04/05	54,720	97.0000 TON	\$2,653.92	Y	027501	\$2,653.92	6232
	108,790		\$5,276.32			\$5,276.32	

PURCHASE SHEET TOTALS

POUNDS OUT: 108,790
 POUNDS SETTLED: 108,790
 ADJUSTMENTS: 0
 POUNDS REMAINING: 0

PURCHASES: \$5,276.32
 PAID FOR: \$5,276.32
 ADJUSTMENTS: \$0.00
 BALANCE: \$0.00

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FEB 08 2007

WATER RESOURCES DEPT
 SALEM, OREGON

T 10316