

T-13689

Regular

T-13689

Name Kittredge Properties LLCAddress PO Box 149Fort Rock Oregon 97655

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellTrib. of Fort rock BasinUse IrrigationCounty lake

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 68850Per # 68251Cert # 53854PR Date 6/13/17

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in PAJ POADate Filed 4/27/2021Initial notice date 5/11/2021

DPD issued date

PD issued date

PD notice date

Date of FO 8/29/2015 Withdrawal Vol 135 Page 533-534

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID

Date

Amount

Receipt #

4-27-2021\$2850.00135099

FEES REFUNDED

Date

Amount

Receipt #

Assignments:

Irrigation District

Agent Anderson engineering & Surveying danyla@andersonengineering.com

CWRE

CC's list lake county☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 29, 2025

Kittredge Properties LLC
PO BOX 149
Fort Rock, OR 97735

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-13689

The above referenced transfer application was withdrawn from the record of the Water Resources Department on August 29, 2025, by Special Order Volume 135, Page 533 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Kim French, by telephone at (503) 979-9607 or by e-mail at Kim.r.french@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Right Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
Darryl J. Anderson, Agent
Lake County Planning Department, Local Government

Enclosure

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

In the Matter of Water Right Transfer	)	FINAL ORDER WITHDRAWING AN
Application T-13689, Lake County	)	APPLICATION FOR A WATER RIGHT
	)	TRANSFER

Authority

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

Applicant

KITTREDGE PROPERTIES LLC
PO BOX 149
FORT ROCK, OR 97735

Findings of Fact

1. On May 5, 2021, KITTREDGE PROPERTIES, LLC filed an application for a change in point of appropriation and a change in place of use under Certificate 53854. The Department assigned the application number T-13689.
2. On October 30, 2024, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to deny Transfer Application T-13689. The draft Preliminary Determination cover letter provided a deadline of November 29, 2024, for the applicant to respond and submit the required information.
3. On June 20, 2025, the Department issued a Preliminary Determination proposing to deny Transfer T-13689 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 24, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
4. On August 11, 2025, the applicant's agent, on behalf of the applicant, submitted a request via email that Transfer Application T-13689 be withdrawn.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Now, therefore, it is ORDERED:

Transfer Application T-13689, in the name of Kittredge Properties, LLC, is withdrawn and of no further force or effect.

Dated in Salem, Oregon on AUG 29 2025



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: SEP 02 2025



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

June 20, 2025

VIA CERTIFIED MAIL AND E-MAIL

KITTREDGE PROPERTIES LLC

PO BOX 149

FORT ROCK, OR 97735

SUBJECT: Water Right Transfer Application T-13689

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to deny application T-13689. This document is an intermediate step in the denial process; water may not be used legally as proposed in the transfer application until a Final Order approving the transfer has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503 979-9607 or Kim.R.French@water.oregon.gov 971-701-5485 or Elyse.D.Richman@water.oregon.gov, if I may be of assistance.

Sincerely,

Kim French

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-13689
Jeremy T. Giffin, District 11 Watermaster (*via e-mail*)
Darryl J. Anderson, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13689, Lake County	)	PROPOSING DENIAL OF A CHANGE IN
	)	POINT OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

Authority

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

Applicant

KITTREDGE PROPERTIES LLC
PO BOX 149
FORT ROCK, OR 97735

Findings of Fact

1. On May 5, 2021, KITTREDGE PROPERTIES, LLC filed an application for a change in point of appropriation and a change in place of use under Certificate 53854. The Department assigned the application number T-13689.
2. Notice of the application for transfer was published on May 11, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The changes proposed on pages 7 and 8 of the transfer application are unclear and are not consistent with the requirements under OAR 690-380-3000. Specifically, it is not clear what well shall be used with the change in place of use. Both Table 1 on page 7 and Table 2 on Page 8 need to be corrected. For purposes of review of this transfer application, the Department assumes that the applicant is requesting to use Well #2 on the new place of use proposed in Transfer T-13689.
4. On October 30, 2024, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to deny Transfer Application T-13689. The draft Preliminary Determination cover letter provided a deadline of November 29, 2024, for the applicant to respond and submit the required information.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

5. On December 11, 2024, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On December 9, 2024, the applicant submitted amended application pages 7 and 8, clarifying the proposed changes under Certificate 53854. Well #2 is proposed to be an additional point of appropriation to be used on 125.0 acres identified in the change in place of use.
7. The portion of the right to be transferred is as follows:

Certificate: 53854 in the name of ROBERT R. TUTTLE (perfected under Permit G-8251)

Use: IRRIGATION OF 125.0 ACRES

Priority Date: JUNE 13, 1978

Rate: 1.56 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	15 E	WM	17	NE SE	WELL #1 - 1930 FEET NORTH AND 700 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	16	SW NW	16.20
26 S	15 E	WM	16	NW SW	18.03
26 S	15 E	WM	16	SW SW	13.73
26 S	15 E	WM	17	SE NE	19.13
26 S	15 E	WM	17	SW NE	16.00
26 S	15 E	WM	17	NW SE	16.74
26 S	15 E	WM	17	SW SE	12.48
26 S	15 E	WM	17	SE SE	12.69
TOTAL					125.00

8. Transfer Application T-13689 proposed to move the authorized point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the Authorized POA
26 S	15 E	WM	8	NE NE	WELL #2 - 1310 FEET SOUTH AND 1320 FEET WEST FROM THE NE CORNER OF SECTION 8	1.5 MILES NORTHEAST

9. Transfer Application T-13689 also proposes to change a portion of the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	8	NE NE	31.35
26 S	15 E	WM	8	NW NE	31.37
26 S	15 E	WM	8	SW NE	31.14
26 S	15 E	WM	8	SE NE	31.14
TOTAL					125.00

10. During the review process, the Department identified that the portion of Certificate 53854, proposed for transfer under this Transfer Application T-13689, is layered with Groundwater Registration GR-1500 (Certificate of Registration GR-1450), proposed for modification under Groundwater Modification Application T-13713. Consistent with OAR 690-380-2240(1), a change in place of use or character of use of a water use subject to transfer (Certificate 53854) that is layered with another water use subject to transfer, permit, or certificate of registration shall only be approved if concurrent changes to the layered water use are approved or recognized. Layered means there are multiple water uses subject to transfer, permits, and/or certificates of registration that are appurtenant to the same place of use and that have been issued for the purposes of irrigation (OAR 690-380-0100(4)).
- a) On May 5, 2021, the applicant submitted Transfer Application T-13689 to change the place of use under Certificate 53854. However, the place of use change requested is not consistent with the place of use change requested under Groundwater Registration Modification Application T-13713, received May 3, 2021. The place of use changes requested under Transfer Application T-13689 and Groundwater Registration Modification Application T-13713 would un-layer portions of Certificate 53854 that are currently layered with Groundwater Certificate of Registration GR-1450.
- b) Consistent with OAR 690-380-2240 and OAR 690-382-0200, the two layered irrigation water uses must move together unless certain criteria are met. Layered irrigation water uses (Certificate 53854 and Certificate of Registration GR-1450) may only be separated if the layered portion of the supplemental irrigation water right is to be moved to the same place of use as another primary irrigation water right with similar reliability (OAR 690-380-2240(5) and OAR 690-382-0200(5)). Under OAR 690-380-2240(5), the layered portion of a certificate of registration, for irrigation use, may be designated by an applicant as supplemental irrigation and then be moved to the same place of use of another similar primary irrigation right.

11. The Department determined that the portion of the land under Certificate 53854, proposed for transfer, that is currently layered with Groundwater Certificate of Registration GR-1450 for irrigation use is approximately:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	17	SE NE	7.5
26 S	15 E	WM	17	SW NE	13.0
26 S	15 E	WM	17	NE SE	38.8
26 S	15 E	WM	17	NW SE	16.74
26 S	15 E	WM	17	SW SE	12.48
26 S	15 E	WM	17	SE SE	12.69
TOTAL					101.21

Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), OAR 690-380-2110(2) and OAR 690-380-2200]

12. Water has been used within the last five years prior to the submittal of Transfer Application T-13689, according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13689.
14. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of appropriation develops water from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
16. The proposed Transfer Application T-13689 and modifications proposed under Groundwater Modification T-13713 would un-layer one irrigation water right from another irrigation right (GR-1500 and Certificate 53854) appurtenant to the same lands (ORS 540.510), resulting in enlargement of Certificate 53854.
17. The proposed change, as conditioned, would not result in injury to other water rights.
18. The application is not complete because the Groundwater Modification T-13713 would result in the un-layering of the certificate and groundwater registration and is inconsistent with administrative rule OAR 690-380-2240.

