

Regular

Name Horsefly Irrigation District

Address P.O. Box 188  
Bonanza, OR. 97623

Change in APOA

Date Filed 5/18/2018

Initial notice date 5/22/2018

DPD issued date \_\_\_\_\_

PD issued date 2-15-2019

PD notice date 2-19-2019

Date of FO 4/15/2019 Vol 112 Page 944-949

Ext of Time 12/31/2025

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well / Well

Trib. of Lost River / Alkali Lake

Use Irrigation / Supplemental Irrigation County Klamath

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# G-3906 Per # G-3670 Cert # 42738 PR Date 4/26/1967

App# G-9125 Per # G-8528 Cert # 91296 PR Date 2/7/1979

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
5/18/18	\$1,800.00	126698
5/18/18	\$290.00	126699
2-8-19	\$241.58	129122
11-18-15	\$1170.00	146411

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Jordan Ramis PC / Steve Shropshire

CWRE Daniel B. Scalas #88332

CC's list Klamath County

- Oversized map - Location

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **129122**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Horsefly Irrigation District  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-12920</u>

CASH:  CHECK # 6137 OTHER: (IDENTIFY)

TOTAL REC'D \$ 241.58

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46117 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 241.58

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	EXAM FEE	\$	0204	RECORD FEE	\$
0205	TRANSFER	EXAM FEE	\$			

**WELL CONSTRUCTION**

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

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: **129122**

DATED: 2/8/19

BY: V. Jilundu

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

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **126699**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Jordan Ramis PC</u>	APPLICATION
BY: <u>Office Account</u>	PERMIT
CASH: <input type="checkbox"/> CHECK: # <u>115123</u> OTHER: (IDENTIFY) <input type="checkbox"/>	TRANSFER <u>T-12926</u>
TOTAL REC'D \$ <u>290.00</u>	

**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 <u>46110</u>		
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>290.00</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 \_\_\_\_\_ \$ \_\_\_\_\_

**RECEIVED  
 OVER THE COUNTER**

RECEIPT: **126699**

DATED: 5/18/18 BY: CW

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

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **126698**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Horsefly Irrigation District APPLICATION \_\_\_\_\_  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 CASH:  CHECK: # 85685 OTHER: (IDENTIFY) \_\_\_\_\_ TRANSFER T-12926  
 TOTAL REC'D \$ 1,800.00

**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 46110

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	EXAM FEE \$ _____	0204 RECORD FEE \$ _____
0205 TRANSFER	EXAM FEE \$ <u>1,800.00</u>	

**WELL CONSTRUCTION:**

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

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER/RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

**RECEIVED  
 OVER THE COUNTER**

RECEIPT: **126698** DATED: 5/18/18 BY: CWetzel

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

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **146411**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Horsefly Irrigation District  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-17926</u>

CASH:  CHECK:# 8179 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,170.00

**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**

<b>MISCELLANEOUS</b>	
0407 COPY & TAPE FEES <u>46110</u>	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME <u>Transfer</u>	\$ <u>1170.00</u>
<b>WATER RIGHTS:</b>	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	\$
0205 TRANSFER	\$
<b>WELL CONSTRUCTION</b>	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	\$
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 \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **146411**

DATED: 11-13-25 BY: [Signature]



# 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](http://www.oregon.gov/owrd)

December 31, 2025

Horsefly Irrigation District  
PO BOX 188  
Bonanza, OR 97623

Reference: File T-12926

We have received your application for extension of the time limit to make complete application of water under T-12926. We also have your check in the amount of \$780.00. A copy of receipt number 146411 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. **The time limit to make complete application of water is extended to October 1, 2027.** The order approving the extension was entered December 31, 2025, at Vol:138, Page:270.

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

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the extension final order, whichever occurs first.

If you have any questions, please contact the Stacy Phillips at 503-979-9948.

Sincerely,

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

cc: Garrett M. Steensland, Watermaster Dist. #17 (via email)  
Steven L. Shropshire, Agent

Enclosure

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

In the Matter of Application for Extension     )  
of Time for Transfer Application T-12926,     )  
Klamath County                                     )     **FINAL ORDER APPROVING AN EXTENSION  
OF TIME FOR A PERMANENT TRANSFER**

**Applicant**

HORSEFLY IRRIGATION DISTRICT  
ATTN: DON RUSSELL  
PO BOX 188  
BONANZA, OR 97623

**Authority**

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. An extension for up to five years may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

**Findings of Fact**

1. On November 18, 2025, the Department received an application for extension of time for Transfer Application T-12926.
2. On April 15, 2019, the Department signed an order, which was mailed on April 16, 2019, approving Transfer Application T-12926 to add an additional point of appropriation. The order was recorded in Special Order Volume 112, Pages 944-949. The order set a transfer completion date of October 1, 2024.
3. Since the approval of the transfer, the applicant has completed construction of the additional point of appropriation, installed a pump, and connected power lines.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

4. To fully complete the change, the applicant needs to install a flow meter and make full beneficial use of the water.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2026. Consistent with OAR 690-380-6020, the Department will extend the transfer completion date to October 1, 2027.

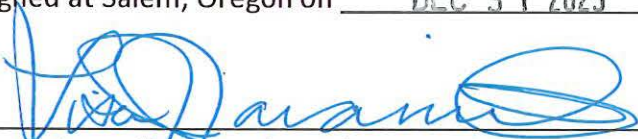
**Conclusions of Law**

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-12926.

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

The time for completion of the changes authorized by Transfer Application T-12926 shall be extended to **October 1, 2027**.

Signed at Salem, Oregon on DEC 31 2025

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

Mailing date: JAN 03 2025

# Application for Extension of Time for Transfer of Water Right



Transfer Number: T- 12926

A summary of review criteria and procedures that are generally applicable to these applications is available at [https://www.oregon.gov/owrd/WRDFormsPDF/transfer\\_extension\\_criteriareview.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/transfer_extension_criteriareview.pdf)

<b>Applicant = Transfer Holder of Record*</b> Horsefly Irrigation District			<b>Contact Name</b> Bailie Mockridge	<b>Phone Number</b> 541.545.6474
<b>Mailing Address</b> PO Box 188				<b>Fax Number</b>
<b>City</b> Bonanza	<b>State</b> OR	<b>Zip</b> 97623	<b>Email</b> Bailie@HorseflyIrrigation.com	
<b>Application Prepared By:</b> Bailie Mockridge		<b>Title</b> Office Assistant	<b>Contact Information</b> 541.331.5548	

\*The applicant must be the transfer holder of record. If the applicant is not the transfer holder of record, the applicant must request an assignment of interest prior to submitting the transfer extension application. Alternatively, the request for assignment may be submitted simultaneously with the extension application. Separate checks for the fees is helpful. Links to assignment forms: <https://www.oregon.gov/owrd/WRDFormsPDF/assign.pdf>, [https://www.oregon.gov/owrd/WRDFormsPDF/Assign\\_by\\_proof.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Assign_by_proof.pdf)  
Contact information about assignments is available at <https://www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

**To the WATER RESOURCES DIRECTOR OF OREGON:**

1. I/WE, THE TRANSFER HOLDER(S) OF RECORD, do hereby make application for an extension of time within which to complete a change in (check all that apply):

- point(s) of diversion/appropriation
- place(s) of use
- character of use

under the terms of a final order of the Water Resources Director entered on 4/15/2019 (month/day/year) for Transfer Number T- 12926

2. THE FOLLOWING WORK HAS BEEN ACCOMPLISHED toward completion of the change within the time allowed, which expired on 10/1/2024 (month/day/year):

Enter Text:  
See attached page

Received by OWRD

NOV 18 2025

3. TO FULLY COMPLETE THE CHANGE, it will be necessary to accomplish the following:

Salem, OR

Enter Text:  
The only remaining work is the installation of a flow meter on the new point of appropriation. The District anticipates completing this installation prior to the start of the 2026 irrigation season.

4. I/WE ARE REQUESTING THE TIME FOR COMPLETION be extended to October 1, 2026 (year).

*Transfer extensions can be authorized for one (1) calendar year from October 1 to October 1 of each year, or up to five (5) years for transfers involving municipal or quasi-municipal uses, unless the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (3) and OAR 690-385-7200 (5).*

5. I/WE CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE the information contained in this application is true and accurate.

11/13/2025  
Date

Baule Mood  
Signature of Applicant(s), i.e., Transfer Holder(s) of Record

6. IN ORDER FOR AN APPLICATION TO BE COMPLETE, it must be accompanied by the required fee. See the Department's fee schedule at [https://www.oregon.gov/owrd/WRDFormsPDF/fee\\_schedule.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf) or call (503) 986-0900.

7. MAIL THE COMPLETED APPLICATION AND FEE TO:

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Received by OWRD

NOV 18 2025

Salem, OR

Section 2:

The new well for the additional point of appropriation (POD #2) was constructed in September 2019 (see attached well log). The District then made substantial additional investments to the well and site, including installation of a 100hp pump, construction of a pump house, construction of an access road, connection to electrical service, and construction of a water control structure. The total cost expended to date on the additional point of appropriation is in excess of \$225,000.00.

Received by OWRD

NOV 18 2025

Salem, OR





# Oregon

Kate Brown, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Ste A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

April 15, 2019

HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

REFERENCE: Transfer Application T-12926

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

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

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

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Tamera Smith, by telephone at (503) 986-0864 or by e-mail at [Tamera.L.Smith@oregon.gov](mailto:Tamera.L.Smith@oregon.gov).

Sincerely,

Elsa M. Canuto  
Water Right Services Support  
Transfers and Conservation Section

cc: Danette M. Watson, Watermaster Dist. #17 (via email)  
County of Klamath  
Steven L. Shropshire, Agent  
Daniel Scalas, CWRE

Enclosure





4. On February 15, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12926 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 February 19, 2019, and in the Klamath Falls Herald and News on February 21 and 28, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

5. The first right to be transferred is as follows:

**Certificate:** 42738 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-3670)

**Use:** IRRIGATION OF 142.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 604.6 ACRES

**Priority Date:** APRIL 26, 1967

**Rate:** 9.34 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; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL, a tributary of LOST RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	7.0
38 S	11.5 E	WM	26	SE SW	16.7
38 S	11.5 E	WM	26	SW SE	16.4
38 S	11.5 E	WM	26	SE SE	1.5
38 S	11.5 E	WM	27	NE SE	9.6
38 S	11.5 E	WM	27	NW SE	0.2
38 S	11.5 E	WM	27	SW SE	9.6
38 S	11.5 E	WM	27	SE SE	27.8
38 S	11.5 E	WM	35	NE NE	23.3
38 S	11.5 E	WM	35	NW NE	0.1
38 S	11.5 E	WM	35	SE NE	0.3
38 S	11.5 E	WM	35	SE NW	6.8
38 S	11.5 E	WM	36	NW NW	4.8
38 S	11.5 E	WM	36	SW NW	18.4
TOTAL					142.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	25.2
38 S	11.5 E	WM	26	SE SW	23.3
38 S	11.5 E	WM	26	SW SE	7.2
38 S	11.5 E	WM	27	SW SE	6.4
38 S	11.5 E	WM	27	SE SE	12.6
38 S	11.5 E	WM	34	NE NE	39.6
38 S	11.5 E	WM	34	NW NE	36.8
38 S	11.5 E	WM	34	SW NE	36.8
38 S	11.5 E	WM	34	SE NE	40.0
38 S	11.5 E	WM	34	NE NW	8.4
38 S	11.5 E	WM	34	SW NW	4.0
38 S	11.5 E	WM	34	SE NW	27.2
38 S	11.5 E	WM	34	NW SE	39.6
38 S	11.5 E	WM	35	NE NE	13.8
38 S	11.5 E	WM	35	NW NE	33.2
38 S	11.5 E	WM	35	SW NE	25.8
38 S	11.5 E	WM	35	NE NW	38.4
38 S	11.5 E	WM	35	NW NW	37.0
38 S	11.5 E	WM	35	SW NW	33.2
38 S	11.5 E	WM	35	SE NW	32.0
38 S	11.5 E	WM	35	NE SW	39.2
38 S	11.5 E	WM	35	NW SW	39.6
38 S	11.5 E	WM	35	NW SE	5.3
TOTAL					604.6

6. The second right to be transferred is as follows:

**Certificate:** 91296 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-8528)

**Use:** IRRIGATION OF 36.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 184.5 ACRES

**Priority Date:** FEBRUARY 7, 1979

**Rate:** 2.77 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the ALKALI LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	1.3
38 S	11.5 E	WM	36	SW NE		9.4
38 S	11.5 E	WM	36	SE NW		5.0
38 S	11.5 E	WM	36	NE SW		1.1
38 S	11.5 E	WM	36	NE SE		11.6
38 S	11.5 E	WM	36	NW SE		7.3
38 S	11.5 E	WM	36	SE SE		1.0
TOTAL						36.7

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	36.2
38 S	11 E	WM	31	SW SW	4	12.2
38 S	11.5 E	WM	36	NE NE		12.4
38 S	11.5 E	WM	36	SW NE		15.0
38 S	11.5 E	WM	36	SE NE		33.2
38 S	11.5 E	WM	36	NW NW		10.0
38 S	11.5 E	WM	36	SW NW		1.5
38 S	11.5 E	WM	36	SE NW		9.0
38 S	11.5 E	WM	36	NE SW		4.0
38 S	11.5 E	WM	36	NE SE		28.4
38 S	11.5 E	WM	36	NW SE		15.9
38 S	11.5 E	WM	36	SE SE		6.7
TOTAL						184.5

7. Transfer Application T-12926 proposes an additional point of appropriation approximately 0.8 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	SW SE	POA #2 - 4440 FEET SOUTH AND 2780 FEET EAST FROM THE NW CORNER OF SECTION 36

**Transfer Review Criteria (OAR 690-380-4010)**

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12926.
10. The Groundwater Section has found that the existing point of appropriation is reported to be cased to only 30 feet and so would be open to both the upper sediment zone and deeper volcanic-rock aquifer zones but the sedimentary zones are productive as well. Although it is likely that nearly all of the production is supplied by the deeper volcanic-rock aquifer

production from the upper sedimentary zone the new well should be continuously cased and sealed into the volcanic-rock or basalt zones which should be encountered at approximately 250 foot depth.

11. The proposed change, as conditioned, would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

### **Conclusions of Law**

The additional points of appropriation proposed in Transfer Application T-12926 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

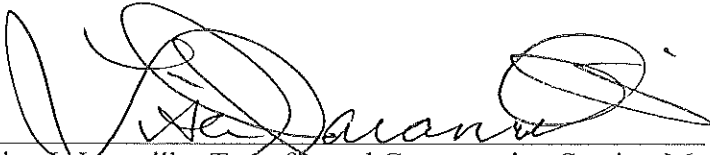
### **Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed in Transfer Application T-12926 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 Certificates 42738 and 91296 and any related decree.
3. Water right Certificates 42738 and 91296 are cancelled.
4. The quantity of water diverted at the additional point of appropriation (POA #2), together with that diverted at the original point of appropriation (POA #1), shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
  - 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 new point of appropriation.
  - 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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 change and full beneficial use of the water.

9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Signed at Salem, Oregon this 15<sup>th</sup> day of April, 2019.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

Mailing Date APR 16 2019

**Water Right Transfer Cover Sheet**

Transfer T-12926

Transfer Specialist: ES

Transfer Type: Regular

Applicant Name/Address: HORSEFLY IRRIGATION DIST PO BOX 188 BONANZA, OR 97623	Agent Name/Address: STEVEN L. SHROPSHIRE 360 SW BOND ST 510 BEND, OR 97702	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: County Of Klamath
Commentors: Name/Address:		Current Landowner Name/Address:

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	G-9125	G-8528	91296	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>	G-9125	G-3670	42738	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions**

Rec'd: May 18, 2018	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1800.00 + 290.00	WM District: 17	ODFW District:
Initial Notice: May 22, 2018	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent:

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

DPD Mailed: 11/18/19

ODFW contact sheet sent with DPD, or  N/A

WM measurement contact sheet sent, or  N/A

PD Signed: 2-15-19

PD Weekly Notice: 2-19-19

Newspaper quote requested: 11/24/19

not required

Request for news \$ sent: 11/29/19

News \$ received: 2/18/19

Request to publish sent to newspaper: 2-15-19

Affidavit of publication received: 3-11-19

NO comments rcvd 4/11/19

Klamath Falls Herald & News

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: <u>Carey</u> Date: <u>4/11/19</u> Coordinator: <u>PKS</u> Date: <u>1/17/19</u> Signature Bin Date: _____	Reviewer: <u>Jean</u> Date: <u>1/29/2019</u> Coordinator: <u>PKS</u> Date: <u>1-30-19</u> Signature Bin Date: <u>1/11/19</u>	Reviewer: <u>Carey</u> Date: <u>4/11/19</u> Coordinator: <u>PKS</u> Date: <u>4/12/19</u> Signature Bin Date: <u>B 4/15/19</u>
Comments/Special Issues: <u>APOA</u>		

Special Order Volume: Vol 112 Pages 944-949 Final Order Signature Date: 4/15/19

Notice of FO email'd to processors \_\_\_\_\_

AFFIDAVIT OF PUBLICATION  
STATE OF OREGON,  
COUNTY OF KLAMATH

I, Pat Bergstrom, Legal Specialist, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#18793 T-12926

PRELIMINARY DETERMINATION

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 2

Insertion(s) in the following issues:

02/21/2019 02/28/2019

Total Cost: \$201.32

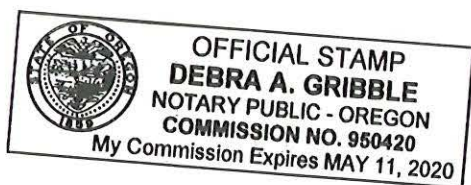
*Pat Bergstrom*

Subscribed and sworn by Pat Bergstrom before me on:  
28th day of February in the year of 2019

*Debra A Gribble*

Notary Public of Oregon

My commission expires on May 11, 2020



NOTICE OF PRELIMINARY DETERMINATION FOR  
WATER RIGHT TRANSFER T-12926

T-12926 filed by Horsefly Irrigation District, PO Box 188, Bonanza, OR 97623, proposes an additional point of appropriation under Certificates 42738 and 91296. Certificate 42738 allows the use of 9.34 cubic feet per second (cfs) from a well in Sec. 36, T38S, R11.5E, WM for irrigation and supplemental irrigation in Sects. 26, 27, 34, 35 and 36, T38S, R11.5E, WM. Certificate 91296 allows the use of 2.77 cfs from a well in Sec. 36, T38S, R11.5E, WM for irrigation and supplemental irrigation in Sec. 31, T38S, R11E, WM and Sec. 36, T38S, R11.5E, WM. The applicant proposes an additional point of appropriation in Sec. 36, T38S, R11.5E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, February 28, 2019. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. #18793 February 21, 28, 2019.

Received by OWRD

MAR 11 2019

Salem, OR



# Oregon

Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

January 18, 2019

VIA E-MAIL

**Applicant**  
HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

Reference: Water Right Transfer Application T-12926

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12926. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

**Items needed before the next phase of processing...**

Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.

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.

**Conditions to your water right...**

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required or alternate devices.

The Groundwater section has required that the proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.

**Please note the proposed date by which all conditions must be met: October 1, 2020.** If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

**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.

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

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and

**If we do not receive the items listed above by February 17, 2019, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at if I may be of assistance.

