

T-10471

T-10471

RA

Name Gary Orem

Address 19950 Hwy 50 (PO Box 784)  
Merrill OR 97633  
541 591-0047

Change in POA

Date Filed 10-15-2007

Initial notice date 10-23-07

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

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 3-28-08 Vol 74 Page 465

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

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

COBU Received date 6/24/2011

Certificate issued 83845 PR

97038 & 97039

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well Water hole well 1

Trib. of Lost River

Use \_\_\_\_\_ County Klamath

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

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

App # G 7582 Per # G 7139 Cert # 48601 PR Date 1976

App # G 9646 Per # G 9623 Cert # 67947 PR Date 1982

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

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

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

FEES PAID		
Date	Amount	Receipt #
<u>10-15-07</u>	<u>600.00</u>	<u>90177</u>
<u>10-15-07</u>	<u>125.00</u>	<u>90170</u>

FEES REFUNDED		
Date	Amount	Receipt#

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

Irrigation District N/A

Agent Dennis Glender dba: Glenders Hydro Tech Services 8664 SW Sand Ridge Rd  
Crooked River Ranch OR 97760 541 548-4882 541-219-0806 541-504-7728 Fax

CWRE Thomas Delsant

CC's list Klamath County CLO: Charles Bury 7677 Lower Lake Rd Klamath Falls OR 97603

RLO: Applicant

RA Contractor: Anderson Engineering

Oversized map - Location Tub

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 # **90177**

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

RECEIVED FROM: Cary or Janie Orem  
 BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-10471

CASH:  CHECK:#  5796 OTHER: (IDENTIFY)

TOTAL REC'D \$ 600.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES	\$
	OTHER: (IDENTIFY)	\$
0243	I/S Lease	
0244	Muni Water Mgmt. Plan	
0245	Cons. Water	

**4270 WRD OPERATING ACCT**

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$ 600.00	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **90177**

DATED: 10/15/07 BY: J. Paschke

# Mailing List for Final Transfer Certificate(s)

Transfer Application: T-10471

Certificate: 97038 (C-48601)  
97039 (C-67947)

Certificate/Transfer Holder: (include copy of map)

GARY D. OREM  
PO BOX 784 19980 HWY 50  
MERRILL, OR 97633

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

## Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 17
2. Water Availability
3. Vault
4. File

## Other persons to receive copies: (include map):

5. Daniel B. Scalas. CWRE

## Record Marking(s):

Original Application# G7582  
Old Certificate# 48601  
Original Application # G9646  
Old Certificate # 67947

<b>Copies Mailed</b>	
by:	<u>KMWF</u> (STAFF)
on:	<u>MAY 05 2023</u> (DATE)

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY D. OREM TRUSTEE  
19980 HWY 50  
MERRILL OR 97633

confirms the right to the use of water perfected under the terms of Permit G-9623. 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 the point of appropriation from the source. The specific limits and conditions of the use are listed below.

SOURCE: A WELL IN THE LOWER KLAMATH LAKE BASIN

USE: IRRIGATION OF 7.6 ACRES

RATE: 0.1 CUBIC FOOT PER SECOND

PRIORITY DATE: MARCH 8, 1982

The point of appropriation is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	8	SE SE	WELL 1 - 621' N & 1137' W FROM SE CORNER, SEC. 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

In the event of a request for a change in a appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	SW SE	2.6
41 S	10 E	WM	8	SE SE	5.0

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

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

The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	8	SW SE	930 FEET NORTH AND 2614 FEET WEST FROM SE 1/4 CORNER, SECTION 8

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

Water shall be acquired from the same aquifer (water source) as the original point appropriation.

The water user shall maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted as required by the Department.

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered March 28, 2008, at Special Order Volume 74, Page 465, approving Transfer Application T-10471, and together with Certificate 83845, supersedes Certificate 67947, State record of Water Right Certificates.

Issued     **MAY 05 2023**    



Dwight French  
Water Right Services Division Administrator, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY D. OREM TRUSTEE  
19980 HWY 50  
MERRILL OR 97633

confirms the right to the use of water perfected under the terms of Permit G-7139. 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 the point of appropriation from the source. The specific limits and conditions of the use are listed below.

SOURCE: WELL 1, A TRIBUTARY OF LOST RIVER

USE: IRRIGATION OF 36.8 ACRES

RATE: 0.46 CUBIC FOOT PER SECOND

PRIORITY DATE: NOVEMBER 17, 1976

The point of appropriation is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	8	SE SE	WELL 1 - 621 FEET NORTH AND 1137 FEET WEST FROM SE CORNER, SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year and the use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NE SE	15.5
41 S	10 E	WM	8	NW SE	9.9
41 S	10 E	WM	8	SW SE	0.6
41 S	10 E	WM	8	SE SE	10.8

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

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The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	8	SW SE	920 FEET NORTH AND 10 FEET EAST FROM S1/4 CORNER, SECTION 8

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

The water user shall maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department. The water user shall maintain and operate the measuring device as required by the Department.

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered March 28, 2008, at Special Order Volume 74, Page 165, approving Transfer Application T-10471, supersedes Certificate 48601, State record of Water Right Certificates.

Issued MAY 05 2023



Dwight French  
Water Right Services Division Administrator, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

TRANSFER

Memo- Proof to Satisfaction

Transfer App #	T-10471	Date:	March 2021
WRD Reviewer (CW)	Breck F-C	Date:	March 2023
WRD Peer Reviewer (PR)	J Skaug		

ORIGINAL CERT:	CHANGE REQUESTED:	RR Cert:
48601 67947	<input type="checkbox"/> POU <input checked="" type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE <input type="checkbox"/> POU <input type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE <input type="checkbox"/> POU <input type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE <input type="checkbox"/> POU <input type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE	83845

PREPARATION:

CW	PR	RESEARCH:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> CBU Report/Map <input checked="" type="checkbox"/> Transfer Order Ord 74 Vol 465 Issued Date 3/28/2008 <input type="checkbox"/> Assignment <input type="checkbox"/> Transfer Extension <input type="checkbox"/> n/a
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Electronic Folder:</b> <input checked="" type="checkbox"/> Create CBU folder <input checked="" type="checkbox"/> Create Work Packet Folder
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>SCAN:</b> Above documents into "CBU Folder" <b>SAVE:</b> other documents in "Work Packet Folder"
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Certificate(s) <input type="checkbox"/> Transfer App Maps (To/From) <input type="checkbox"/> <input checked="" type="checkbox"/> OrMap Tax Lot Map <input checked="" type="checkbox"/> Ownership Report <input checked="" type="checkbox"/> BLM Cadastral Survey <input type="checkbox"/> GW Logs <input type="checkbox"/> GW Conditions <input type="checkbox"/> Mitigation <input type="checkbox"/> POU Report (conflict) [POU ONLY] <input type="checkbox"/> Others: <input type="checkbox"/> n/a <input type="checkbox"/> n/a <input type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>SEARCH:</b> <input checked="" type="checkbox"/> Interactive Mapper <input checked="" type="checkbox"/> AOI <input checked="" type="checkbox"/> Map and TaxLot ID 4110-00800-0072 <input type="checkbox"/> Receiving LO: <input type="checkbox"/> n/a <input type="checkbox"/> n/a
		Research Comments: New Landowner:

REVIEW OF CLAIM:

ORDER REQ/D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Fish Condition	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Meter/Measuring Device	6/1/2008
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Water Use Reporting	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	SWL (Month)	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Dedicated MMS tube	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Well Id	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Other:	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	C-date: Oct. 1 2009	EXT C-Date: 6/1/2008 - completed

REVIEW OF MAP: (Only the changes approved)

CW	PR	Notes:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Verify POA/POD Location (New Only)
<input type="checkbox"/>	<input type="checkbox"/>	Verify POU (New only)
<input type="checkbox"/>	<input type="checkbox"/>	POU clearly identified by Use Type/Certificate
<input type="checkbox"/>	<input type="checkbox"/>	DLC/GOV'T LOT
		<input type="checkbox"/> Original Cert Map for unchanged POU/POD/POA (Attached for Peer Reviewer/Data) <input type="checkbox"/> Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
-------------------	-----------------	------------	-----------------	--------

Well 1 0.56 cfs 2.04 2.042 Overage


**DETERMINATION:**

CW	PR	DOCUMENT	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	LETTER FOR CLARIFICATION	
<input type="checkbox"/>	<input type="checkbox"/>	DRAFT (PLEASE EXPLAIN)	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED	
<input type="checkbox"/>	<input type="checkbox"/>	FINAL	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED ORDER TO CANCEL	

**FINAL CHECKS: Review your document; BEFORE printing proposed for Support**

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW	
		<input type="checkbox"/> POA/POD/DAM TABLES/DESCRIPTIONS	<input type="checkbox"/> PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECK DOC	
<input type="checkbox"/>	<input type="checkbox"/>	MAPS: Identified for Reference	
<input type="checkbox"/>		CERT NUMBER ISSUED:	
		Original Cert #      App	New Cert #
		Original Cert #      App	New Cert #
		Original Cert #      App	New Cert #
		Original Cert #      App	New Cert #

**EXTRAS: BEFORE Printing your Final Certificate**

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW COMMENTS UPDATED	
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC	

**CASEWORKER REVIEW COMMENTS:**

**PEER REVIEWER COMMENTS:**

**CLAIM OF  
BENEFICIAL USE  
for Transfer New or Additional  
POA Only**



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

**A fee of \$200 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.**

**Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.**

**A separate form shall be completed for each transfer.**

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

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

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.\

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

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

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

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1  
GENERAL INFORMATION**

**Type of Authorized Change**

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both. **YES** *If additional changes were authorized, you will need to select a different form.*

**RECEIVED**

**JUN 24 2021**

**OWRD**

1. File Information

APPLICATION # <b>T-10471</b>
---------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Gary Orem</b>	PHONE NO. <b>541-591-0047</b>	ADDITIONAL CONTACT NO.	
ADDRESS <b>19980 Highway 50 (PO Box 784)</b>			
CITY <b>Merrill</b>	STATE <b>OR</b>	ZIP <b>97633</b>	E-MAIL <b>Gdo1072@yahoo.com</b>

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD <b>Same as above</b>		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

<b>12/11/2020</b>
-------------------

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Gary Orem</b>	<b>12/11/2020</b>	<b>Owner</b>

6. County:

<b>Klamath</b>
----------------

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

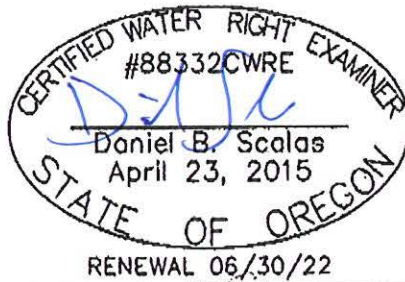
Add additional tables for owners of record as needed

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**JUN 24 2021**  
**OWRD**

**SECTION 2  
SIGNATURES**

CWRE Statement, Seal and Signature

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



CWRE NAME Daniel B. Scalas		PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.	
ADDRESS 1435 Esplanade Ave.				
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL dscalas@adkinsengineering.com	

Permit Holder of Record Signature or Acknowledgement

*Each permit holder of record must sign this form in the space provided below.*

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Gary Orem	Owner	
	Jamie Orem	Owner	

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**SECTION 3**  
**CLAIM DESCRIPTION**

**Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.**

**1. New or additional point of appropriation name or number:**

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Well 1	KLAM 56562	91930	Lost River Basin

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

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

**3. Claim Summary:**

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Well 1	0.56 CFS	2.04 CFS	N/A

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**SECTION 4**  
**SYSTEM DESCRIPTION**

Are there multiple new or additional Points of Appropriation (POA)?

**NO**

**A. POA System Information**

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

**1. Pump Information**

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Franklin	N/A	N/A	Submersible	12"	6"

**2. Motor Information**

MANUFACTURER	HORSEPOWER
Franklin	50

**3. Theoretical Pump Capacity**

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
50	0	172.4'	0.0'	2.04

**4. Provide pump calculations:**

See Attachment D for Theoretical Pump Capacity Calculations.

**5. Measured Pump Capacity (using meter if meter was present and system was operating)**

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

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

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JUN 24 2021

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## B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)? NO

## C. Additional notes or comments related to the system:

## SECTION 5 CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

### 1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	3/28/2008	
COMPLETENESS DATE FROM ORDER (C)	10/1/2009	6/1/2008

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

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

### 3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES

b. Has a meter been installed? YES

### c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 1	McCrometer	08-08285-06	Working	604.058 AF	6/1/2008

### 4. Recording and reporting conditions

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

### 5. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards? NO

b. Was submittal of a ground water monitoring plan required? NO

c. Other conditions? NO

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

**SECTION 6  
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment A	Copy of Transfer Final Order for T-10471
Attachment B	Claim of Beneficial Use Map on Mylar
Attachment C	Claim of Beneficial Use Map (paper copy)
Attachment D	Theoretical Pump Capacity Calculations
Attachment E	Well Log KLAM 56562
Attachment F	Klamath County Tax Map 41-10-8

**SECTION 7  
CLAIM OF BENEFICIAL USE MAP**

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

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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

**The Claim of Beneficial Use Map was prepared from field measurements, NAIP 2020 aerial photography, Klamath County tax maps, and Oregon GLO maps.**