Determination and Proposed Action

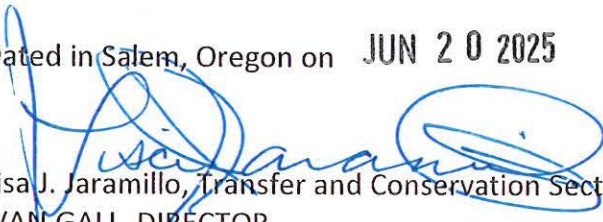
The change in point of appropriation and change in place of use proposed in Transfer Application T-13689 appear to be not consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

If the deficiencies identified above are resolved and Transfer Application T-13689 is approved, the final order will include the following:

- 1. The change in point of appropriation and change in place of use proposed in Transfer Application T-13689 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 53854 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation or the new place of use.*
- 4. Water right Certificate 53854 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 5. The quantity of water diverted at the new point of appropriation (Well # 2) together with that diverted at the original point of appropriation (Well #1) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. Water Use Measurement Condition:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. The water user shall maintain the meter or measuring device in good working order.*
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on JUN 20 2025


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or Kim.R.French@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by

default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



ANDERSON ENGINEERING AND SURVEYING, INC.

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

17681 Hwy. 395, Lakeview, Oregon 97630

(541) 947-4407 Fax (541) 947-2321

www.andersonengineering.com

December 11, 2024

Kim French, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

RE: Transfer Application T-13689 – Response to Draft Preliminary Determination

Dear Kim,

The applicant for T-13689, Kittredge Properties, LLC, has retained Anderson Engineering & Surveying, Inc. to act as their agent in regards transfer application T-13689. We received a copy of the Draft Preliminary Determination and have the following response:

The applicant wishes to continue with the processing of the transfer application. Amended application pages have been submitted clarifying that only Well 2 will be used on 125 acres identified in the amended Table 2. Well 1 will be used on the remaining acreage.

The submitted modifications will resolve the issues identified in the Draft Preliminary Determination.

Please let us know if you have any questions or require additional information.

Sincerely,

Darryl Anderson, PE, PLS, CWRE



405 N 1st St., Lakeview, OR 97630
PHONE (541)947-3019 FAX (541)947-3283

E-RECEIVED

December 10, 2024

OWRD

To: Anderson Engineering & Surveying Inc.
17681 Hwy. 395, PO Box 28
Lakeview, OR 97630
Attn: Darryl Anderson

Date: December 9, 2024
Order No. 660593AM
Reference: 79773 Connley Ln
Christmas Valley, OR 97641

Your File No.:

We have enclosed our Status of Record Title pertaining to order number 660593AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Tonya Clayborn

tonya.clayborn@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



405 N 1st St., Lakeview, OR 97630
PHONE (541)947-3019 FAX (541)947-3283

E-RECEIVED

December 10, 2024

OWRD

STATUS OF RECORD TITLE

Darryl Anderson
Anderson Engineering & Surveying Inc.
17681 Hwy. 395, PO Box 28
Lakeview, OR 97630
Your Reference No.

December 9, 2024
Title Number: 660593AM
Title Officer: Tonya Clayborn
Fee: \$300.00

We have searched the status of record title as to the following described property:

In the County of Lake, State of Oregon:

Township 26 South, Range 15 East of the Willamette Meridian,
Section 17: The E 1/2.

Vestee:

Kittredge Properties, LLC, an Oregon Limited Liability Company

and dated as of **December 9, 2024** at 7:30 a.m.

Said property is subject to the following on record matters:

1. Special Assessment disclosed by the Lake tax rolls:
For: SD 14 Correction
Amount: \$360.27
2. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
3. Taxes deferred, as disclosed by the tax roll, the Land herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
4. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.
5. An easement including the terms and provisions thereof, affecting the portion of the Land and for the purposes stated therein as set forth in instrument:
Granted To: Midstate Electric Cooperative, Inc., a cooperative corporation
Recorded: July 11, 1977
Instrument No.: [Book 174, Page 193](#)
6. Agreement for Purchase of Power for Irrigation Pumping, including the terms and provisions thereof,
Recorded: January 31, 2001
Instrument No.: [Book 250, Page 108](#)

7. An easement including the terms and provisions thereof, affecting the portion of the Land and for the purposes stated therein as set forth in instrument:
Granted To: Midstate Electric Cooperative, Inc., a cooperative corporation
Recorded: June 7, 2001
Instrument No.: [Book 252, Page 313](#)
8. The Company will require a copy of the Operating Agreement (including any approvals of withdrawal of member(s) or acceptance of new member(s)) and the Articles of Organization of Kittredge Properties, LLC, an Oregon Limited Liability Company for its examination prior to closing. Any conveyance or encumbrance of the Limited Liability Company's property must be executed by all of the members unless otherwise provided for in the Operating Agreement.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

9. According to the available County Assessor's Office records, the Land is purported to have no improvements and/or is non-owner occupied. Upon confirmation that the seller's identity has been verified, the Company may amend this Preliminary Title Report to add, among other things, additional exceptions or requirements.

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

NOTE: [Taxes](#) assessed under Code No. 1402 Account No. 1086 [Map](#) No. 26S15E00-00-02200
The 2024-2025 Taxes: \$5,005.84, are paid.

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

Kittredge Properties, LLC

NOTE: This report does not include a search for financing statements filed in the office of the Secretary of State in this or any other State, or in a county other than the county wherein the Land is are situated, and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) covering growing crops or fixtures on the Land wherein the Lands is described other than by metes and bounds or under the rectangular survey system.

NOTE: Our examination of the title to the subject property discloses no open Deeds of Trust or Mortgages of record. The accuracy of this conclusion should be confirmed in writing prior to closing of the proposed transaction.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

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

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 500 1,000 2,000 Feet

T.26S. R.15E. W.M.
LAKE COUNTY

1" = 2000'

