

T-10408

T-10408

TEMPORARY

Name Holly Imbach Trustee
William A Imbach Rev. TrustBy _____
Address 72299 Turnout Road
Burns OR 97720
541-589-0008

DESCRIPTION OF WATER RIGHT

Name of stream Wells
Trib. of Panther Creek County of Harney
Use IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 4/3/1961In name of Harry Pon

_____ Adjudication, Vol. _____, page _____

App. No. 6-1973 Per. No. 6-1809 Cert. No. 34814

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-8-07</u>	<u>207.00</u>	<u>88034</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Change in POU

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 8-30-07 Vol. 73, page 235

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

REMARKS

NOID/CWEContact: William Beal 541-573-6642

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR HARNEY COUNTY

1884

CHARLES WALKER,
Plaintiff
vs.
GEORGE C. RICHMOND, J.B. MALLORY,
L. S. HEBNER, substituted for
W. F. OWENS,
Defendants.

DECREE

snop = 142890

Now at this time the above entitled cause coming regularly before the court for final determination and decree, and it appearing that said suit was heretofore referred, the testimony duly submitted to the court with briefs and argument by respective counsel, and upon consideration thereof an opinion was rendered herein on the 3rd day of July, 1931 and that findings of fact and conclusions of law have been made and entered, and in accordance therewith the court makes and enters its DECREE.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Prather Creek, located in Harney County, Oregon is a perennial stream and the waters of said stream are subject to appropriation and beneficial use.

IT IS ORDERED, ADJUDGED AND DECREED THAT the Plaintiff, Charles Walker is entitled to and is hereby awarded a right by appropriation and beneficial use with a priority of 1884 to the use of the waters of said stream for the irrigation of and which said right shall be appurtenant to the following described parcels and subdivisions of land, said real property being situated in Harney County, State of Oregon, to-wit:

In Section 36, Township 22, South, Range 31, East
Willamette Meridian.

A pour
A pour

NE $\frac{1}{4}$ of NW $\frac{1}{4}$	-	18 acres
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	-	36 "
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	-	20 "
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	-	28 "
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	-	31 "
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	-	37 "
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	-	33 "
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	-	33 "
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	-	38 "
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	-	16 "
Total		290 acres

10408

6.4

15.0

10.0

31.4 (prim)

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff Charles Walker is entitled to and is hereby awarded the right to the use of the waters of that certain spring arising in the bed of Prather Creek in Section 25, Township 22, South, Range 31 East, W. M., a few hundred yards north of the south boundary of said section, and is hereby given the exclusive right to develop and use the water of said spring upon said Section 36,

DECREE - Walker vs. Richmond et al
Prather Creek, Harney County.

above mentioned and described, with a priority of 1884.

That a part of the irrigation works used and operated by the plaintiff for the purpose of diverting water from the creek channel and conveying the same to the higher portions of the land above described, both for irrigation and domestic and stock watering purposes, consists of a ditch constructed and used by the plaintiff and his predecessors in interest, leaving the west bank of said creek in the west half of the southeast quarter of said section twenty-four, township 22 south, range 31 east, W.M., being the property of L. S. Hebner described herein, and extending southerly and parallel with said creek across said section 25, above mentioned and delivering water on the northeast quarter of the northwest quarter of said section 36, and said plaintiff is entitled to and is hereby awarded the exclusive right to the maintenance and use of said ditch as now located and operated.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant George C. Richmond is entitled to and is hereby awarded a right by appropriation and beneficial use with priority of 1885 to the use of the water of said stream for irrigation of and which said right shall be appurtenant to the following described parcels and subdivisions of land, situated in Harney County, State of Oregon, to-wit:

In Section 13, Township 22, South, Range 31, East of W.M.

SW $\frac{1}{4}$ of NW $\frac{1}{4}$	0.
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	9.871 acres
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	4.479 acres
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	6.896 acres
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	19.964 acres

In Section 24, Township 22, South Range 31, East, W.M.

NE $\frac{1}{4}$ of NW $\frac{1}{4}$	18.031 acres
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	0.
Total	58.04 acres

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant George C. Richmond is entitled to and is hereby awarded the right to the use of the waters of those certain springs arising on his said lands in Sections 13 and 24 above described, and is hereby granted the use of the water of said springs upon said lands, with priority of 1885.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the water rights claimed from said Prather Creek by the defendant George C. Richmond for the irrigation of his lands in Section 25, Township 22 South, Range 31 East, W.M., has long been lost by non-use and abandonment, and no water right is decreed to said land in this suit from said stream or any of its tributaries.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant L. S. Hebner, hereby substituted for the defendant W. F. Owens, is entitled to and is hereby awarded the right to the use of the waters of said stream, by appropriation and beneficial use with priority of 1898, for the irrigation of and which said rights shall be appurtenant to the following described parcels and subdivisions of land, said real property being

situated in Harney County, State of Oregon, to-wit:

In Section 24, Township 22, South, Range 31, East, W.M.

SE $\frac{1}{4}$ of NW $\frac{1}{4}$	4	acres
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	2.5	acres
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	4.5	acres
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	<u>11</u>	acres
Total	22	acres

It is hereby ORDERED, ADJUDGED AND DECREED that the irrigation season during which the waters of said Prather Creek are to be diverted, measured and used under this decree, shall commence on the 1st day of March and end on the 1st day of July each year, and the amount of water decreed for the irrigation of said lands is hereby fixed at three acre feet per acre to be used thereon during each irrigation season as above prescribed.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each of the parties to this suit hereby awarded a water right shall have the right to stock water from said Prather Creek thruout the year when same is available but said stock water shall not be in addition to the amount subject to use for the irrigation of said lands during the irrigation season.

IT IS HEREBY ORDERED that each party shall pay his own costs in this suit.

Done and dated in open court in Burns, Oregon, this 20th day of November, 1931.

Filed Nov. 23, 1931.
Wm. M. Carroll, Clerk

W. W. WOOD
Circuit Judge

Recorded Book E, Page 556-557

STATE OF OREGON }
 } ss
County of Harney)

I, Wm. M. Carroll, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, do hereby certify that the foregoing copy of Findings of Fact and Conclusions of Law and Decree, Case #2351, Charles Walker, Plaintiff, vs. George C. Richmond, Et Als, Defendants, has been by me compared with the original, and that it is a correct transcript therefrom, and of the whole of such original Findings, Conclusions and Decree as the same appears of record at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 6th day of April, 1937.

Wm. M. Carroll,
County Clerk

(SEAL)

By Curtis Smith, Deputy.

6.

STATE OF OREGON)
County of Marion) ss

I, CHAS. E. STRICKLIN, State Engineer of Oregon, do hereby certify that the foregoing copy of certified copy of Findings, Conclusions and Decree Case No. 2351, Charles Walker, Plaintiff, vs. George C. Richmond, et al, Defendants, has been compared with such certified copy and that it is a correct transcript therefrom and of the whole thereof as the same was received and entered of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of April, 1937.

CHAS. E. STRICKLIN
State Engineer.

1915 NE 39th AVE.
P.O. BOX 12527
PORTLAND, OR 97212-0527



SCHROEDER
LAW OFFICES, P.C

TELEPHONE (503) 281-4100
FAX (503) 281-4600
WWW.WATER-LAW.COM

To: Susan Douthit, OWRD FAX: +1 (503) 986-0904

From: Katherine Thomas Date/Time: 8/22/2007 11:26:26 AM

Paralegal

Telephone: (503) 281-4100 Return Fax: (503) 281-4600

Subject: Temporary Transfer T-10408 Amendment

Pages: 3

If you have problems receiving this FAX, please call (503) 281-4100

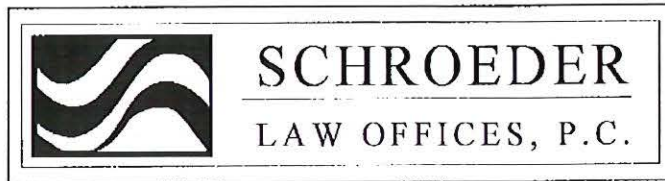
RECEIVED
AUG 22 2007
WATER RESOURCES DEPT.
SALEM, OREGON

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Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



Lynn L. Steyaert
Licensed in Oregon and Nevada

Cortney D. Duke
Licensed in Oregon

Colm Moore
Licensed in Oregon and Nevada

Therese A. Ure
Licensed in Nevada

Wyatt E. Rolfe
Licensed in Oregon

August 22, 2007

VIA FACSIMILE/US MAIL

Susan Douthit, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172
Fax: (503) 986-0904

RE: Temporary Transfer T-10408
Amendment

Dear Ms. Douthit:

Please amend temporary transfer T-10408 pursuant to the enclosed map.

Specifically, we would like to amend the transfer as follows:

1) Change the "from" land by taking 31.4 acres from the very East side of Section 36 (see enclosed map). Taking water from these "from" lands involves two water rights, the 1884 Decreed right and the ground water right under Certificate 34814 that we understand will be changed temporarily as a part of this application. The "from" lands should be amended to include the following lands:

6.4 acres from NE1/4NE1/4, Section 36, T22S, R31E, W.M.
15.0 acres from SE1/4NE1/4, Section 36, T22S, R31E, W.M.
10.0 acres from NE1/4SE1/4, Section 36, T22S, R31E, W.M.

2) In addition, we would like to amend this transfer to change the point of appropriation from well #18 to well #7, which is located in the NE1/4NW1/4 of Section 36.

If you have any questions regarding these amendments, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Therese A. Ure
Laura A. Schroeder