Kindest regards,



Tamera Smith  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-12926  
Danette M. Watson, District 17 Watermaster (*via e-mail*)  
Steven L. Shropshire, Agent for the applicant (*via e-mail*)  
Daniel B. Scalas, CWRE #88332 (*via email*)

encs

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

In the Matter of Transfer Application )  
T-12926, Klamath County )

**D R A F T**

) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL OF AN  
) ADDITIONAL POINT OF  
) APPROPRIATION

**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**

HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

**Findings of Fact**

1. On May 18, 2018, HORSEFLY IRRIGATION DISTRICT filed an application for an additional point of appropriation under Certificates 42738 and 91296. The Department assigned the application number T-12926.
2. Notice of the application for transfer was published on May 22, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The first right to be transferred is as follows:
  - Certificate:** 42738 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-3670)
  - Use:** IRRIGATION OF 142.5 ACRES AND SUPPLEMENTAL IRRIGATION 604.6 ACRES
  - Priority Date:** APRIL 26, 1967
  - Rate:** 9.34 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; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL, a tributary of LOST RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	7.0
38 S	11.5 E	WM	26	SE SW	16.7
38 S	11.5 E	WM	26	SW SE	16.4
38 S	11.5 E	WM	26	SE SE	1.5
38 S	11.5 E	WM	27	NE SE	9.6
38 S	11.5 E	WM	27	NW SE	0.2
38 S	11.5 E	WM	27	SW SE	9.6
38 S	11.5 E	WM	27	SE SE	27.8
38 S	11.5 E	WM	35	NE NE	23.3
38 S	11.5 E	WM	35	NW NE	0.1
38 S	11.5 E	WM	35	SE NE	0.3
38 S	11.5 E	WM	35	SE NW	6.8
38 S	11.5 E	WM	36	NW NW	4.8
38 S	11.5 E	WM	36	SW NW	18.4
TOTAL					142.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	25.2
38 S	11.5 E	WM	26	SE SW	23.3
38 S	11.5 E	WM	26	SW SE	7.2
38 S	11.5 E	WM	27	SW SE	6.4
38 S	11.5 E	WM	27	SE SE	12.6
38 S	11.5 E	WM	34	NE NE	39.6
38 S	11.5 E	WM	34	NW NE	36.8
38 S	11.5 E	WM	34	SW NE	36.8
38 S	11.5 E	WM	34	SE NE	40.0
38 S	11.5 E	WM	34	NE NW	8.4
38 S	11.5 E	WM	34	SW NW	4.0
38 S	11.5 E	WM	34	SE NW	27.2
38 S	11.5 E	WM	34	NW SE	39.6
38 S	11.5 E	WM	35	NE NE	13.8
38 S	11.5 E	WM	35	NW NE	33.2
38 S	11.5 E	WM	35	SW NE	25.8
38 S	11.5 E	WM	35	NE NW	38.4
38 S	11.5 E	WM	35	NW NW	37.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	35	SW NW	33.2
38 S	11.5 E	WM	35	SE NW	32.0
38 S	11.5 E	WM	35	NE SW	39.2
38 S	11.5 E	WM	35	NW SW	39.6
38 S	11.5 E	WM	35	NW SE	5.3
TOTAL					604.6

4. The second right to be transferred is as follows:

**Certificate:** 91296 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-8528)

**Use:** IRRIGATION of 36.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 184.5 ACRES

**Priority Date:** FEBRUARY 7, 1979

**Rate:** 2.77 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the ALKALI LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	1.3
38 S	11.5 E	WM	36	SW NE		9.4
38 S	11.5 E	WM	36	SE NW		5.0
38 S	11.5 E	WM	36	NE SW		1.1
38 S	11.5 E	WM	36	NE SE		11.6
38 S	11.5 E	WM	36	NW SE		7.3
38 S	11.5 E	WM	36	SE SE		1.0
TOTAL						36.7

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	36.2
38 S	11 E	WM	31	SW SW	4	12.2
38 S	11.5 E	WM	36	NE NE		12.4
38 S	11.5 E	WM	36	SW NE		15.0
38 S	11.5 E	WM	36	SE NE		33.2
38 S	11.5 E	WM	36	NW NW		10.0

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11.5 E	WM	36	SW NW		1.5
38 S	11.5 E	WM	36	SE NW		9.0
38 S	11.5 E	WM	36	NE SW		4.0
38 S	11.5 E	WM	36	NE SE		28.4
38 S	11.5 E	WM	36	NW SE		15.9
38 S	11.5 E	WM	36	SE SE		6.7
TOTAL						184.5

5. Transfer Application T-12926 proposes an additional point of appropriation approximately 0.8 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	SW SE	POA #2 - 4440 FEET SOUTH AND 2780 FEET EAST FROM THE NW CORNER OF SECTION 36

***Transfer Review Criteria (OAR 690-380-4010)***

6. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12926.
8. The Groundwater Section has found that the existing point of appropriation is reported to be cased to only 30 feet and so would be open to both the upper sediment zone and deeper volcanic-rock aquifer zones but the sedimentary zones are productive as well. Although it is likely that nearly all of the production is supplied by the deeper volcanic-rock aquifer production from the upper sedimentary zone the new well should be continuously cased and sealed into the volcanic-rock or basalt zones which should be encountered at approximately 250 foot depth.
9. The proposed change, as conditioned, would not result in enlargement of the rights.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-12926 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12926 is approved, the final order will include the following:*

- 1. The additional point of appropriation proposed in Transfer Application T-12926 is 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 Certificates 42738 and 91296 and any related decree.*
- 3. Water right Certificates 42738 and 91296 are cancelled.*
- 4. The quantity of water diverted at the additional point of appropriation (POA #2), together with that diverted at the original point of appropriation (POA #1), shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 5. Water use measurement conditions:*
  - 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 new point of appropriation.*
  - 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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 change and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_\_,

## D R A F T

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the Information in this document, you may reach me at 503-986-0898 or [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov)

**SMITH Tamera L \* WRD**

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Tuesday, January 29, 2019 7:52 AM  
**To:** STARNES Patrick K \* WRD  
**Cc:** SMITH Tamera L \* WRD  
**Subject:** RE: Newspaper Estimate for Transfer Application T-12926

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hey Tamera,

The quote is in, total cost to run once a week for two weeks will be \$241.58.

Thanks,

*Stacy H Phillips* | Transfers and Conservation Support  
**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503 986-0815 | Fax: 503 986-0901  
Email: [stacy.h.phillips@oregon.gov](mailto:stacy.h.phillips@oregon.gov)

---

**From:** STARNES Patrick K \* WRD  
**Sent:** Thursday, January 24, 2019 10:48 AM  
**To:** PHILLIPS Stacy H \* WRD  
**Cc:** SMITH Tamera L \* WRD  
**Subject:** Newspaper Estimate for Transfer Application T-12926

Hi Stacy –

Tamera will need a quote for the attached TRANSFER Application notice to run in the Klamath Herald and News. Run time is two weeks.

Thanks!

Kelly

\*\*\*\*\*  
Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Telephone: 503-986-0886 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@oregon.gov](mailto:patrick.k.starnes@oregon.gov)

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

\*\*\*\*\*

## SMITH Tamera L \* WRD

---

**From:** Steve Shropshire <Steve.Shropshire@jordanramis.com>  
**Sent:** Wednesday, January 23, 2019 9:05 AM  
**To:** SMITH Tamera L \* WRD; horseflydist@centurytel.net; WATSON Danette M \* WRD; dscalas@adkinsengineering.com  
**Cc:** Libby Wawro; Caylin Barter  
**Subject:** RE: DPD and letter for T-12926 [IWOV-Worksite.FID2054877]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning Tamera,

I have reviewed the draft PD with my clients. It looks accurate in all respects and HID accepts the proposed conditions. However, we would ask that you revise the PD to reflect a 5-year beneficial use period rather than the October 1, 2020 deadline now reflected in the document. This will ensure that the District has sufficient time to construct the well and connect it to its distribution system.

With respect to publication of notice, the District typically publishes its public notices in the Klamath Herald and News. We will wait to hear from you regarding the cost of that publication.

Please feel free to give me a call if you have any questions. Thank you.

-Steve

**STEVE SHROPSHIRE** | Shareholder  
**Jordan Ramis PC** | Attorneys at Law  
Direct Bend: 541.647.2979 Direct Portland: 503.598.5583 Mobile: 503-522-8667

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**From:** SMITH Tamera L \* WRD <Tamera.L.Smith@oregon.gov>  
**Sent:** Friday, January 18, 2019 1:51 PM  
**To:** horseflydist@centurytel.net; WATSON Danette M \* WRD <Danette.M.Watson@oregon.gov>; Steve Shropshire <Steve.Shropshire@jordanramis.com>; dscalas@adkinsengineering.com  
**Subject:** DPD and letter for T-12926

January 18, 2019

VIA E-MAIL

**Applicant**  
HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

Reference: Water Right Transfer Application T-12926

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12926. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

**Items needed before the next phase of processing...**

Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.

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.

**Conditions to your water right...**

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required or alternate devices.

The Groundwater section has required that the proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.

**Please note the proposed date by which all conditions must be met: October 1, 2020.** If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

**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.

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

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and

**If we do not receive the items listed above by February 17, 2019, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me if I may be of assistance.

Kindest regards,

Tamera Smith  
Transfer Specialist  
Transfer and Conservation Section



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

January 29, 2019

VIA EMAIL

HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

SUBJECT: Water Right Transfer Application T-12926

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

**Items needed before the next phase of processing...**

At this time you need to:

1. submit a check for \$241.58 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-12926 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than February 28, 2019.**

**What happens next...**

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Klamath Falls Herald & News, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

✂-----  
**Attached** is a check for \$241.58 (PCA #46117) for Newspaper Notice for Transfer T-12926

- made out to Oregon Water Resources Department ( or WRD)
- **"for T-12926 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

**If we do not receive payment for newspaper notice by February 28, 2019, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-986-0898 or [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov) , if I may be of assistance.

Kindest regards,



Tamera Smith  
Transfer Specialist  
Transfer and Conservation Section

cc: T-12926  
Danette M. Watson, District 17 Watermaster *(via e-mail)*  
Steven L. Shropshire, Agent for the applicant *(via e-mail)*



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 15, 2019

VIA E-MAIL

HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

SUBJECT: Water Right Transfer Application T-12926

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12926. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Klamath Falls Herald & News, 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 last date of newspaper publication.

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

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

Please do not hesitate to contact me at 503-986-0898 or [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov) if I may be of assistance.

kindest regards,

Tamera Smith  
Transfer Specialist  
Transfer and Conservation Section

cc: T-12926  
Danette M. Watson, District 17 Watermaster *(via e-mail)*  
Steven L. Shropshire, Agent for the applicant *(via e-mail)*  
Daniel B. Scalas, CWRE # 88332 *(via e-mail)*

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12926, Klamath County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF
	)	APPROPRIATION

**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**

HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

**Findings of Fact**

1. On May 18, 2018, HORSEFLY IRRIGATION DISTRICT filed an application for an additional point of appropriation under Certificates 42738 and 91296. The Department assigned the application number T-12926.
2. Notice of the application for transfer was published on May 22, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 18, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12926 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 17, 2019, for the applicant to respond. The applicant requested a five year completion date and 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.

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

4. The first right to be transferred is as follows:

**Certificate:** 42738 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-3670)  
**Use:** IRRIGATION OF 142.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 604.6 ACRES  
**Priority Date:** APRIL 26, 1967  
**Rate:** 9.34 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; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.  
**Source:** A WELL, a tributary of LOST RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	7.0
38 S	11.5 E	WM	26	SE SW	16.7
38 S	11.5 E	WM	26	SW SE	16.4
38 S	11.5 E	WM	26	SE SE	1.5
38 S	11.5 E	WM	27	NE SE	9.6
38 S	11.5 E	WM	27	NW SE	0.2
38 S	11.5 E	WM	27	SW SE	9.6
38 S	11.5 E	WM	27	SE SE	27.8
38 S	11.5 E	WM	35	NE NE	23.3
38 S	11.5 E	WM	35	NW NE	0.1
38 S	11.5 E	WM	35	SE NE	0.3
38 S	11.5 E	WM	35	SE NW	6.8
38 S	11.5 E	WM	36	NW NW	4.8
38 S	11.5 E	WM	36	SW NW	18.4
TOTAL					142.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	25.2
38 S	11.5 E	WM	26	SE SW	23.3
38 S	11.5 E	WM	26	SW SE	7.2
38 S	11.5 E	WM	27	SW SE	6.4
38 S	11.5 E	WM	27	SE SE	12.6

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	34	NE NE	39.6
38 S	11.5 E	WM	34	NW NE	36.8
38 S	11.5 E	WM	34	SW NE	36.8
38 S	11.5 E	WM	34	SE NE	40.0
38 S	11.5 E	WM	34	NE NW	8.4
38 S	11.5 E	WM	34	SW NW	4.0
38 S	11.5 E	WM	34	SE NW	27.2
38 S	11.5 E	WM	34	NW SE	39.6
38 S	11.5 E	WM	35	NE NE	13.8
38 S	11.5 E	WM	35	NW NE	33.2
38 S	11.5 E	WM	35	SW NE	25.8
38 S	11.5 E	WM	35	NE NW	38.4
38 S	11.5 E	WM	35	NW NW	37.0
38 S	11.5 E	WM	35	SW NW	33.2
38 S	11.5 E	WM	35	SE NW	32.0
38 S	11.5 E	WM	35	NE SW	39.2
38 S	11.5 E	WM	35	NW SW	39.6
38 S	11.5 E	WM	35	NW SE	5.3
TOTAL					604.6

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

**Certificate:** 91296 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-8528)

**Use:** IRRIGATION OF 36.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 184.5 ACRES

**Priority Date:** FEBRUARY 7, 1979

**Rate:** 2.77 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the ALKALI LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	1.3
38 S	11.5 E	WM	36	SW NE		9.4
38 S	11.5 E	WM	36	SE NW		5.0
38 S	11.5 E	WM	36	NE SW		1.1
38 S	11.5 E	WM	36	NE SE		11.6

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11.5 E	WM	36	NW SE		7.3
38 S	11.5 E	WM	36	SE SE		1.0
TOTAL						36.7

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	36.2
38 S	11 E	WM	31	SW SW	4	12.2
38 S	11.5 E	WM	36	NE NE		12.4
38 S	11.5 E	WM	36	SW NE		15.0
38 S	11.5 E	WM	36	SE NE		33.2
38 S	11.5 E	WM	36	NW NW		10.0
38 S	11.5 E	WM	36	SW NW		1.5
38 S	11.5 E	WM	36	SE NW		9.0
38 S	11.5 E	WM	36	NE SW		4.0
38 S	11.5 E	WM	36	NE SE		28.4
38 S	11.5 E	WM	36	NW SE		15.9
38 S	11.5 E	WM	36	SE SE		6.7
TOTAL						184.5

6. Transfer Application T-12926 proposes an additional point of appropriation approximately 0.8 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	SW SE	POA #2 - 4440 FEET SOUTH AND 2780 FEET EAST FROM THE NW CORNER OF SECTION 36

***Transfer Review Criteria (OAR 690-380-4010)***

7. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12926.
9. The Groundwater Section has found that the existing point of appropriation is reported to be cased to only 30 feet and so would be open to both the upper sediment zone and deeper volcanic-rock aquifer zones but the sedimentary zones are productive as well. Although it is likely that nearly all of the production is supplied by the deeper volcanic-rock aquifer production from the upper sedimentary zone the new well should be continuously cased and sealed into the volcanic-rock or basalt zones which should be encountered at approximately 250 foot depth.
10. The proposed change, as conditioned, would not result in enlargement of the rights.

11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

### **Determination and Proposed Action**


The additional point of appropriation proposed in Transfer Application T-12926 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12926 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-12926 is 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 Certificates 42738 and 91296 and any related decree.*
3. *Water right Certificates 42738 and 91296 are cancelled.*
4. *The quantity of water diverted at the additional point of appropriation (POA #2), together with that diverted at the original point of appropriation (POA #1), shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - 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 new point of appropriation.*
  - 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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 change and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this FEB 15 2019,



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0898 or [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov)

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

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

# 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 )  
 ) ss  
 County of KLAMATH )

I, DON RUSSELL, in my capacity as MANAGER OF HORSEFLY IRRIGATION DISTRICT,  
 mailing address PO BOX 188, BONANZA OR 97623  
 telephone number (541)545-6474, being first duly sworn depose and say:



RECEIVED

MAY 18 2018

OWRD

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

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 42738; **OR**

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	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)

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

*Jon Russell*  
Signature of Affiant

5/7/18  
Date

Signed and sworn to (or affirmed) before me this 7<sup>th</sup> day of May, 2018.



*Tina L. Young*  
Notary Public for Oregon

My Commission Expires: 9/14/21

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>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.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** HORSEFLY IRRIGATION DISTRICT  
97623  
of P.O. Box 188, Bonanza, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
a well

a tributary of Lost River for the purpose of  
irrigation of 142.5 acres and supplemental irrigation of 604.6 acres  
under Permit No. G-3670 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from April 26, 1967

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the: NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 36, T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.,  
870 feet South and 310 feet East from NW Corner, Section 36.

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

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

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

(SEE SECOND PAGE)

RECEIVED

MAY 18 2018

OWRD

PRIMARY

7.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
16.7 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
16.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
1.5 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 26

9.6 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
0.2 acre NW $\frac{1}{4}$  SE $\frac{1}{4}$   
9.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
27.8 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27

23.3 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
0.1 acre NW $\frac{1}{4}$  NE $\frac{1}{4}$   
0.3 acre SE $\frac{1}{4}$  NE $\frac{1}{4}$   
6.8 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 35

4.8 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
18.4 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 36  
T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.

SUPPLEMENTAL

25.2 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
23.3 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
7.2 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 26

6.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
12.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27

39.6 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
36.8 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
36.8 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
40.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
8.4 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
4.0 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
27.2 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
39.6 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 34  
T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.

SUPPLEMENTAL

13.8 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
33.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
25.8 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
38.4 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
37.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
33.2 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
32.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
39.2 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
39.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
5.3 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 35  
T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this 5th day of December, 19 75

James E. Saxson  
Water Resources Director State Engineer

Google Maps Cert. 42738 Place of Use Aerial



Imagery ©2018 DigitalGlobe, State of Oregon, Map data ©2018 Google 1000 ft

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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 )  
 ) ss  
 County of KLAMATH )

I, DON RUSSELL, in my capacity as MANAGER OF HORSEFLY IRRIGATION DISTRICT,  
 mailing address PO BOX 188, BONANZA OR 97623  
 telephone number (541)545-6474, 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 # 91296; **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	¼ ¼	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)

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

[Signature]  
Signature of Affiant

5/7/18  
Date

Signed and sworn to (or affirmed) before me this 7th day of May, 2018.

[Signature]  
Notary Public for Oregon



My Commission Expires: 9/14/21

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>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.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HORSEFLY IRRIGATION DISTRICT  
P.O. BOX 188  
BONANZA, OR 97623

confirms the right to the use of water perfected under the terms of Permit G-8528. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at well. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-9125

SOURCE OF WATER: A WELL

PURPOSE or USE: IRRIGATION OF 36.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 184.5 ACRES

MAXIMUM RATE: 2.77 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 7, 1979

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM NW CORNER, SECTION 36

The amount of water used for irrigation, shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

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**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Primary Acres	Supplemental Acres
38 S	11 E	WM	31	NW SW	3	1.3	36.2
38 S	11 E	WM	31	SW SW	4		12.2
38 S	11.5 E	WM	36	NE NE			12.4
38 S	11.5 E	WM	36	SW NE		9.4	15.0
38 S	11.5 E	WM	36	SE NE			33.2
38 S	11.5 E	WM	36	NW NW			10.0
38 S	11.5 E	WM	36	SW NW			1.5
38 S	11.5 E	WM	36	SE NW		5.0	9.0
38 S	11.5 E	WM	36	NE SW		1.1	4.0
38 S	11.5 E	WM	36	NE SE		11.6	28.4
38 S	11.5 E	WM	36	NW SE		7.3	15.9
38 S	11.5 E	WM	36	SE SE		1.0	6.7

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

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

The right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein for the lands described as supplemental.