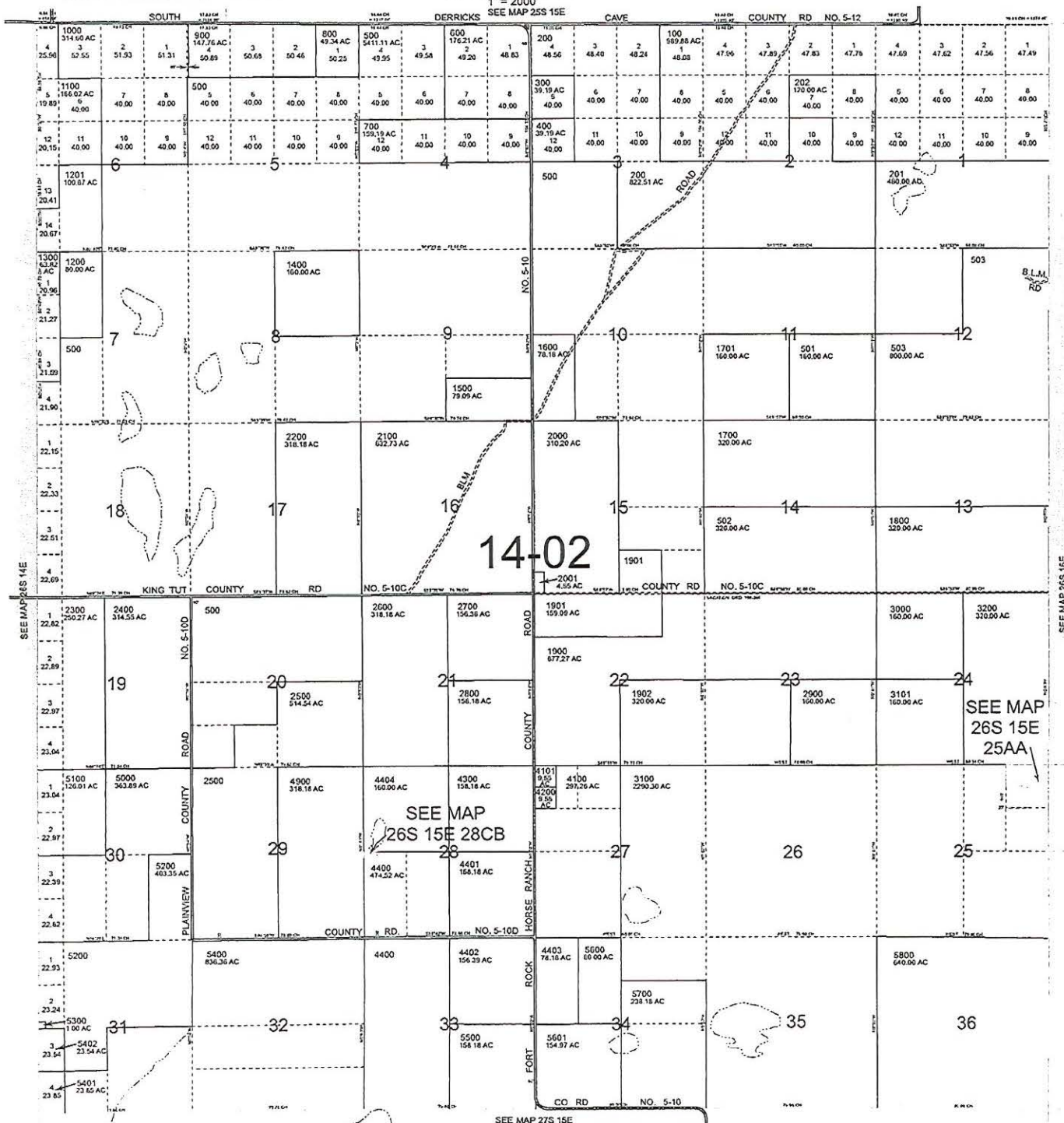
SEE MAP 25S 15E

26S15E

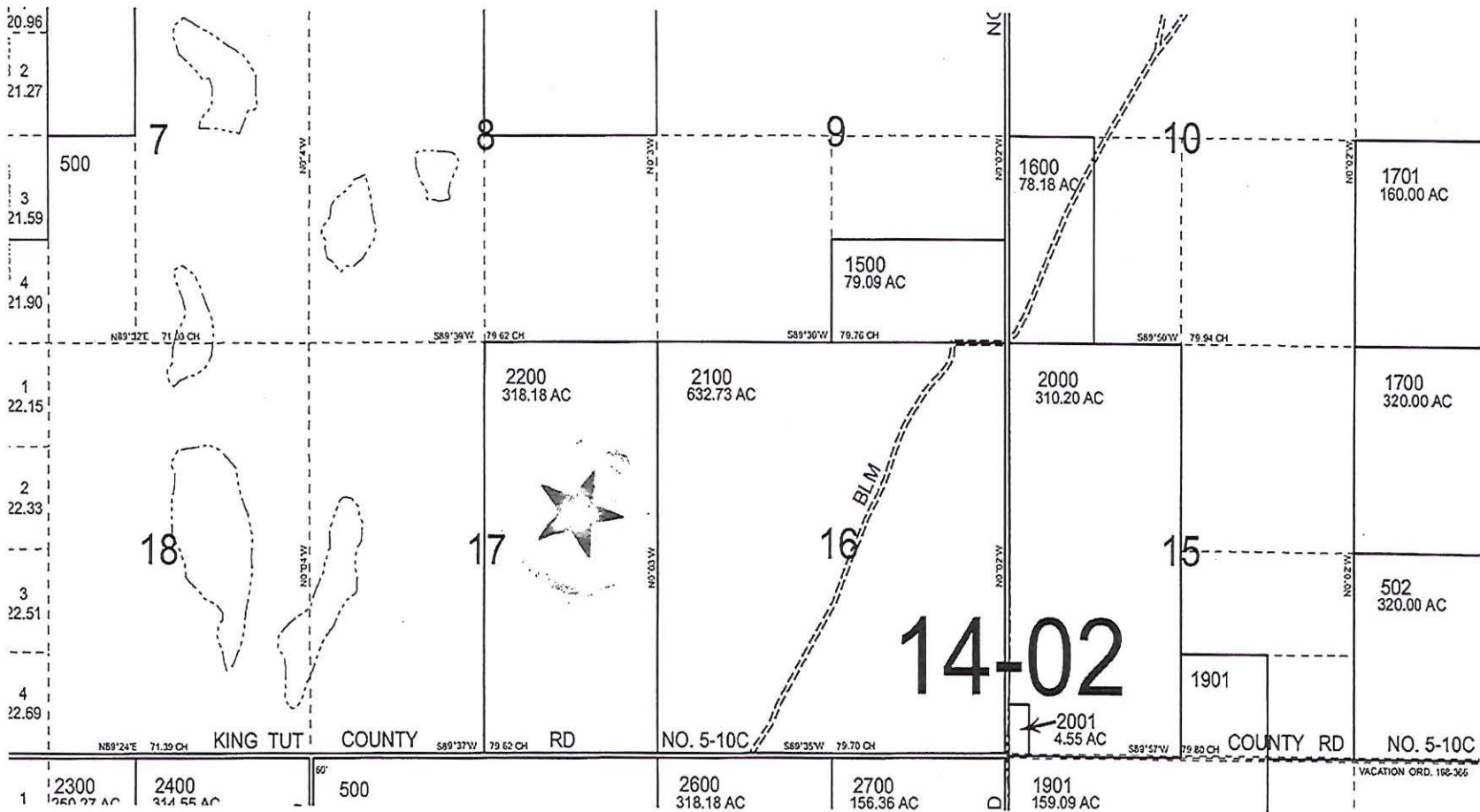
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CANCELLED NOS.
601
3300 thru 4000
4500 thru 4801

E-RECEIVED
December 10, 2024
OWRD



26S15E



E-RECEIVED
December 10, 2024
OWRD



ANDERSON ENGINEERING AND SURVEYING, INC.

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

17681 Hwy. 395, Lakeview, Oregon 97630

(541) 947-4407 Fax (541) 947-2321

www.andersonengineering.com

December 11, 2024

Kim French, Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

RE: Transfer Application T-13689 – Response to Draft Preliminary Determination

Dear Kim,

The applicant for T-13689, Kittredge Properties, LLC, has retained Anderson Engineering & Surveying, Inc. to act as their agent in regards transfer application T-13689. We received a copy of the Draft Preliminary Determination and have the following response:

The applicant wishes to continue with the processing of the transfer application. Amended application pages have been submitted clarifying that only Well 2 will be used on 125 acres identified in the amended Table 2. Well 1 will be used on the remaining acreage.

The submitted modifications will resolve the issues identified in the Draft Preliminary Determination.

Please let us know if you have any questions or require additional information.

Sincerely,

Darryl Anderson, PE, PLS, CWRE



405 N 1st St., Lakeview, OR 97630
PHONE (541)947-3019 FAX (541)947-3283

E-RECEIVED

December 10, 2024

OWRD

To: Anderson Engineering & Surveying Inc.
17681 Hwy. 395, PO Box 28
Lakeview, OR 97630
Attn: Darryl Anderson

Date: December 9, 2024
Order No. 660593AM
Reference: 79773 Connley Ln
Christmas Valley, OR 97641

Your File No.:

We have enclosed our Status of Record Title pertaining to order number 660593AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Tonya Clayborn

tonya.clayborn@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



405 N 1st St., Lakeview, OR 97630
PHONE (541)947-3019 FAX (541)947-3283

E-RECEIVED

December 10, 2024

OWRD

STATUS OF RECORD TITLE

Darryl Anderson
Anderson Engineering & Surveying Inc.
17681 Hwy. 395, PO Box 28
Lakeview, OR 97630
Your Reference No.

December 9, 2024
Title Number: 660593AM
Title Officer: Tonya Clayborn
Fee: \$300.00

We have searched the status of record title as to the following described property:

In the County of Lake, State of Oregon:

Township 26 South, Range 15 East of the Willamette Meridian,
Section 17: The E 1/2.

Vestee:

Kittredge Properties, LLC, an Oregon Limited Liability Company

and dated as of **December 9, 2024** at 7:30 a.m.

Said property is subject to the following on record matters:

1. Special Assessment disclosed by the Lake tax rolls:
For: SD 14 Correction
Amount: \$360.27
2. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
3. Taxes deferred, as disclosed by the tax roll, the Land herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
4. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.
5. An easement including the terms and provisions thereof, affecting the portion of the Land and for the purposes stated therein as set forth in instrument:
Granted To: Midstate Electric Cooperative, Inc., a cooperative corporation
Recorded: July 11, 1977
Instrument No.: [Book 174, Page 193](#)
6. Agreement for Purchase of Power for Irrigation Pumping, including the terms and provisions thereof,
Recorded: January 31, 2001
Instrument No.: [Book 250, Page 108](#)

7. An easement including the terms and provisions thereof, affecting the portion of the Land and for the purposes stated therein as set forth in instrument:
Granted To: Midstate Electric Cooperative, Inc., a cooperative corporation
Recorded: June 7, 2001
Instrument No.: [Book 252, Page 313](#)
8. The Company will require a copy of the Operating Agreement (including any approvals of withdrawal of member(s) or acceptance of new member(s)) and the Articles of Organization of Kittredge Properties, LLC, an Oregon Limited Liability Company for its examination prior to closing. Any conveyance or encumbrance of the Limited Liability Company's property must be executed by all of the members unless otherwise provided for in the Operating Agreement.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

9. According to the available County Assessor's Office records, the Land is purported to have no improvements and/or is non-owner occupied. Upon confirmation that the seller's identity has been verified, the Company may amend this Preliminary Title Report to add, among other things, additional exceptions or requirements.