LAS:kct
cc: Client

phone 503-281-4100

fax 503-281-4600

1915 NE 39th Avenue, P.O. Box 12527, Portland, Oregon 97212-0527
www.water-law.com

{POIC8120, 0534 (0) TAU}

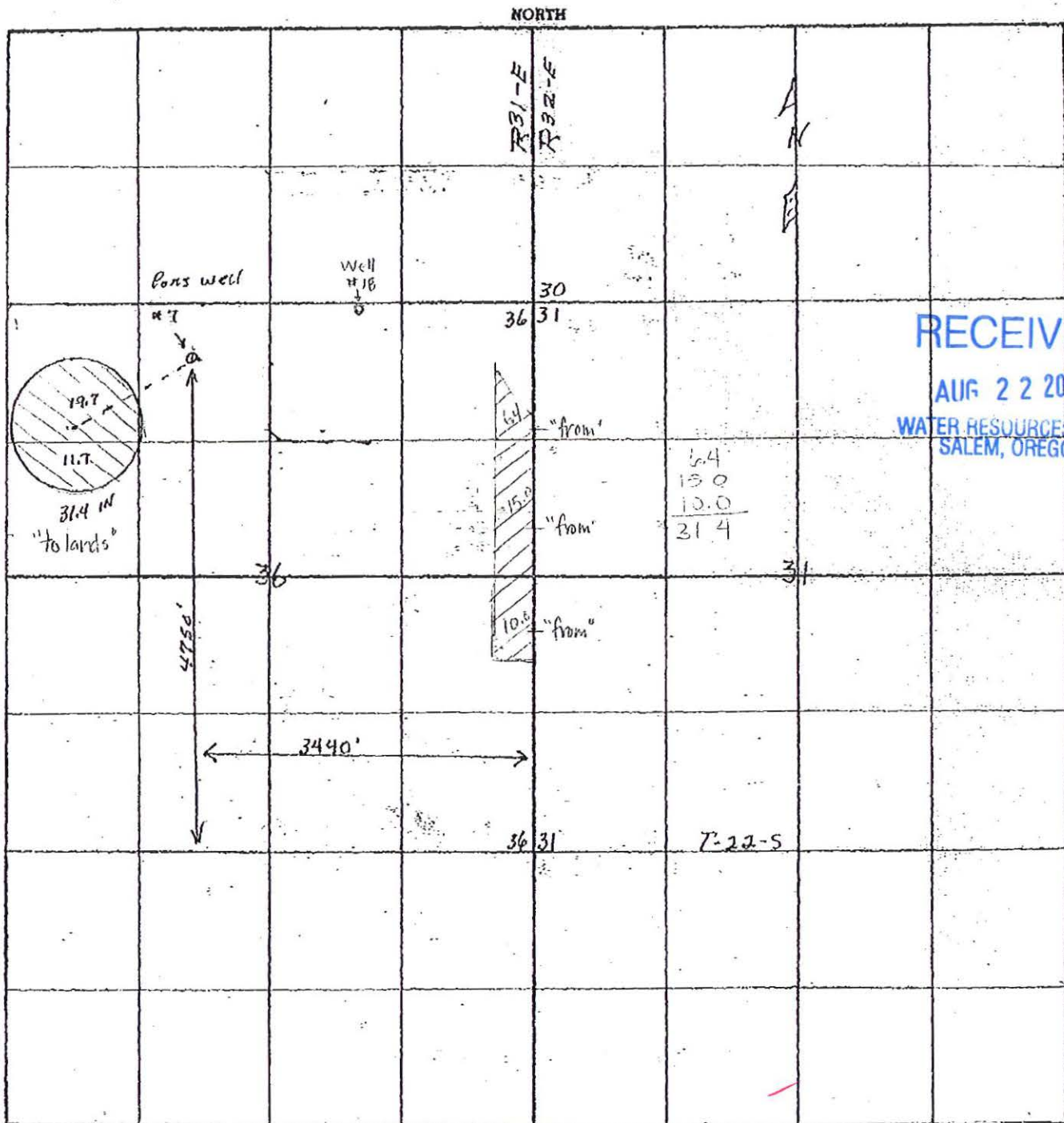
RECEIVED
AUG 22 2007
WATER RESOURCES DEPT.
SALEM, OREGON

removed
via
call from
Theresa
Cert=Ure

T-10408
Larry Imbach

SECTION PLAT

Section 36 Township 22-S Range 31-E
County of Harney State of OREGON



Remarks scale 1" = 1 mile



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

INTEROFFICE MEMO

FORWARD TO:

Susan D.
FIELD TRANSFER PROCESSOR WORKING ON THIS TRANSFER

DATE: 8/28

FROM: _____

WATERMASTER, DISTRICT # _____

X GROUNDWATER SECTION

(SIGNATURE)

Mike Zwart
Signed by injury reviewer

Mike Z

SUBJECT:

TEMPORARY TRANSFER # 10408

Date Signed 8/28/07

A change in:

POU

of water.

In the name(s) of

Imbach

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

☒ MAY BE MADE WITHOUT INJURY

WOULD RESULT IN INJURY* to an existing water

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

The existing right may not be valid because _____

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

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

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

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

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

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

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files Date: August 28, 2007

From: Michael J. Zwart

Subject: Application Review: T-10408, Imbach Revocable Trust, Temporary Transfer

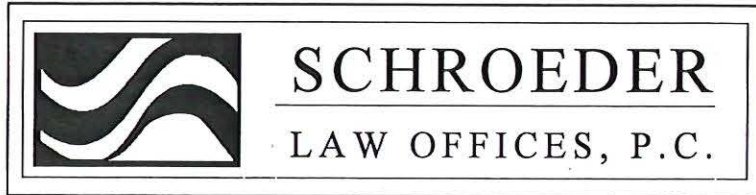
This application, as amended by a letter dated August 22, 2007, proposes a change in POA and POU. The authorized wells (#7: HARN 147 and #18: HARN 148) both develop the same aquifer in interbedded basalt and volcanic sediments. The "from" lands are authorized to receive water from well #18 only and the applicant proposes to use well # 7 for the "to" lands.

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

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



Lynn L. Steyaert
Licensed in Oregon and Nevada

Cortney D. Duke
Licensed in Oregon

Colm Moore
Licensed in Oregon and Nevada

Therese A. Ure
Licensed in Nevada

Wyatt E. Rolfe
Licensed in Oregon

August 22, 2007

VIA FACSIMILE/US MAIL

Susan Douthit, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172
Fax: (503) 986-0904

**RE: Temporary Transfer T-10408
Amendment**

Dear Ms. Douthit:

Please amend temporary transfer T-10408 pursuant to the enclosed map.

Specifically, we would like to amend the transfer as follows:

1) Change the "from" land by taking 31.4 acres from the very East side of Section 36 (see enclosed map). Taking water from these "from" lands involves two water rights, the 1884 Decreed right and the ground water right under Certificate 34814 that we understand will be changed temporarily as a part of this application. The "from" lands should be amended to include the following lands:

6.4 acres from NE1/4NE1/4, Section 36, T22S, R31E, W.M.
15.0 acres from SE1/4NE1/4, Section 36, T22S, R31E, W.M.
10.0 acres from NE1/4SE1/4, Section 36, T22S, R31E, W.M.

2) In addition, we would like to amend this transfer to change the point of appropriation from well #18 to well #7, which is located in the NE1/4NW1/4 of Section 36.

If you have any questions regarding these amendments, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Therese A. Ure
Laura A. Schroeder

RECEIVED

AUG 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

LAS:kct
cc: Client

phone 503-281-4100

fax 503-281-4600

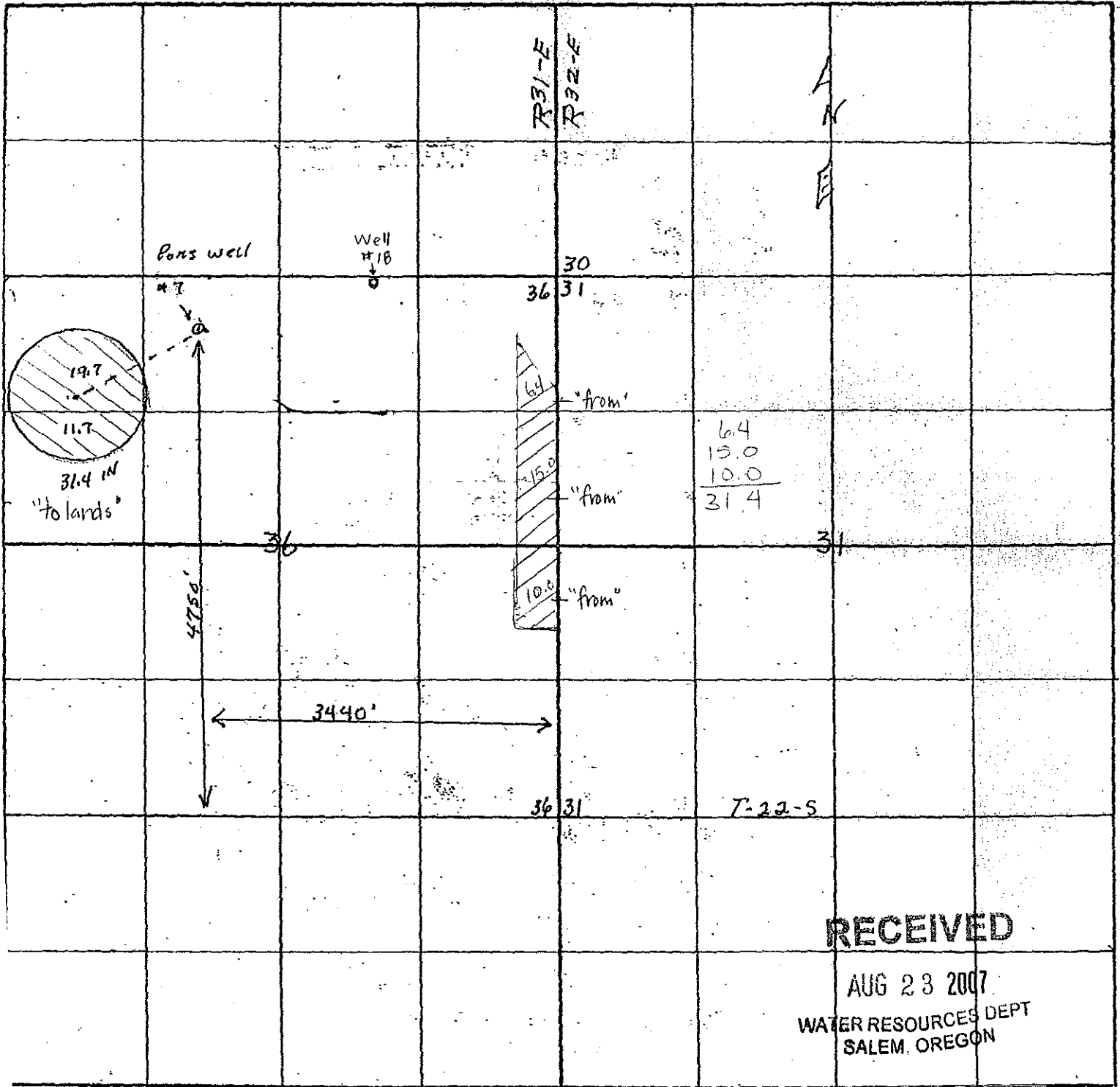
1915 NE 39th Avenue, P.O. Box 12527, Portland, Oregon 97212-0527
www.water-law.com

SECTION PLAT

1-10408
Larry Imbach

Section 36 Township 22-S Range 31-E
County of Harney State of OREGON

NORTH



Remarks scale 4" = 1 mile -



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

September 6, 2007

WILLIAM A IMBACH REVOCABLE TRUST
ATTN: LARRY IMBACH
72299 TURNOUT RD
BURNS OR 97720

Reference: Temporary Transfer 10408

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

The change shall be effective at the end of the 2006 irrigation season. The use shall revert to the authorized place of use at the end of the 2011 irrigation season.

Sincerely,

Sarah Henderson

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #10
Therese Ure, Schroeder Law Office

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10408, Harney County	)	CHANGES IN POINT OF
	)	APPROPRIATION AND PLACES OF
	)	USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation 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

WILLIAM A. IMBACH REVOCABLE TRUST
Attn- LARRY IMBACH
72299 TURNOUT RD.
BURNS, OR 97720

Agent

SCHROEDER LAW OFFICES, P.C.
Attn – THERESE A. URE
PO BOX 12527
PORTLAND, OR 97212-0527

Findings of Fact

Background

1. On June 8, 2007, Larry Imbach, on behalf of the William A. Imbach Revocable Trust, filed an application to temporarily change the point of appropriation and places of use under a decreed right recorded in the Miscellaneous Decrees, Volume 1, Page 50 – 53 (Walker vs. Richmond et al, Prather Creek, Harney County) and Certificate 34814 for a period of five years. The Department assigned the application number T-10408.
2. On August 22, 2007, the Department received an amendment and map altering the authorized places of use and requesting a change in point of appropriation.
3. The portion of the first right to be transferred is as follows:
Decree: Miscellaneous Decree Volume 1, Page 50 - 53 (Walker vs. Richmond et al – Prather Creek) in the name of CHARLES WALKER

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Use: IRRIGATION of 31.4 ACRES

Priority Date: 1884

Duty: not to exceed 3.0 acre-feet per acre during the irrigation season of each year

Source: A SPRING, tributary to PRATHER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Other
22 S	31 E	WM	25	A SPRING ARISING IN BED OF PRATHER CREEK A FEW HUNDRED YARDS NORTH OF THE SOUTH BOUNDARY OF SECTION 25

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	36	NE NE	6.4
22 S	31 E	WM	36	SE NE	15.0
22 S	31 E	WM	36	NE SE	10.0

4. Transfer Application T-10408 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	36	NW NW	19.7
22 S	31 E	WM	36	SW NW	11.7

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

Certificate: 34814 in the name of HARRY PON (perfected under Permit G-1809)

Use: SUPPLEMENTAL IRRIGATION of 31.4 ACRES

Priority Date: APRIL 3, 1961

Rate: 0.22 CUBIC FOOT PER SECOND (cfs)

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

Source: A WELL in the PANTHER CREEK (SILVIES RIVER) BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
22 S	31 E	WM	36	NE NW	5260 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 36

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	36	NE NE	6.4
22 S	31 E	WM	36	SE NE	15.0
22 S	31 E	WM	36	NE SE	10.0

6. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Transfer Application T-10408 proposes to change the authorized

point of appropriation to a well approximately 0.5 mile in a westerly direction from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
22 S	31 E	WM	36	NE NW	4750 FEET NORTH AND 3440 FEET WEST FROM THE SE CORNER OF SECTION 36

7. Transfer Application T-10408 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	36	NW NW	19.7
22 S	31 E	WM	36	SW NW	11.7

8. Notice of the application for temporary transfer was published on June 26, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, flood irrigation system, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10408..
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

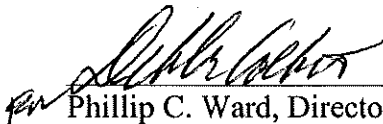
The temporary changes in point of appropriation and places of use proposed in Transfer Application T-10408 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation and places of use proposed in application T-10408 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2007, 2008, 2009, 2010 and 2011 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2011 irrigation season.