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## Map Checklist

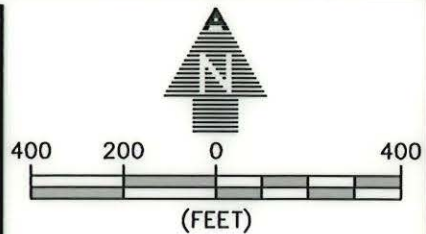
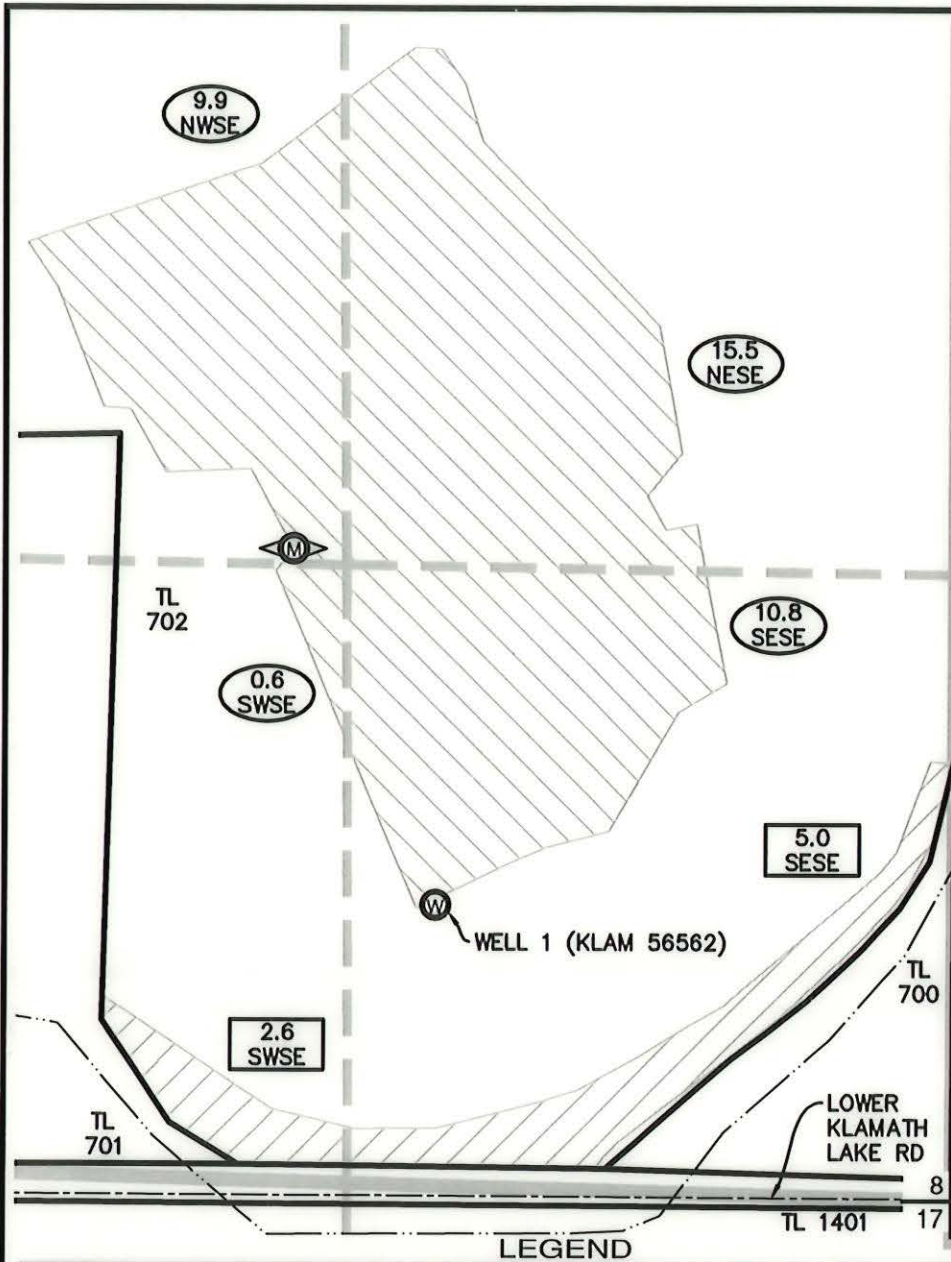
Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

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

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**NOTES:**

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2020 AERIAL PHOTOGRAPHS, KLAMATH COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
3. DATE OF PRIORITY FOR CERTIFICATE 48601 IS NOVEMBER 17, 1976 AND DATE OF PRIORITY FOR CERTIFICATE 67947 IS MARCH 8, 1982.

**WELL LOCATION:**

WELL 1 (KLAM 56498): 621' NORTH & 1137' WEST FROM THE SOUTHEAST CORNER OF SECTION 8.



**LEGEND**

35.0 SWSE	IRRIGATED ACRES (PRIORITY DATE: NOVEMBER 17, 1976) 1/4 1/4 SECTION	$\frac{22}{22}   \frac{22}{22}$	SECTION CORNER		SECTION LINE
35.0 SWSE	IRRIGATED ACRES (PRIORITY DATE: MARCH 8, 1982) 1/4 1/4 SECTION	TL 0000	TAX LOT NUMBER		1/4 1/4 LINE
	IRRIGATED UNDER TRANSFER T-10471 (PRIORITY DATE: MARCH 8, 1982)		POA (WELL)		TAX LOT LINE
	IRRIGATED UNDER TRANSFER T-10471 (PRIORITY DATE: NOVEMBER 17, 1976)		FLOWMETER		CANAL
			ROAD		ROAD

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**CLAIM OF BENEFICIAL USE AND FINAL PROOF MAP**

FOR  
GARY OREM  
T41S, R10E, SEC. 8, WM  
KLAMATH COUNTY, OREGON  
TRANSFER T-10471

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-10471, Klamath County                         )     CHANGE IN POINT OF  
   )     APPROPRIATION

**Authority**

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

**Applicant**

GARY D. OREM  
19980 HWY 50 (PO BOX 784)  
MERRILL, OR 97633

**Agent**

DENNIS R. GLENDER  
GLENDER'S HYDRO TECH SERVICES  
8664 SW SAND RIDGE RD.  
CROOKED RIVER RANCH, OR 97760

**Findings of Fact**

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**Background**

JUN 24 2021

1. On October 15, 2007, Gary D. Orem filed an application to change the point of appropriation under Certificates 48601 and 67947. The Department assigned the application number T-10471.

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2. The first right to be transferred is as follows:  
**Certificate:** 48601 in the name of CHARLES G. KERR (perfected under Permit G-7139)  
**Use:** IRRIGATION of 36.8 ACRES  
**Priority Date:** NOVEMBER 17, 1976  
**Rate:** 0.46 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year  
**Source:** WATER HOLE WELL No.1, in the LOST RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	920 FEET NORTH AND 10 FEET EAST FROM THE S1/4 CORNER OF SECTION 8

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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NE SE	15.5
41 S	10 E	WM	8	NW SE	9.9
41 S	10 E	WM	8	SW SE	0.6
41 S	10 E	WM	8	SE SE	10.8

3. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

4. The portion of the second right to be transferred is as follows:  
**Certificate:** 67947 in the name of CHARLES G. KERR (perfected under Permit G-9623)  
**Use:** IRRIGATION of 7.6 ACRES  
**Priority Date:** MARCH 8, 1982  
**Rate:** 0.1 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year  
**Source:** A WELL, in the LOWER KLAMATH LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	900 FEET NORTH AND 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	SW SE	2.6
41 S	10 E	WM	8	SE SE	5.0

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5. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

6. While the authorized point of appropriation for Certificate 48601 (described in Finding of Fact #2) and the authorized point of appropriation for Certificate 67947 (described in Finding of Fact #4) appear to describe two different points of appropriation, the Department has determined, based upon information contained in the record, that both certificates utilize the same, single well (KLAM 14939) which is actually located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	930 FEET NORTH AND 2614 FEET WEST FROM THE SE CORNER OF SECTION 8

7. Notice of the application for transfer was published on October 23, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On January 14, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10471 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of February 18, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On January 24, 2008, the applicant's Certified Water Rights Examiner revised the application map to accurately reflect the location of the authorized point of appropriation, referenced to recognized survey corners.
10. On January 29, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10471 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 5, 2008, and in the Klamath Falls Herald and News newspaper on February 9, 16 and 23, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

11. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. 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 Application T-10471.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.
15. The authorized well (KLAM 14939) is completed in sediments that overlay basalt that occurs at a greater depth. The geology at the site of the proposed well is similar. Therefore, the source of water at the proposed point of appropriation is likely to be the same as that at the original well.