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

NOTE: [Taxes](#) assessed under Code No. 1402 Account No. 1086 [Map](#) No. 26S15E00-00-02200
The 2024-2025 Taxes: \$5,005.84, are paid.

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

Kittredge Properties, LLC

NOTE: This report does not include a search for financing statements filed in the office of the Secretary of State in this or any other State, or in a county other than the county wherein the Land is situated, and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) covering growing crops or fixtures on the Land wherein the Land is described other than by metes and bounds or under the rectangular survey system.

NOTE: Our examination of the title to the subject property discloses no open Deeds of Trust or Mortgages of record. The accuracy of this conclusion should be confirmed in writing prior to closing of the proposed transaction.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

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

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 500 1,000 2,000 Feet
1" = 2000'

T.26S. R.15E. W.M.
LAKE COUNTY

1" = 2000'

SEE MAP 25S 15E

26S15E

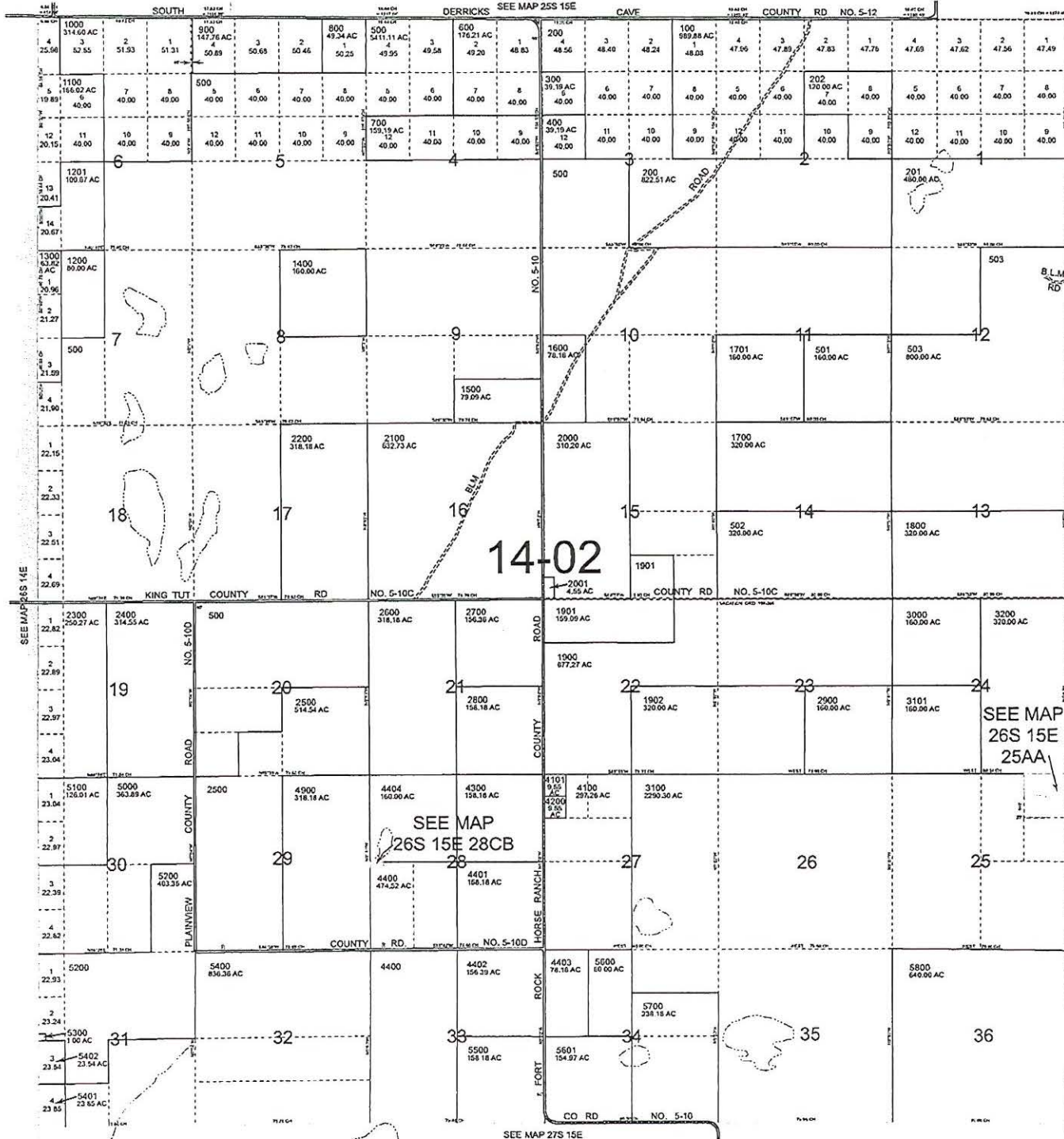
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December 10, 2024

OWRD



26S15E



E-RECEIVED

December 10, 2024

OWRD



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

October 30, 2024

VIA E-MAIL

Applicant

KITTREDGE PROPERTIES LLC
PO BOX 149
FORT ROCK, OR 97735

SUBJECT: Water Right Transfer Application T-13689

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13689. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions, should you wish to do so, and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the changes proposed on pages 7 and 8 of the application are not clear. The issues that we have identified can be resolved by the following:

- Correct and re-submit pages 7 and 8 of the application, clarifying the proposed changes.
 - Page 7 identifies a change in the point of appropriation. The Department interprets this as a request to replace Well 1 with Well 2, however the map submitted indicates that an additional point of appropriation (Well 2) is being requested.
 - Page 8, Table 2 did not identify the type of use or the POA to be used under the "PROPOSED" columns.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. **Provide a written response by November 29, 2024, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.**

2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a “prepared by” statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.
If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership
 - d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department’s statement of consent form (**Consent By Deeded Landowner**) is available at: https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below). As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

Conditions of your water right...

If you modify the application to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

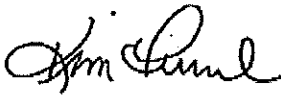
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by November 29, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 503 979-9607 or Kim.R.French@water.oregon.gov, if I may be of assistance.

Sincerely,



Kim French
Transfer and Conservation Section

cc: Transfer Application file T-13689
Jeremy Giffin, District Watermaster *(via e-mail,)*
Darryl Anderson – Anderson Engineering, Agent for the applicant *(via e-mail)*

encs

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

In the Matter of Transfer Application
T-13689, Lake County

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)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING DENIAL OF A CHANGE IN
POINT OF APPROPRIATION AND A
CHANGE IN PLACE OF USE

Authority

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

Applicant

KITTREDGE PROPERTIES LLC
PO BOX 149
FORT ROCK, OR 97735

Findings of Fact

1. On May 5, 2021, KITTREDGE PROPERTIES, LLC filed an application for a change in point of appropriation and a change in place of use under Certificate 53854. The Department assigned the application number T-13689.
2. Notice of the application for transfer was published on May 11, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The changes proposed on pages 7 and 8 of the transfer application are unclear and are not consistent with the requirements under OAR 690-380-3000. Specifically, it is not clear what well shall be used with the change in place of use. Both Table 1 on page 7 and Table 2 on Page 8 need to be corrected. For purposes of review of this transfer application, the Department assumes that the applicant is requesting to use Well #2 on the new place of use proposed in Transfer T-13689.
4. The portion of the right to be transferred is as follows:

Certificate:	53854 in the name of ROBERT R. TUTTLE (perfected under Permit G-8251)
Use:	IRRIGATION OF 125.0 ACRES
Priority Date:	JUNE 13, 1978
Rate:	1.56 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	15 E	WM	17	NE SE	1930 FEET NORTH AND 700 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	16	SW NW	16.20
26 S	15 E	WM	16	NW SW	18.03
26 S	15 E	WM	16	SW SW	13.73
26 S	15 E	WM	17	SE NE	19.13
26 S	15 E	WM	17	SW NE	16.00
26 S	15 E	WM	17	NW SE	16.74
26 S	15 E	WM	17	SW SE	12.48
26 S	15 E	WM	17	SE SE	12.69
TOTAL					125.00

5. It appears that Transfer Application T-13689 proposes to move the authorized point of appropriation approximately 1.5 miles northeast from the existing point of appropriation at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	15 E	WM	8	NE NE	WELL #2 - 1310 FEET SOUTH AND 1320 FEET WEST FROM THE NE CORNER OF SECTION 8

6. It also appears that Transfer Application T-13689 proposes to change a portion of the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	8	NE NE	31.35
26 S	15 E	WM	8	NW NE	31.37
26 S	15 E	WM	8	SW NE	31.14
26 S	15 E	WM	8	SE NE	31.14
TOTAL					125.00

7. During the review process, the Department identified that the portion of Certificate 53854, proposed for transfer under this Transfer Application T-13689, is layered with Groundwater Registration GR-1500 (Certificate of Registration GR-1450), proposed for modification under Groundwater Modification Application T-13713. Consistent with OAR 690-380-2240(1), a change in place of use or character of use of a water use subject to transfer (Certificate 53854) that is layered with another water use subject to transfer, permit, or certificate of

registration shall only be approved if concurrent changes to the layered water use are approved or recognized. Layered means there are multiple water uses subject to transfer, permits, and/or certificates of registration that are appurtenant to the same place of use and that have been issued for the purposes of irrigation (OAR 690-380-0100(4)).