All or a portion of this right shares the same place of use as a primary irrigation Claim in the Lost River Adjudication. Pursuant to OAR 690-380-5120, when two or more primary irrigation rights are on the same land, the right with the oldest priority date shall be considered the primary water right unless the applicant designates a right, other than the right with the oldest priority date, as the primary water right. All other water rights shall be regarded as supplemental.

In the event that primary irrigation rights are not determined in the Lost River Adjudication for lands identified as supplemental irrigation under the terms of this right, this right may be exercised as primary irrigation.

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

Issued APR 04 2016

  
 Dwight French  
 Water Right Services Division Administrator, for  
 Thomas M. Byler, Director  
 Oregon Water Resources Department

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## Groundwater Transfer Review Summary Form

Transfer/PA # T- 12926

GW Reviewer M. Thoma Date Review Completed: 12-10-18

### Summary of Enlargement (Same Source) Review:

The proposed transfer fails to keep the original place of use from receiving water from the same source.

### Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled.

### Summary of Well Construction Assessment:

The proposed POA does not have a well log.

The proposed POA does not appear to meet current well construction standards. Route through Well Construction and Compliance Section.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

### Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-12926

Applicant Name: Horsefly Irr. District

Proposed Changes:  POA     APOA     SW→GW     RA  
 USE     POU     OTHER

Reviewer(s): Michael Thoma

Date of Review: 12/11/2018

Date Reviewed by GW Mgr. and Returned to WRSD: 12/17/18

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: The applicant proposes adding one additional POA to existing Certificates 42738 and 91296. Both existing certificates authorize use from the same well, KLAM 12457. Cert. 42738 authorizes 9.34 cfs and Cert. 91296 authorizes 2.77 cfs. The result of this transfer would allow a maximum of 12.11 cfs (5435 gpm) of appropriation from the new APOA.

Will the proposed POA develop the same aquifer (source) as the existing authorized POA?

Yes     No    Comments: A detailed well log for the existing well, KLAM 12457, does not exist but the well depth is reported as 470 or 550 ft (from well report and permit, respectively) and the reported yield of 1500 gpm implies that the well is producing primarily from volcanic-rock zones (often referred to as the "basalt" aquifer") underlying the sediment zones within the Yonna Valley Basin. The APOA proposes a completed depth of 400 ft and a seal depth of 400 ft which should also encounter the same volcanic-rock aquifer zones. The reported seal depth of 400 ft is inferred by this review to mean the well will be sealed to near the bottom.

The well report for the existing well (attached) does not describe well construction and only a description of "30 ft of casing" is reported on the permits that list this as the POA. Therefore, there is some difficulty in concluding that the APOA would be producing from the same aquifer or that a well-construction condition would be adequate to ensure the APOA is producing from the same source aquifer. However, reported well yields in the sedimentary aquifer zones are 10-50 gpm so only the volcanic-rock source would adequately provide the amount of water required for this use. Since the new well will be required to meet current well-construction standards it will likely be required to be completed into the volcanic-rock aquifer zones and so this review assumes production of the new well will be solely from the volcanic-rock aquifer zone.

a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

Yes  No Comments: The existing POA is reported to be cased to only 30 ft and so would be open to both the upper, sediment zone and a deeper volcanic-rock zone. The high well yield on the existing well implies that production is primarily from the deeper volcanic-rock aquifer zones but the sedimentary zones are productive as well.

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): Although it is likely that nearly all of the production is supplied by the deeper volcanic-rock aquifer zone, this review finds that **in order to avoid enlargement of the water right** by increasing production from the upper sedimentary zone the new well should be continuously cased and sealed into the volcanic-rock, or "basalt" zones which should be encountered at approx. 250 ft depth (Grondin, 2004).

2. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

Yes  No Comments:

(1) The proposed APOA will be located approx. 0.5 miles closer to well KLAM 13458 which is the POA on certificates 46871, 52214, 67509, 83017, and 83018. The closer distance with the new APOA will increase interference.

(2) The proposed change will also increase interference to Bonanza Big Springs where it has been documented that groundwater pumping in the area leads to back-flow of the springs (from Lost River into the aquifer) which can be a source of contamination to domestic well users in the town of Bonanza. Currently there are several water rights that are subject to regulation when groundwater levels in the vicinity of the springs drop close to river levels in the Lost River. Any **significant increase** in drawdown at the springs would lead to those groundwater users being regulated sooner, and thus would be considered injury per OAR 690-380-0010(3).

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes  No If yes, explain:

(1) Transmissivity values for the deeper volcanic-rock aquifer zones are reported to be  $10^4$ - $10^5$  ft<sup>2</sup>/day and drawdown modeling (see Attachment C) suggests that maximum increases in interference caused by the proposed transfer will be < 0.5 ft by the end of the irrigation season.

(2) Using the same model values, the increase in drawdown at Bonanza Big Springs caused by the proposed change would be < 0.1 ft by the end of the irrigation season (Attachment D). Day-to-day fluctuations in the stage-groundwater relationship at Bonanza Big Springs are approx. 0.1 ft and this review finds that the additional drawdown caused by the proposed change **is not significant**.

3. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes  No Comments: The nearest surface water source to the POAs is the Lost River, which is over 3 miles from the POAs. At that distance and give the hydrogeologic parameters (see #4) and complex geologic structure between the POAs and the river, any increase in interference will not be significant enough to be considered here.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: \_\_\_\_\_

Minimal  Significant

Stream: \_\_\_\_\_

Minimal  Significant

Provide context for minimal/significant impact: \_\_\_\_\_

4. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_

5. Any additional comments: The well report for the existing POA, KLAM 12457, is insufficient to interpret well construction and provides no record that minimum well-construction standards have been met. Also the reported 30 ft of casing is likely allowing for comingling between the shallow sedimentary aquifer zone and deeper volcanic-rock aquifer zones.

Grondin, G. H. 2004. Ground water in the Eastern Lost River Sub-Basin, Langell, Yonna, Swan Lake, and Poe Valleys of Southeastern Klamath County, Oregon. Oregon Water Resources Dept. Ground Water Report No. 41.

Attachment A: Water Well Report for KLAM 12457

**Well Record**

STATE ENGINEER Salem, Oregon KLAM 12457 STATE WELL NO. 38/111-36D(1) <sup>bca</sup>  
COUNTY Klamath APPLICATION NO. UAW <sup>Cons. Ill.</sup>  
OWNER: R. Hoeffler MAILING ADDRESS: G-3906 app.  
CITY AND STATE: G-3670 A-1

LOCATION OF WELL: Owner's No. \_\_\_\_\_  
NW 1/4 NW 1/4 Sec. 36 T. 38 N. 11 1/2 E. S., R. 11 1/2 V., W.M.  
Bearing and distance from section or subdivision corner \_\_\_\_\_

Altitude at well 4,158

TYPE OF WELL: Drilled Date Constructed \_\_\_\_\_  
Depth drilled 470 Depth cased \_\_\_\_\_

CASING RECORD: 18 inches

FINISH: \_\_\_\_\_

AQUIFERS: \_\_\_\_\_

WATER LEVEL: 45.66 feet below land surface, August 22, 1949

PUMPING EQUIPMENT: Type \_\_\_\_\_ H.P. \_\_\_\_\_  
Capacity \_\_\_\_\_ G.P.M.

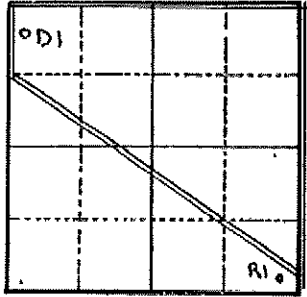
WELL TESTS:  
Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.  
Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

USE OF WATER Irrigation Temp. \_\_\_\_\_ °F. \_\_\_\_\_ lb.  
SOURCE OF INFORMATION USGS 4281 - S.W. 1/4

DRILLER or DIGGER \_\_\_\_\_

ADDITIONAL DATA:  
Log \_\_\_\_\_ Water Level Measurements \_\_\_\_\_ Chemical Analysis \_\_\_\_\_ Aquifer Test \_\_\_\_\_

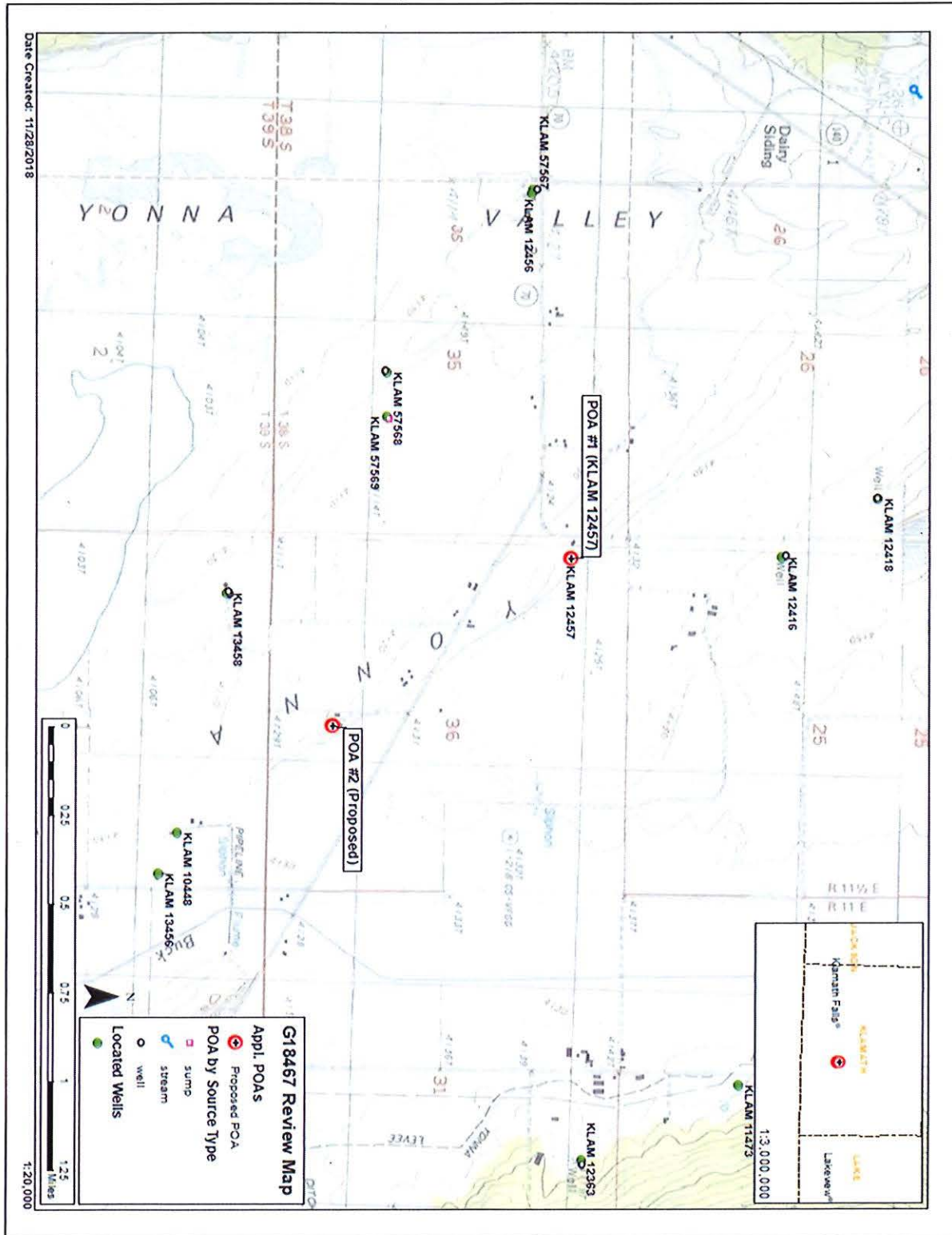
REMARKS: Hardness 225ppm, chloride 9ppm. Drilled for oil prospect; 30-in. hole to 1,580 ft.; now cleaned out to 470 foot depth; reported yield 1,500 gpm; chemical tests made on a dipped sample.



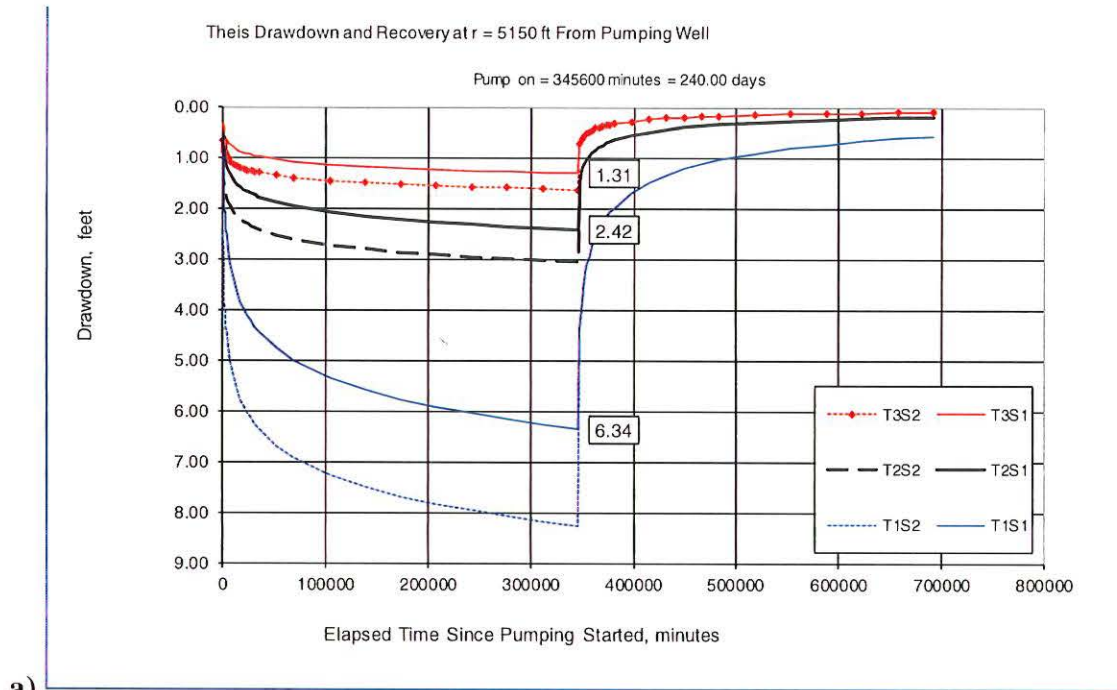
Section 36

State Printing 15318

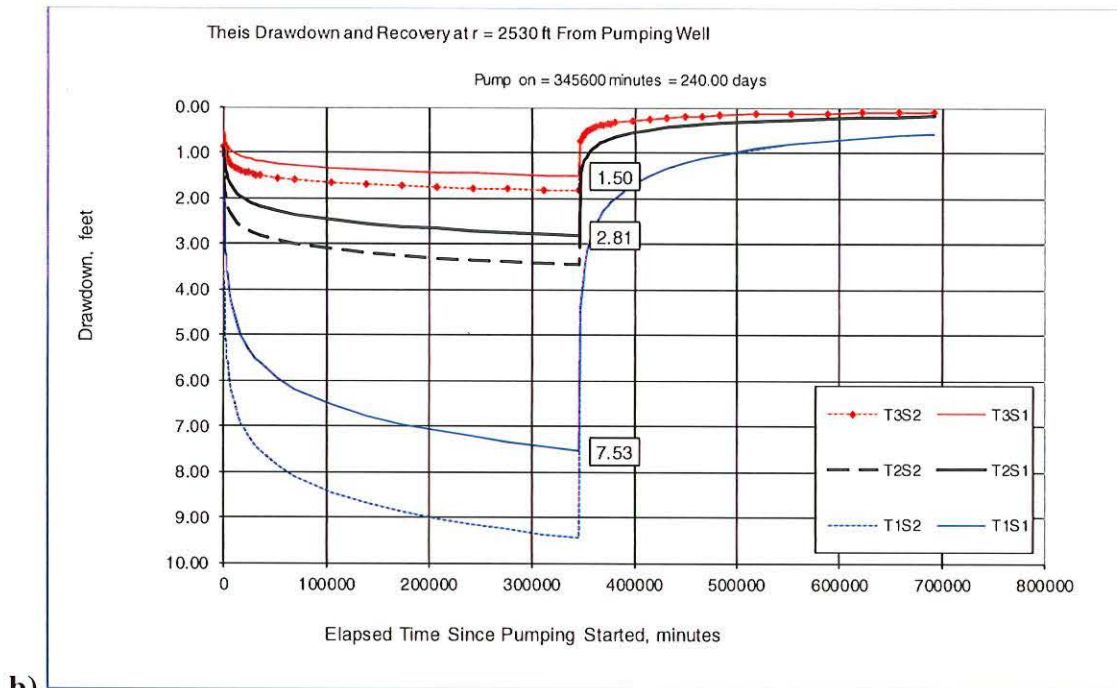
Attachment B: Transfer Review Map



**Attachment C: Modeled interference to nearby well KLAM 13458 from a) the existing POA and b) the APOA. Scenario T2S1 represents optimal model parameters.**



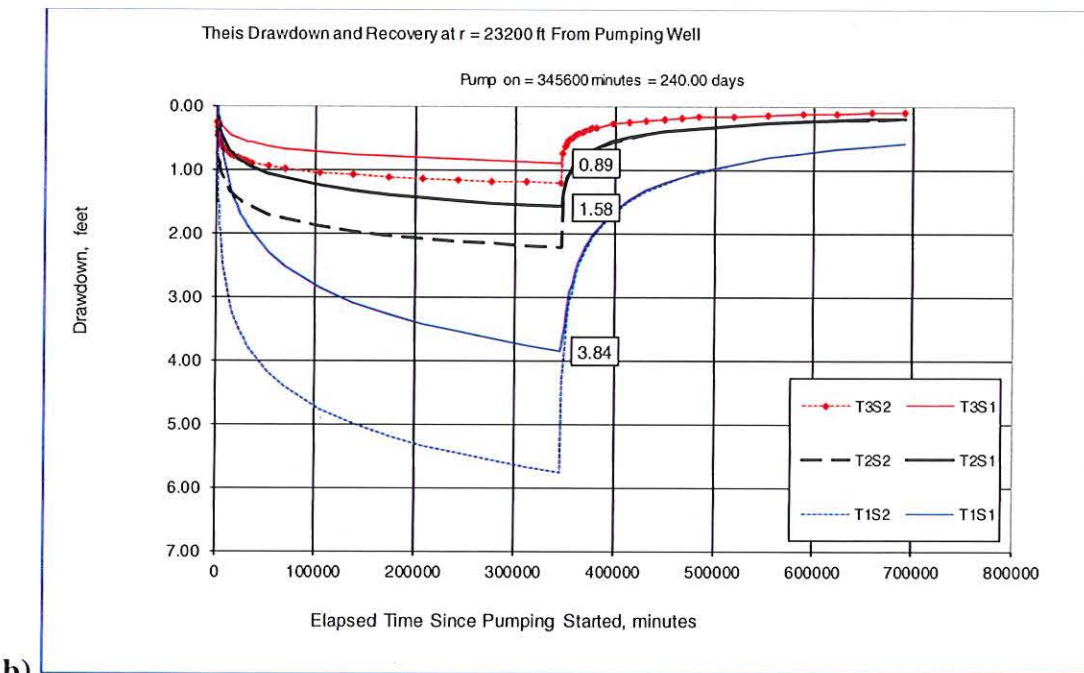
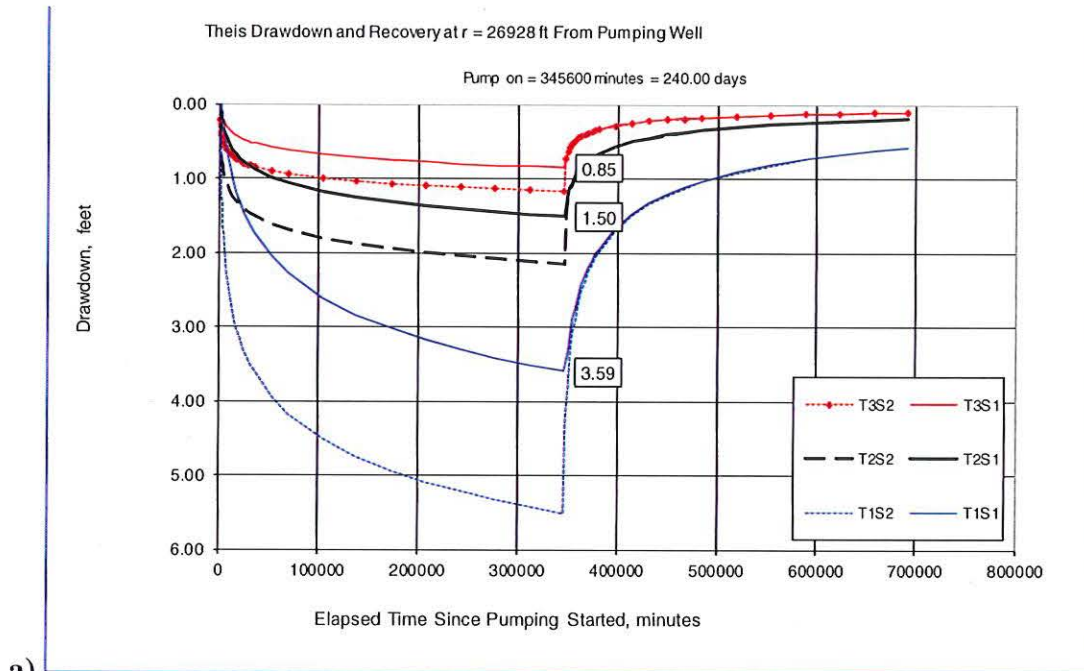
a)



b)