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**Conclusions of Law**

The change in point of appropriation proposed in application T-10471 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of appropriation proposed in application T-10471 is approved.
2. Water right certificates 48601 and 67947 are cancelled. A new certificate will be issued describing that portion of Certificate 67947 not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48601 and 67947 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 20<sup>th</sup> day of March 2008.

  
By Phillip C. Ward, Director

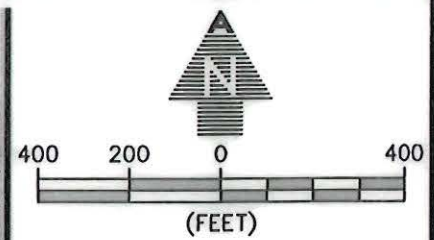
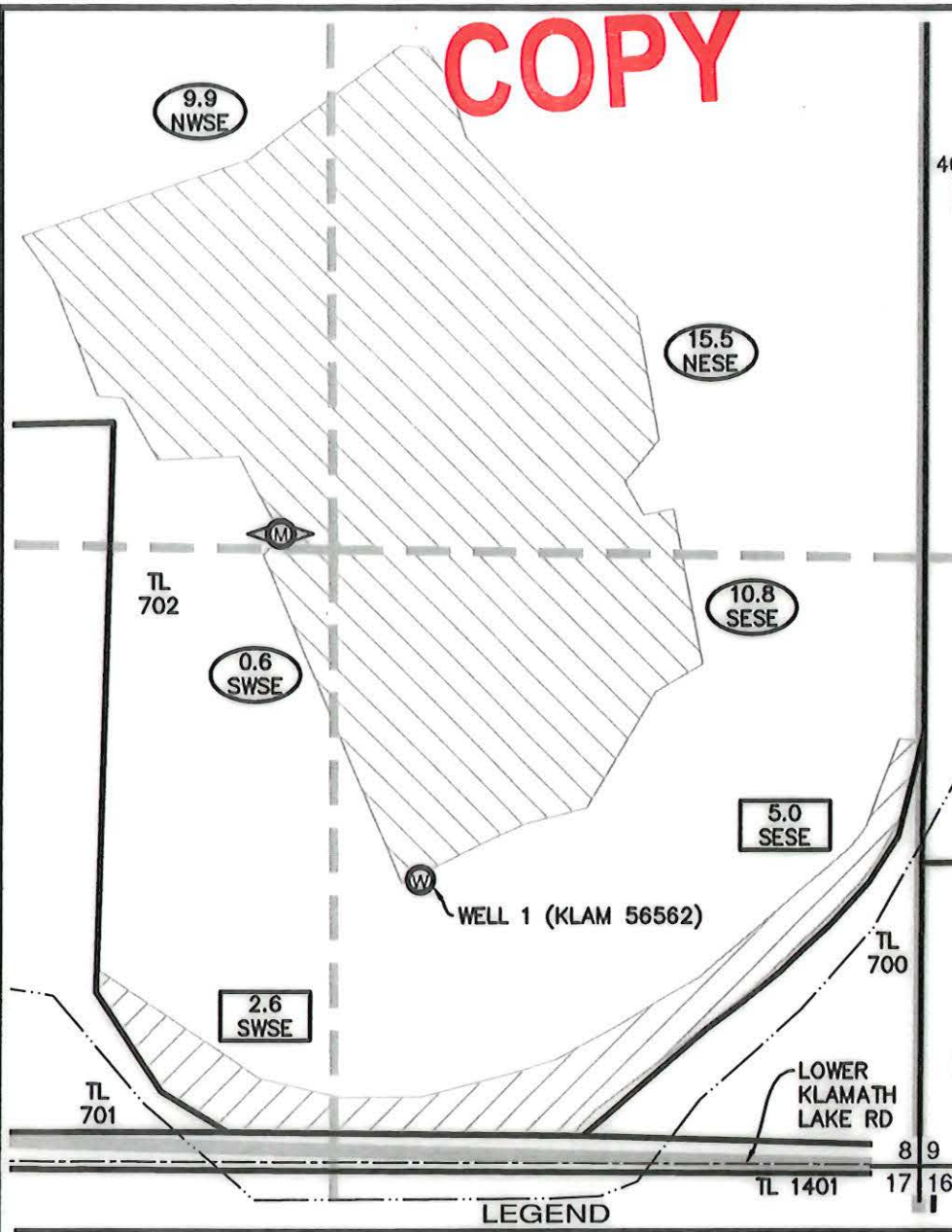
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Mailing date: APR 11 2008

**COPY**



**NOTES:**

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2020 AERIAL PHOTOGRAPHS, KLAMATH COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
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**WELL LOCATION:**

WELL 1 (KLAM 56498): 621' NORTH & 1137' WEST FROM THE SOUTHEAST CORNER OF SECTION 8.



**LEGEND**

35.0 SWSE	IRRIGATED ACRES (PRIORITY DATE: NOVEMBER 17, 1976) 1/4 1/4 SECTION	$\frac{22}{22}   \frac{22}{22}$	SECTION CORNER		SECTION LINE
35.0 SWSE	IRRIGATED ACRES (PRIORITY DATE: MARCH 8, 1982) 1/4 1/4 SECTION	TL 0000	TAX LOT NUMBER		1/4 1/4 LINE
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	IRRIGATED UNDER TRANSFER T-10471 (PRIORITY DATE: NOVEMBER 17, 1976)		FLOWMETER		CANAL
			ROAD		ROAD

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**CLAIM OF BENEFICIAL USE AND FINAL PROOF MAP**

FOR  
GARY OREM  
T41S, R10E, SEC. 8, WM  
KLAMATH COUNTY, OREGON  
TRANSFER T-10471

# Pump Capacity Calculation Sheet

Date: 12/17/2020

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

## Data Entry (fill in underlined blanks)

---

HP = 50  
Efficiency = 7.04  
Lift = 172.4  
PSI = 0

---

## Results Calculated

---

(hp)(efficiency) = 352  
Head based on psi = 0.0  
Total dynamic head = 172.4  
(head + lift)

**Pump Capacity = 2.04 cubic feet per second**

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STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

06-06-2008

WELL LABEL # L 91930

START CARD # 1003439

(1) LAND OWNER

Owner Well I.D. \_\_\_\_\_

First Name GARY Last Name OREM
Company
Address P.O. BOX 784
City MERRILL State OR Zip 97633

(2) TYPE OF WORK [X] New Well [ ] Deepening [ ] Conversion
[ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD

[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE [ ] Domestic [X] Irrigation [ ] Community

[ ] Industrial/ Commercial [ ] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION Special Standard [ ] Attach copy

Depth of Completed Well 706.00 ft.