- a) On May 5, 2021, the applicant submitted Transfer Application T-13689 to change the place of use under Certificate 53854. However, the place of use change requested is not consistent with the place of use change requested under Groundwater Registration Modification Application T-13713, received May 3, 2021. The place of use changes requested under Transfer Application T-13689 and Groundwater Registration Modification Application T-13713 would un-layer portions of Certificate 53854 that are currently layered with Groundwater Certificate of Registration GR-1450.
- b) Consistent with OAR 690-380-2240 and OAR 690-382-0200, the two layered irrigation water uses must move together unless certain criteria are met. Layered irrigation water uses (Certificate 53854 and Certificate of Registration GR-1450) may only be separated if the layered portion of the supplemental irrigation water right is to be moved to the same place of use as another primary irrigation water right with similar reliability (OAR 690-380-2240(5) and OAR 690-382-0200(5)). Under OAR 690-380-2240(5), the layered portion of a certificate of registration, for irrigation use, may be designated by an applicant as supplemental irrigation and then be moved to the same place of use of another similar primary irrigation right.

8. The Department determined that the portion of the land under Certificate 53854, proposed for transfer, that is currently layered with Groundwater Certificate of Registration GR-1450 for irrigation use is approximately:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	17	SE NE	7.5
26 S	15 E	WM	17	SW NE	13.0
26 S	15 E	WM	17	NE SE	38.8
26 S	15 E	WM	17	NW SE	16.74
26 S	15 E	WM	17	SW SE	12.48
26 S	15 E	WM	17	SE SE	12.69
TOTAL					101.21

Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), OAR 690-380-2110(2) and OAR 690-380-2200]

9. Water has been used within the last five years prior to the submittal of Transfer Application T-13689, according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13689.

11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of appropriation develops water from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
13. The proposed Transfer Application T-13689 and modifications proposed under Groundwater Modification T-13713 would un-layer one irrigation water right from another irrigation right (GR-1500 and Certificate 53854) appurtenant to the same lands (ORS 540.510), resulting in enlargement of Certificate 53854.
14. The proposed change, as conditioned, would not result in injury to other water rights.
15. The application is not complete because the Groundwater Modification T-13713 would result in the un-layering of the certificate and groundwater registration and is inconsistent with administrative rule OAR 690-380-2240.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-13689 appear to be not consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

If the deficiencies identified above are resolved and Transfer Application T-13689 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-13689 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 53854 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation or the new place of use.*
4. *Water right Certificate 53854 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The quantity of water diverted at the new point of appropriation (Well # 2) together with that diverted at the original point of appropriation (Well #1) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*

8. *Water Use Measurement Condition:*

- a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meter or measuring device in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or Kim.R.French@water.oregon.gov.

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13689

Transfer Specialist:

Transfer Type: Regular Transfer

Applicant: KITTREDGE PROPERTIES LLC PO BOX 149 FORT ROCK, OR 97735 Email: _____ Phone: _____		Agent: ☐ N/A DARRYL J. ANDERSON PO BOX 28 LAKEVIEW, OR 97630 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Lake County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-8850	G-8251	53854	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: May 5, 2021	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 2850.00	WM District: 11	ODFW District:
Initial Public Notice: May 11, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>9/16/23</u> Initials: <u>lf</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: <u>10/30/24</u>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 5, 2021

KITTREDGE PROPERTIES LLC
PO BOX 149
FORT ROCK, OR 97735

Reference: Application T- 13689

On May 5, 2021, we received your water right Transfer application. The application was accompanied by \$2850.00. Our receipt number 135099 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 requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion/appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #11 (*via email*)
Lake County Planning
Darryl J. Anderson, Agent

Enclosure

Regular Permanent Water Right Transfer Application Checklist

Checked by Scott Date 4/30/21

(If OK, check box to left; if not, fill in the blank)

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☒ 2. Are fees included and correct? Fee paid: 2850
If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE *or* (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed? yes signed
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled? yes N/c
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

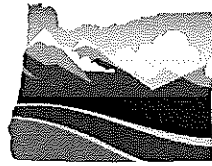
Certs & acres involved: _____

Changes: _____

cfs involved: _____

Source: _____

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-13689

Review Due Date: 06/01/2021

Applicant Name: Kittredge Properties LLC

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

Reviewer(s): Giffin

Date of Review: 05/06/2021

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☐ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☒ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department**Measurement Condition Information for the Applicant***(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T- 13689



In order to avoid enlargement of the right or injury to other rights, a _____ will
be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) OR



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Jeremy Giffin

District: 11

Address: 231 SW SCALEhouse LP, STE 103

City/State/Zip: Bend, OR 97702

Phone: 541-306-6885

Email: Jeremy.T.Giffin@Oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device**T-***(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature_____
District_____
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135099**

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

INVOICE # _____

RECEIVED FROM: Kittredge Properties, LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-13689</u>

CASH: ☐ CHECK: # 2035 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,850.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>2850.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **135099**

DATED: 4-27-2021 BY: Mindy Cordism

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

APR 27 2021

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Check all items included with this application. (N/A = Not Applicable)

RECEIVED

APR 05 2021

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☐ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 53854**

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Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

13689

[illegible]

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$*); then multiply by the number of acres to be transferred to get the transfer cfs (*$\times 45 \text{ ac} = 0.56 \text{ cfs}$*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »		
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution: 13,689		

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Kittredge Properties LLC		PHONE NO. 541-576-2236	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 149		FAX NO.	
CITY Fort Rock	STATE OR	ZIP 97735	E-MAIL hay2ufortrock@yahoo.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Anderson Engineering & Surveying Inc.		PHONE NO. 541-947-4407	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 28		FAX NO. 541-947-2321	
CITY Lakeview	STATE OR	ZIP 97630	E-MAIL darryla@andersonengineering.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
Transferring acres from an the outside of a large pivot to re-develop a pivot system that is not in use and not currently covered by a water right.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm 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; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Lake County Examiner.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


Applicant signature

Jana S. Kittredge, mgr 3/29/21
Print Name (and Title if applicable) Date

Applicant signature

Print Name (and Title if applicable)

Date

13689 -

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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13689 -

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	RECEIVED
CITY	STATE	ZIP	E-MAIL	RECEIVED APR 05 2021

Describe any special ownership circumstances here: _____

APR 27 2021

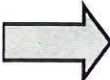
OWRD

- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip: Complete and attach Supplemental Form D.**)

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if 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.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Lake County	ADDRESS 513 Center Street	
CITY Lakeview	STATE OR	ZIP 97630

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

13689 -

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 53854

Description of Water Delivery System

System capacity: 3.15 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the well and piped to a pivot system that applies the water to the place of use.