**Attachment D: Modeled interference near Bonanza Big Springs**

The following figures present modeling results of drawdown near Bonanza Big Springs from a) the existing POA and b) from the proposed APOA. The model uses three different transmissivity values and two different storage values that capture the range of values reported by Grondin (2004). According to Grondin (2004), interference to the actual springs is about 0.75 of the modeled drawdown. Note that differences in drawdowns between (a) and (b) are less than 0.1 for Scenario T2S1 – which represents the optimal model parameters, and less than 0.25 for Scenario T1S2 – which represents the most-exaggerated model parameters (largest drawdown)





# Oregon

Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

May 18, 2018

HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

Reference: Application T- 12926

On May 18, 2018, we received your water right Transfer application. The application was accompanied by \$1800.00. Our receipt number 126698 is enclosed. An additional check for \$290.00 with receipt number 126699 received to complete the required fees.

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 wells.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

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 from the new point of 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) 986-0807.

Cc: Watermaster Dist. #17 (*via email*)  
Daniel B. Scalas, CWRE #88332  
Steven L. Shropshire, Agent

Enclosure

# Regular Permanent Water Right Transfer Application Checklist

Checked by PICS Date 5/18/18

(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: 2090  
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?  
If no, whose signature is missing? \_\_\_\_\_

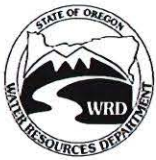
4. Are all listed certificates or permits shown by WRIS as non-cancelled?  
If no, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box 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 and assign it a numbered transfer folder. 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: _____

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State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**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.

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

- 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](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? 2 List them here: Cert. 42738 and 91296**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

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**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 Land Use Information Form with approval and signature (or signed land use form receipt stub). 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

Additional signature(s) required       Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map Checklist

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/](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°).



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Horsefly Irrigation District</b>			PHONE NO. <b>541-545-6474</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 188</b>				FAX NO. <b>541-545-6474</b>
CITY <b>Bonanza</b>	STATE <b>OR</b>	ZIP <b>97623</b>	E-MAIL <b>horseflydist@centurytel.net</b>	
<b>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.</b>				

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

AGENT/BUSINESS NAME <b>Steve Shropshire, Jordan Ramis PC</b>			PHONE NO. <b>541-647-2979</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>360 SW Bond St., Ste. 510</b>				FAX NO. <b>503-598-7373</b>
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97702</b>	E-MAIL <b>steve.shropshire@jordanramis.com</b>	
<b>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.</b>				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
Please see attached narrative.

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

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

### 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.

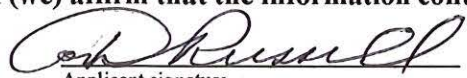
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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Klamath Herald & News.

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

  
Applicant signature

**Don Russell, Manager**  
Print Name (and Title if applicable)

5/3/18  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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.*

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:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	<b>RECEIVED</b>

Describe any special ownership circumstances here: \_\_\_\_\_

MAY 18 2013

- 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.)

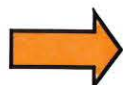
OWRD

IRRIGATION DISTRICT NAME <b>Horsefly Irrigation District</b>	ADDRESS <b>PO Box 188</b>	
CITY <b>Bonanza</b>	STATE <b>OR</b>	ZIP <b>97623</b>

- 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	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 <b>Klamath County</b>	ADDRESS <b>305 Main St. #1</b>	
CITY <b>Klamath Falls</b>	STATE <b>OR</b>	ZIP <b>97601</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

**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 # 42738**

**RECEIVED**

**Description of Water Delivery System**

System capacity: 9.34 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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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. **See Attachment 1**

**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)
POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 12457	38 S	11.5 E	36	NW NW	TL 200	870 feet south and 310 feet east from the NW Corner of Sec. 36
POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		38 S	11.5 E	36	SW SE	TL 1400	4,440 feet south and 2,780 feet east from the NW corner of Section 36
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- |  |  |
|--|--|
| <input type="checkbox"/> Place of Use (POU)                            | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                                  |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> 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. **N/A for this APOA application**
- No Complete all of Table 2 to describe the portion of the water right to be changed.

**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 # 91296**

**RECEIVED**

**Description of Water Delivery System**

System capacity: 9.34 cubic feet per second (cfs) **OR**

\_\_\_\_\_ gallons per minute (gpm)

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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. **See Attachment 1**

**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)
POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 12457	38 S	11.5 E	36	NW NW	TL 200	870 feet south and 310 feet east from the NW Corner of Sec. 36
POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		38 S	11.5 E	36	SW SE	TL 1400	4,440 feet south and 2,780 feet east from the NW corner of Section 36
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- |  |  |
|--|--|
| <input type="checkbox"/> Place of Use (POU)                            | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                                  |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> 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. **N/A for this APOA application**
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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 # \_\_\_\_\_**

List the change proposed for the acreage in each 1/4 1/4. 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	1/4	1/4	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	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
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
TOTAL ACRES:												TOTAL ACRES:														

Additional remarks: **Not applicable to this APOA application.**

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**For Place of Use or Character of Use Changes N/A**

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: \_\_\_\_\_.



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) N/A**

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Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use N/A**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**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](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
POA #2	No	N/A	400	18”	Solid	400	None	40’	Basalt	N/A

### Attachment 1 – Narrative

Horsefly Irrigation District's (HID) existing delivery system for Certificate Nos. 42738 and 91296 is a complex irrigation district delivery system consisting of open canals and pipelines in the locations depicted on the map attached to this application. In addition, HID moves water through the system using a series of booster pumps. HID's landowners take delivery through a variety of methods, including pressurized delivery, gravity flow, and individual pumps.

HID is seeking approval of this additional point of appropriation transfer to provide it with a redundant POA for its existing groundwater rights. The addition of POA #2 will also provide HID with necessary operational flexibility that will allow HID to convey water more efficiently through its delivery system. This will result in the conservation of both water and energy.

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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-12926

Review Due Date: \_\_\_\_\_

Applicant Name: Horsefly Irrigation District

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Dani Watson

Date of Review: May. 21, 2018

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. 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: \_\_\_\_\_

12. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_

13. 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 below:

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 3)

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.*

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 3)

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

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: \_\_\_\_\_

**Oregon Water Resources Department**

**Measurement Condition Information for the Applicant**  
*(to be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-12926

- In order to avoid enlargement of the right or injury to other rights, a Totalizing Flow Meter 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: Dani Watson

District: 17

Address: 305 Main Street

City/State/Zip: Klamath Falls/OR/97601

Phone: 541-883-4182

Email: Danette.M.Watson@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 ENGINEER  
Salem, Oregon

KLAMATH  
12457

# Well Record

STATE WELL NO. 38/11 $\frac{1}{2}$ -36D(1)  
COUNTY Klamath  
APPLICATION NO. 0281 <sup>bca</sup> <sub>Conc. Ill.</sub>  
G-3906 <sub>app.</sub>  
G-3670 <sub>Permit</sub>

OWNER: R. Hoeffler MAILING ADDRESS: \_\_\_\_\_

LOCATION OF WELL: Owner's No. \_\_\_\_\_ CITY AND STATE: \_\_\_\_\_

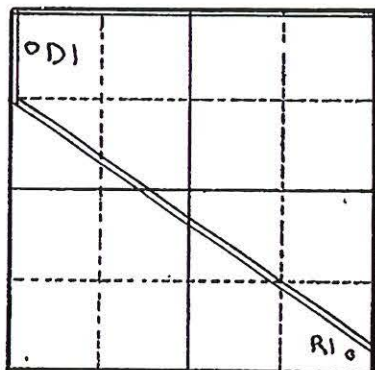
NW NW 36 T. 38 N. 11 $\frac{1}{2}$  E.  
1/4 1/4 Sec. T. S., R. W.M.

Bearing and distance from section or subdivision corner \_\_\_\_\_

Altitude at well 4,158

TYPE OF WELL: Drilled Date Constructed \_\_\_\_\_

Depth drilled 470 Depth cased \_\_\_\_\_



Section 36

CASING RECORD: 18 inches

FINISH: \_\_\_\_\_

AQUIFERS: \_\_\_\_\_

WATER LEVEL:

45.66 feet below land surface, August 22, 1949

PUMPING EQUIPMENT: Type \_\_\_\_\_ H.P. \_\_\_\_\_  
Capacity \_\_\_\_\_ G.P.M.

WELL TESTS:

Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

USE OF WATER Irrigation Temp. \_\_\_\_\_ °F. \_\_\_\_\_, 19\_\_\_\_\_

SOURCE OF INFORMATION USGS 4281 - Canceled

DRILLER or DIGGER \_\_\_\_\_

ADDITIONAL DATA:

Log \_\_\_\_\_ Water Level Measurements \_\_\_\_\_ Chemical Analysis \_\_\_\_\_ Aquifer Test \_\_\_\_\_

REMARKS:

Hardness 225ppm, chloride 9ppm. Drilled for oil prospect; 30-in. hole to 1,580 ft.; now cleaned out to 470 foot depth; reported yield 1,500 gpm; chemical tests made on a dipped sample.

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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): Horsefly Irrigation District

Mailing Address: PO Box 188

City: Bonanza

State: OR

Zip Code: 97623

Daytime Phone: 541-545-6474

## 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>38S</u>	<u>11.5E</u>	<u>36</u>	<u>SWSE</u>	<u>1400</u>	_____	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>New well</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Klamath County

## B. Description of Proposed Use

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

- Permit to Use or Store Water  
  Water Right Transfer  
  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: 9.34    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:

Horsefly Irrigation District is applying to add a new well as an additional point of appropriation for two Existing water rights

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.

MAY 18 2018

See bottom of Page 3. →

OWRD

RECEIVED

MAY 18 2018

# 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): KCLDC Article 54.020
- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

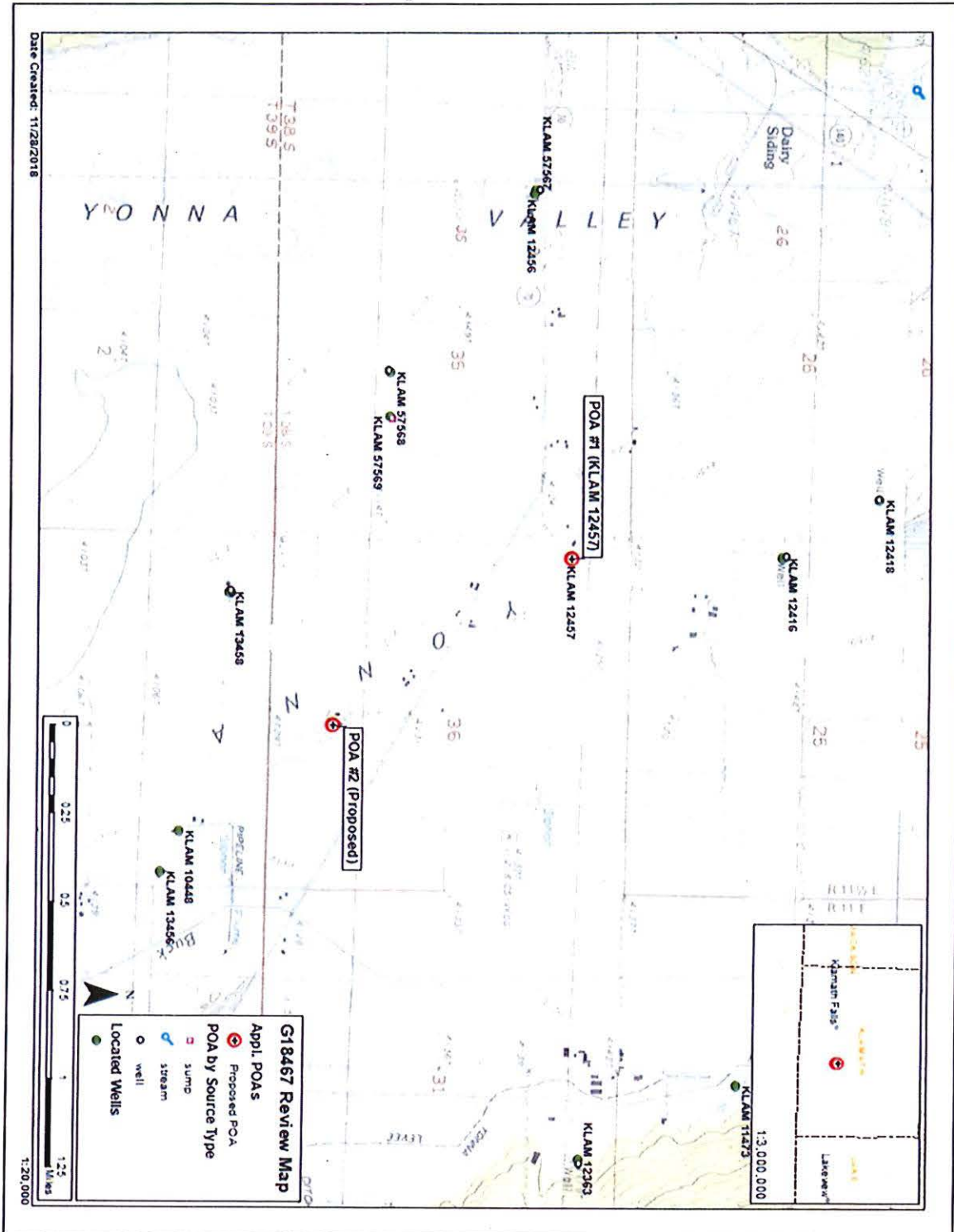
Name: Lobby Gallagher Title: Planning Clerk  
 Signature: Lobby Gallagher Phone: 541-951-3044 Date: 5/7/10  
 Government Entity: Klamath County Planning Dept.

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

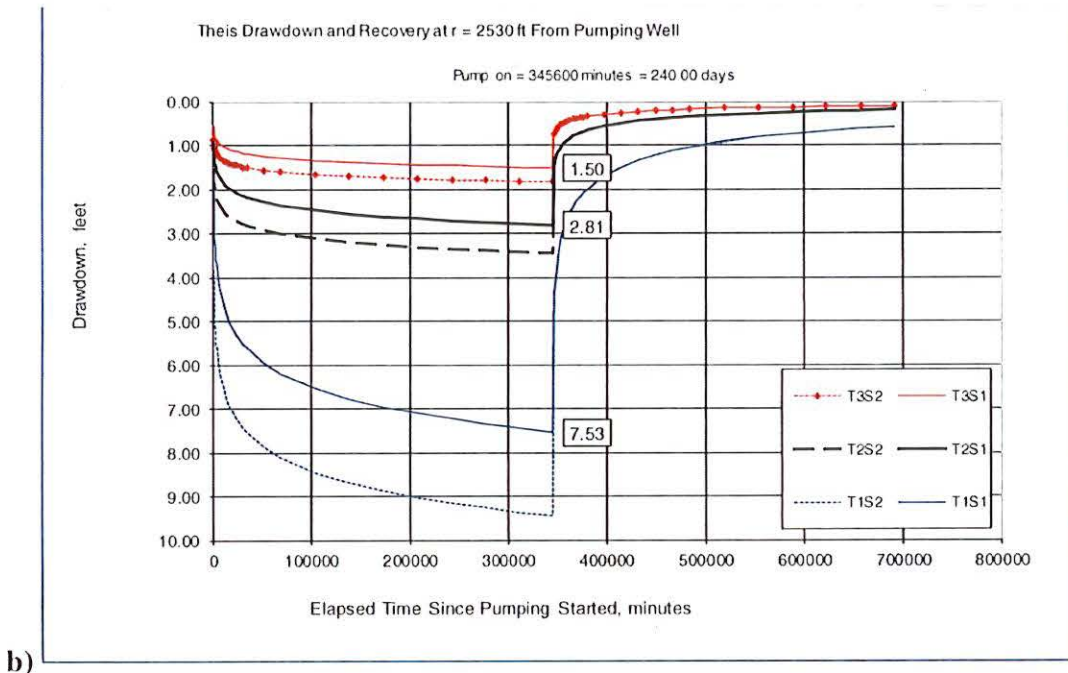
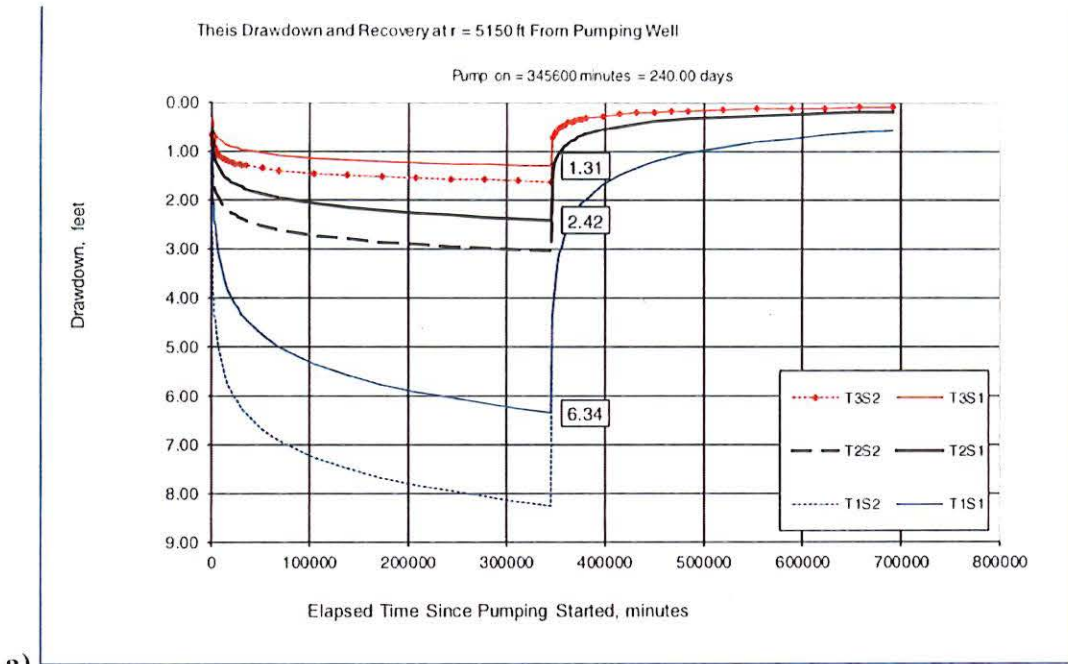
### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Attachment B: Transfer Review Map



**Attachment C: Modeled interference to nearby well KLAM 13458 from a) the existing POA and b) the APOA. Scenario T2S1 represents optimal model parameters.**



## SMITH Tamera L \* WRD

---

**From:** Caylin Barter <Caylin.Barter@jordanramis.com>  
**Sent:** Monday, December 31, 2018 2:59 PM  
**To:** SMITH Tamera L \* WRD  
**Cc:** Steve Shropshire; Lisa Klonoski; Libby Wawro  
**Subject:** RE: Horsefly Irrigation District additional POA transfer application -- T-12926 [IWOV-Worksite.FID2054877]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon Tamera,

We represent Horsefly Irrigation District on transfer application T-12926 to add an additional POA to groundwater certificates 42738 and 91296 in the Lost River Basin. We have been corresponding with the Department since early fall to stay updated on the application's progress through the review process, as the district has an urgent need for the proposed POA to be operational in time for the 2019 irrigation season (see below).