Table with columns: Dia, From, To, Material, SEAL, Amt, lbs. Row 1: 16, 0, 52, Bentonite Chips, 0, 50, 45, S

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E

[X] Other POURED

Backfill placed from 50 ft. to 52 ft. Material 3/8 BENTONITE

Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_

Explosives used: [ ] Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(6) CASING/LINER

Table with columns: Casing Liner, Dia, From, To, Gauge, Stl, Plstc, Wld, Thrd. Row 1: 12, 2, 72, .250, [X]

Shoe [ ] Inside [ ] Outside [ ] Other Location of shoe(s) \_\_\_\_\_

Temp casing [ ] Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS

Perforations Method \_\_\_\_\_

Screens Type \_\_\_\_\_ Material \_\_\_\_\_

Table with columns: Perf/Sreen, Casing/Screen Liner, Dia, From, To, Scrm/slot width, Slot length, # of slots, Tele/pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Table with 4 columns: Yield gal/min, Drawdown, Drill stem/Pump depth, Duration (hr). Row 1: 1,000, 240, 1

Temperature 86 °F Lab analysis [ ] Yes By \_\_\_\_\_

Water quality concerns? [ ] Yes (describe below)

Table with columns: From, To, Description, Amount, Units

(9) LOCATION OF WELL (legal description)

County Klamath Twp 41.00 S N/S Range 10.00 E E/W WM
Sec 8 SE 1/4 of the SE 1/4 Tax Lot 702
Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_
Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD
Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD
[ ] Street address of well [X] Nearest address

NEXT TO 10585 LOWER LAKE RD. MERRILL, OR

(10) STATIC WATER LEVEL

Table with columns: Date, SWL(psi), SWL(ft). Row 1: 06-02-2008, 145

Flowing Artesian? [ ] Dry Hole? [ ]

Table with columns: SWL Date, From, To, Est Flow, SWL(psi), SWL(ft). Row 1: 06-02-2008, 304, 706, 2,500, 145

(11) WELL LOG

Ground Elevation 4,150

Table with columns: Material, From, To. Rows: Top Soil, Brown Sandstone, Brown Rock & Clay, Yellow Claystone, Gray Claystone, Black Rock, Black & Gray Rock

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Date Started 05-06-2008 Completed 06-02-2008

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number \_\_\_\_\_ Date \_\_\_\_\_

Electronically Filed

Signed \_\_\_\_\_

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 777 Date 06-06-2008

Electronically Filed

Signed STEPHEN R HUGHES (E-filed)

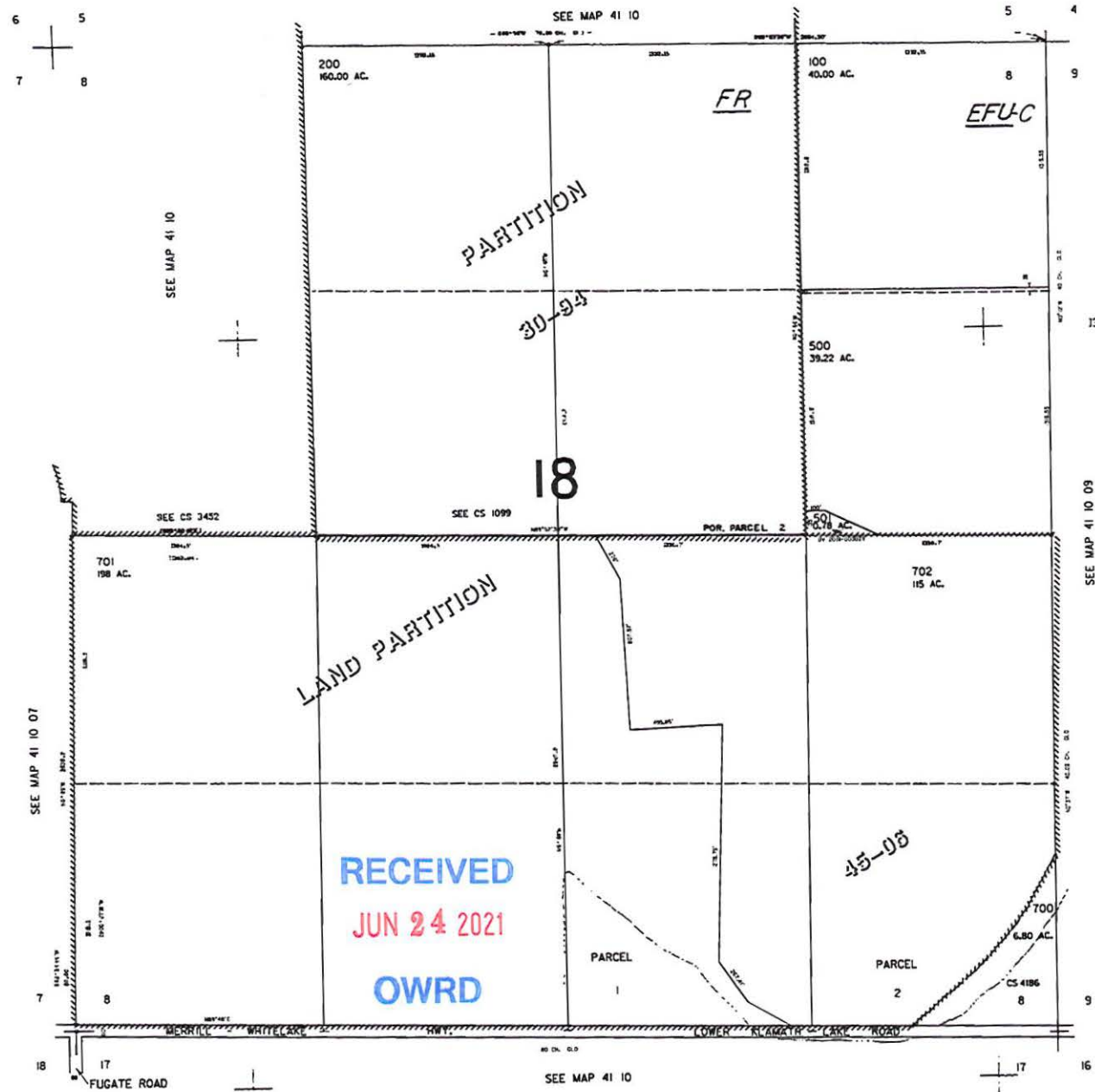
Contact Info (optional)

SECTION 08 T.41S. R.10E. W.M.  
KLAMATH COUNTY

41 10 08

REVISED 10-08-2018  
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

1" = 400'