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Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #1	☒ Authorized ☐ Proposed	LAKE 4384	26 S	15 E	17	NE SE	2200	1930' NORTH AND 700' WEST OF THE SE CORNER SECTION 17
Well #2	☐ Authorized ☒ Proposed	LAKE 388	26 S	15 E	8	2E 2E	1400	1310' SOUTH AND 1320' WEST OF THE NE CORNER SECTION 8
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

13689

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 53854

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901	
26	S	15	E	16	SW	NW	2100		16.20	Irrigation	Well #1	6/13/78	POU/POA	26	S	15	E	18	NE	NE	1400		31.35	6/13/78	6/13/78	6/13/78	
26	S	15	E	16	NW	SW	2100		18.03	Irrigation	Well #1	6/13/78		26	S	15	E	18	NW	NE	1400		31.37	6/13/78	6/13/78	6/13/78	
26	S	15	E	16	SW	SW	2100		13.73	Irrigation	Well #1	6/13/78		26	S	15	E	18	SW	NE	1400		31.14	6/13/78	6/13/78	6/13/78	
26	S	15	E	17	SW	NE	2200		16.00	Irrigation	Well #1	6/13/78		26	S	15	E	18	SE	NE	1400		31.14	6/13/78	6/13/78	6/13/78	
26	S	15	E	17	SE	NE	2200		19.13	Irrigation	Well #1	6/13/78															
26	S	15	E	17	NW	SE	2200		16.74	Irrigation	Well #1	6/13/78															
26	S	15	E	17	SW	SE	2200		12.48	Irrigation	Well #1	6/13/78															
26	S	15	E	17	SE	SE	2200		12.69	Irrigation	Well #1	6/13/78															
TOTAL ACRES:									125.00					TOTAL ACRES:									125.00				

Additional remarks: None.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☒ No

If YES, list the certificate, water use permit, or ground water registration numbers: NA.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☒ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well #1	Yes	LAKE4384	154'	4"	+2-85	0-18'	NA	23	Lava rock	3.15
Well #2	Yes	LAKE 338	280'	12"	0-40'	-0-20'	NA	20'	Lava rock	1.563

13689 -

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

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

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

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State Well No.

State app. 6-1500

State Permit No.

MAR 2 1 1982

WATER RESOURCES DEPT

265/15E-8a
9-6980
576-2297

(1) OWNER:

Name RICHARD N. WIDENOJA

Address STAR ROUTE
SILVER LAKE, ORE. 97638

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☐
12" Diam. from G.I. ft. to 40 ft. Gage 1"
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Yield: 800 gal./min. with 6 ft. drawdown after 2 hrs.

1100 " 12 " 4 "

" 1400 " 22 " 6 "

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

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used CEMENT

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 16 in.

Diameter of well bore below seal 12 in.

Number of sacks of cement used in well seal 16 sacks

How was cement grout placed? PRESSURE GROUTED

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

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

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County LAKE Driller's well number

NE 1/4 1/4 Section 8 T. 26S R. 15E W.M.

Bearing and distance from section or subdivision corner

1318 ft. S., then 1318 ft. WEST
of N.E. CORNER

(11) WATER LEVEL: Completed well.

Depth at which water was first found 24 ft.

Static level 20 ft. below land surface. Date

Artesian pressure lbs. per square inch. Date

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

Depth drilled 280 ft. Depth of completed well 280 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SANDY LOAM	0	10	
CLAY	10	19	
DIATOMACEOUS DIRT	19	22	
BLACK SAND	22	39	
WHITE DIATOMACEOUS DIRT	39	80	
BLUISH CLAY	80	233	
BLACK SAND	233	235	
VOLCANIC ROCK	235	236	
BASALT	236	276	
BROKEN ROCK	276	280	

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Work started 12/15 19 77 Completed 8/28 19 80

Date well drilling machine moved off of well 2/15 19 79

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Date 19

(Drilling Machine Operator)

Drilling Machine Operator's License No.

Water Well Contractor's Certification:

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

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

Address

[Signed] Richard N. Widenoja
(Water Well Contractor)

Contractor's License No. Date Mar. 31, 19 82

(USE ADDITIONAL SHEETS IF NECESSARY)

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SP*45658-119

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

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

LAKE 4384

RECEIVED WATER WELL REPORT

STATE OF OREGON

SEP 28 1977 (Please type or print)

WATER RESOURCES DEPT. (Do not write above this line)

State Well No.

State Permit No.

265/15E-7da
6-8251

(1) OWNER:

SALEM, OREGON

Name R. R. Tuttle

Address

FOOT ROCK DR. 97735

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

Threaded ☐ Welded ☒
4" Diam. from +2 ft. to -85 ft. Gage 250

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations

in. by

in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: gal./min. with ft. drawdown after hrs.

" " " "

" " " "

AIR test 180 gal./min. with 30 ft. drawdown after 6 hrs.

Artesian flow g.p.m.

Temperature of water 62° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used CEMENT TYPE 1-11

Well sealed from land surface to -18' ft.

Diameter of well bore to bottom of seal 18" in.

Diameter of well bore below seal 16 in.

Number of sacks of cement used in well seal 8 sacks

How was cement grout placed? GRAVITY FLOW

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

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

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County LAKE

Driller's well number

NE 1/4 SE 1/4 Section 17 T.26S R.15E 700' W.M.

Bearing and distance from section or subdivision corner 1000 FT. W. 1/4 CORNER OF SEC 17

(11) WATER LEVEL: Completed well.

Depth at which water was first found 23 ft.

Static level ft. below land surface. Date

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12"

Depth drilled 154 ft. Depth of completed well 150 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
BEN SOIL SANDY	0	2	
DIATOMITE	2	23	
GRAY CLAY + FINE BLK SAND	23	70	
GRAY CLAY	70	85	
CONGLOMERATE	85	90	
BLK + BEN BRN ROCK WP	90	115	
BRN BLACK LAVA ROCK	115	130	
" BASALT	130	154	

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Work started 7-9 1977 Completed 7-16 1977

Date well drilling machine moved off of well 7-18 1977

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] W. J. Williams Date 7-31, 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 864

Water Well Contractor's Certification:

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

Name AQUA TRE DRILLING
(Person, firm or corporation) (Type or print)

Address P.O. Box 1310, Lakeview, OR 97630

[Signed] William D. Williams
(Water Well Contractor)

Contractor's License No. 665 Date 7-31, 1977



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

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

I, Kittredge Properties LLC, Jana Kittredge, manager

(Name of Party Requesting Assignment)

P.O. Box 145

Fort Rock OR 97735

541-576-2236

(Mailing Address)

(City) (State) (Zip)

(Phone #)

- ☒ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request assignment of a portion of application/permit/transfer/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/ transfer/limited license/groundwater statement to be assigned.*)

Application # G-8850; Permit # G-8251 Cert. 53854; Transfer # _____;

Limited License # _____; Groundwater Statement # _____;

Robert R. Tuttle

(Name of Current Holder of Record)

P.O. Box 100

Fort Rock OR 97735

(Mailing Address)

(City) (State) (Zip)

(Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below. *JK*

- 1) *JK* I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) _____ I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) _____ I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) _____ I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 29 day of March, 20 21.
(Day) (Month) (Year)

Signature of Party Requesting Assignment *Jana Kittredge, mgr.*

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of **\$100.**

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FORM 723 - BARGAIN AND SALE DEED

LAKE COUNTY, OREGON 2018-000756
D-BSDEED 05/08/2018 01:42:00 PM
Cn=1 Pgs=2
\$10.00 \$11.00 \$10.00 \$20.00 \$51.00

I, Stacie Geaney, County Clerk for Lake County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.
Stacie Geaney - County Clerk

Amertine
MTC LA 09VJ1
J. Scott Kittredge & Jana S. Kittredge
PO Box 149
Fort Rock, OR 97735
Kittredge Properties, LLC
PO Box 149
Fort Rock, OR 97735
Kittredge Properties, LLC
PO Box 149
Fort Rock, OR 97735
Kittredge Properties, LLC
PO Box 149
Fort Rock, OR 97735

SPACE RESERVED
FOR
RECORDER'S USE

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that J. Scott Kittredge and Jana S. Kittredge, Husband and Wife hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Kittredge Properties, LLC, an Oregon limited liability company hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Lake County, State of Oregon, described as follows (legal description of property):

See attached exhibit "A"

26 15 00 - 022

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration. (The sentence between the symbols ☐ and ☒ if not applicable, should be deleted. See ORS 93.050.)

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

IN WITNESS WHEREOF, grantor has executed this instrument on May 4th, 2018; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 2 TO 11, CHAPTER 424, OREGON LAWS 2017, SECTIONS 2 TO 9 AND 17, CHAPTER 655, OREGON LAWS 2008 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2018. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE LIMIT OF LAND BEING TRANSFERRED IS A LAWRFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LIVESTOCK AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.030, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 2 TO 11, CHAPTER 424, OREGON LAWS 2017, SECTIONS 2 TO 9 AND 17, CHAPTER 655, OREGON LAWS 2008 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2018.

STATE OF OREGON, County of Deschutes ss.

This instrument was acknowledged before me on May 4th, 2018

by J. Scott Kittredge and Jana S. Kittredge

This instrument was acknowledged before me on May 4th, 2018

by J. Scott Kittredge and Jana S. Kittredge

as MANAGERS

of KITTREDGE PROPERTIES, LLC



OFFICIAL SEAL
ABBY ROSE JERIN
NOTARY PUBLIC - OREGON
COMMISSION NO. 945007
MY COMMISSION EXPIRES NOVEMBER 22, 2019

Notary Public for Oregon

My commission expires November 22, 2019

PUBLISHER'S NOTE: Using this form to convey real property subject to ORS 2018-000756 void reference.