4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of the decree right recorded in the Miscellaneous Decrees Volume 1, Page 50 – 53 and Certificate 34814 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of the decree right recorded in the Miscellaneous Decrees Volume 1, Page 50 – 53 and Certificate 34814.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
10. The use of the remaining water right described by the decreed right recorded in the Miscellaneous Decrees Volume 1, Page 50 – 53 and Certificate 34814 shall continue to be in accordance with the terms and conditions of the decree right recorded in the Miscellaneous Decrees Volume 1, Page 50 – 53 and Certificate 34814.

Dated at Salem, Oregon this 30 day of August, 2007.


Phillip C. Ward, Director

Mailing Date: SEP 07 2007

Water Right Transfer Checklist

Transfer T-10408

Transfer Specialist: Susan Douthit

Transfer Type: Temporary

Applicant Name/Address: Holly Imbach Trustee, William A Imbach Rev. Trust; 72299 Turnout Rd; Burns OR 97720

Agent Name/Address: William Beal 541-573-6642

CWRE Name/Number: NONE

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: NONE

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.
☒	☒	G 1973	G 1809	34814 <i>supp</i>	☐ Yes ☒ No	
☒	☐	<i>decree no cert (Silver R.)</i>		<i>prn</i>	☐ Yes ☒ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: <u>06/08/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER: <u>POU</u>	
Fees Pd: <u>207.00</u>	WM District: <u>10</u>	ODFW District: <u>NONE</u>
Initial Notice: <u>06/26/07</u>	WM Review sent: <u>06/22/07</u>	ODFW Review sent: <u>NONE</u>
Acknowledgement Letter Sent ☒	GW Review sent: <u>NONE</u>	

Processing Dates & Actions

Deficiency Contacts: *letter - 6/25/07*
call - 8/16 *call 8/23*
 DPD Mailed: FO
☐ ODFW contact sheet sent with DPD, or ☐ N/A
 PD Mailed: _____
 PD Weekly Notice: _____

Newspaper Pub Affid Due: _____
☐ not required
 Affid of Pub Rec'd: _____
 Last Day Published: _____
 Affidavit Reminder Sent: _____
 Reminder Deadline: _____

Preliminary Determination

- | | |
|---|---|
| ☒ Electronic Files uploaded | ☒ Preliminary Determination |
| ☒ PD Cover letter | ☒ Fee Refund Due |
| ☒ PD Notice | ☒ Remaining Rights |
| ☒ File Assigned/ ModPod updated | |

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <u>DDP</u>
Date: _____	Date: _____	Date: <u>8/30/07</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>DDP</u>
Date: _____	Date: _____	Date: <u>8/30/07</u>
Comments/Special Issues: <i>amendment - 8-22-07</i> <i>gw OK - when required per Mike Z.</i>		

Special Order Volume: Vol 73 Pages 235 Final Order Signature Date: 8-30-07
 Notice of FO email'd to processors Susan

copy of power of attorney submitted

Is going?

Application

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

Water right subject to transfer

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

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|---|---|---|
| ☒ application complete | ☒ map | ☒ FPS | ☒ evidence of use | ☐ land-use form |
| ☒ deed/ROLI | ☒ certificate | ☒ fees paid | ☒ well logs | ☒ plat card |
| ☐ audit | ☐ dpt | | | <i>conflict</i> |

Reviews/comments/conditions received?

Headgate

Measuring Devices

Injury: Y N

Conditions to avoid enlargement/injury -

☒ When in the judgment

☒ When in the judgment

Enlargement: Y N

☐ Prior to diverting

☐ Prior to diverting

☐ ODFW

☐ GW

☐ Existing and maintain

☐ Existing and maintain

per phone call with Mike Z. 8/28/07

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HARRY PON

of P. O. Box 1191, Burns, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Wells Nos. 7 and 18

a tributary of Panther Creek (St. Louis River) for the purpose of irrigation and supplemental irrigation of 359.3 acres

under Permit No. G-1809 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 3, 1961

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.59 cubic foot per second; being 1.34 c.f.s. from Well No. 7 and 1.25 c.f.s. from Well No. 18.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, T. 22 S., R. 31 E., W. M. Wells located 5260 feet North and 1630 feet West, 4750 feet North and 3440 feet West, both from the SE Corner Section 36;

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

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

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

Well No. 7	Well No. 7 & No. 18	Well No. 18
32.0 acres	15.2 acres	
24.8 acres	34.4 acres	
5.6 acres		
40.0 acres	18.5 acres	4.9 acres
	10.6 acres	2.9 acres
	8.8 acres	
	4.8 acres	
40.0 acres	34.4 acres	
5.6 acres	33.0 acres	
5.4 acres		
38.4 acres		

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 36
T. 22 S., R. 31 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. April 26, 1968

CHRIS L. WHEELER

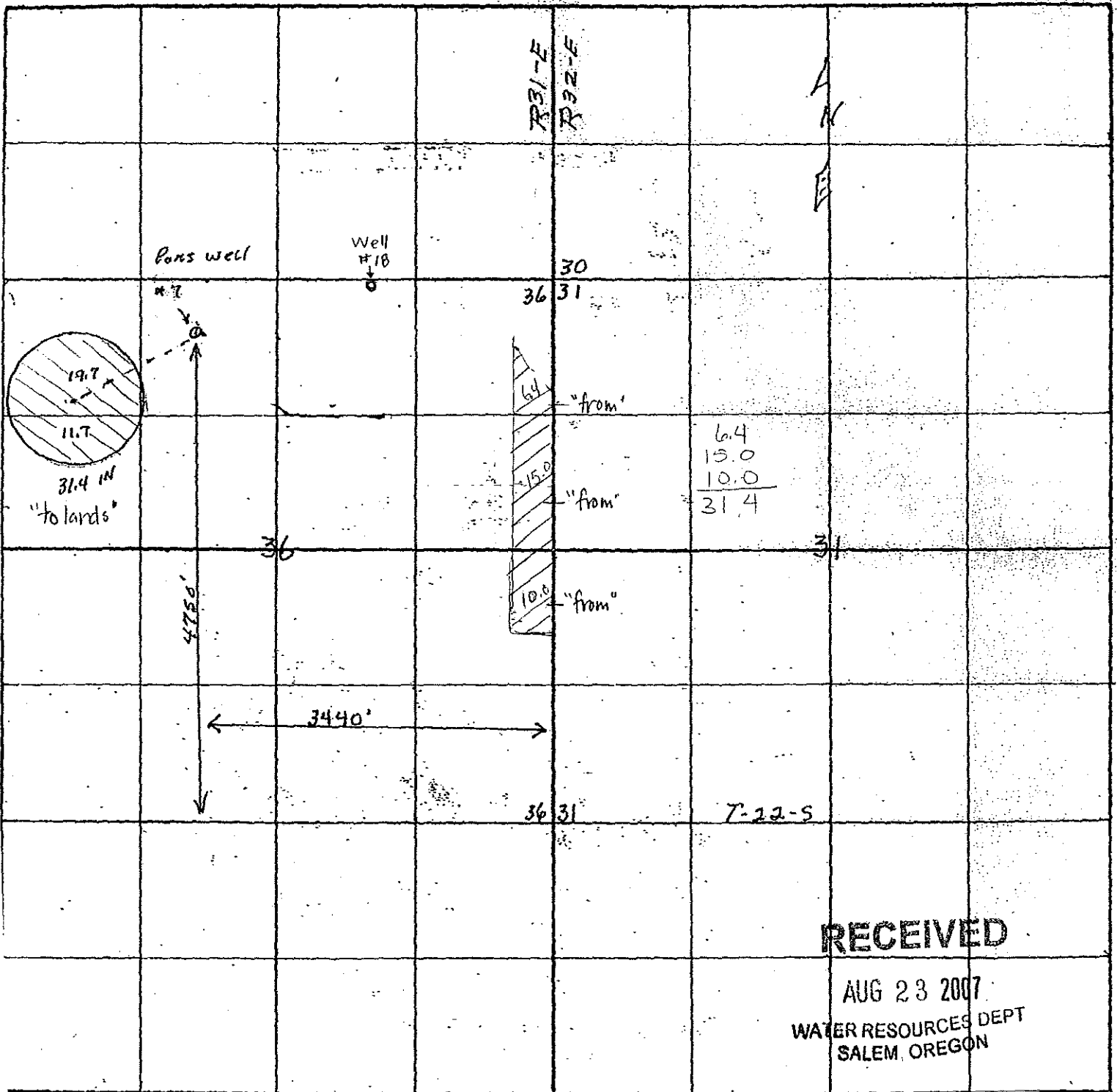
State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34814

SECTION PLAT

Section 36 Township 22-S Range 31-E
County of Harney State of OREGON

NORTH



Remarks scale $1'' = 1$ mile.

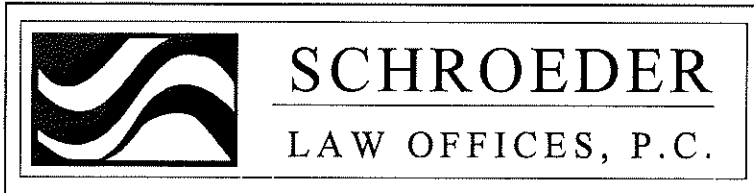
RECEIVED

AUG 23 2007
WATER RESOURCES DEPT
SALEM, OREGON

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



Lynn L. Steyaert
Licensed in Oregon and Nevada

Cortney D. Duke
Licensed in Oregon

Colm Moore
Licensed in Oregon and Nevada

Therese A. Ure
Licensed in Nevada

Wyatt E. Rolfe
Licensed in Oregon

August 22, 2007

VIA FACSIMILE/US MAIL

Susan Douthit, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172
Fax: (503) 986-0904

**RE: Temporary Transfer T-10408
Amendment**

Dear Ms. Douthit:

Please amend temporary transfer T-10408 pursuant to the enclosed map.

Specifically, we would like to amend the transfer as follows:

1) Change the "from" land by taking 31.4 acres from the very East side of Section 36 (see enclosed map). Taking water from these "from" lands involves two water rights, the 1884 Decreed right and the ground water right under Certificate 34814 that we understand will be changed temporarily as a part of this application. The "from" lands should be amended to include the following lands:

6.4 acres from NE1/4NE1/4, Section 36, T22S, R31E, W.M.
15.0 acres from SE1/4NE1/4, Section 36, T22S, R31E, W.M.
10.0 acres from NE1/4SE1/4, Section 36, T22S, R31E, W.M.

2) In addition, we would like to amend this transfer to change the point of appropriation from well #18 to well #7, which is located in the NE1/4NW1/4 of Section 36.