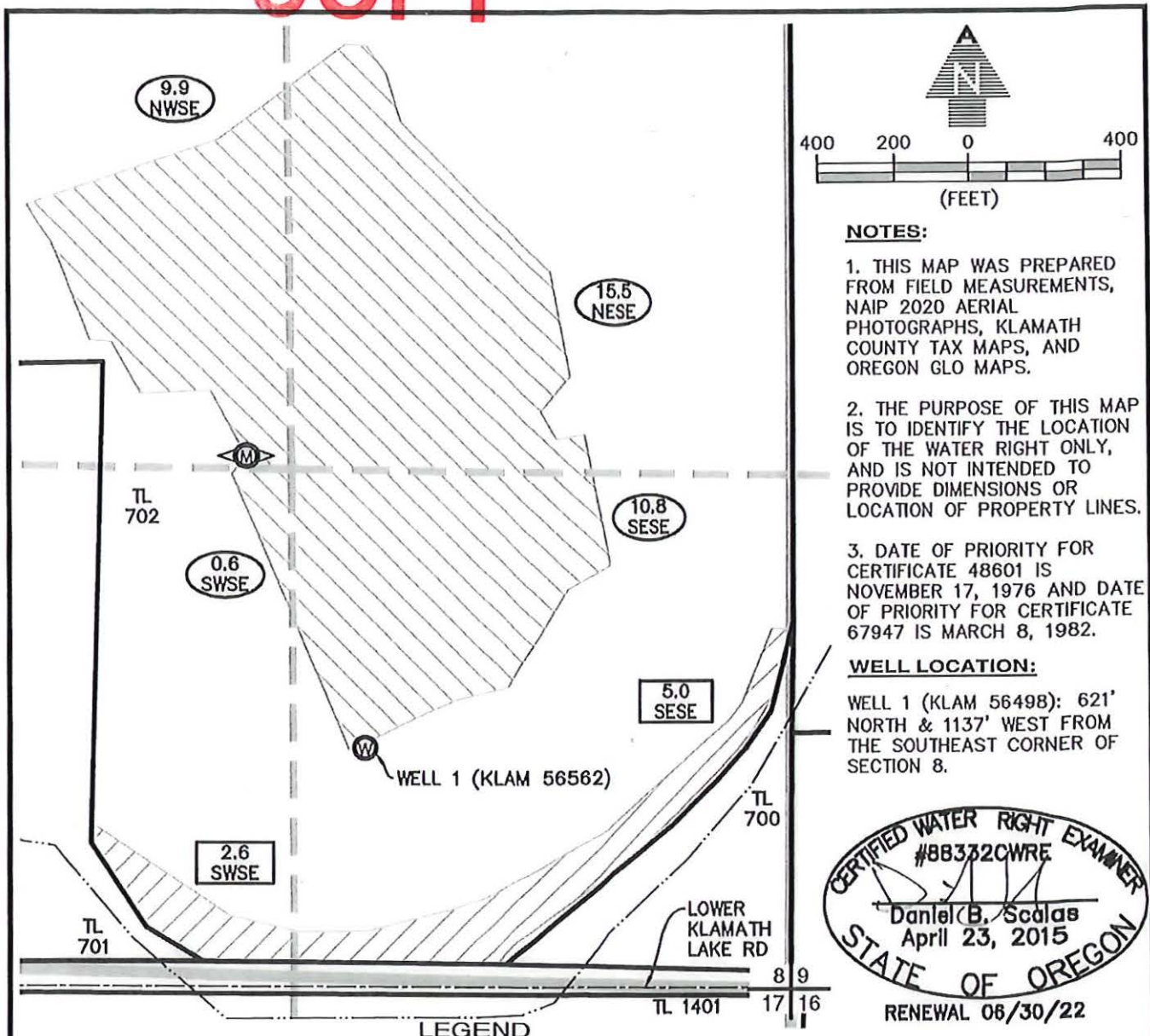


CANCELLED NO.  
300  
400  
600

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41 10 08

# COPY

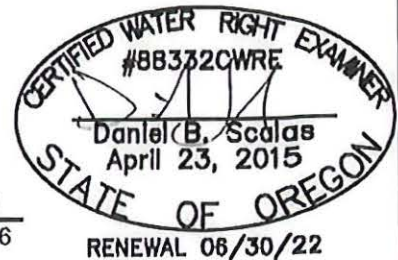


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**WELL LOCATION:**

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**LEGEND**

<p>35.0 SWSE IRRIGATED ACRES (PRIORITY DATE: NOVEMBER 17, 1976) 1/4 1/4 SECTION</p> <p>35.0 SWSE IRRIGATED ACRES (PRIORITY DATE: MARCH 8, 1982) 1/4 1/4 SECTION</p> <p>IRRIGATED UNDER TRANSFER T-10471 (PRIORITY DATE: MARCH 8, 1982)</p>	<p>22/22 22/22 SECTION CORNER</p> <p>TL 0000 TAX LOT NUMBER</p> <p>W POA (WELL)</p> <p>M FLOWMETER</p> <p>IRRIGATED UNDER TRANSFER T-10471 (PRIORITY DATE: NOVEMBER 17, 1976)</p>	<p>SECTION LINE</p> <p>1/4 1/4 LINE</p> <p>TAX LOT LINE</p> <p>CANAL</p> <p>ROAD</p>
--	---	--

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5/20/2021

1714-11

**CLAIM OF BENEFICIAL USE AND FINAL PROOF MAP**

FOR  
GARY OREM  
T41S, R10E, SEC. 8, WM  
KLAMATH COUNTY, OREGON  
TRANSFER T-10471

# Checklist for Claims of Beneficial Use Received at CSG Counter

Application #	WRD Reviewer <i>Cony M.</i>
Transfer # <i>T-10471</i>	
Date Received <i>6-24-2021</i>	
CWRE Name <i>Daniel Scalas</i>	

Priority Date: *1976 & 1982*

## Fees Required:

YES NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES **(NO)** A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

## Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #, or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

## Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #, or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM	IDENTIFICATION PERMIT TRANSFER
CASH CHECK <input type="checkbox"/>	OTHER (IDENTIFY) <input type="checkbox"/>
DEPT TREASURY 6178 MISC CLAIMS/CC	TOTAL RECD (\$) _____
6027 COMES OTHER (IDENTIFY)	
CHIEF CLERK (SEE COUNTY MAP PLAN) 6213 COS PLAN	
DEPT TREASURY 6178 MISC CLAIMS/CC	
MISCELLANEOUS	
6407 COPY & DUPE FEES <i>4611</i>	
6410 RESEARCH FEES	
6418 MISC REVENUE (COMMIT)	
6419 DEPOSITUM (IDENTIFY)	
6420 EXTENSION OF TIME	
6201 WATER RIGHTS	RECORD FILE
6202 SURFACE WATER	6213
6205 GROUNDWATER	6214
6206 TRANSFER	
WELL CONSTRUCTION	RECORD FILE
6113 WELL DRILL CONSTRUCTION	6213
6114 LANDOWNER SIGNATURE	6214
6202 OTHER (IDENTIFY) <i>COBU</i>	<i>2022.00</i>
DEPT TREASURY 6178 MISC CLAIMS/CC	
6213 POWER LICENSE FEE (\$/YR)	
6214 HYDRO LICENSE FEE (\$/YR)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

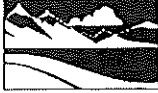
RETURN TO APPLICANT - LETTER ATTACHED

## Groundwater File Review: *N/A*

Pump Test Required? YES NO Pump Test Submitted? YES NO\*

\*If no, include pump test flyer w/acknowledgment letter

**CLAIM OF  
BENEFICIAL USE  
for Transfer New or Additional  
POA Only**

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

**A fee of \$200 must accompany this form for any Transfer final orders  
including a water right with a priority date of July 9, 1987, or later.**

**Example – A transfer involves 5 rights and one of the rights  
has a priority date of July 9, 1987, or later, the fee is required.**

**A separate form shall be completed for each transfer.**

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>  
The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

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

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.\

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

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

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:  
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1  
GENERAL INFORMATION**

**Type of Authorized Change**

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both. **YES**  
*If additional changes were authorized, you will need to select a different form.*

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1. File Information

APPLICATION # <b>T-10471</b>
---------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Gary Orem</b>		PHONE No. <b>541-591-0047</b>	ADDITIONAL CONTACT No.
ADDRESS <b>19980 Highway 50 (PO Box 784)</b>			
CITY <b>Merrill</b>	STATE <b>OR</b>	ZIP <b>97633</b>	E-MAIL <b>Gdo1072@yahoo.com</b>

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. *Each transfer holder of record must sign this form.*

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD <b>Same as above</b>		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

<b>12/11/2020</b>
-------------------

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Gary Orem</b>	<b>12/11/2020</b>	<b>Owner</b>

6. County:

<b>Klamath</b>
----------------

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

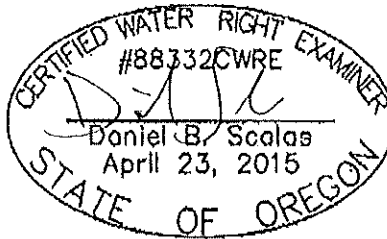
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**SECTION 2  
SIGNATURES**

CWRE Statement, Seal and Signature

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



RENEWAL 06/30/22

CWRE NAME Daniel B. Scolas		PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.	
ADDRESS 1435 Esplanade Ave.				
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL dscolas@adkinsengineering.com	

Permit Holder of Record Signature or Acknowledgement

*Each permit holder of record must sign this form in the space provided below.*

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Gary Orem	Owner	
	Jamie Orem	Owner	

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**SECTION 3  
CLAIM DESCRIPTION**

**Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.**

**1. New or additional point of appropriation name or number:**

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
<b>Well 1</b>	<b>KLAM 56562</b>	<b>91930</b>	<b>Lost River Basin</b>

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

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**

If yes, describe below.