Could you please provide a ballpark estimate of when the Transfers Section will issue the draft preliminary determination?

Thanks in advance for your assistance, and happy new year to you!

Best regards,  
Caylin

**CAYLIN BARTER** | Attorney  
**Jordan Ramis PC** | Attorneys at Law  
Direct: 503-598-5588 Main: 503-598-7070 Mobile: 503-974-4666

Portland OR | Bend OR | Vancouver WA  
[www.jordanramis.com](http://www.jordanramis.com)

---

**From:** IVERSON Justin T \* WRD <[Justin.T.Iverson@oregon.gov](mailto:Justin.T.Iverson@oregon.gov)>  
**Sent:** Monday, December 17, 2018 1:39 PM  
**To:** Caylin Barter <[Caylin.Barter@jordanramis.com](mailto:Caylin.Barter@jordanramis.com)>  
**Cc:** Libby Wawro <[Libby.Wawro@jordanramis.com](mailto:Libby.Wawro@jordanramis.com)>; Lisa Klonoski <[Lisa.Klonoski@jordanramis.com](mailto:Lisa.Klonoski@jordanramis.com)>; BATEMAN Brenda O \* WRD <[Brenda.O.Bateman@oregon.gov](mailto:Brenda.O.Bateman@oregon.gov)>; FRENCH Dwight W \* WRD <[Dwight.W.French@oregon.gov](mailto:Dwight.W.French@oregon.gov)>; GALL Ivan K \* WRD <[Ivan.K.Gall@oregon.gov](mailto:Ivan.K.Gall@oregon.gov)>; THOMA Michael J \* WRD <[Michael.J.Thoma@oregon.gov](mailto:Michael.J.Thoma@oregon.gov)>; Steve Shropshire <[Steve.Shropshire@jordanramis.com](mailto:Steve.Shropshire@jordanramis.com)>; JARAMILLO Lisa J \* WRD <[Lisa.J.Jaramillo@oregon.gov](mailto:Lisa.J.Jaramillo@oregon.gov)>  
**Subject:** RE: Horsefly Irrigation District additional POA transfer application -- T-12926 [IWOV-Worksite.FID2054877]

Good day Caylin,  
The groundwater technical review has been completed and the file was passed down to the Transfer's section today.  
Regards,

*Justin Iverson, RG*  
GROUNDWATER SECTION MANAGER

---

**From:** Caylin Barter [<mailto:Caylin.Barter@jordanramis.com>]

**Sent:** Monday, December 17, 2018 11:35 AM

**To:** IVERSON Justin T \* WRD

**Cc:** Libby Wawro; Lisa Klonoski; BATEMAN Brenda O \* WRD; FRENCH Dwight W \* WRD; GALL Ivan K \* WRD; THOMA Michael J \* WRD; Steve Shropshire

**Subject:** RE: Horsefly Irrigation District additional POA transfer application -- T-12926 [IWOV-Worksite.FID2054877]

Good morning Justin,

We wanted to check in again on the status of the groundwater review for Horsefly Irrigation District's application for an additional POA. Are we still on track for completion in the next few days?

Best regards,  
Caylin

**CAYLIN BARTER** | Attorney

**Jordan Ramis PC** | Attorneys at Law

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---

**From:** Steve Shropshire

**Sent:** Monday, December 3, 2018 11:55 AM

**To:** IVERSON Justin T \* WRD <[Justin.T.Iverson@oregon.gov](mailto:Justin.T.Iverson@oregon.gov)>; Caylin Barter <[Caylin.Barter@jordanramis.com](mailto:Caylin.Barter@jordanramis.com)>

**Cc:** Libby Wawro <[Libby.Wawro@jordanramis.com](mailto:Libby.Wawro@jordanramis.com)>; Lisa Klonoski <[Lisa.Klonoski@jordanramis.com](mailto:Lisa.Klonoski@jordanramis.com)>; BATEMAN Brenda O \* WRD <[Brenda.O.Bateman@oregon.gov](mailto:Brenda.O.Bateman@oregon.gov)>; FRENCH Dwight W \* WRD <[Dwight.W.French@oregon.gov](mailto:Dwight.W.French@oregon.gov)>; GALL Ivan K \* WRD <[Ivan.K.Gall@oregon.gov](mailto:Ivan.K.Gall@oregon.gov)>; THOMA Michael J \* WRD <[Michael.J.Thoma@oregon.gov](mailto:Michael.J.Thoma@oregon.gov)>

**Subject:** RE: Horsefly Irrigation District additional POA transfer application -- T-12926 [IWOV-Worksite.FID2054877]

Justin,

Thank you for the update.

Please recall that the addition of this POA is intended to give the District greater flexibility to take advantage of its water conservation piping projects, which are designed to help reduce the problems at Bonanza Big Springs. The new well site will not allow any increased pumping, but merely allow the water to be placed into the delivery system at a location that will allow for use of the newly piped canals.

Best,  
-Steve

**STEVE SHROPSHIRE** | Shareholder

**Jordan Ramis PC** | Attorneys at Law

Direct Bend: 541.647.2979 Direct Portland: 503.598.5583 Mobile: 503-522-8667

---

**From:** IVERSON Justin T \* WRD <[Justin.T.Iverson@oregon.gov](mailto:Justin.T.Iverson@oregon.gov)>

**Sent:** Monday, December 3, 2018 8:14 AM

**To:** Caylin Barter <[Caylin.Barter@jordanramis.com](mailto:Caylin.Barter@jordanramis.com)>; Steve Shropshire <[Steve.Shropshire@jordanramis.com](mailto:Steve.Shropshire@jordanramis.com)>  
**Cc:** Libby Wawro <[Libby.Wawro@jordanramis.com](mailto:Libby.Wawro@jordanramis.com)>; Lisa Klonoski <[Lisa.Klonoski@jordanramis.com](mailto:Lisa.Klonoski@jordanramis.com)>; BATEMAN Brenda O \* WRD <[Brenda.O.Bateman@oregon.gov](mailto:Brenda.O.Bateman@oregon.gov)>; FRENCH Dwight W \* WRD <[Dwight.W.French@oregon.gov](mailto:Dwight.W.French@oregon.gov)>; GALL Ivan K \* WRD <[Ivan.K.Gall@oregon.gov](mailto:Ivan.K.Gall@oregon.gov)>; THOMA Michael J \* WRD <[Michael.J.Thoma@oregon.gov](mailto:Michael.J.Thoma@oregon.gov)>  
**Subject:** RE: Horsefly Irrigation District additional POA transfer application -- T-12926 [IWOV-Worksite.FID2054877]

Caylin and Steve,

I mentioned at the law conference that we'd plan to have the technical review of T-12926 completed by the end of November. The position of the proposed transfer with respect to Bonanza Springs has made the review more complex than I'd assumed at the time we spoke. We continue to work on it and currently plan to have the review completed by mid-December.

Regards,

*Justin Iverson, RG*

GROUNDWATER SECTION MANAGER

Desk: 503-986-0933 | Cell: 503-302-9728

---

**From:** Caylin Barter [<mailto:Caylin.Barter@jordanramis.com>]  
**Sent:** Monday, October 29, 2018 10:10 AM  
**To:** BATEMAN Brenda O \* WRD; FRENCH Dwight W \* WRD; GALL Ivan K \* WRD; IVERSON Justin T \* WRD  
**Cc:** Libby Wawro; Lisa Klonoski; Steve Shropshire  
**Subject:** RE: Horsefly Irrigation District additional POA transfer application -- T-12926 [IWOV-Worksite.FID2054877]

Good morning Brenda, Ivan, Justin, and Dwight,

Following up on Steve's email from last month – would you be able to provide a new estimate on when the groundwater review will be complete for T-12926 for Horsefly Irrigation District? Is there any additional information we can provide that would be useful for expediting the review? Thank you in advance for your assistance.

Best regards,  
Caylin

**CAYLIN BARTER** | Attorney

**Jordan Ramis PC** | Attorneys at Law

Direct: 503-598-5588 Main: 503-598-7070 Mobile: 503-974-4666

Portland OR | Bend OR | Vancouver WA

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---

**From:** Steve Shropshire  
**Sent:** Tuesday, September 25, 2018 4:51 PM  
**To:** [brenda.o.bateman@oregon.gov](mailto:brenda.o.bateman@oregon.gov); FRENCH Dwight W \* WRD ([Dwight.W.French@oregon.gov](mailto:Dwight.W.French@oregon.gov)) <[Dwight.W.French@oregon.gov](mailto:Dwight.W.French@oregon.gov)>; GALL Ivan K \* WRD ([Ivan.K.Gall@oregon.gov](mailto:Ivan.K.Gall@oregon.gov)) <[Ivan.K.Gall@oregon.gov](mailto:Ivan.K.Gall@oregon.gov)>; [justin.t.iverson@oregon.gov](mailto:justin.t.iverson@oregon.gov)  
**Cc:** Caylin Barter <[Caylin.Barter@jordanramis.com](mailto:Caylin.Barter@jordanramis.com)>; Libby Wawro <[Libby.Wawro@jordanramis.com](mailto:Libby.Wawro@jordanramis.com)>  
**Subject:** Horsefly Irrigation District additional POA transfer application -- T-12926 [IWOV-Worksite.FID2054877]

Dwight, Ivan, Brenda, and Justin,

We represent Horsefly Irrigation District on transfer application T-12926. This is a transfer application to add an additional POA for a groundwater certificate in the Lost River Basin. I'm writing to request expedited groundwater review of the pending application.

HID is one of two irrigation districts located on the east side of the Klamath Project. The district relies on a combination of surface water and groundwater to meet its irrigation demand. The transfer application is part of a larger effort by the District to modernize its system through canal piping funding through a series of WaterSmart grants obtained from Reclamation. By adding the new POA for the existing right, the District will be able to more efficiently place water in its delivery system in a location that will better serve its patrons and conserve water. In addition, the additional POA will result in much needed operational flexibility.

As you may be aware, in 2018, Reclamation decided to wheel water out of Clear Lake Reservoir for use on lands located on the west side of the Klamath Project. This diminished the stored water available to HID during the 2018 season. With the currently pending ESA litigation in the Klamath Basin, we anticipate similar regulatory shortages in the years to come. The additional POA will provide HID with the ability to better assist Reclamation as it grapples with the shortages. It will also allow HID to better manage its water supply to help avoid the drinking water contamination issues at Bonanza Big Springs that we've discussed in the past.

For these reasons, HID has an urgent need to bring its proposed new well on line prior to the 2019 irrigation season. We therefore ask that you move this application to the front of the groundwater review queue. We hope this will be a relatively simple application to review, given the proposed location of the proposed POA.

I'm happy to answer any questions you may have. Thank you for considering this request.

Best,  
-Steve

**STEVE SHROPSHIRE** | Shareholder  
**Jordan Ramis PC** | Attorneys at Law  
Direct Bend: 541.647.2979 Direct Portland: 503.598.5583 Mobile: 503-522-8667

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# Regular Transfer Review Checklist

T- 12926 \_\_\_\_\_

12/21

Caseworker: TS

TYPE OF TRANSFER	
<input checked="" type="checkbox"/>	Point of Diversion and/or Place of Use (690-380-2110 and 690-380-2200) <span style="float: right; border: 1px solid blue; border-radius: 50%; padding: 2px;">APOA</span>
Transfers Requiring Supplemental Review Criteria	
<input type="checkbox"/>	Character of Use (690-380-2300)
<input type="checkbox"/>	Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)
<input type="checkbox"/>	Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)
<input type="checkbox"/>	Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)
<input type="checkbox"/>	Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)
<i>If transfer type not listed above, see separate checklists</i>	

FILE PREPARATION	
CW	
<input checked="" type="checkbox"/>	File Assigned (Computer Entry)
<input checked="" type="checkbox"/>	Make Copies and Place in Working File: <input checked="" type="checkbox"/> Application <input checked="" type="checkbox"/> Map
<input checked="" type="checkbox"/>	Verify all Certificates/Permits are shown in WRIS to be non-cancelled <input checked="" type="checkbox"/> Print Certificates and Place in Working File
<input checked="" type="checkbox"/>	Add Working file to T-file
<input checked="" type="checkbox"/>	Check Public Comments <a href="https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx">https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx</a>
CW	<p style="color: red;">is CWCC usually a stakeholder? <span style="color: red;">yes</span></p> <input type="checkbox"/> All Stakeholders accurately listed in WRIS with email addresses if available <input type="checkbox"/> Irrigation District <input type="checkbox"/> BOR <input type="checkbox"/> Tribes <input type="checkbox"/> <b>Is this a Living Certificate?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, attach Additional Living Certificate Processing checklist for additional required information</i>
<input checked="" type="checkbox"/>	Double check all water rights/permits are included in WRIS under Transfer #
<input checked="" type="checkbox"/>	Copy and Place in Working File: <input checked="" type="checkbox"/> Watermaster Review <input checked="" type="checkbox"/> Groundwater Review <input type="checkbox"/> ODFW Review <span style="border: 1px solid blue; border-radius: 50%; padding: 2px;">N/A</span>
<input checked="" type="checkbox"/>	Public Comments Received? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, print comments and place in file <input type="checkbox"/> Timely <input type="checkbox"/> Untimely Notes:

PR Initials ce

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)					
CW	N/A		CW	N/A	
<input checked="" type="checkbox"/>		Appropriately signed	<input checked="" type="checkbox"/>		Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party
<input checked="" type="checkbox"/>		All required Attachments Received	<input checked="" type="checkbox"/>		Ditch Co., Irr. Dist and/or BOR sent copies
<input checked="" type="checkbox"/>		Appropriate Fees Paid	<input checked="" type="checkbox"/>		Overpayment of Fees, Refund Request w/FO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Government [County] noticed Copy of Acknowledgment Letter	<input checked="" type="checkbox"/>		<u>OWRD</u> Land Use Form matches Tax Lots, is signed by proper official and is <b>APPROVED</b> N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000(19))

not on CC:

APDA

**BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) Cont'd**

CW	N/A		CW	N/A	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Supp. Form D or Letter of approval from Irrigation or Water Control District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Evidence of Use is submitted with supporting documentation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are the supplemental water rights included in the Transfer <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, are they cancelling? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/>		Map meets criteria of OAR 690-380-3100
<input checked="" type="checkbox"/>		Water Use Subject to Transfer (OAR 690-380-0100(14)) Is the water right(s) proposed for transfer a water use(s) subject to transfer? <input type="checkbox"/> Adjudicated or decreed <input checked="" type="checkbox"/> Certificated <input type="checkbox"/> Water use permit with CBU and proof to satisfaction issued <input type="checkbox"/> Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed	<input type="checkbox"/>		Any application deficiencies that need to be addressed? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes: <u>Form D</u> <u>Not needed</u> <u>local govt ack.</u>

PR Initials ca

**Reviewing The "From" and "To" Lands**

(Use working copy of application and certificates to mark on)

CW		CW	
<input checked="" type="checkbox"/>	From: Only the authorized POD's <sup>A</sup> POA's and POU's involved are listed.	<input checked="" type="checkbox"/>	From: Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
<input checked="" type="checkbox"/>	From: Marked on certificate the acreage being affected and remaining by ¼ ¼. <u>OR ALL</u>	<input checked="" type="checkbox"/>	From: Marked on certificate the quantity of water being transferred, cancelled, and remaining <u>Final Proof</u>
<input checked="" type="checkbox"/>	From and To: Print Plat Card(s), check and note conflicts ( <u>change in pou and use only</u> )	<input checked="" type="checkbox"/>	From and To: Compare water right map to Application tabulation (Table 2) to Application map for accuracy

PR Initials ca

**Amended Application Pages And Maps**

CW	N/A		CW	N/A	Notes
<input type="checkbox"/>	<input type="checkbox"/>	Amended Application Pages Rec'd _____ Amended Application Map Rec'd _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Scan new pages <input type="checkbox"/> Update WRIS with new pages <input type="checkbox"/> Mark replaced pages in red with 'SUPERSEDED' and place in back of file

**Layered and Supplemental Water Rights (OAR 690-380-2240)**

CW	N/A		CW	N/A	NOTES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-380-2240(2) and (3) Transfer of Layered Water Rights and Certificates of Registration (change in use or pou) <i>See definition of layered in OAR 690-380-0100(4)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there other layered water uses subject transfer, permits or certificates of registration which were <b>not</b> included in the application? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide applicant 30days to: <input type="checkbox"/> Submit application for concurrent changes <input type="checkbox"/> Submit affidavits for voluntary cancellations <input type="checkbox"/> Withdraw the application
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-380-2240(5) Transfer of Supplemental Irrigation water right separately from associated primary water right. Transfer of supplemental irrigation right may be moved separately from associated primary irrigation right if another primary irrigation right with similar reliability is appurtenant to the lands to which the supplemental right is to be moved.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the new primary irrigation water right have similar reliability as the associated primary irrigation water right? <input type="checkbox"/> Yes <input type="checkbox"/> No Will the supplemental water right be used more than it was when associated with previous primary right? New primary right priority date: _____ Prior primary right priority date: _____ History of regulation? <input type="checkbox"/> Yes <input type="checkbox"/> No Watermaster Review

**TRANSFER REVIEW Criteria (OAR 690-380-4010)**

CW		CW	DOCUMENTATION
<input checked="" type="checkbox"/>	Validity of the Right; Not Forfeited OAR 690-380-4010(2)(a) The right(s) has been used over the past five years according to the terms and conditions of the right and the right is not subject to forfeiture under ORS 540.610.	<input type="checkbox"/>	<input type="checkbox"/> Evidence of Use & supporting documentation <input checked="" type="checkbox"/> Confirming Cert issued within last 5 years <input type="checkbox"/> Rebuttal to forfeiture (ORS 540.610(2)) _____
<input checked="" type="checkbox"/>	Ready, Willing, and Able OAR 690-380-4010(2)(b) The water user is ready, willing and able to use the full amount of water allowed under the right.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Current delivery system description in Part 5 of Application Notes: _____ Delivery system has the capacity to fully divert and use the rate/duty of the right
<input checked="" type="checkbox"/>	Enlargement OAR 690-380-4010(2)(c) The proposed transfer would result in enlargement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Notes: <i>see GW review: finding + within seal to 250' depth</i> (Must make a positive finding of "No enlargement").	<input checked="" type="checkbox"/>	No expansion of the right: <input checked="" type="checkbox"/> No greater rate or duty per acre than currently allowed <input checked="" type="checkbox"/> Cannot increase acreage under the right <input checked="" type="checkbox"/> Must prevent the original place of use from receiving water from the same source <input type="checkbox"/> Cannot divert more water at the new POD or POA than is legally available to that right at the original point of diversion/appropriation See deficient rate right guidance <i>location?</i> See micro irrigation guidance

## TRANSFER REVIEW Criteria Cont'd (OAR 690-380-4010)

<input checked="" type="checkbox"/>	<p>Injury OAR 690-380-4010(2)(d) The proposed transfer would result in injury <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Notes: <u>NO injury W/M rev #11</u> <u>BO not significant</u></p> <p>(Must make a positive finding of "No injury").</p>	<input type="checkbox"/>	<p>The proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled</p> <p><input checked="" type="checkbox"/> Watermaster Review. <input type="checkbox"/> Yes <input type="checkbox"/> No  <input checked="" type="checkbox"/> Groundwater Review. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> ODFW Review. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>If yes, can the injury be mitigated? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Conditions: _____</p> <p>Also See Injurious Transfers (690-380-5030 to 5050)</p>
<input type="checkbox"/>	<p>Other requirements OAR 690-380-4010(2)(e) Any other requirements for water right transfers are met.</p>	<input type="checkbox"/>	<p>Attach supplemental criteria checklist for transfer type marked on page 1 <u>move NA here</u></p> <p><input type="checkbox"/> Character of Use <input type="checkbox"/> SW to GW  <input type="checkbox"/> Instream <input type="checkbox"/> Supplemental to Primary  <input type="checkbox"/> Consent to Injury of Instream Water Right</p>

COORD INITIALS JES

PR Initials ce

### Additional Findings of Fact

CW	N/A		CW	N/A	SAMPLE FINDING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Add Finding for submission of amended application pages or amended map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	On ____, the applicant submitted an amended application page/map clarifying . . .
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Add Finding for timely comments received	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	On (date), timely comments were received from (name), asserting (issues). The Department has considered the comments and finds: . . . (do they assert injury/enlargement or forfeiture?)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Add Watermaster Review	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The District __ Watermaster reviewed the proposed transfer application and concluded the proposed transfer would not result in enlargement of the right or injury to existing water rights. <span style="background-color: yellow;">or</span> would result in injury or enlargement of the right unless it was conditioned . . .