If you have any questions regarding these amendments, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Therese A. Ure
Laura A. Schroeder

RECEIVED

AUG 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

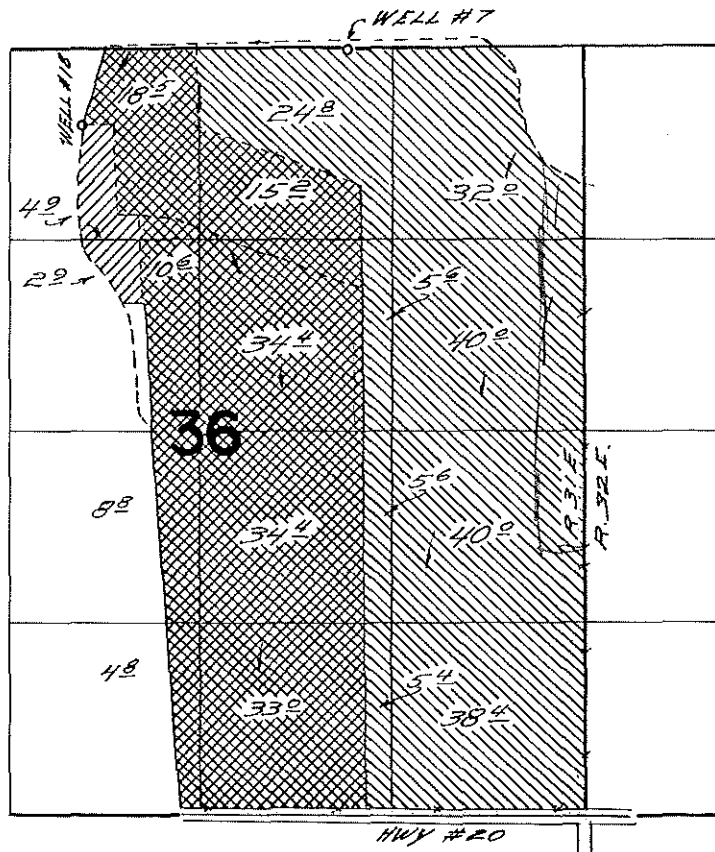
LAS:kct
cc: Client

phone 503-281-4100

fax 503-281-4600

1915 NE 39th Avenue, P.O. Box 12527, Portland, Oregon 97212-0527
www.water-law.com

T. 22 S. R. 31 & 32 E. W. M.



Well #7 located 5260 ft. N. & 1630 ft. W. from S.E. Cor. Sec. 36.
Well #18 located 4750 ft. N. & 3440 ft. W.

 WELL #7
 WELL #18
 BOTH WELLS

FINAL PROOF SURVEY UNDER

Application No. G-1273 Permit No. G-1809
IN NAME OF

Harry Pom

Surveyed Sept. 20 1965, by C. Gardner

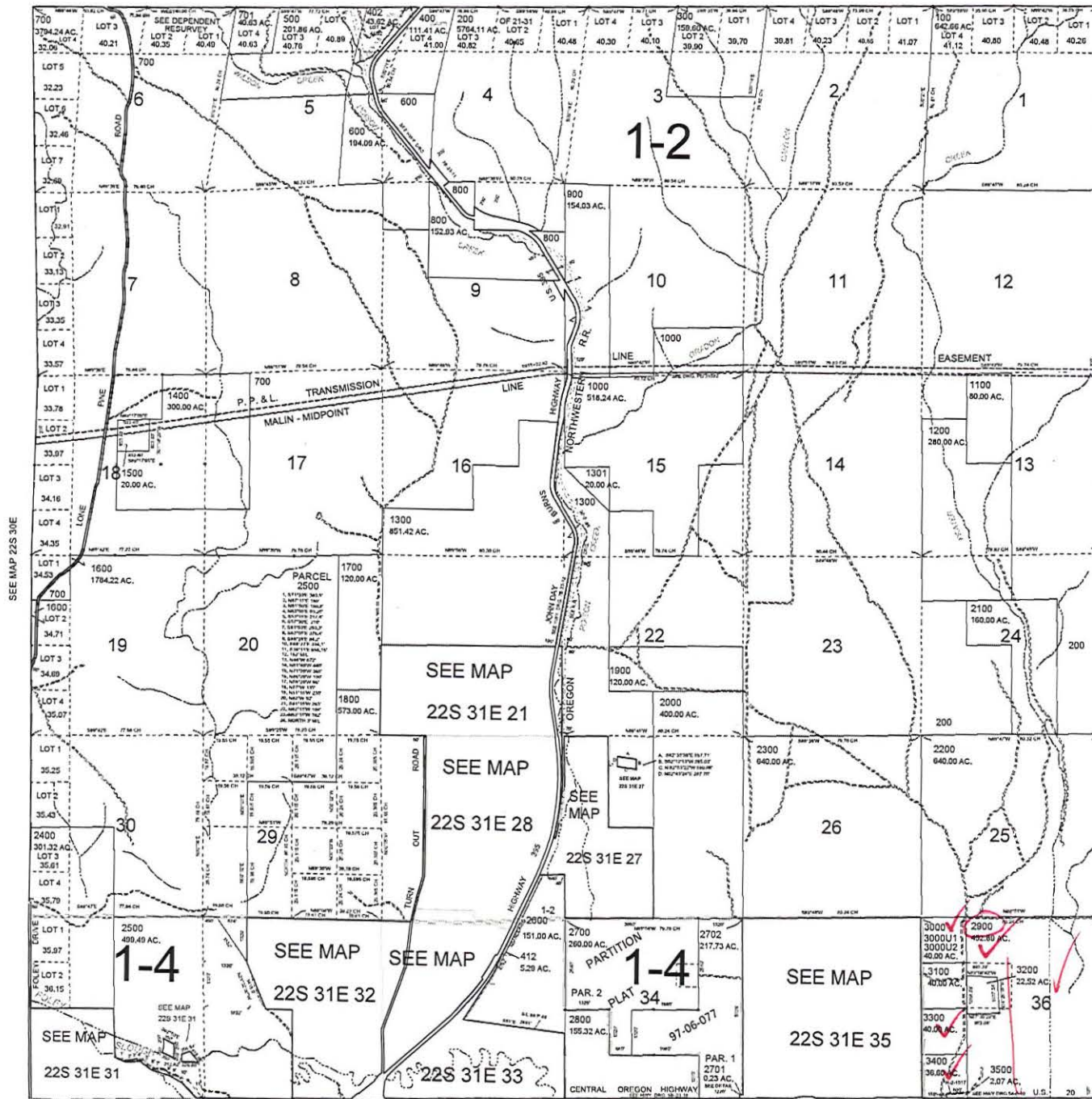
SEE MAP 21S 31E

22S 31E
& INDEX

CANCELLED NO.
401
402
403
404
405
406
407
408
409
410
411
413
2703

SEE MAP 22S 32E

PRINTED ON
Sep 19, 2006
22S 31E
& INDEX



SEE MAP 23S 31E

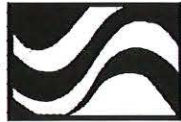
Water Rights Platcard Report

Meridian: WILLAMETTE Township: 22 South Range: 31 East Section: 36 Records per Page: 100 Search

Water Right		Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	Decree:Vol:1M Page:50 [Prather Creek, Walker v Richmond, 1931 (F), Har] *		12/31/1884	DOMESTIC					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
	Additional Info: CHARLES WALKER																								
Select	Cert:34814 OR *	T10408	4/3/1961	IRRIGATION					32	40	40	40	23.4		13.5	8.8			4.8	40	40	38.4	38.4		
	Additional Info: HARRY PON App: G1973 Permit: G1809 Cert: 34814																								
Select	Cert:79705 OR CN	T9208	11/23/1981	IRRIGATION	CN										28.5	26.4	10.5	16.2							
	Additional Info: JACK YOUNG App: G10604 Permit: G9900 Cert: 79705																								
Select	Inchoate: T 9208 CF (REG) *		11/23/1981	IRRIGATION												(2.8)	(15.3)								
	Additional Info: JACK YOUNG App: G10604 Permit: G9900																								
Select	Cert:80373 RR *		11/23/1981	IRRIGATION											19.8	22	9.3	16							
	Additional Info: JACK YOUNG App: G10604 Permit: G9900 Cert: 80373																								
Select	Permit:G 15497 *		8/29/2002	IRRIGATION													4.4	0.3							
	Additional Info: JACK YOUNG App: G15831 Permit: G15497																								
Select	Decree:Vol:1M Page:50 [Prather Creek, Walker v Richmond, 1931 (F), Har] *		12/31/1884	IRRIGATION					20	36	28	31	18						5.8	33	37	33	38		
	Additional Info: CHARLES WALKER																								
Select	App:G 16713 *			IRRIGATION								5	28	2.5											
	Additional Info: WILLIAM IMBACH App: G16713																								
Select	Decree:Vol:1M Page:50 [Prather Creek, Walker v Richmond, 1931 (F), Har] *		12/31/1884	LIVESTOCK					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Additional Info: CHARLES WALKER																								
Select	Cert:34028 OR *		1/11/1963	SUPPLEMENTAL IRRIGATION (Suppl'mtd)											3.2			7.7	10.7	30.4					
	Additional Info: HARRY PON App: G2522 Permit: G2337 Cert: 34028																								

[illegible]

1915 NE 39th AVE.
P.O. BOX 12527
PORTLAND, OR 97212-0527



SCHROEDER
LAW OFFICES, P.C

TELEPHONE (503) 281-4100
FAX (503) 281-4600
WWW.WATER-LAW.COM

To: Susan Douthit, OWRD FAX: +1 (503) 986-0904

From: Katherine Thomas Date/Time: 7/23/2007 3:07:30 PM

Paralegal

Telephone: (503) 281-4100 Return Fax: (503) 281-4600

Subject: RE: Temporary Transfer T-10408

Pages: 2

If you have problems receiving this FAX, please call (503) 281-4100

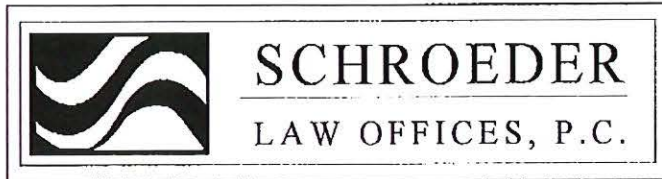
RECEIVED
JUL 23 2007
WATER RESOURCES DEPT.
SALEM, OREGON

CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contain information belonging to Schroeder Law Offices, PC, that is confidential and/or legally privileged. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone to arrange for the return of the original documents to us.

Laura A. Schroeder
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Nevada and Washington

V. Scott Borison, Ph.D.
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Therese A. Ure
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Wyatt E. Rolfe
Licensed in Oregon

July 23, 2007

VIA FACSIMILE/US MAIL

Susan Douthit, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172
Fax: (503) 986-0904

RE: Temporary Transfer T-10408

Dear Ms. Douthit:

This letter is to notify you that Larry Imbach has employed our office to represent him in matters concerning his water rights applications and transfers. Please copy our office with any future correspondence to Mr. Imbach.

We have reviewed your June 25, 2007 letter to Mr. Imbach. Last week, Mr. Imbach faxed you his Special Power of Attorney form for Holly Imbach to address your first request regarding landowner consent to the proposed water right changes. The second part of your letter asks for a notarized statement from Holly Imbach regarding whether the primary right evidenced by the decree is proposed to be changed along with Certificate 34814. You asked that this statement be submitted by July 25, 2007.

Our initial review of the temporary transfer application with Mr. Imbach is complete. We believe that it may be necessary to change the "from" lands described in the presently filed transfer applications (temporary and permanent). However, as you know, the water rights attached to Mr. Imbach's property are somewhat complicated by source and place of use. If we change the "from" lands, the statement requested from Holly Imbach by July 25, 2007 may not be necessary or will be different in substantial respect. We will act immediately to make the necessary changes; however, some coordination between our office and the mapping consultant is required to effect the changes, which will not occur before July 25, 2007. Likely, we will want to discuss our proposed revisions with you before they are filed to make sure OWRD has all that it needs to approve the applications.