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Exhibit "A"

E ¼ of Section 17, Township 26 South, Range 15 East of the Willamette Meridian.

SUBJECT TO all easements, reservations, restrictions and rights of way of record or apparent on the ground, including, but not limited to:

1. Reservations or exceptions in patents or in Acts authorizing the issuance thereof;
2. Rights incident to the use of any existing power, telephone lines that may cross the property and the rights of the public roads that may cross and/or border said property;
3. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto, a penalty may be levied if notice is not timely given.
4. An Easement created by instrument, including the terms and provisions thereof, dated June 27, 1977 and recorded July 11, 1977 in Book 174 at Page 193, Lake County Deed Records, Oregon, in favor of Midstate Electric Cooperative, Inc., a cooperative corporation, for electrical transmission lines;
5. Agreement for Purchase of Power for irrigation pumping, including the terms and provisions thereof, recorded January 31, 2001 in Book 250 at Page 108, Lake County Deed Records, Oregon, in favor of Midstate Electric Cooperative, Inc., a cooperative corporation;
6. Right of Way Easement, including the terms and provisions thereof, recorded June 7, 2001 in Book 252 at Page 313, Lake County Deed Records, Oregon, in favor of Midstate Electric Cooperative, Inc., a cooperative corporation.

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of Lake) ss

I, Jana Kittredge, in my capacity as manager Kittredge Properties LLC
mailing address PO Box 149 Fort Rock OR 97735
telephone number (503) 576-2236, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

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2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 53854; **OR**

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☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

13689 -

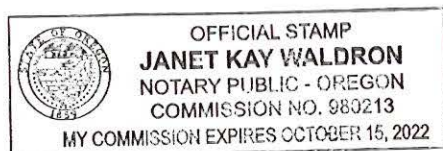
3. The water right was used for: (e.g., crops, pasture, etc.): Crops

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Janet Kay Waldron
Signature of Affiant

4-26-21
Date

Signed and sworn to (or affirmed) before me this 26 day of April, 2021.



Janet Kay Waldron
Notary Public for Oregon

My Commission Expires: 10-15-2022

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☒ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	● <u>Power usage records</u> for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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NORTH LAKE COUNTY SCALES ASSOCIATION, INC.
FORT ROCK, OREGON 97735

57855

57855

DATE 8-4-20
SELLER K: Hredge Ranch ^{at} L L R
BUYER Valley Hay
CITY HARRISBURG STATE Ore ZIP _____
COMMODITY Tuttle 1st
PRICE _____
REMARKS NH Bales

DRIVER ☐ ON ☒ OFF

WEIGHER Sony

DISCLAIMER: N.L.C.. has no responsibility to buyer or seller,
except to have scales inspected and certified by the State of Oregon.

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NORTH LAKE COUNTY SCALES ASSOCIATION, INC.
FORT ROCK, OREGON 97735

DATE 8-6-20
SELLER K: Hredge Ranch L L R
BUYER HALEY HAY
CITY HARRISBURG STATE OR ZIP _____
COMMODITY Bales Hay Tuttle 1st
PRICE _____
REMARKS _____

DRIVER ☐ ON ☒ OFF

WEIGHER Sony

DISCLAIMER: N.L.C.. has no responsibility to buyer or seller,
except to have scales inspected and certified by the State of Oregon.

North Lake Scale Association

Ticket: 1003621

Acct: Scott Kittredge
Truck: SKIT1

Out: 8/6/2020 8:51:40 AM

Gross: 70860 lb 35.43 Tons

33 260 PUP
104 120
TARE
34000

13689 -



9-14-19

Platt's Oak Hill Dairy

11070 Oak Hill Road, Independence, Oregon 97351

99528

56998

Driver On ☐ Off ☒Company Kittredge

Invoice # _____

Commodity TuHle 1st

Truck # _____

Hauler KittredgeRemarks 50 bales1566 lb/bale

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Gross Wt. 111,600

Tare Wt. _____

Net W. 78,300

BR 77220 lb 08:19:41 09/14/2019

BR 34380 lb 08:20:41 09/14/2019

BR 33300 lb 09:05:40 09/14/2019

Weighed by: Hunter

39.15

111,860

DRIVE

WEIGH

DISCLAIMER
except to h

9-19-19

Platt's Oak Hill Dairy

11070 Oak Hill Road, Independence, Oregon 97351

99559

Driver On ☐ Off ☒Company Kittredge

Invoice # _____

Commodity TuHle 1st

Truck # _____

Hauler KittredgeRemarks 48 balesGross Wt. 109,580

Tare Wt. _____

Net W. 76,140

BR 74800 lb 08:10:41 09/19/2019

BR 34700 lb 08:20:41 09/19/2019

BR 31440 lb 09:05:40 09/19/2019

Weighed by: Hunter

38.07

13689 -



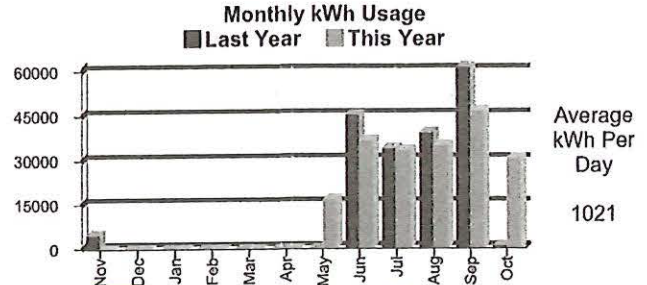
16755 Finley Butte Rd
PO Box 127
LaPine OR 97739-0127

IMPORTANT INFORMATION

Co-Op News

OCTOBER IS NATIONAL CO-OP MONTH. JOIN IN THE CELEBRATION AND ENTER TO WIN A \$100 ELECTRIC BILL CREDIT. VISIT FACEBOOK OR WWW.MSE.COOP FOR DETAILS.

SCOTT KITTREDGE
JANA S KITTREDGE
PO BOX 149
FORT ROCK OR 97735-9999



Account Number: [REDACTED] Service Location: 100 HP TUTTLE PIVOT
Billing Date: 10/20/2020 Billing Cycle: 3 Rate: Irr-Seasonal Bill Type: Regular

Account Detail		Electric Service Detail	
Previous Balance	2,559.97	Meter Number: 67946	Multiplier: 40.0
Payments Received 09/24/2020	2,559.97 Credit	Reading Dates: 08/31/2020 - 09/30/2020	
Balance Forward	\$0.00	Number of Days: 30	
Energy Charge (kWh) 30,640 @ \$0.0449	1,375.74	Current Reading: 39268	
Demand Charge (kW) 82.880 @ \$5.20	430.98	Last Reading: 38502	
Facilities Charge	64.00	kWh: 766 x 40 Multiplier =	30,640
Prompt Pay Discount	38.86 Credit	kW: 2.072 x 40 Multiplier =	82.880
Current Charges	\$1,831.86		
Total Amount Due	\$1,831.86		

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Prompt Payment Discount - 1.5% will be credited to your next electric bill if your current bill is paid in full and received within 10 days of billing date.
Late Charge - \$5 or 1.5%, whichever is greater, for outstanding balances not received in our office by 5:30 PM the day prior to your next billing.

Account Number: [REDACTED] Billing Cycle: 3

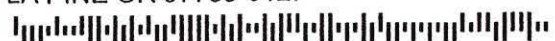
Current Charges Due Date: 11/09/2020

Total Amount Due: \$1,831.86
Relief Fund Contribution: (optional) _____
Total Amount Paid: _____



SCOTT KITTREDGE
JANA S KITTREDGE
PO BOX 149
FORT ROCK OR 97735-9999

MIDSTATE ELECTRIC COOPERATIVE INC
PO BOX 127
LA PINE OR 97739-0127



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Google Earth
4-26-21

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Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 14, 2021

KITTREDGE PROPERTIES LLC
PO BOX 149
FORT ROCK, OR 97735

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Regarding your Permit Amendment application received April 5, 2021:

Dear Applicant,

The Water Resources Department has received an application for a Permit Amendment. The application is considered incomplete as the Department did not receive all of the required documentation to process the transfer. Pursuant to OAR 690-380, the following item is missing from your application:

- *Enclosed* Completed and notarized Evidence of Use Affidavit and supporting documentation for each water right. OAR 690-380-3000

Also the Request of Assignment by Proof of Ownership is not required for a certificated water right. You do not need to include it or the \$100.00 fee.

We are hereby returning the application and the fee payment.