COORD INITIALS PKS

PR Initials ce

### Additional Conditions and Provisions under Review Criteria

CW	N/A		CW	N/A	SAMPLE FINDING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Add Watermaster conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Supplemental Language (Measurement devices) or requirements to prevent injury or enlargement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Add ODFW fish screen requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See Supplemental Language Fish Screen Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Add ground water conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Groundwater Review / Supplemental Language

**Additional Conditions and Provisions under Review Criteria (Cont'd)**

CW	N/A		CW	N/A	SAMPLE FINDING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Additional finding for evaluation of comments received and any actions or conditions to address comments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Add any other special provisions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Additional findings to support determination of additional review criteria listed
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Any cancellation/diminishment submitted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes: (See Supplemental Language Document) <input type="checkbox"/> Add Authority after 1 <sup>st</sup> paragraph <input type="checkbox"/> Add finding(s) to document cancellation/diminishment
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Are water rights are issued in the name of a District or Bureau of Reclamation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, a Finding of Fact and an Order item identifying the name in which the confirming certificate will be issued and who is responsible for COBU. Notes: _____ _____ <i>See Supplemental Language Document for Living Certificates</i>

COORD INITIALS RVS

PR Initials CC

**Determination and Conclusions of Law**

FINDINGS	DETERMINATION AND PROPOSED ACTION / CONCLUSIONS OF LAW
Based on review of the evidence submitted, the Department finds the water right(s) has/have been used [within the last five years] <b>or</b> [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s) and the right(s) is/are not subject to forfeiture.	The right(s) has/have been used [within the past five years] <b>or</b> [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s). <b>or</b> Confirming water right Certificate XXXXX was issued within the last five years prior to submission of Transfer Application T-XXXXX.
Based on the information submitted [and Department records], a diversion structure and ditch sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application. <b>or</b> Based on the information submitted [and Department records], a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application.	The Applicant is ready, willing, and able to use the full quantity of water under the right. There is no evidence in the record to suggest the right is subject to forfeiture.
[As conditioned,] the proposed change(s) would not result in enlargement of the right. <b>Or, if denial</b> The lands currently irrigated under the right would continue to receive water from the same source resulting in enlargement of the right(s).	The proposed change(s) will not enlarge the right. <b>Or</b> The proposed change(s) would result in enlargement of the right.

### Determination and Conclusions of Law (Cont'd)

Based on review of the record, the proposed change(s) would not result in injury to other water rights.

*Or, if denial*

The proposed change(s) would result in the routing of return flows around at least one diversion of other existing water rights, resulting in injury to those rights. **Or**

An instream water right, Certificate XXXXX, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.

The proposed change(s) would not result in injury to other water rights.

**Or**

The proposed change would result in injury to other water rights.

**Or**

The proposed change would result in injury to the instream water right. [See consent to injury]

- The application is complete. **Or**  
 The application is incomplete

- All other application requirements are met. **Or**  
 The application is incomplete because . . .

Ensure all conditions are carried forward in Order section.

COORD INITIALS

N/A

PR Initials

#### Denial of Transfer (OAR 690-380-4010(3))

OAR 690-380-4010(3)(a)  
Describe the basis for the denial

- Injury  
 Enlargement  
 Deficiencies not rectified

OAR 690-380-4010(3)(b)  
Identify conditions or restrictions that, if included in the transfer, would allow approval of the transfer

Examples: consent to injury; amend application to remove well

Yes Approve with conditions

No Must be denied

COORD INITIALS PES

PR Initials

**DRAFT PRELIMINARY DETERMINATION**

**Document Preparation**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	Additional Supplemental Review Criteria Checklist attached
<b>CW</b>			<b>CW</b>
<input checked="" type="checkbox"/>	Check tenses (Find and Replace (s), is/are, was/were)		<input checked="" type="checkbox"/> Add agent, receiving landowner, if applicable, etc.
<input checked="" type="checkbox"/>	Compare authorized PODs/POAs with marked up Certificate		<input checked="" type="checkbox"/> Compare "from" lands with marked up Table 2 of Application and Certificate
<input checked="" type="checkbox"/>	Compare Proposed PODs/POAs with Table 1 of Application and Map		<input checked="" type="checkbox"/> Compare Proposed Place of Use with Table 2 of Application and Map

**Remaining Right Certificate(s)**

<input type="checkbox"/>	Check tenses (Find and Replace (s), is/are, was/were)	<input type="checkbox"/>	Table format matches current template
<input type="checkbox"/>	Content format matches original certificate (e.g., rate/duty limitation)	<input type="checkbox"/>	Name and address matches originating certificate Note: Remaining rights can only be issued in the name of the current landowner(s) of the remaining rights <b>IF</b> 1) the Report of Ownership information supplied for the transfer covers all of the remaining right lands (as well as the right being transferred) <b>and</b> 2) the applicant asks for the remaining right to be issued in its name. Otherwise, the name(s) on the remaining right will be the same as the original water right involved in the transfer.
<input type="checkbox"/>	Determination and remaining acres combined match acres under originating certificate?	<input type="checkbox"/>	All water accounted for
		<input type="checkbox"/>	Document is "Spell checked"

**Cover Letter**

<b>CW</b>	<b>N/A</b>		<b>CW</b>	<b>N/A</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct Name and Address including email address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach supporting documents to cover letter <input checked="" type="checkbox"/> Completed Watermaster Contact Sheet <input type="checkbox"/> <del>ODFW</del> Contact sheet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Include email addresses for agent and other interested parties (in cc section) of letter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any special conditions explained
			<input checked="" type="checkbox"/>		Document is "Spell checked"

**COMMENTS**

COORD INITIALS

PR Initials

### PRELIMINARY DETERMINATION

*co*

#### Public/Newspaper Notice

CW	N/A		CW	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Prepare public/newspaper notice using template	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Send letter to Applicant/Agent regarding newspaper notice cost <i>1129</i>
<input checked="" type="checkbox"/>		Notice and Letter are "Spellchecked"	<input type="checkbox"/>	<input type="checkbox"/>	Funds received from Applicant/Agent for newspaper notice
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Forward Draft Newspaper Notice to Coordinator	<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Publication Received

#### Ownership Verification

CW		CW	
<input checked="" type="checkbox"/>	The Deed/ROI matches the "from" lands	<input checked="" type="checkbox"/>	Compare with current tax lot map
<input type="checkbox"/>	All owners on the Deed/ROI have signed the application	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A Notarized, signed statement of consent

#### Document Preparation

CW		CW	
<input checked="" type="checkbox"/>	Save DPD document as a new document XXXXX-pd.doc	<input checked="" type="checkbox"/>	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
<input type="checkbox"/>	Any substantive changes/amendments as result of DPD <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, issue revised DPD	<input checked="" type="checkbox"/>	Remove "DRAFT" from document title and any extra "carriage" returns
<input checked="" type="checkbox"/>	Update the hidden paragraph following the received notice and amendments findings (regarding is authorized to pursue transfer, etc.)	<input checked="" type="checkbox"/>	Select the appeals language in the first page footer for the preliminary determination
<input checked="" type="checkbox"/>	Protest language is listed following document preparation box	<input checked="" type="checkbox"/>	Notice Regarding Service Members is showing
		<input checked="" type="checkbox"/>	Document is "Spell checked"

#### Cover Letter

<input checked="" type="checkbox"/>	Cover letter prepared	<input checked="" type="checkbox"/>	Email addresses checked for accuracy
		<input checked="" type="checkbox"/>	Document is "Spell checked"

*N/A*

#### Data Center Review

CW		CW	
<input type="checkbox"/>	Prepare Route Slip	<input type="checkbox"/>	<input type="checkbox"/> Prepare Revised DPD if <i>substantive changes</i> OR
<input type="checkbox"/>	File Returned		<input type="checkbox"/> Issue Preliminary Determination

#### COMMENTS

*PK*

*CC*

**FINAL ORDER**

*drafted 3/7*

**Document Preparation**

CW		CW	
<input checked="" type="checkbox"/>	Save PD document as new document XXXXX-ord-approve.doc	<input checked="" type="checkbox"/>	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
<input checked="" type="checkbox"/>	Update the hidden paragraph following the received notice and amendments findings (regarding issuance of PD)	<input checked="" type="checkbox"/>	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER", Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING"
<input checked="" type="checkbox"/>	Unhide and Select the appeals language in the first page footer for the "Final Order" language; unhide Special Order Volume and page	<input checked="" type="checkbox"/>	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
<input checked="" type="checkbox"/>	Replace "If application T-XXXXX is approved ..." with Now, therefore, it is ORDERED:	<input checked="" type="checkbox"/>	Select text below "It is ORDERED" section and turn off Italics. Restart numbering at "1".
<input checked="" type="checkbox"/>	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"	<input checked="" type="checkbox"/>	Final Check: All Conclusions of Law have Findings to support them
		<input checked="" type="checkbox"/>	Document is "Spell checked"

*N/A*

**Remaining Right Certificate**

CW		CW	
<input type="checkbox"/>	Assign Certificate Number from Spreadsheet	<input type="checkbox"/>	Update footer to read: T-XXXXX.rr.YYYYY.ini, where YYYYY is original certificate number, and ini stands for your initials
<input type="checkbox"/>	Input new certificate number on right side of footer	<input type="checkbox"/>	Print on Certificate paper
		<input type="checkbox"/>	Document is "Spell checked"

**COMMENTS**

*3/12*  
*em'd agent re: receipt of affidavit of pub + end of 30 day comment*



4. On February 15, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12926 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 February 19, 2019, and in the Klamath Falls Herald and News on February 21 and 28, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
5. The first right to be transferred is as follows:

**Certificate:** 42738 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-3670)

**Use:** IRRIGATION OF 142.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 604.6 ACRES

**Priority Date:** APRIL 26, 1967

**Rate:** 9.34 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; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL, a tributary of LOST RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	7.0
38 S	11.5 E	WM	26	SE SW	16.7
38 S	11.5 E	WM	26	SW SE	16.4
38 S	11.5 E	WM	26	SE SE	1.5
38 S	11.5 E	WM	27	NE SE	9.6
38 S	11.5 E	WM	27	NW SE	0.2
38 S	11.5 E	WM	27	SW SE	9.6
38 S	11.5 E	WM	27	SE SE	27.8
38 S	11.5 E	WM	35	NE NE	23.3
38 S	11.5 E	WM	35	NW NE	0.1
38 S	11.5 E	WM	35	SE NE	0.3
38 S	11.5 E	WM	35	SE NW	6.8
38 S	11.5 E	WM	36	NW NW	4.8
38 S	11.5 E	WM	36	SW NW	18.4
TOTAL					142.5

SUPPLEMENTAL IRRIGATION					
Twps	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	26	SW SW	25.2
38 S	11.5 E	WM	26	SE SW	23.3
38 S	11.5 E	WM	26	SW SE	7.2
38 S	11.5 E	WM	27	SW SE	6.4
38 S	11.5 E	WM	27	SE SE	12.6
38 S	11.5 E	WM	34	NE NE	39.6
38 S	11.5 E	WM	34	NW NE	36.8
38 S	11.5 E	WM	34	SW NE	36.8
38 S	11.5 E	WM	34	SE NE	40.0
38 S	11.5 E	WM	34	NE NW	8.4
38 S	11.5 E	WM	34	SW NW	4.0
38 S	11.5 E	WM	34	SE NW	27.2
38 S	11.5 E	WM	34	NW SE	39.6
38 S	11.5 E	WM	35	NE NE	13.8
38 S	11.5 E	WM	35	NW NE	33.2
38 S	11.5 E	WM	35	SW NE	25.8
38 S	11.5 E	WM	35	NE NW	38.4
38 S	11.5 E	WM	35	NW NW	37.0
38 S	11.5 E	WM	35	SW NW	33.2
38 S	11.5 E	WM	35	SE NW	32.0
38 S	11.5 E	WM	35	NE SW	39.2
38 S	11.5 E	WM	35	NW SW	39.6
38 S	11.5 E	WM	35	NW SE	5.3
TOTAL					604.6

6. The second right to be transferred is as follows:

**Certificate:** 91296 in the name of HORSEFLY IRRIGATION DISTRICT (perfected under Permit G-8528)

**Use:** IRRIGATION OF 36.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 184.5 ACRES

**Priority Date:** FEBRUARY 7, 1979

**Rate:** 2.77 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the ALKALI LAKE BASIN

**Authorized Point of Appropriation:**

Twps	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	1.3
38 S	11.5 E	WM	36	SW NE		9.4
38 S	11.5 E	WM	36	SE NW		5.0
38 S	11.5 E	WM	36	NE SW		1.1
38 S	11.5 E	WM	36	NE SE		11.6
38 S	11.5 E	WM	36	NW SE		7.3
38 S	11.5 E	WM	36	SE SE		1.0
TOTAL						36.7

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	11 E	WM	31	NW SW	3	36.2
38 S	11 E	WM	31	SW SW	4	12.2
38 S	11.5 E	WM	36	NE NE		12.4
38 S	11.5 E	WM	36	SW NE		15.0
38 S	11.5 E	WM	36	SE NE		33.2
38 S	11.5 E	WM	36	NW NW		10.0
38 S	11.5 E	WM	36	SW NW		1.5
38 S	11.5 E	WM	36	SE NW		9.0
38 S	11.5 E	WM	36	NE SW		4.0
38 S	11.5 E	WM	36	NE SE		28.4
38 S	11.5 E	WM	36	NW SE		15.9
38 S	11.5 E	WM	36	SE SE		6.7
TOTAL						184.5

7. Transfer Application T-12926 proposes an additional point of appropriation approximately 0.8 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	SW SE	POA #2 - 4440 FEET SOUTH AND 2780 FEET EAST FROM THE NW CORNER OF SECTION 36

***Transfer Review Criteria (OAR 690-380-4010)***

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12926.
10. The Groundwater Section has found that the existing point of appropriation is reported to be cased to only 30 feet and so would be open to both the upper sediment zone and deeper volcanic-rock aquifer zones but the sedimentary zones are productive as well. Although it is likely that nearly all of the production is supplied by the deeper volcanic-rock aquifer

production from the upper sedimentary zone the new well should be continuously cased and sealed into the volcanic-rock or basalt zones which should be encountered at approximately 250 foot depth.

11. The proposed change, as conditioned, would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

### Conclusions of Law

The ~~changes in~~ additional points of appropriation proposed in Transfer Application T-12926 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

*additional points of appropriation is itself  
a change*

1. The ~~changes in~~ additional points of appropriation proposed in Transfer Application T-12926 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 Certificates 42738 and 91296 and any related decree.
3. Water right Certificates 42738 and 91296 are cancelled.
4. The quantity of water diverted at the additional point of appropriation (POA #2), together with that diverted at the original point of appropriation (POA #1), shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
  - 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 new point of appropriation.
  - 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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 change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Signed at Salem, Oregon this \_\_\_\_\_.

\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

*Mailing Date* \_\_\_\_\_

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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 change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Signed at Salem, Oregon this \_\_\_\_\_.

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Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

*mailing date* \_\_\_\_\_

production from the upper sedimentary zone the new well should be continuously cased and sealed into the volcanic-rock or basalt zones which should be encountered at approximately 250 foot depth.

11. The proposed change, as conditioned, would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

### **Conclusions of Law**

The changes in additional points of appropriation proposed in Transfer Application T-12926 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The changes in additional points of appropriation proposed in Transfer Application T-12926 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 Certificates 42738 and 91296 and any related decree.
3. Water right Certificates 42738 and 91296 are cancelled.
4. The quantity of water diverted at the additional point of appropriation (POA #2), together with that diverted at the original point of appropriation (POA #1), shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
  - 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 new point of appropriation.
  - 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

## Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-12926

Applicant Name: Horsefly Irr. District

Proposed Changes:  POA     APOA     SW→GW     RA  
 USE     POU     OTHER

Reviewer(s): Michael Thoma

Date of Review: 12/11/2018

Date Reviewed by GW Mgr. and Returned to WRSD: 12/17/18

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: The applicant proposes adding one additional POA to existing Certificates 42738 and 91296. Both existing certificates authorize use from the same well, KLAM 12457. Cert. 42738 authorizes 9.34 cfs and Cert. 91296 authorizes 2.77 cfs. The result of this transfer would allow a maximum of 12.11 cfs (5435 gpm) of appropriation from the new APOA.

Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments: A detailed well log for the existing well, KLAM 12457, does not exist but the well depth is reported as 470 or 550 ft (from well report and permit, respectively) and the reported yield of 1500 gpm implies that the well is producing primarily from volcanic-rock zones (often referred to as the "basalt" aquifer") underlying the sediment zones within the Yonna Valley Basin. The APOA proposes a completed depth of 400 ft and a seal depth of 400 ft which should also encounter the same volcanic-rock aquifer zones. The reported seal depth of 400 ft is inferred by this review to mean the well will be sealed to near the bottom.