Thank you for your immediate attention to this matter. If you have any questions, please contact our office at (503) 281-4100 and speak with Therese Ure or Katherine Thomas.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Laura A. Schroeder

LAS:kct
cc: Client

RECEIVED

JUL 23 2007

WATER RESOURCES DEPT.
SALEM, OREGON

phone 503-281-4100

fax 503-281-4600

1915 NE 39th Avenue, P.O. Box 12527, Portland, Oregon 97212-0527
www.water-law.com

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July 23, 2007

VIA FACSIMILE/US MAIL

Susan Douthit, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172
Fax: (503) 986-0904

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Very truly yours,

SCHROEDER LAW OFFICES, P.C.

A handwritten signature in blue ink, appearing to read 'Laura A. Schroeder', is written over a circular blue ink stamp. Below the signature, the name 'Laura A. Schroeder' is printed in a black, sans-serif font.

Laura A. Schroeder

LAS:kct
cc: Client

phone 503-281-4100

fax 503-281-4600

1915 NE 39th Avenue, P.O. Box 12527, Portland, Oregon 97212-0527
www.water-law.com

RECEIVED
JUL 24 2007
WATER RESOURCES DEPT
SALEM, OREGON

SPECIAL POWER OF ATTORNEY

The undersigned, HOLLY IMBACH, Trustee of the William A. Imbach Revocable Living Trust, does hereby make, constitute, and appoint LARRY IMBACH, as my true and lawful attorney for me and in my name, place and stead, for the Trust's use and benefit, **for the limited purpose of executing and signing all documents pertaining to management and operation of the real property described in Exhibit A attached hereto and by this reference incorporated herein excepting therefrom any authority to sell or borrow against said Property.**

Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done for the purposes herein set forth, as fully and to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of those presents.

In construing this instrument and where the context so requires, the singular includes the plural.

This authority shall continue until formally revoked, in writing, by the undersigned.

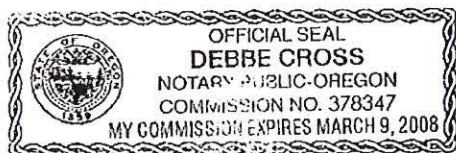
Dated this 21st day of June, 2005.

Holly Imbach Trustee
Holly Imbach Trustee of the William A. Imbach
Revocable Living Trust

State of Oregon)
)ss.
County of Crook)

On this 21st day of June, 2005, personally appeared Holly Imbach Trustee of the William A. Imbach Revocable Living Trust, known or identified to me to be the person whose name is described on the within instrument, and acknowledged to me that she executed the same on behalf of said Trust.

Before me:



Debbe Cross
Notary Public for Crook / Oregon
My Commission Expires: March 9 2008

RECEIVED

JUL 18 2007

WATER RESOURCES DEPT.
SALEM, OREGON

COVER SHEET

TO: SUSAN M. DOUTHIT

REFERENCE: TEMPORARY TRANSFER T-10408

CONCERNING ITEM 1, HERE IS A COPY OF MY POWER
OF ATTORNEY.

CONCERNING ITEM 2, I TOHOYAM NOT REAL
BRIGHT, SO I CONTACTED LAURA SCHROEDER TO
CHECK AND MAKE SURE THAT WHAT WE
ARE DOING WILL WORK OUT FOR ME. I DON'T
WANT TO DO SOMETHING STUPID & SHOOT MYSELF
IN THE FOOT. I WILL HAVE LAURA CONTACT YOU WITH
WHAT WE COME UP WITH. I APPRECIATE THE CALL
THE OTHER DAY. THANK YOU FOR YOUR HELP.

THANK YOU

Larry Imbach

LARRY IMBACH

CC: LAURA SCHROEDER

RECEIVED

JUL 18 2007

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 25, 2007

William A. Imbach Rev. Trust
Attn: Holly Imbach, Trustee
72299 Turnout Rd.
Burns, OR 97720

REFERENCE: Temporary Transfer T-10408

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The person recorded on the deed that you submitted with the transfer application which you propose to move a water right from shows Holly Imbach as the trustee for the William A. Imbach Rev. Trust. However, the application was signed by Larry Imbach and does not contain Holly's signature indicating that she consents to the proposed change to the water right. Please submit signed, notarized statement from the landowner, as listed on the deed, indicating that she consents to the proposed changes to the water right.
2. It appears that the majority of the irrigation under Certificate 34814 is **supplemental** to a decree (enclosed). Therefore, a proposal to transfer the primary irrigation along with the supplemental is necessary or you may elect to diminish the primary (from the decree) to supplemental and agree to not utilize the supplemental during the term of the temporary transfer. Additionally, it also appears that the acreage in the NENW of Section 36 could also be supplemental to the decree. Clarification of the supplemental and primary lands evidenced by both the decree and Certificate 34814 and a statement of your intention is needed.

Please submit the notarized statement and signature of Holly Imbach, Trustee and information to clarify whether the primary right evidenced by the decree is proposed to be changed along with Certificate 34814. **by July 25, 2007**, to Susan M. Douthit, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0858.

Sincerely,

Susan M. Douthit
Water Rights Transfer Specialist

cc: June Miller, Watermaster, District 10

enclosures

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



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Wyatt E. Rolfe
Licensed in Oregon

August 22, 2007

VIA FACSIMILE/US MAIL

Susan Douthit, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172
Fax: (503) 986-0904

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Amendment**

Dear Ms. Douthit:

Please amend temporary transfer T-10408 pursuant to the enclosed map.

Specifically, we would like to amend the transfer as follows:

1) Change the "from" land by taking 31.4 acres from the very East side of Section 36 (see enclosed map). Taking water from these "from" lands involves two water rights, the 1884 Decreed right and the ground water right under Certificate 34814 that we understand will be changed temporarily as a part of this application. The "from" lands should be amended to include the following lands:

6.4 acres from NE1/4NE1/4, Section 36, T22S, R31E, W.M.
15.0 acres from SE1/4NE1/4, Section 36, T22S, R31E, W.M.
10.0 acres from NE1/4SE1/4, Section 36, T22S, R31E, W.M.

2) In addition, we would like to amend this transfer to change the point of appropriation from well #18 to well #7, which is located in the NE1/4NW1/4 of Section 36.

If you have any questions regarding these amendments, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Therese A. Ure
Laura A. Schroeder

RECEIVED

AUG 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

LAS:kct
cc: Client

phone 503-281-4100

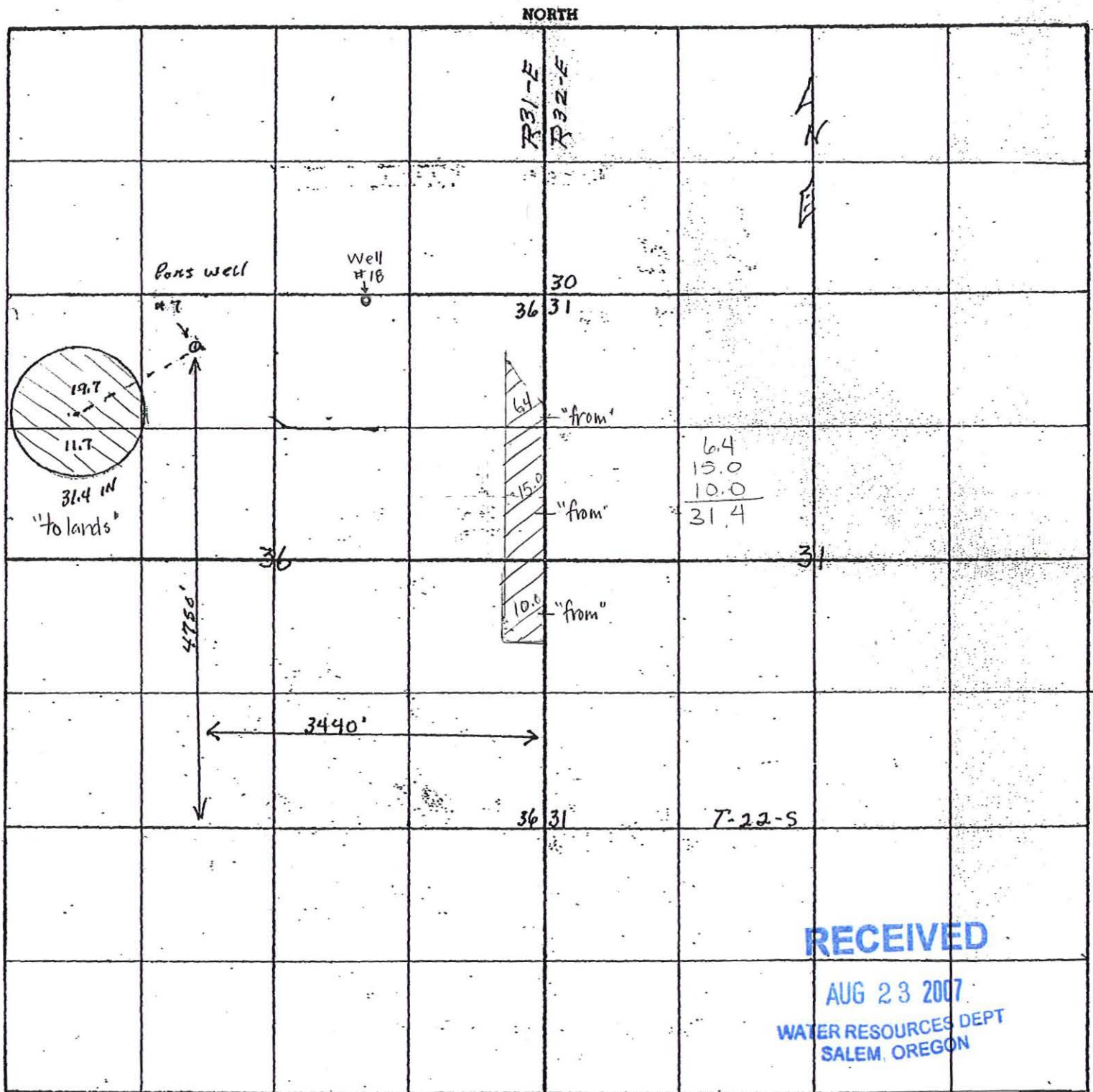
fax 503-281-4600

1915 NE 39th Avenue, P.O. Box 12527, Portland, Oregon 97212-0527
www.water-law.com

SECTION PLAT

SECTION PLAT

Section 36 Township 22-S Range 31-E
County of Harney State of OREGON



Remarks scale $1'' = 1$ mile.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **88034**

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

INVOICE # _____

RECEIVED FROM: Larry Imbach

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-16408</u>

CASH: ☐ CHECK: # 2098 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 207.00

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:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>207.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **88034**

DATED: 6-8-07 BY: L. P. ...



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
☐ Permanent Transfer	☐ Instream Transfer
☒ Temporary Transfer	☐ Permanent
• total number of years: <u>5</u>	☐ Time-Limited
(begin year: <u>2007</u>)	☐ Drought Transfer
(end year: <u>2012</u>)	☐ Other

2. APPLICANT INFORMATION

Name: William A. Imbach Rev. Trust Holly Imbach Trustee
First Last
Address: 72299 Turnout Road
Burns OR 97720
City State Zip
Phone: 541 451-589-0008
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.

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-1973	G-1809	34814
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - ☒ Place of Use ☐ Point of Diversion ☐ Additional Point of Diversion
 - ☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
 - ☐ Instream Transfer ☐ Surface Water source to Ground Water source
- Reason(s) for change(s): To Supply water to a pivot
From well #7

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.