Please contact me at scott.a.grew@oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

*Enclosed please find new check
for fee payment.*

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Land Use Information Form



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

Applicant(s): Kittredge Properties LLC

Mailing Address: P.O. Box 149

City: Fort Rock

State: OR

Zip Code: 97735

Daytime Phone: 541-576-2236

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>26S</u>	<u>15E</u>	<u>8</u>	<u>NE NE</u>	<u>1400</u>	<u>agriculture</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>irrigation</u>
<u>26S</u>	<u>15E</u>	<u>8</u>	<u>NW NE</u>	<u>1400</u>	<u>agriculture</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigation</u>
<u>26S</u>	<u>15E</u>	<u>8</u>	<u>SW NE</u>	<u>1400</u>	<u>agriculture</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigation</u>
<u>26S</u>	<u>15E</u>	<u>8</u>	<u>SE NE</u>	<u>1400</u>	<u>agriculture</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigation</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Lake County

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APR 05 2021

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 1.563 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

Transferring acres from an the outside of a large pivot to re-develop a pivot system that is not in use and not covered by a water right.

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

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Kahala County Zoning Ordinance, Sec. 3, 2017
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

225-158-00-1600

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Name: John J. Stinger Title: Planning Director

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Signature: [Signature] Phone: 507-707-1036 Date: 4/26/2021

Government Entity: Kahala County, Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

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City or County: _____ Staff contact: _____

APR 05 2021

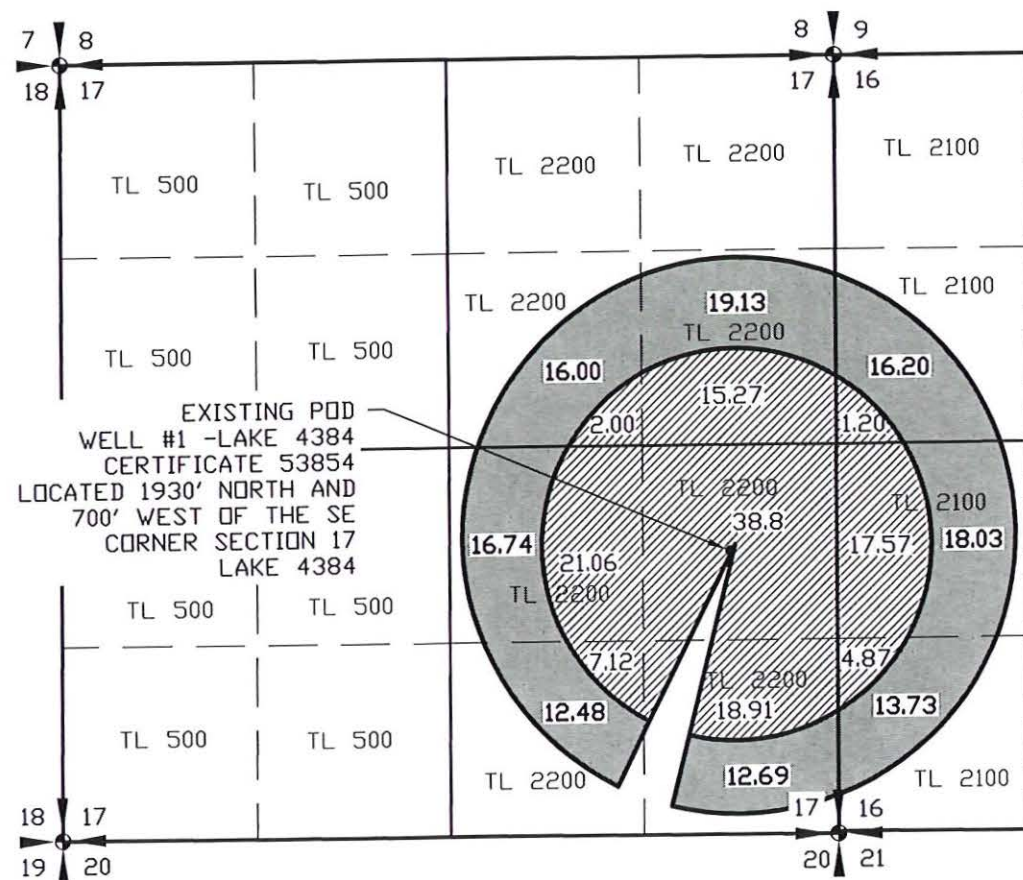
Signature: _____ Phone: _____ Date: _____

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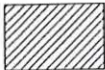
MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION

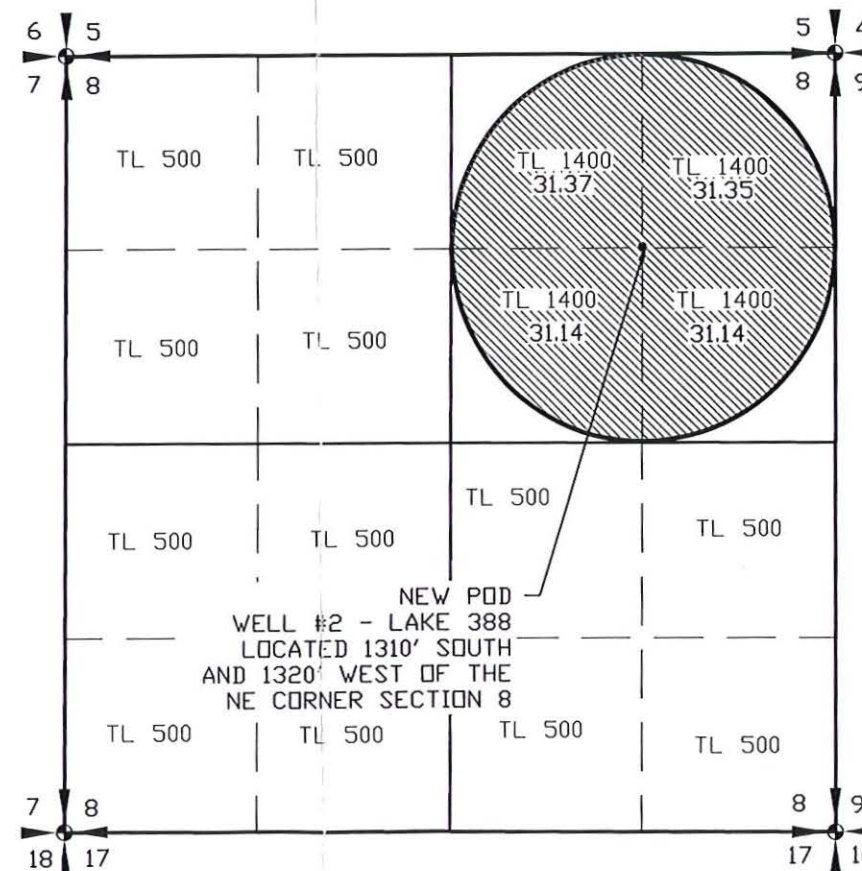
FOR KITREDGE PROPERTIES, LLC

SECTIONS 8, 16 & 17, TOWNSHIP 26 SOUTH, RANGE 15 EAST, W.M. LAKE COUNTY, OREGON



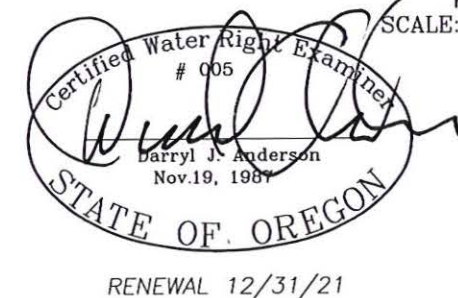
EXISTING

-  PLACE OF USE CERTIFICATE 53854
TO REMAIN - 126.80 ACRES
-  PROPOSED TRANSFER FROM
CERTIFICATE 53854 - 125.00 ACRES



PROPOSED

-  PROPOSED PLACE OF USE
125.00 ACRES - FROM
CERTIFICATE 53854



LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

TRANSFER NO. 13689 -

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APR 05 2021

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NOTE:
PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED
WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE
LOCATIONS OR DIMENSIONS OF PROPERTY BOUNDARIES.

REVISION	BY

ANDERSON ENGINEERING
AND SURVEYING, INC.
P.O. BOX 28
LAKEVIEW, OREGON 97630
(541) 947-4407
FAX: 947-2321

FOR:
JANA KITREDGE
P.O. BOX 149
FORT ROCK, OR 97755
541-576-2236

MAP TO ACCOMPANY WATER
RIGHT TRANSFER APPLICATION
SEC. 8, 16 & 17, T26S, R15 E W.M.

DATE:	3/3/2021
SCALE:	1" = 1320'
DWG. BY:	R.C.
JOB:	2021-024
FILE:	2021-024
SHEET:	1