*(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")*

**3. Claim Summary:**

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
<b>Well 1</b>	<b>0.56 CFS</b>	<b>2.04 CFS</b>	<b>N/A</b>

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**SECTION 4**  
**SYSTEM DESCRIPTION**

Are there multiple new or additional Points of Appropriation (POA)?

**NO**

**A. POA System Information**

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

**1. Pump Information**

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Franklin	N/A	N/A	Submersible	12"	6"

**2. Motor Information**

MANUFACTURER	HORSEPOWER
Franklin	50

**3. Theoretical Pump Capacity**

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
50	0	172.4'	0.0'	2.04

**4. Provide pump calculations:**

See Attachment D for Theoretical Pump Capacity Calculations.

**5. Measured Pump Capacity (using meter if meter was present and system was operating)**

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

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

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**B. Groundwater Source Information (Well and Sump)**

3. Is the appropriation from a dug well (sump)? NO

**C. Additional notes or comments related to the system:**

**SECTION 5  
CONDITIONS**

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	3/28/2008	
COMPLETENESS DATE FROM ORDER (C)	10/1/2009	6/1/2008

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

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

**3. Measurement Conditions:**

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES

b. Has a meter been installed? YES

**c. Meter Information**

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 1	McCrometer	08-08285-06	Working	604.058 AF	6/1/2008

**4. Recording and reporting conditions**

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

**5. Other conditions required by the transfer final order or extension final order:**

a. Were there special well construction standards? NO

b. Was submittal of a ground water monitoring plan required? NO

c. Other conditions? NO

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

**SECTION 6  
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment A	Copy of Transfer Final Order for T-10471
Attachment B	Claim of Beneficial Use Map on Mylar
Attachment C	Claim of Beneficial Use Map (paper copy)
Attachment D	Theoretical Pump Capacity Calculations
Attachment E	Well Log KLAM 56562
Attachment F	Klamath County Tax Map 41-10-8

**SECTION 7  
CLAIM OF BENEFICIAL USE MAP**

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

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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

The Claim of Beneficial Use Map was prepared from field measurements, NAIP 2020 aerial photography, Klamath County tax maps, and Oregon GLO maps.

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## Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

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

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**ATTACHMENT A**  
**Copy of Transfer Final Order for T-10471**

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

In the Matter of Transfer Application )  
T-10471, Klamath County )  
 ) FINAL ORDER APPROVING A  
 ) CHANGE IN POINT OF  
 ) APPROPRIATION

**Authority**

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

**Applicant**

GARY D. OREM  
19980 HWY 50 (PO BOX 784)  
MERRILL, OR 97633

**Agent**

DENNIS R. GLENDER  
GLENDER'S HYDRO TECH SERVICES  
8664 SW SAND RIDGE RD.  
CROOKED RIVER RANCH, OR 97760

**Findings of Fact**

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**Background**

JUN 24 2021

1. On October 15, 2007, Gary D. Orem filed an application to change the point of appropriation under Certificates 48601 and 67947. The Department assigned the application number T-10471.
2. The first right to be transferred is as follows:  
**Certificate:** 48601 in the name of CHARLES G. KERR (perfected under Permit G-7139)  
**Use:** IRRIGATION of 36.8 ACRES  
**Priority Date:** NOVEMBER 17, 1976  
**Rate:** 0.46 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year  
**Source:** WATER HOLE WELL No.1, in the LOST RIVER BASIN

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**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	920 FEET NORTH AND 10 FEET EAST FROM THE 1/4 CORNER OF SECTION 8

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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NE SE	15.5
41 S	10 E	WM	8	NW SE	9.9
41 S	10 E	WM	8	SW SE	0.6
41 S	10 E	WM	8	SE SE	10.8

3. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

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

**Certificate:** 67947 in the name of CHARLES G. KERR (perfected under Permit G-9623)

**Use:** IRRIGATION of 7.6 ACRES

**Priority Date:** MARCH 8, 1982

**Rate:** 0.1 CUBIC FOOT PER SECOND (CFS)

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

**Source:** A WELL, in the LOWER KLAMATH LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	900 FEET NORTH AND 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	SW SE	2.6
41 S	10 E	WM	8	SE SE	5.0

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5. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

6. While the authorized point of appropriation for Certificate 48601 (described in Finding of Fact #2) and the authorized point of appropriation for Certificate 67947 (described in Finding of Fact #4) appear to describe two different points of appropriation, the Department has determined, based upon information contained in the record, that both certificates utilize the same, single well (KLAM 14939) which is actually located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	930 FEET NORTH AND 2614 FEET WEST FROM THE SE CORNER OF SECTION 8

7. Notice of the application for transfer was published on October 23, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On January 14, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10471 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of February 18, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On January 24, 2008, the applicant's Certified Water Rights Examiner revised the application map to accurately reflect the location of the authorized point of appropriation, referenced to recognized survey corners.
10. On January 29, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10471 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 5, 2008, and in the Klamath Falls Herald and News newspaper on February 9, 16 and 23, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

11. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. 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 Application T-10471.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.
15. The authorized well (KLAM 14939) is completed in sediments that overlay basalt that occurs at a greater depth. The geology at the site of the proposed well is similar. Therefore, the source of water at the proposed point of appropriation is likely to be the same as that at the original well.

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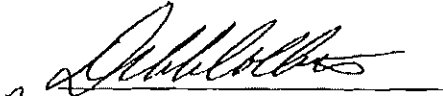
**Conclusions of Law**

The change in point of appropriation proposed in application T-10471 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of appropriation proposed in application T-10471 is approved.
2. Water right certificates 48601 and 67947 are cancelled. A new certificate will be issued describing that portion of Certificate 67947 not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48601 and 67947 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 20<sup>th</sup> day of March 2008.

  
Phillip C. Ward, Director

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Mailing date: APR 11 2008



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JUL 23 2021

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Letter of Transmittal

To: OWRD

Date: 7/20/21

RE: Cert of Reimbursement Appl

We are sending you:

- Attached
- Shop Drawings     Prints     Plans     Samples     Pay Requests
- Specifications     Submittals     Change orders     Sign & Return     Other

Copies	Date	Description
1	7/19/20	Certificate Reimbursement Authority Estimate App.
1	7/19/20	Fee Check \$125.00 #1316

These are transmitted as checked below:

- For approval
- For your use
- As requested
- Approved as submitted
- Approved as noted
- Returned for corrections

Sincerely,

Deirdre Horton  
Front Office Manager

CC: 1714-11 Orem  
Delivered via: USPS



**Oregon**  
Kate Brown, Governor

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

July 7, 2021

Gary Orem  
19980 HWY 50  
PO Box 784  
Merrill, OR 97633

On June 24, 2021, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following Transfer(s):

T-10471

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

For all other questions please call our Customer Service phone: (503) 986-0900.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

cc: file  
Daniel Scalas, CWRE.