Turbin Pump on well #7 delivers water through
a main line to Pivot, Handlines, wheel lines and open
ditches

- System capacity: 1.3 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

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

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).

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.)

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: \$ 207.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.
Plus expedited fee

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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WATER RESOURCES DEPT
SALEM, OREGON

1 10408

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

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

10. SIGNATURES

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

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

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

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

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

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

 applicant signature	<u>LARRY IMBACH</u> name (print)	<u>6-6-07</u> date
_____	_____	_____
applicant signature	name (print)	date

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**WATER RESOURCES DEPT
SALEM, OREGON**

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

□ Certificate Number or other identifying number: 34814

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☒ Irrigation
☐ 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.)	☒ 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.)	☐ Municipal
☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <i>34 years</i>		☐ Quasi-municipal
☐ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)		☐ Commercial
☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		☐ Industrial
☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		☐ Instream (complete and attach <i>Supplemental Form C</i>)
		☐ Domestic (indicate number of households) _____
		☐ Other _____
		☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
		☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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WATER RESOURCES DEPT
SALEM, OREGON

1 10408

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	<u>34814</u> Certificate Number	<u>G-1809</u> Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
☐ Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: HARRY PON
- County: HARNEY
- Authorized Use(s) to be Affected by Transfer: IRRIGATION
- Priority Date(s): APRIL 3, 1961

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 #7 using the well.
Log location - Final Proof MAP calls it #18

Tributary to: Malheur Lake

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

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

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

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

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

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

□ Certificate Number or other identifying number: 34814

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	2 1/2	Tax Lot, DEC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Well # 7 4-3-1961	22-S	31-E		36	NE NW	TL 3000	4750' N, 3440' West From SE Cor Sec 36 T-22-S R-31-E

■ 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

To Sayah Henderson

34.814

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)

Description of Proposed Change(s) to a Water Right

10408

■ Certificate Number or other identifying number: 34814

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	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well #7	22-S	31-E		36	NE NW	3000	4750 N, 3440' W From SE Cor Sec. 36 T-22-S R-31-E.

- 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
Yes		12"	12" steel	328'	18'-33'	18'	2'	20'	2" p.p.o	335

State Well No.

State Permit No.

OWNER: Now RIC HOYT
Name HARRY DON
Address BURNS CREEK

(2) LOCATION OF WELL: # 7
County HARNEY Owner's number, if any—
NE 1/4 NW 1/4 Section 36 T. 22S R. 31E W.M.
Bearing and distance from section or subdivision corner
NEAR HOUSE on Nebner place

(3) TYPE OF WORK (check):
 New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
 If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED: Threaded ☐ Welded ☒
 12" Diam. from - 1 ft. to 32.8" ft. Gage 1/4
 " Diam. from ft. to ft. Gage
 " Diam. from ft. to ft. Gage

PERFORATIONS:

Type of perforator used _____

SIZE of perforations 3/8" in. by 6" in.

180 perforations from _____ ft. to 33' ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

(8) SCREENS: Well screen installed ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

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

Diam. Slot size Set from ft. to 0.8 200 ft.

(9) CONSTRUCTION:

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

Gravel placed from _____ ft. to _____ ft.

Was a surface seal provided? ☐ Yes ☐ No To what depth? 18' ft.

Material used in seal— Clay

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ Depth of strata _____

Method of sealing strata off _____

(10) **WATER LEVELS:**
 Static level 2 ft. below land surface Date 5-3-61
 Man pressure _____ lbs. per square inch Date _____
 Log Accepted by: _____

(11) WELL TESTS: Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? *HOLLAND DRILLING CO*

Yield: *500* gal./min. with *98* ft. drawdown after *4* hrs.

" " " "

" " " "

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

Artesian flow g.p.m. Date

Temperature of water *55°* Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG: Diameter of well 12 inches.
Depth drilled 335 ft. Depth of completed well 335 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOP SOIL	0	20
FINE GRAVEL WATER	20	31
CLAY	31	42
BROWN SAND ROCK	42	73
RED SAND ROCK	73	80
BROWN SOFT SAND ROCK	80	94
HARD BLACK LAVAROCK	94	138
SLATE	138	148
CLAY	148	176
BLUE CLAYSTONE	176	210
BLACK SAND ROCK	210	218
BLACK CLAY	218	240
SANDY BLACK CLAY	240	255
SLATE	255	270
GREEN CLAY	270	274
BLUE SHALE	274	308
BLACK FINE SAND	308	311
BLUE SHALE	311	325
BLACK COARSE SAND	325	331
BLUE SHALE	331	335

Work started 4-14 1961 Completed 5-3 1961

(13) PUMP: No PUMP Yet
 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.

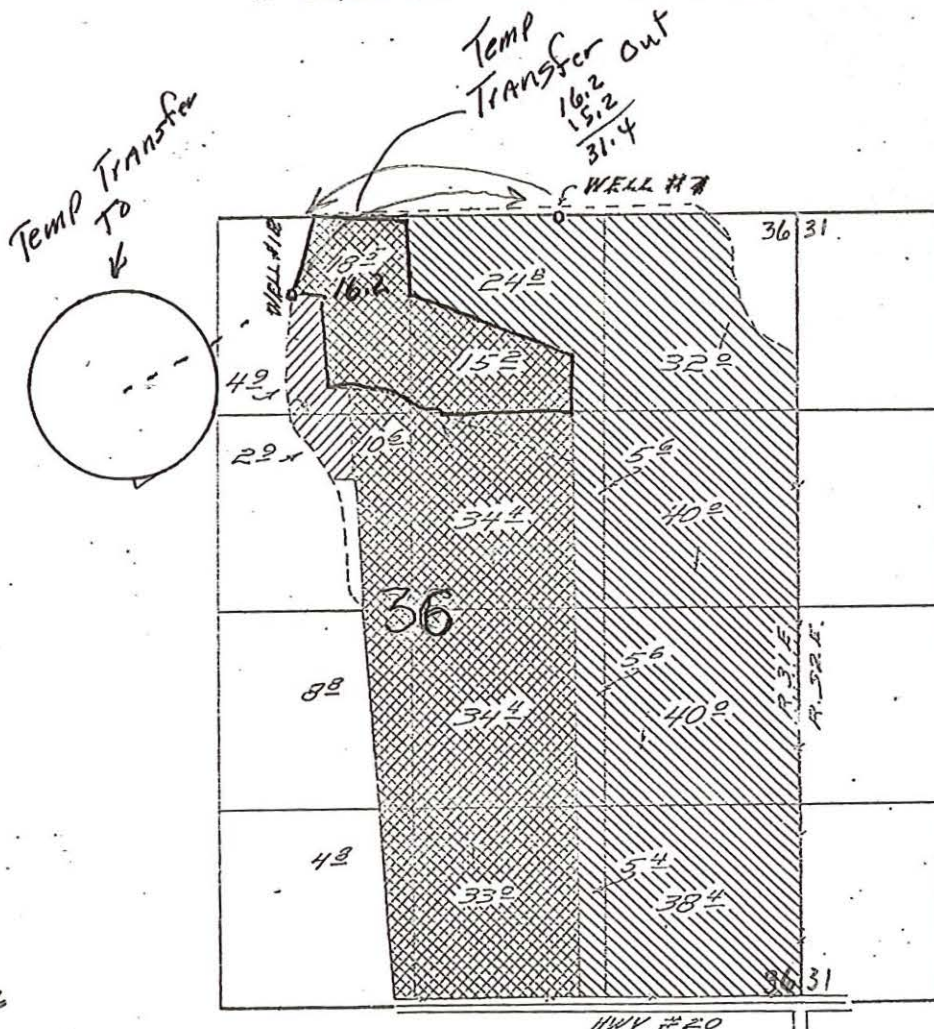
NAME HOLLOWAY DRILLING CO.
(Person, firm, or corporation) (Type or print)

Address ONTARIO, OREGON

Driller's well number Irrigation well #8

[Signed] Max Holloway
(Well Driller)

T. 22 S. R. 31 & 32 E. W. M.



Note

These wells have been reversed on this map according to the well logs. Acreages are OK

Well #7 located 5260 ft. N. & 1630 ft. W. from S.E. Cor. Sec. 26.
Well #18 located 4750 ft. N. & 3440 ft. W.

WELL #7
 BOTH WELLS
 WELL #18

FINAL PROOF SURVEY
UNDER

Application No. G-1973 Permit No. G-1809
IN NAME OF

Harry Pom

Surveyed Sept. 20 1965, by C. Gardner

T 10408

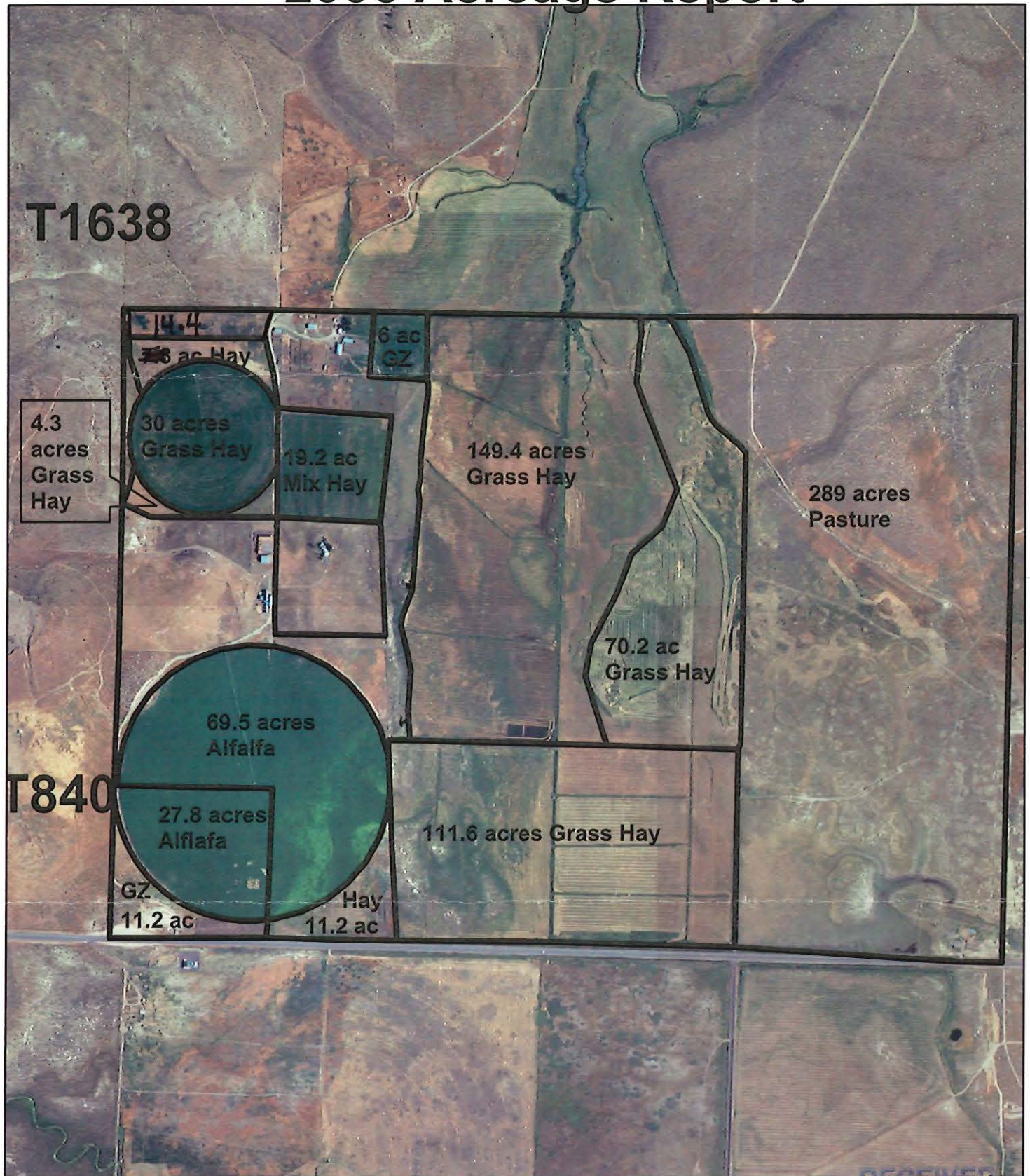
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**WATER RESOURCES DEPT
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G-1809

2006 Acreage Report



This acreage is for FSA program purposes only.
No Warranty is made for any other use.