The well report for the existing well (attached) does not describe well construction and only a description of "30 ft of casing" is reported on the permits that list this as the POA. Therefore, there is some difficulty in concluding that the APOA would be producing from the same aquifer or that a well-construction condition would be adequate to ensure the APOA is producing from the same source aquifer. However, reported well yields in the sedimentary aquifer zones are 10-50 gpm so only the volcanic-rock source would adequately provide the amount of water required for this use. Since the new well will be required to meet current well-construction standards it will likely be required to be completed into the volcanic-rock aquifer zones and so this review assumes production of the new well will be solely from the volcanic-rock aquifer zone.

a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

Yes  No Comments: The existing POA is reported to be cased to only 30 ft and so would be open to both the upper, sediment zone and a deeper volcanic-rock zone. The high well yield on the existing well implies that production is primarily from the deeper volcanic-rock aquifer zones but the sedimentary zones are productive as well.

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): Although it is likely that nearly all of the production is supplied by the deeper volcanic-rock aquifer zone, this review finds that **in order to avoid enlargement of the water right** by increasing production from the upper sedimentary zone the new well should be continuously cased and sealed into the volcanic-rock, or "basalt" zones which should be encountered at approx. 250 ft depth (Grondin, 2004).

2. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

Yes  No Comments:

(1) The proposed APOA will be located approx. 0.5 miles closer to well KLAM 13458 which is the POA on certificates 46871, 52214, 67509, 83017, and 83018. The closer distance with the new APOA will increase interference.

(2) The proposed change will also increase interference to Bonanza Big Springs where it has been documented that groundwater pumping in the area leads to back-flow of the springs (from Lost River into the aquifer) which can be a source of contamination to domestic well users in the town of Bonanza. Currently there are several water rights that are subject to regulation when groundwater levels in the vicinity of the springs drop close to river levels in the Lost River. **Any significant increase in drawdown at the springs would lead to those groundwater users being regulated sooner, and thus would be considered injury per OAR 690-380-0010(3).**

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes  No If yes, explain:

(1) Transmissivity values for the deeper volcanic-rock aquifer zones are reported to be  $10^4$ - $10^5$  ft<sup>2</sup>/day and drawdown modeling (see Attachment C) suggests that maximum increases in interference caused by the proposed transfer will be < 0.5 ft by the end of the irrigation season.

(2) Using the same model values, the increase in drawdown at Bonanza Big Springs caused by the proposed change would be < 0.1 ft by the end of the irrigation season (Attachment D). Day-to-day fluctuations in the stage-groundwater relationship at Bonanza Big Springs are approx. 0.1 ft and this review finds that the additional drawdown caused by the proposed change **is not significant.**

Attachment A: Water Well Report for KLAM 12457

**Well Record**

STATE ENGINEER **Salem, Oregon** **KLAM 12457** **STATE WELL NO. 38/113-36D(1)**  
 COUNTY **Klamath** **APPLICATION NO. 0201**  
**6-3906491**  
**6-3670 A-1**

OWNER: **R. Hoefler** MAILING ADDRESS: \_\_\_\_\_  
 CITY AND STATE: \_\_\_\_\_

LOCATION OF WELL: Owner's No. \_\_\_\_\_  
 NW 1/4 NW 1/4 Sec. **36** T. **38** N. **11 1/2** E. W.M.  
 S. R. **W**

Bearing and distance from section or subdivision corner \_\_\_\_\_

Altitude at well **4,158**

TYPE OF WELL: **Drilled** Date Constructed \_\_\_\_\_  
 Depth drilled **470** Depth cased \_\_\_\_\_

CASING RECORD: **18 inches**

Section **36**

---

FINISH: \_\_\_\_\_

---

AQUIFERS: \_\_\_\_\_

---

WATER LEVEL: **45.66 feet below land surface, August 22, 1949**

---

PUMPING EQUIPMENT: Type \_\_\_\_\_ H.P. \_\_\_\_\_  
 Capacity \_\_\_\_\_ G.P.M.

---

WELL TESTS:  
 Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.  
 Drawdown \_\_\_\_\_ ft. after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

---

USE OF WATER **Irrigation** Temp. \_\_\_\_\_ °F. \_\_\_\_\_, 19 \_\_\_\_\_

SOURCE OF INFORMATION **USGS 4201 - Sun (S.W.)**

DRILLER or DIGGER \_\_\_\_\_

ADDITIONAL DATA:  
 Log \_\_\_\_\_ Water Level Measurements \_\_\_\_\_ Chemical Analysis \_\_\_\_\_ Aquifer Test \_\_\_\_\_

---

REMARKS: **Hardness 225ppm, chloride 9ppm. Drilled for oil prospect; 30-in. hole to 1,580 ft.; now cleaned out to 470 foot depth; reported yield 1,500 gpm; chemical tests made on a dipped sample.**

State Printing 22218

3. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes  No Comments: The nearest surface water source to the POAs is the Lost River, which is over 3 miles from the POAs. At that distance and give the hydrogeologic parameters (see #4) and complex geologic structure between the POAs and the river, any increase in interference will not be significant enough to be considered here.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: \_\_\_\_\_  Minimal  Significant  
 Stream: \_\_\_\_\_  Minimal  Significant

Provide context for minimal/significant impact: \_\_\_\_\_

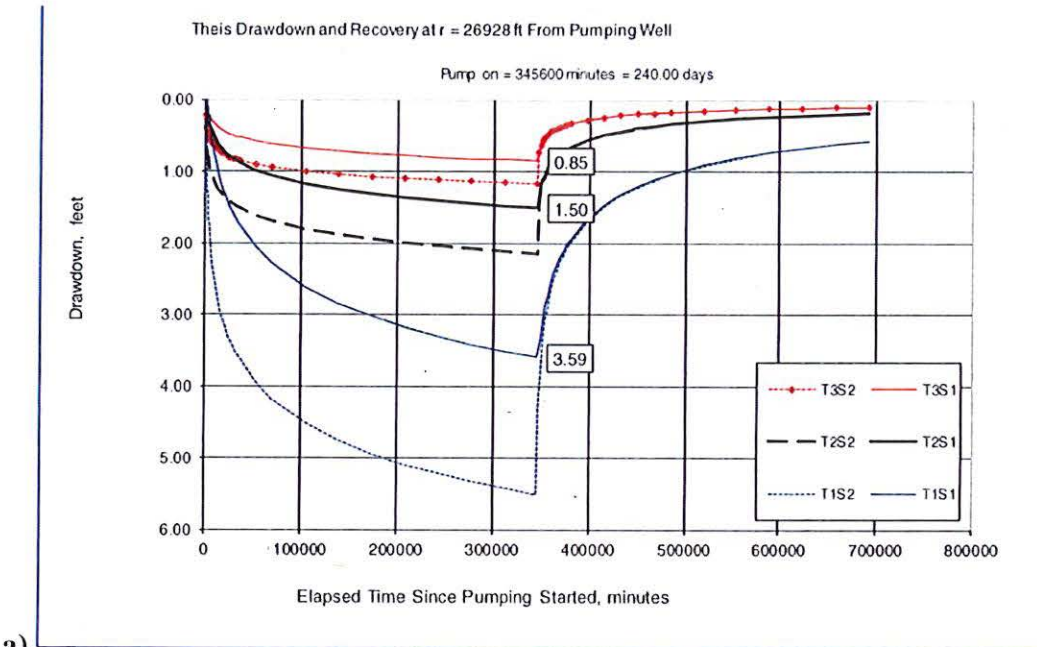
4. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_

5. Any additional comments: The well report for the existing POA, KLAM 12457, is insufficient to interpret well construction and provides no record that minimum well-construction standards have been met. Also the reported 30 ft of casing is likely allowing for comingling between the shallow sedimentary aquifer zone and deeper volcanic-rock aquifer zones.

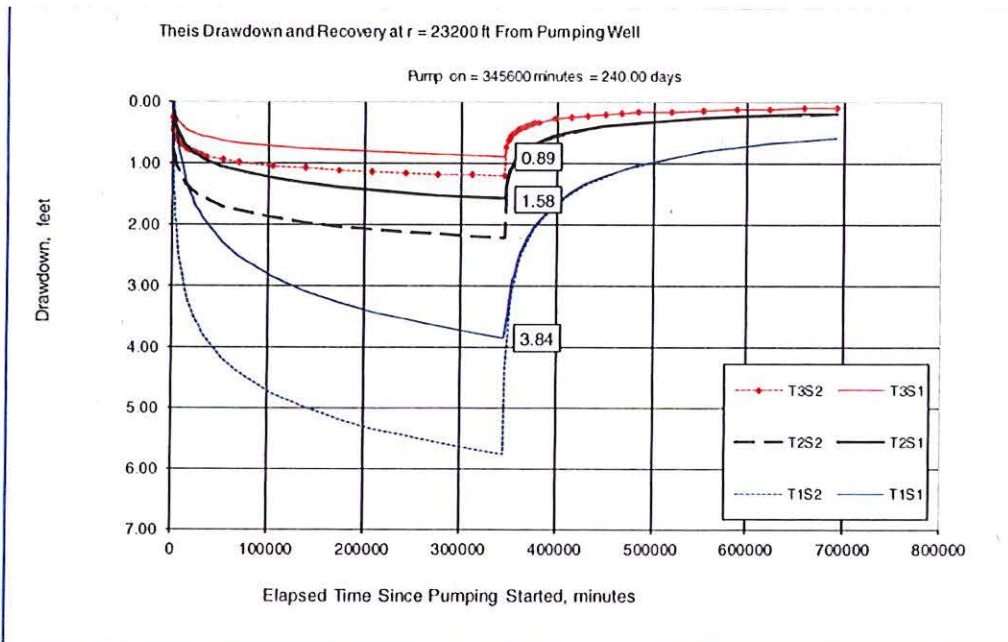
Grondin, G. H. 2004. Ground water in the Eastern Lost River Sub-Basin, Langell, Yonna, Swan Lake, and Poe Valleys of Southeastern Klamath County, Oregon. Oregon Water Resources Dept. Ground Water Report No. 41.

**Attachment D: Modeled interference near Bonanza Big Springs**

The following figures present modeling results of drawdown near Bonanza Big Springs from a) the existing POA and b) from the proposed APOA. The model uses three different transmissivity values and two different storage values that capture the range of values reported by Grondin (2004). According to Grondin (2004), interference to the actual springs is about 0.75 of the modeled drawdown. Note that differences in drawdowns between (a) and (b) are less than 0.1 for Scenario T2S1 – which represents the optimal model parameters, and less than 0.25 for Scenario T1S2 – which represents the most-exaggerated model parameters (largest drawdown)



a)



b)



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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-12926

Review Due Date: \_\_\_\_\_

Applicant Name: Horsefly Irrigation District

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Dani Watson

Date of Review: May. 21, 2018

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. 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: \_\_\_\_\_
12. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_
13. 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 below:

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 3)

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.*

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 3)

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

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: \_\_\_\_\_

**SMITH Tamera L \* WRD**

---

**From:** SMITH Tamera L \* WRD  
**Sent:** Wednesday, January 23, 2019 3:31 PM  
**To:** 'Steve Shropshire'  
**Subject:** RE: DPD and letter for T-12926 [IWOV-Worksite.FID2054877]

Steve,

Thanks for the quick response. We will adjust the CoBU deadline out 5 years in the PD. You will hear from the Department as soon as a quote is received from the Klamath Herald and News.

Have a great day!

Best,

\*\*\*\*\*

**Tamera Smith** | Transfer Application Caseworker, Transfers and Conservation Section

725 Summer St. NE, Suite A | Salem, Oregon 97301 | Phone: 503.986.0898



\*\*\*\*\*

---

**From:** Steve Shropshire [mailto:Steve.Shropshire@jordanramis.com]  
**Sent:** Wednesday, January 23, 2019 9:05 AM  
**To:** SMITH Tamera L \* WRD; horseflydist@centurytel.net; WATSON Danette M \* WRD; dscalas@adkinsengineering.com  
**Cc:** Libby Wawro; Caylin Barter  
**Subject:** RE: DPD and letter for T-12926 [IWOV-Worksite.FID2054877]

Good morning Tamera,

I have reviewed the draft PD with my clients. It looks accurate in all respects and HID accepts the proposed conditions. However, we would ask that you revise the PD to reflect a 5-year beneficial use period rather than the October 1, 2020 deadline now reflected in the document. This will ensure that the District has sufficient time to construct the well and connect it to its distribution system.

With respect to publication of notice, the District typically publishes its public notices in the Klamath Herald and News. We will wait to hear from you regarding the cost of that publication.

Please feel free to give me a call is you have any questions. Thank you.

-Steve

**STEVE SHROPSHIRE** | Shareholder  
**Jordan Ramis PC** | Attorneys at Law  
Direct Bend: 541.647.2979 Direct Portland: 503.598.5583 Mobile: 503-522-8667

**From:** SMITH Tamera L \* WRD <Tamera.L.Smith@oregon.gov>  
**Sent:** Friday, January 18, 2019 1:51 PM  
**To:** horseflydist@centurytel.net; WATSON Danette M \* WRD <Danette.M.Watson@oregon.gov>; Steve Shropshire <Steve.Shropshire@jordanramis.com>; dscalas@adkinsengineering.com  
**Subject:** DPD and letter for T-12926

January 18, 2019

VIA E-MAIL

**Applicant**  
HORSEFLY IRRIGATION DISTRICT  
PO BOX 188  
BONANZA, OR 97623

Reference: Water Right Transfer Application T-12926

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12926. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

**Items needed before the next phase of processing...**

Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.

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.

**Conditions to your water right...**

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required or alternate devices.

The Groundwater section has required that the proposed additional point of appropriation shall be cased and sealed to the volcanic-rock or "basalt" zone, approximately 250 feet below ground level.

**Please note the proposed date by which all conditions must be met: October 1, 2020.** If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

**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.

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

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and

**If we do not receive the items listed above by February 17, 2019, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at if I may be of assistance.

Kindest regards,

Tamera Smith  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-12926  
Danette M. Watson, District 17 Watermaster *(via e-mail)*  
Steven L. Shropshire, Agent for the applicant *(via e-mail)*  
Daniel B. Scalas, CWRE #88332 *(via email)*

encs

\*\*\*\*\*

**Tamera Smith** | Transfer Application Caseworker, Transfers and Conservation Section

725 Summer St. NE, Suite A | Salem, Oregon 97301 | Phone: 503.986.0898

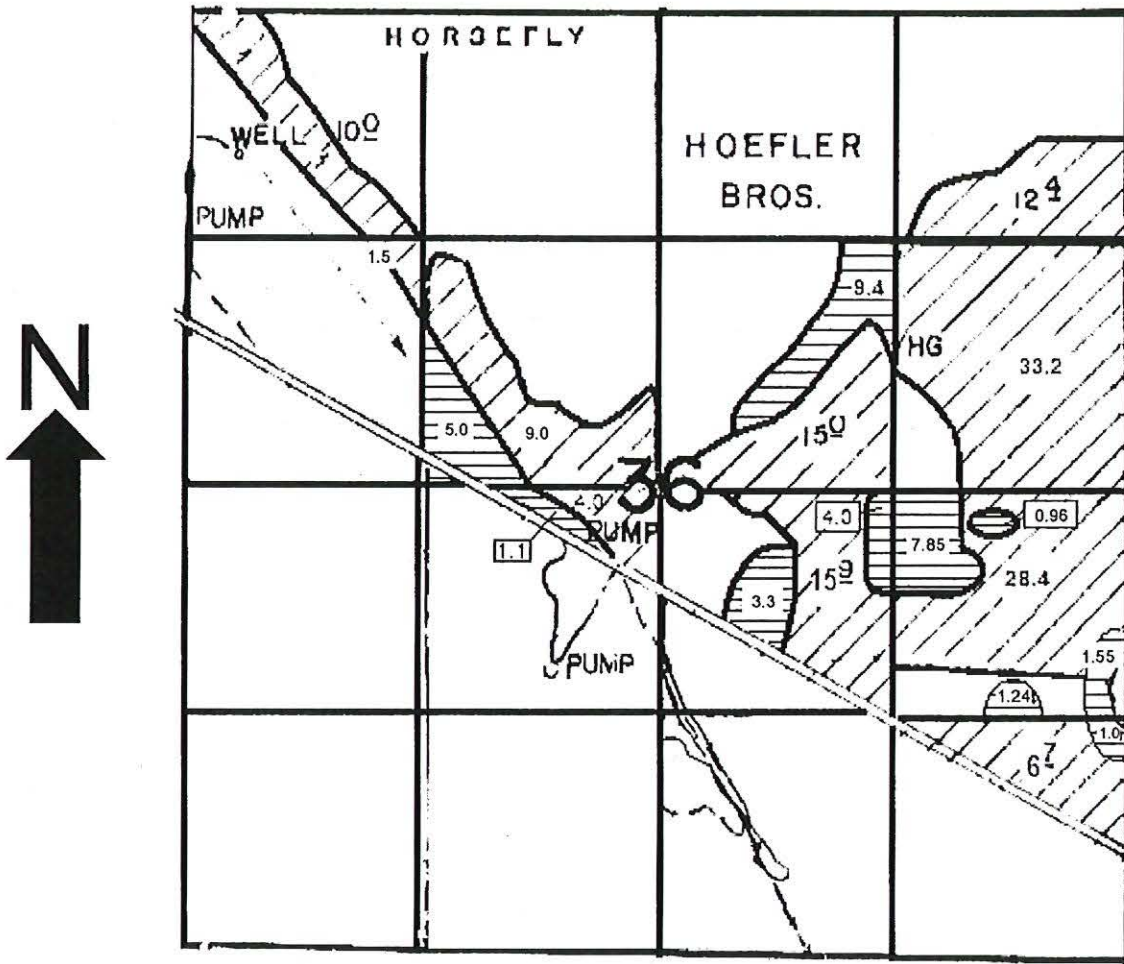


\*\*\*\*\*

HORSEFLY IRRIGATION DISTRICT


APPLICATION G-9125, PERMIT G-8528

TOWNSHIP 38 SOUTH, RANGE 11 1/2 EAST, W.M. SEC. 36



WELL LOCATION: 870 FEET SOUTH AND 310 FEET EAST FROM NW CORNER, SECTION 36, IN THE NW NW, T. 38 S., R. 11.5 E., W.M.