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WATER RESOURCES DEPT
SALEM, OREGON



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TRUST DEED

Holly Imbach, Trustee
1124 NW Grimes Road
Prineville OR 97754
Grantor's Name and Address
Jack and Merilee Young Land Co.
1219 SW 63rd Street
Redmond OR 97756
Beneficiary's Name and Address
After recording, return to (Name, Address, Zip):
AmeriTitle
103 West Main
John Day OR 97845

SPACE RESERVED
 FOR
 RECORDER'S USE

STATE OF OREGON,
 County of _____ } ss.

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

Witness my hand and seal of County affixed.

By _____, Deputy.

THIS TRUST DEED, made on January, 2005, between HOLLY IMBACH, Trustee of the William A. Imbach Revocable Living Trust, as Grantor, LAND TITLE COMPANY OF GRANT COUNTY, INC. as Trustee, and JACK AND MERILEE YOUNG LAND CO., an Oregon Corporation as Beneficiary,

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee, in trust, with power of sale, the property in Harney County, Oregon, described as:

See Exhibit A attached hereto and by this reference incorporated herein.

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in any way now or hereafter appertaining, and the rents, issues and profits thereof, and all fixtures now or hereafter attached to or used in connection with the property.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of THREE HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED TWENTY-EIGHT and 15/100 Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made by grantor, the final payment of principal and interest, if not sooner paid, to be due and payable on May 5, 2005

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of the note becomes due and payable. Should the grantor either agree to, attempt to, or actually sell, convey, or assign all (or any part) of the property, or all (or any part) of grantor's interest in it without first obtaining the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable. The execution by grantor of an earnest money agreement does not constitute a sale, conveyance or assignment.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain the property in good condition and repair; not to remove or demolish any building or improvement thereon; and not to commit or permit any waste of the property.

2. To complete or restore promptly and in good and habitable condition any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefor.

3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require, and to pay for filing the same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.

4. To provide and continuously maintain insurance on the buildings now or hereafter erected on the property against loss or damage by fire and other hazards, as the beneficiary may from time to time require, in an amount not less than \$ full insurable, written by one or more companies acceptable to the beneficiary, with loss payable to the latter. All policies of insurance shall be delivered to the beneficiary as soon as issued. If the grantor shall fail for any reason to procure any such insurance and to deliver the policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on the buildings, the beneficiary may procure the same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

5. To keep the property free from construction liens and to pay all taxes, assessments and other charges that may be levied or assessed upon or against the property before any part of such taxes, assessments and other charges becomes past due or delinquent and promptly deliver receipts therefor to beneficiary. Should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds with which to make such payment, beneficiary may, at its option, make payment thereof, and the amount so paid, with interest at the rate set forth in the note secured hereby, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants hereof. For such payments, with interest as aforesaid, the property herebefore described, as well as the grantor, shall be bound to the same extent that they are bound for the payment of the obligation herein described. All such payments shall be immediately due and payable without notice, and the nonpayment thereof shall, at the option of the beneficiary, render all sums secured by this trust deed immediately due and payable and shall constitute a breach of this trust deed.

6. To pay all costs, fees and expenses of this trust, including the cost of title search, as well as the other costs and expenses of the trustee incurred in connection with or in enforcing this obligation, and trustee and attorney fees actually incurred.

7. To appear in and defend any action or proceeding purporting to affect the security rights or powers of beneficiary or trustee; and in any suit, action or proceeding in which the beneficiary or trustee may appear, including any suit for the foreclosure of this deed or any suit or action related to this instrument, including but not limited to its validity and/or enforceability, to pay all costs and expenses, including evidence of title and the beneficiary's or trustee's attorney fees. The amount of attorney fees mentioned in this paragraph in all cases shall be fixed by the trial court, and in the event of an appeal from any judgment or decree of the trial court, grantor further agrees to pay such sum as the appellate court shall adjudge reasonable as the beneficiary's or trustee's attorney fees on such appeal.

It is mutually agreed that:

8. In the event that any portion or all of the property shall be taken under the right of eminent domain or condemnation, beneficiary shall have the right, if it so elects, to require that all or any portion of the monies payable as compensation for such taking which are in excess of the amount required to pay all reasonable costs, expenses and attorney fees necessarily paid or incurred by grantor in such proceedings, shall be paid to beneficiary and applied by it first upon any reasonable costs and expenses and attorney fees, both in the trial and appellate courts, necessarily paid or incurred by beneficiary in such proceedings, and the balance applied upon the indebtedness secured hereby. Grantor agrees, at its own expense, to take such actions and execute such instruments as shall be necessary in obtaining such compensation promptly upon beneficiary's request.

NOTE: The Trust Deed Act provides that the trustee hereunder must be either an attorney who is an active member of the Oregon State Bar, a bank, trust company or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of this state, its subsidiaries, affiliates, agents or branches, the United States or any agency thereof, or a escrow agent licensed under ORS 866.605 to 866.608.

WARNING: 12 USC 1701-3 regulates and may prohibit exercise of this option.

*The publisher suggests that such an agreement address the issue of obtaining beneficiary's consent in complete detail.

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9. At any time, and from time to time upon written request of beneficiary, payment of its fees and presentation of this deed and the note for endorsement (in case of full reconveyance, for cancellation), without affecting the liability of any person for the payment of the indebtedness, trustee may (a) consent to the making of any map or plat of the property; (b) join in granting any easement or creating any restriction thereon; (c) join in any subordination or other agreement affecting this deed or the lien or charge thereon; or (d) reconvey, without warranty, all or any part of the property. The trustee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals herein of any matters or facts shall be conclusive proof of the truthfulness thereof. Trustee fees for any of the services mentioned in this paragraph shall be not less than \$5.

10. Upon any default by grantor hereunder, beneficiary may, at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of the property or any part thereof, in its own name sue or otherwise collect the rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney fees, upon any indebtedness secured hereby, and in such order as beneficiary may determine.

11. The entering upon and taking possession of the property, the collection of such rents, issues and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of the property, and the application or release thereof as aforesaid, shall not constitute any default or notice of default hereunder, or invalidate any act done pursuant to such notice.

12. Upon default by grantor in payment of any indebtedness secured hereby or in grantor's performance of any agreement hereunder, time being of the essence with respect to such payment and/or performance, the beneficiary may declare all sums secured hereby immediately due and payable. In such event, the beneficiary may elect to proceed to foreclose this trust deed in equity as a mortgage or direct the trustee to foreclose this trust deed by advertisement and sale, or may direct the trustee to pursue any other right or remedy, either at law or in equity, which the beneficiary may have. In the event the beneficiary elects to foreclose by advertisement and sale, the beneficiary or the trustee shall execute and cause to be recorded a written notice of default and election to sell the property to satisfy the obligation secured hereby whereupon the trustee shall fix the time and place of sale, give notice thereof as then required by law and proceed to foreclose this trust deed in the manner provided in ORS 86.733 to 86.795.

13. After the trustee has commenced foreclosure by advertisement and sale, and at any time prior to 5 days before the date the trustee conducts the sale, the grantor or any other person so privileged by ORS 86.753 may cure the default or defaults. If the default consists of a failure to pay, when due, sums secured by the trust deed, the default may be cured by paying the entire amount due at the time of the cure other than such portion as would not have been due had no default occurred. Any other default that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. In any case, in addition to curing the default or defaults, the person effecting the cure shall pay to the beneficiary all costs and expenses actually incurred in enforcing the obligation of the trust deed, together with trustee and attorney fees not exceeding the amounts provided by law.

14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which the sale may be postponed as provided by law. The trustee may sell the property either in one parcel or in separate parcels and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee shall deliver to the purchaser its deed in form as required by law conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of the truthfulness thereof. Any person, excluding the trustee, but including the grantor and beneficiary, may purchase at the sale.

15. When trustee sells pursuant to the powers provided herein, trustee shall apply the proceeds of sale to payment of: (1) the expenses of sale, including the commission of the trustee and a reasonable charge by trustee's attorney; (2) to the obligations secured by the trust deed; (3) to all persons having recorded liens subsequent to the interest of the trustee in the trust deed as their interests may appear in the order of their priority; and (4) the surplus, if any, to the grantor, or to any successor in interest entitled to such surplus.

16. Beneficiary may, from time to time, appoint a successor or successors to any trustee named herein or to any successor trustee appointed hereunder. Upon such appointment, and without conveyance to the successor trustee, the latter shall be vested with all title, powers and duties conferred upon any trustee herein named or appointed hereunder. Each such appointment and substitution shall be made by written instrument executed by beneficiary, which, when recorded in the mortgage records of the county or counties in which the property is situated, shall be conclusive proof of proper appointment of the successor trustee.

17. Trustee accepts this trust when this deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other deed of trust or of any action or proceeding in which grantor, beneficiary or trustee shall be a party unless such action or proceeding is brought by trustee.

The grantor covenants to and agrees with the beneficiary and the beneficiary's successors in interest that the grantor is lawfully seized in fee simple of the real property and has a valid, unencumbered title thereto, except as may be set forth in any addendum or exhibit attached hereto, and that the grantor will warrant and forever defend the same against all persons whomsoever.

WARNING: Unless grantor provides beneficiary with evidence of insurance coverage as required by the contract or loan agreement between them, beneficiary may purchase insurance at grantor's expense to protect beneficiary's interest. This insurance may, but need not, also protect grantor's interest. If the collateral becomes damaged, the coverage purchased by beneficiary may not pay any claim made by or against grantor. Grantor may later cancel the coverage by providing evidence that grantor has obtained property coverage elsewhere. Grantor is responsible for the cost of any insurance coverage purchased by beneficiary, which cost may be added to grantor's contract or loan balance. If it is so added, the interest rate on the underlying contract or loan will apply to it. The effective date of coverage may be the date grantor's prior coverage lapsed or the date grantor failed to provide proof of coverage. The coverage beneficiary purchases may be considerably more expensive than insurance grantor might otherwise obtain alone and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.

The grantor warrants that the proceeds of the loan represented by the above described note and this trust deed are (choose one):

(a) for the purchase of real property for the grantor's personal, family, or household use; or

(b) for an organization, or (even if grantor is a natural person) are for business or commercial purposes.

This deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns. The term beneficiary shall mean the holder and owner, including pledgee, of the contract secured hereby, whether or not named as a beneficiary herein.

In construing this trust deed, it is understood that the grantor, trustee and/or beneficiary may each be more than one person; that if the context so requires, the singular shall be taken to mean and include the plural, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument the day and year first written above.

IMPORTANT NOTICE: Defects, by filing out, whichever warranty (a) or (b) is inapplicable. If warranty (a) is applicable and the beneficiary is a creditor as such word is defined in the Truth-in-Lending Act and Regulation Z, the beneficiary MUST comply with the Act and Regulation by making required disclosures. For this purpose use Stevens-Nease Form No. 1319, or the equivalent. If compliance with the Act is not required, disregard this notice.

Holly Imbach, Trustee of the William A. Imbach Revocable Living Trust
Holly Imbach, Trustee of the William A. Imbach Revocable Living Trust

STATE OF OREGON, County of Grant Crook) ss.

This instrument was acknowledged before me on _____

by _____

This instrument was acknowledged before me on _____

by Holly Imbach

as Trustee

of the William A. Imbach Revocable Living Trust



OFFICIAL SEAL
VIOLET V. BALES
NOTARY PUBLIC-OREGON
COMMISSION NO. 379795
MY COMMISSION EXPIRES APRIL 23, 2008

Violet V. Bales
Notary Public for Oregon

My commission expires Apr. 23, 2008

REQUEST FOR FULL RECONVEYANCE (To be used only when obligations have been paid.)

TO: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by the trust deed have been fully paid and satisfied. You hereby are directed, on payment to you of any sums owing to you under the terms of the trust deed or pursuant to statute, to execute all evidences of indebtedness secured by the trust deed (which are delivered to you herewith together with the trust deed) and to reconvey, without warranty, to the parties designated by the terms of the trust deed, the estate now held by you under the same. Mail the reconveyance and documents to _____

DATED _____

Do not lose or destroy this Trust Deed OR THE NOTE which it secures.
Both should be delivered to the trustee for cancellation before reconveyance is made.

Beneficiary

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Exhibit A

Land in Harney County, Oregon, as follows:

Township 22 South, Range 31 East, Willamette Meridian:

Section 36: $E\frac{1}{2}$, $SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, and an undivided $\frac{3}{4}$ interest in the $NW\frac{1}{4}NW\frac{1}{4}$, SAVE & EXCEPT highway right of way and the following conveyed to the State of Oregon, by and through its State Highway Commission, by Deeds, recorded April 1, 1937, in Book 37, Page 458, Deed Records, and recorded February 5, 1937, in Book 37, Page 400, Deed Records, and by deed recorded December 23, 1940, in Book 39, Page 239, Deed Records.

Township 22 South, Range 32 East, Willamette Meridian:

Section 31: Lots 1, 2, 3, and 4, $E\frac{1}{2}W\frac{1}{2}$, SAVE & EXCEPT highway right of way, conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded March 1, 1937, in Book 37, Page 427, Deed Records.

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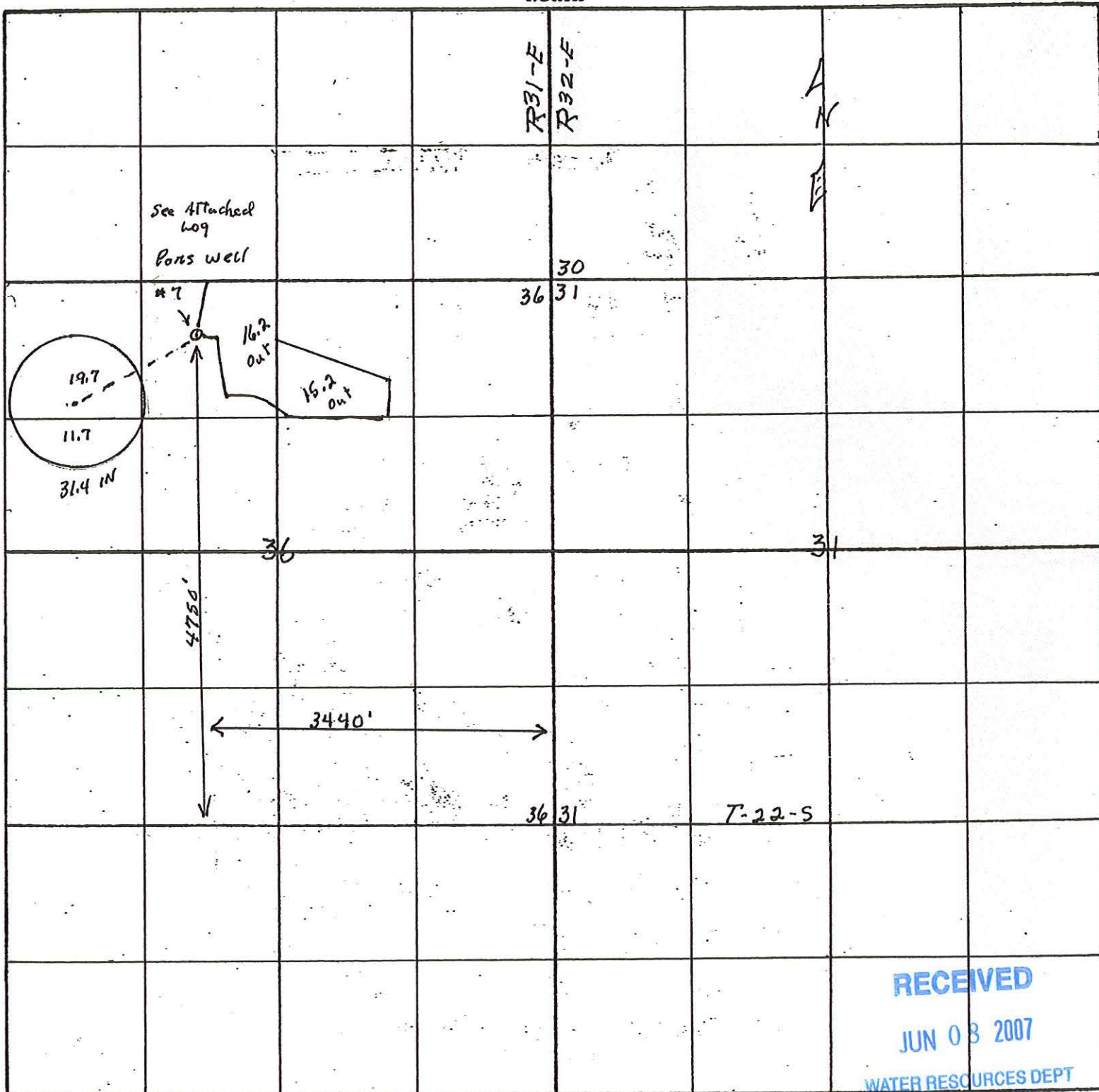
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SALEM, OREGON

1 10408

County of Harney State of OREGON

NORTH



Remarks scale 4" = 1 mile.

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SALEM, OREGON

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

State of Oregon)
 County of Harney) ss

I, WILLIAM H. BEAL, in my capacity as Consultant, ex watermaster,
 mailing address 72690 Foley Road Burns OR 97720
 telephone number (541) 573-6642, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; or
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

☒ Personal observation ☒ Professional expertise

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

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
22	S	31 E	36	NE NW	3000	16.2
22	S	31 E	36	NW NE	3000	15.2

(continues on reverse side)

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

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SALEM, OREGON

T 10408

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

Growing Vegetation and dust abatement

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

Turbin Pump and main line to wheel lines, Hand lines and Poot

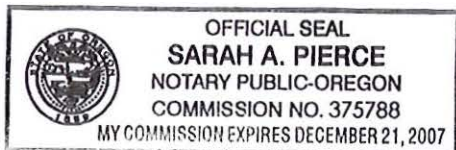
6. One or more of the following documentation supporting the above statements is attached:

- ☐ 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: _____

William H. Beal
Signature of Affiant

June 6, 2007
Date

Signed and sworn to (or affirmed) before me this 6 day of June, 2007.



Sarah A. Pierce
Notary Public for Oregon

My Commission Expires: 12-21-07

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

Supplemental Form B

- 2 -

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WATER RESOURCES DEPT
SALEM, OREGON

Affidavit Attesting to the Use of Water

1 10408



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 06/26/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Harney
Transfer: T -10408
Water Right: Cert:34814 OR *
Priority Date: 1961
Name: HOLLY IMBACH
Address: 72299 TURNOUT RD; BURNS OR 97720
Change: POU
Source: WELL 18 > PANTHER CREEK
WELL 7 > PANTHER CREEK
Authorized POU: T22S R31E 36
Proposed POU: T22S R31E 36

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

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

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

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



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 21, 2007

HOLLY IMBACH TRUSTEE
WILLIAM A IMBACK REV. TRUST
72299 TURNOUT RD
BURNS OR 97720

Reference: Temporary Transfer 10408

On June 8, 2007 we received your water right transfer application. The application was accompanied by \$207.00. Our receipt 88034 is enclosed.

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

Pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be transferred and the land to which the right is to be transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #10

enclosure

Indicate in this column whether or not the item is satisfied.

Temporary Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Imbach

(Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

NOTE: The Department can accept a Transfer application for any right that is:

- OK
- 1) an adjudication with a court decree; *or*
 - 2) a certificate that is not cancelled; *or*
 - 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Temporary Transfer process?

[ORS 540.523]

NOTE: Only POU changes are allowed on Temporary Transfers.

UNLESS... POA/POD change is necessary to convey water to the new temp place of use.

OR - Character of Use of storage right (R-xxxxx)

OR - In the Deschutes Basin, a change in Use from irrigation to municipal is allowed.

OK
If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: _____

Fee Schedule – ORS 536.050(1)(i)

Total Fees Paid: _____

\$175 - Base (1st CFS of water)

+ \$ 1 - Per acre of land irrigated

Fees Due (if any): _____

+ \$ 75 - For each cfs or fraction thereof beyond the 1st cfs for non-irrigated land

Refund Due (if any): _____

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Temporary Transfer application complete?

All required elements necessary for a complete temporary transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

OK • Type of transfer application clearly marks Temporary and indicates the number of years. (Page 1)

OK • Applicant's name, mailing address and contact information. (Page 1)

N/A • Agent's name, mailing address and contact information, *if applicable*. (Page 1)

OK • Are the water rights to be affected by this temporary transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear?	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
OK	• If for a change in POU... (Page 2) Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO If YES.... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). 34814 + decreenocert OR...applicant indicates supplemental right will not be exercised on “From” lands Are they included in application? If not, contact applicant or agent.	
OK	• Location description of the authorized POA/POD to be changed. (Page 3) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	
	• Location description of the existing authorized POU and associated acres (if applicable). (Page 4) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
	• Location description of the proposed POA/POD. (Page 5) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.	
	• Location description of the proposed POU and associated acres (if applicable). (Page 6) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
	Return back to Page 2 of transfer application	
	• The type of change(s) being proposed.	(Page 2)
	• Reason for the temporary transfer.	(Page 2)
	• Description of current water delivery system.	(Page 2)
	• System Capacity.	(Page 2)
	Checklist for Supplemental Form B – (Attachments)	
	• Is there a box checked in #1?	(Page 1)

	• Is there a box checked in #2? (Page 1)
	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? (Page 1)
	• In question #4 and #5 are they filled out. (Page 2)
	• Is there a box checked in #6? (Page 2)
	• Is the #6 supporting documentation included with application? (Page 2)
	• Is there an original signature of the notary and notary stamp? (Page 2)
	Return back to Page 3 of transfer application
	• Affected districts and local governments. (Page 3) If within a district/local government jurisdiction, ensure that name & mailing address is provided. And agreement with district to deliver water to "To" lands
	• Is the applicant the Landowner of the "from" and "to" Lands? YES NO (Page 4) If NO..... The applicant must list current landowner name & address. And include a notarized statement granting consent to the transfer from each landowner.
	• Who will be responsible for completion of the changes? (Page 4) Is a box checked? If no box is checked the applicant or agent must be contacted.
	• Map..... (Page 5) ☐ if more than 3 rights are included in transfer, is there a separate map for each water right? ☐ If larger than 8 ½ X 14 - then 3 copies of map is needed & an electronic pdf of map ☐ north arrow ☐ size & scale ☐ other: _____ ☐ authorized acreage per ¼ ¼ matches the water right ☐ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ☐ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ☐ proposed POD/POA and/or POU (clearly shown, labeled & matches application "proposed" listing) ☐ location coordinates accurately describe the point identified as the proposed POD/POA
	• Land Use form, if applicable. (Page 5) Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.
	• If a groundwater right is involved, are the well logs or a description included. (Page 5)
	• Is a copy of the current deed included for the From lands? (Page 5)
	• Signature(s) of applicant(s): (Page 6) Are one of the boxes checked? (not needed for Temporary Transfer) <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.
WRD Completeness Reviewer's Name: _____ Date: _____	