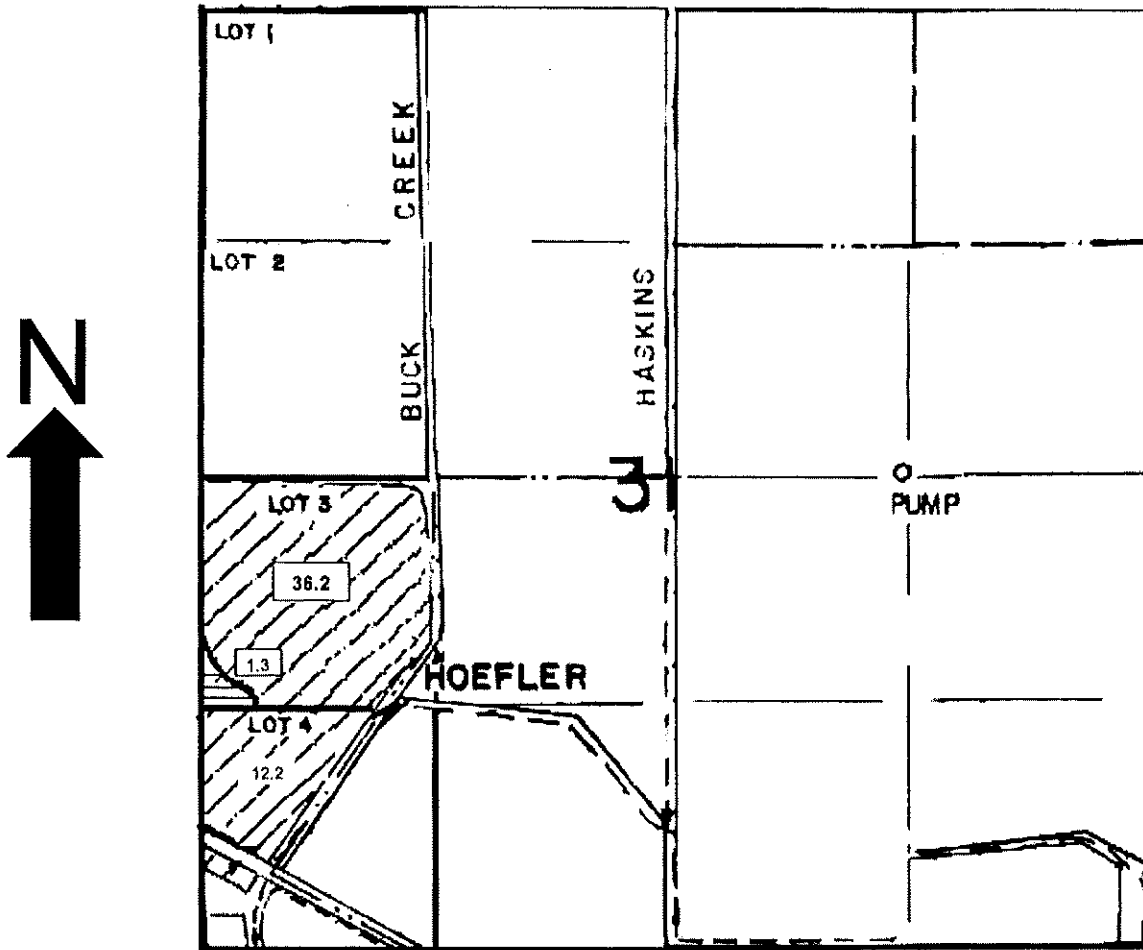
 PRIMARY IRRIGATION (36.7 TOTAL ACRES)

 SUPPLEMENTAL IRRIGATION (SUPPLEMENTAL TO LOST RIVER AND TRIBUTARIES ADJUDICATION (184.5 TOTAL ACRES)

MAPS NOT TO SCALE

*Copm*

HORSEFLY IRRIGATION DISTRICT  
 APPLICATION G-9125, PERMIT G-8528  
 TOWNSHIP 38 SOUTH, RANGE 11 EAST, W.M. SEC. 31



WELL LOCATION: 870 FEET SOUTH AND 310 FEET EAST FROM NW CORNER, SECTION 36, IN THE NW NW, T. 38 S., R. 11.5 E., W.M.



PRIMARY IRRIGATION (36.7 TOTAL ACRES)



SUPPLEMENTAL IRRIGATION (SUPPLEMENTAL TO LOST RIVER AND TRIBUTARIES ADJUDICATION (184.5 TOTAL ACRES)

**MAPS NOT TO SCALE**

STATE OF OREGON  
 COUNTY OF KLAMATH  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HORSEFLY IRRIGATION DISTRICT  
 P.O. BOX 188  
 BONANZA, OR 97623

confirms the right to the use of water perfected under the terms of Permit G-8528. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at well. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-9125

SOURCE OF WATER: A WELL

PURPOSE or USE: **IRRIGATION OF 36.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 184.5 ACRES**

MAXIMUM RATE: 2.77 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 7, 1979

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	36	NW NW	870 FEET SOUTH AND 310 FEET EAST FROM NW CORNER, SECTION 36

ALL

The amount of water used for irrigation, shall be limited to **ONE-EIGHTIETH** of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **3.0** acre feet per acre for each acre irrigated during the irrigation season of each year.

↓  
 What is rate? = .0125

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

copy

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Primary Acres	Supplemental Acres
38 S	11 E	WM	31	NW SW	3	1.3	36.2
38 S	11 E	WM	31	SW SW	4		12.2
38 S	11.5 E	WM	36	NE NE			12.4
38 S	11.5 E	WM	36	SW NE		9.4	15.0
38 S	11.5 E	WM	36	SE NE			33.2
38 S	11.5 E	WM	36	NW NW			10.0
38 S	11.5 E	WM	36	SW NW			1.5
38 S	11.5 E	WM	36	SE NW		5.0	9.0
38 S	11.5 E	WM	36	NE SW		1.1	4.0
38 S	11.5 E	WM	36	NE SE		11.6	28.4
38 S	11.5 E	WM	36	NW SE		7.3	15.9
38 S	11.5 E	WM	36	SE SE		1.0	6.7

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

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

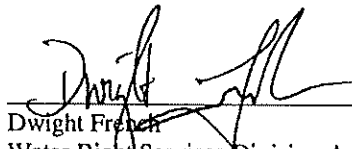
The right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein for the lands described as supplemental.

All or a portion of this right shares the same place of use as a primary irrigation Claim in the Lost River Adjudication. Pursuant to OAR 690-380-5120, when two or more primary irrigation rights are on the same land, the right with the oldest priority date shall be considered the primary water right unless the applicant designates a right, other than the right with the oldest priority date, as the primary water right. All other water rights shall be regarded as supplemental.

In the event that primary irrigation rights are not determined in the Lost River Adjudication for lands identified as supplemental irrigation under the terms of this right, this right may be exercised as primary irrigation.

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

Issued APR 04 2016.



Dwight French  
 Water Right Services Division Administrator, for  
 Thomas M. Byler, Director  
 Oregon Water Resources Department

42938

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HORSEFLY IRRIGATION DISTRICT  
97623  
of P.O. Box 188, Bonanza, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
a well  
a tributary of Lost River for the purpose of  
irrigation of 142.5 acres and supplemental irrigation of 604.6 acres  
under Permit No. G-3670 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from April 26, 1967.

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 36, T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.,  
870 feet South and 310 feet East from NW Corner, Section 36.

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

ALL

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

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

(SEE SECOND PAGE)

copy

PRIMARY

7.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
16.7 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
16.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
1.5 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 26

9.6 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
0.2 acre NW $\frac{1}{4}$  SE $\frac{1}{4}$   
9.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
27.8 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27

23.3 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
0.1 acre NW $\frac{1}{4}$  NE $\frac{1}{4}$   
0.3 acre SE $\frac{1}{4}$  NE $\frac{1}{4}$   
6.8 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 35

4.8 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
18.4 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 36  
T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.

SUPPLEMENTAL

25.2 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
23.3 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
7.2 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 26

6.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
12.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27

39.6 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
36.8 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
36.8 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
40.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
8.4 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
4.0 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
27.2 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
39.6 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 34  
T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.

SUPPLEMENTAL

13.8 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
33.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
25.8 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
38.4 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
37.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
33.2 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
32.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
39.2 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
39.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
5.3 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 35  
T. 38 S., R. 11 $\frac{1}{2}$  E., W. M.

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

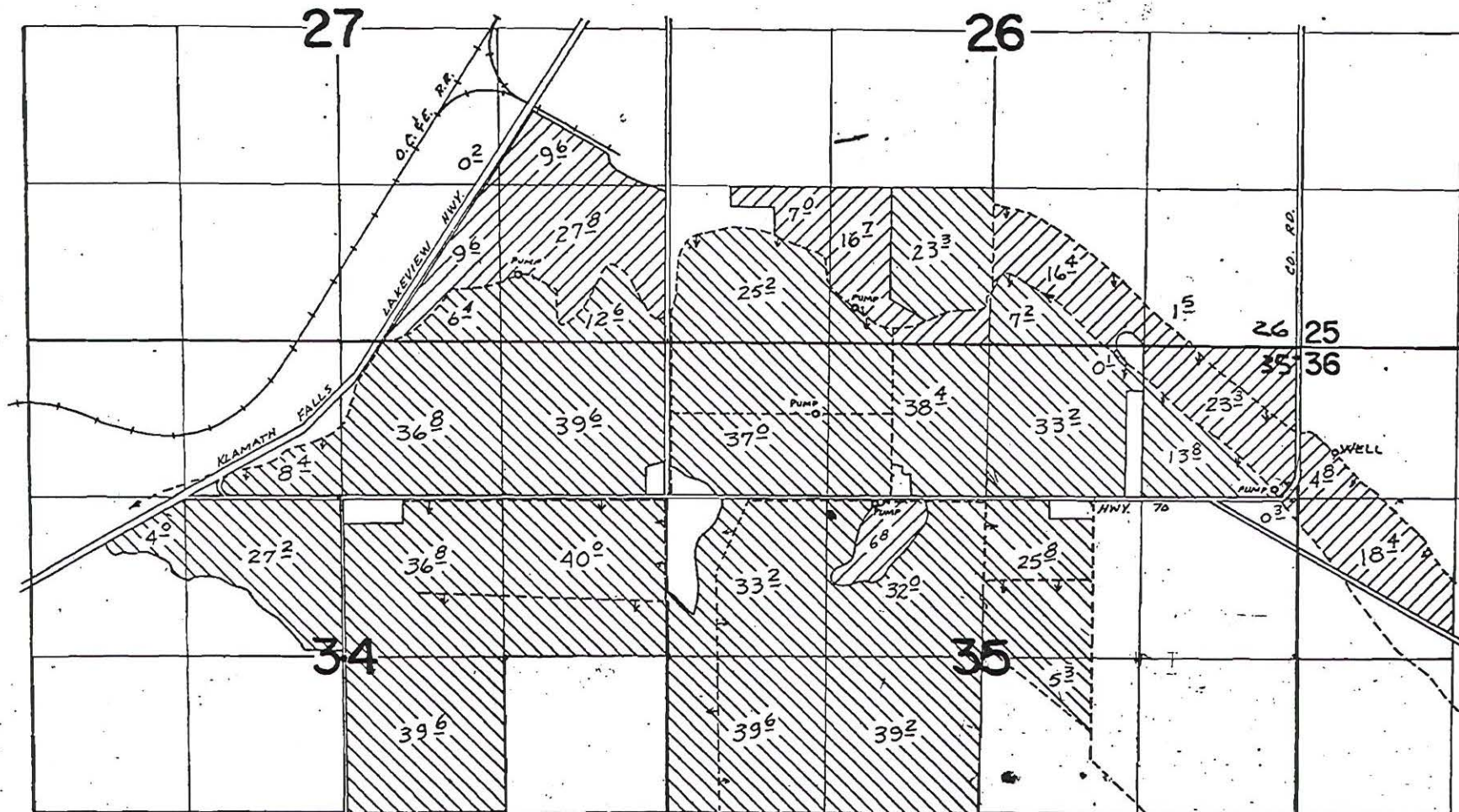
WITNESS the signature of the State Engineer, affixed

this 5th day of December, 19 75.

James E. Saxson  
Water Resources Director State Engineer  
XXXXXXXXXXXX


Buck Creek / Yuma Valley wells

T. 38S., R. 11 1/2E., W.M.



WELL LOCATED: 870' S & 310' E FROM NW COR. SEC 36.

### FINAL PROOF SURVEY UNDER

 PRIMARY  
 SUPPLEMENTAL

Application No. G-3906 Permit No. G-3670  
IN NAME OF

HORSEFLY IRRIGATION DISTRICT

Surveyed Oct. 28 1974, by D.M. Norby

*lpm*

G-3670  
42738

**Oregon Water Resources Department**

**Measurement Condition Information for the Applicant**  
*(to be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-12926

- In order to avoid enlargement of the right or injury to other rights, a Totalizing Flow Meter 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: Dani Watson

District: 17

Address: 305 Main Street

City/State/Zip: Klamath Falls/OR/97601

Phone: 541-883-4182

Email: Danette.M.Watson@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



Received by OWRD  
NOV 18 2025  
Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Horsefly Irrigation District  
PO Box 188 Bonanza, OR 97623

Transaction Type: Extension

Fees Received: \$ 1170.00

Cash

Check:

Check No. 8179

Name(s) on Check: Horsefly Irrigation District

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

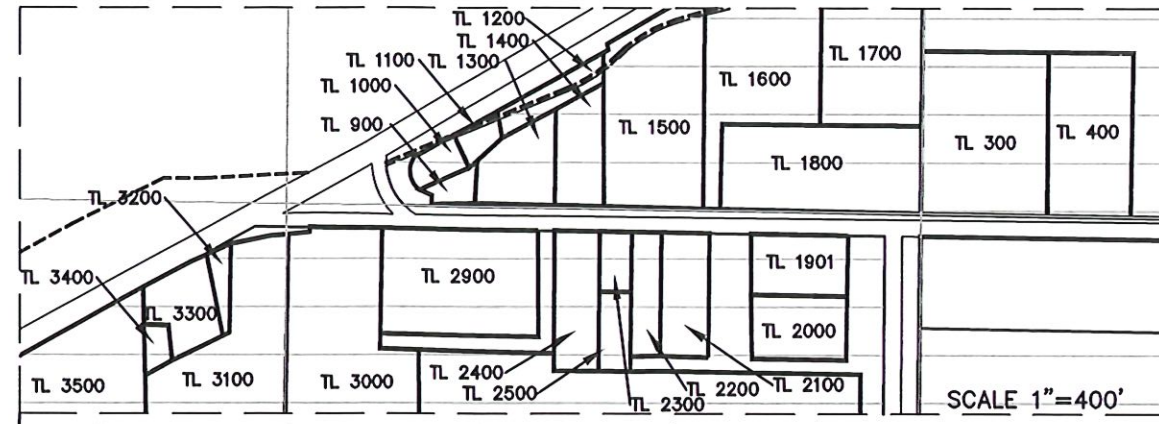
Submission received by: Sarah Benham

(Name of OWRD staff)

### Instructions for OWRD staff:

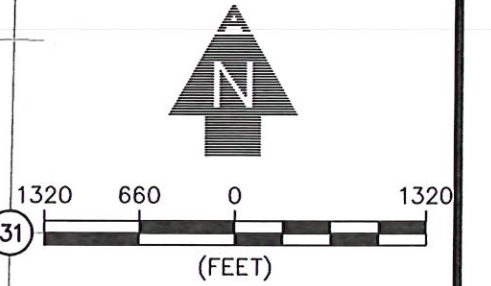
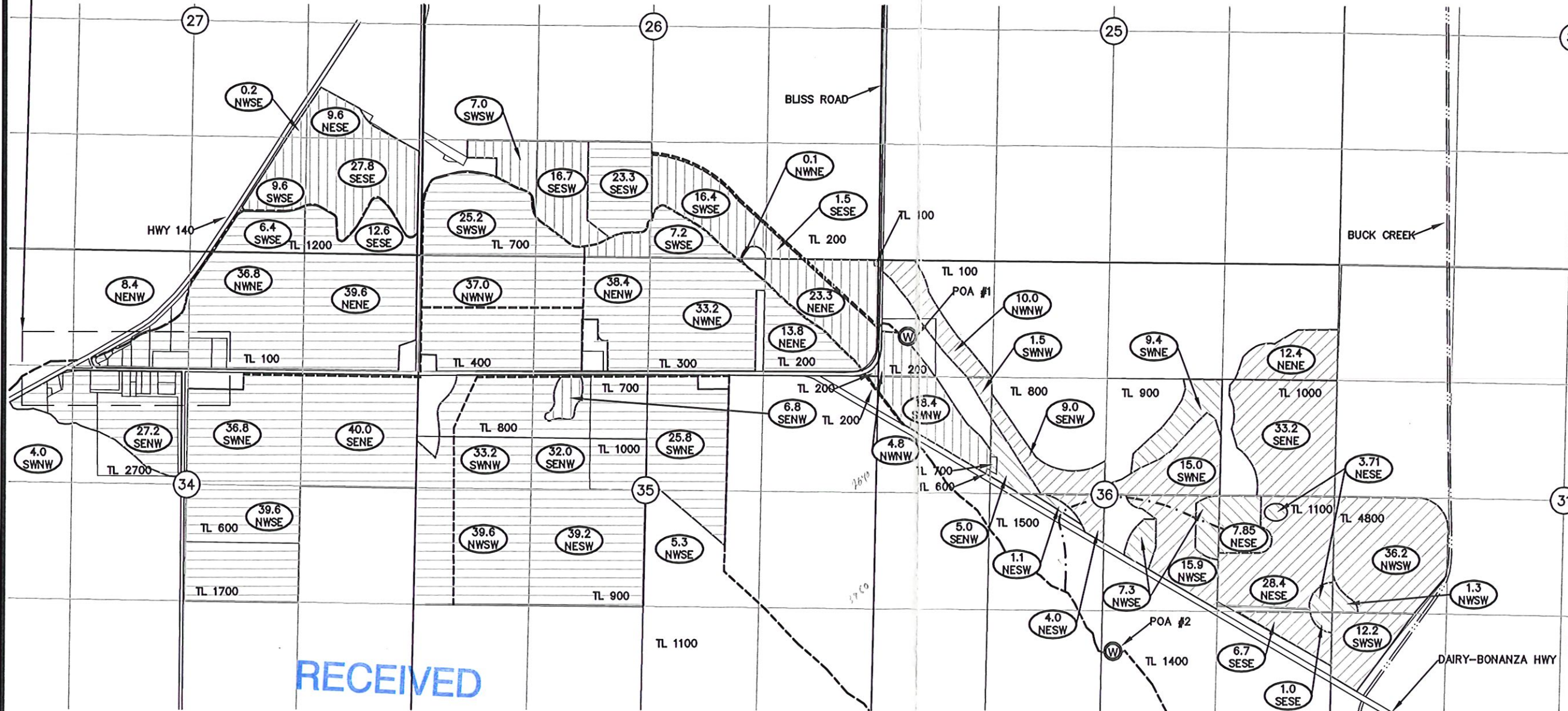
- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

# TRANSFER MAP for HORSEFLY IRRIGATION DISTRICT



### LEGEND

- SECTION LINE
- 1/4 1/4 LINE
- TAX LOT LINE
- CANAL/CREEK
- DITCH
- BURIED PIPE
- ROAD
- SECTION CENTER
- TAX LOT NUMBER
- POA (WELL)
- PRIMARY IRRIGATION UNDER PERMIT G-8528 CERT. 91296 (36.7 ACRES)
- SUPPLEMENTAL IRRIGATION UNDER PERMIT G-8528 CERT. 91296 (184.5 ACRES)
- PRIMARY IRRIGATION UNDER PERMIT G-3670 CERT. 42738 (142.5 ACRES)
- SUPPLEMENTAL IRRIGATION UNDER PERMIT G-3670 CERT. 42738 (604.6 ACRES)
- IRRIGATED ACRES
- 1/4 1/4 SECTION



CERTIFIED WATER RIGHT EXAMINER  
#88332GWRE  
*Daniel B. Scalas*  
Daniel B. Scalas  
April 23, 2015  
STATE OF OREGON  
RENEWAL 06/30/18

RECEIVED  
MAY 18 2018  
OWRD

- NOTES:**
- THIS MAP WAS PREPARED FROM FINAL PROOF SURVEY FOR PERMIT G-3670, KLAMATH COUNTY TAX MAPS AND OREGON GLO MAPS.
  - THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

**WELL TIE:**  
POA #1 870 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF SECTION 36.  
POA #2 4440 FEET SOUTH AND 2780 FEET EAST FROM THE NW CORNER OF SECTION 36.

**ADKINS**  
CONSULTING ENGINEERING, LLP  
Engineers ▲ Planners ▲ Surveyors  
2950 Shasta Way · Klamath Falls, Oregon 97603 · (541) 884-4666 · FAX (541) 884-5335  
Oregon · California  
5/20/2016 3012-1010

**TRANSFER APPLICATION MAP**  
FOR  
HORSEFLY IRRIGATION DISTRICT  
T38S, R11.5E, SEC. 26,27,34,35 & 36, WM  
KLAMATH COUNTY, OREGON  
CERTIFICATES 42738 & 91296  
APPLICATION No. G-3906 & G-9125  
PERMIT No. G-3670 & G8528