Letter of Transmittal

To: Oregon Water Resources Department
725 Summer Street NE, Ste. A
Salem, OR 97301-1266

Date: June 23, 2021

RE: Transfer T-10471

We are sending you:

- Attached, Under separate cover via, Shop Drawings, Prints, Plans, Samples, Pay Requests, Specifications, Submittals, Change orders, Sign & Return, Other

Table with 3 columns: Copies/Pgs, Date, Description. Row 1: 1, 6/23/21, COBU for Transfer T-10471

These are transmitted as checked below:

- For approval, For your use, As requested, Approved as submitted, Approved as noted, Returned for corrections

Sincerely,

Handwritten signature of Deirdre Horton

Deirdre Horton
Office Assistant

CC: Gary Orem
1714-11
Delivered via: UPS Ground

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JUN 24 2021
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# Checklist for Claims of Beneficial Use Received at CSG Counter

Application #	WRD Reviewer <i>Com M.</i>
Transfer # <i>T-10471</i>	
Date Received <i>6-24-2021</i>	
CWRE Name <i>Daniel Scalas</i>	

**Priority Date:** *1976 & 1982*

**Fees Required:**

YES NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES **(NO)** A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

**Map Review:**

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

**MONEY SLIP**

DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION PERMIT TRANSFER
CASH <input type="checkbox"/> CHECK # <input type="checkbox"/> OTHER (IDENTIFY) <input type="checkbox"/>	TOTAL RECEIVED
WRD TREASURY 4178 MISC CASH ACCT	
6407 COPIES OTHER (IDENTIFY)	
0243 Instream Lease 0244 Non Water Right Perm 0245 Core Water	
WRD TREASURY 4178 WRD OPERATING ACCT	
MISCELLANEOUS	
6407 COPY & TAPE FEES <i>4611</i>	
6410 RESCUE/FEE	
6408 MISC REVENUE (IDENTIFY)	
TCM2 DEPOSIT LAB (IDENTIFY)	
0140 EXTENSION OF TIME	
WATER RIGHTS	EXAM FEE RECORD FEE
0301 SURFACE WATER	0202
0203 GROUND WATER	0204
0205 TRANSFER	
WELL CONSTRUCTION	EXAM FEE RECORD FEE
0118 WELL DRILL CONSTRUCTOR	0219
LANDOWNER'S PERMIT	0200
OTHER (IDENTIFY) <i>COBU</i>	<i>200.00</i>
WRD TREASURY 4407 HYDROLOGIC TRNG	
0203 POWER LICENSE FEE (FVWPC)	LIC NUMBER
0201 HYDRO LICENSE FEE (FVWPC)	
HYDRO APPLICATION	

**Report Review:**

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

RETURN TO APPLICANT – LETTER ATTACHED

**Groundwater File Review:** *N/A*

Pump Test Required? YES NO Pump Test Submitted? YES NO\*

\*If no, include pump test flyer w/acknowledgment letter

**REIMBURSEMENT AUTHORITY TRANSFER**

**T-10471**

**CONTRACT NEVER EXECUTED.**

## KAVANAGH Kerry L \* WRD

---

**From:** KAVANAGH Kerry L \* WRD  
**Sent:** Tuesday, August 24, 2021 1:44 PM  
**To:** Gdo1072@yahoo.com  
**Cc:** KAVANAGH Kerry L \* WRD  
**Subject:** Certificate RA Estimate R12813-23 for Gary Orem involving Application T-10471  
**Attachments:** RA contract\_T-10471.pdf; RA estimate request\_T-10471.pdf; RA estimate receipt\_T-10471.pdf

Hello Gary,

Please find the attached estimate and agreement to review the claim of beneficial use. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at [kerry.l.kavanagh@oregon.gov](mailto:kerry.l.kavanagh@oregon.gov).

Thanks,  
Kerry

### ***Kerry Kavanagh***

Certificate Reimbursement Authority Program Coordinator  
Certificate Section, Water Rights Services Division  
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208  
[kerry.l.kavanagh@oregon.gov](mailto:kerry.l.kavanagh@oregon.gov) | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R12813-23

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Gary Orem, hereafter Applicant, hereafter known together as the parties.

**OWRD Information**

Project Contact: Kerry Kavanagh  
Reimbursement Authority  
Oregon Water Resources Department  
725 Summer Street NE  
Salem, OR 97301-1271  
Phone: 503-986-0927  
Email: [Kerry.L.Kavanagh@oregon.gov](mailto:Kerry.L.Kavanagh@oregon.gov)

**Applicant's Information**

Name: Gary Orem

Address: 19980 Highway 50  
Merrill, OR 97633  
Phone: 541-798-1072  
Email\*: [gdo1072@yahoo.com](mailto:gdo1072@yahoo.com)

\*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

- 1. Purpose.** The purpose of this Agreement is to expedite the processing of the Claim of Beneficial Use. (Transfer Application Number: T-10471)
- 2. Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 3. Restrictions.** Gary Orem and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 4. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- 5. Consideration.** Gary Orem shall pay OWRD in advance for actual costs incurred by OWRD. Gary Orem agrees to pay the full amount of **\$1964** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 6. Confidentiality.** Gary Orem agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 7. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: \_\_\_\_\_  
 Name: Gary Orem  
 Date: \_\_\_\_\_

For OWRD: \_\_\_\_\_  
 Name: Kerry Kavanagh  
 Water Right Services Division  
 Date: \_\_\_\_\_

Mail signed Agreement to:

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

PCA 47126

## KAVANAGH Kerry L \* WRD

---

**From:** Gary Orem <gdo1072@yahoo.com>  
**Sent:** Tuesday, August 24, 2021 1:33 PM  
**To:** KAVANAGH Kerry L \* WRD  
**Subject:** Re: Certificate RA Project R12813-23 for Gary Orem involving Application T-10471

No problem go ahead and use my email

Sent from my iPhone

On Aug 24, 2021, at 8:39 AM, KAVANAGH Kerry L \* WRD <Kerry.L.Kavanagh@oregon.gov> wrote:

Hello Gary Orem,

The Water Resources Department recently received your certificate reimbursement authority (RA) application (Application) to expedite the review of the claim of beneficial use (Claim) for transfer application T-10471.

I noticed that the Application did not include your email address; however, I noted that the Claim prepared by Daniel Scalas, Certified Water Rights Examiner (CWRE), included an email address.

I am sending you this email to ask permission to use your email address in order to send you correspondence regarding the processing of your Certificate RA request. If you do not wish to communicate via email correspondence, then I will need to write to you via the US Mail.

Please advise.

Thank you,  
Kerry

### **Kerry Kavanagh**

Certificate Reimbursement Authority Program Coordinator  
Certificate Section, Water Rights Services Division  
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208  
[kerry.l.kavanagh@oregon.gov](mailto:kerry.l.kavanagh@oregon.gov) | <https://www.oregon.gov/OWRD>

<image003.jpg>

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STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172

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

RECEIPT # **135924**

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

RECEIVED FROM: Drem Ranch, Inc.

BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-10471

CASH:  CHECK:# 1316 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	<u>47126</u>		\$
<u>0413</u> OTHER:	(IDENTIFY) <u>Cent. Reimbursement Activity</u>	<u>R12813.25</u>	\$ <u>125.00</u>
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:			
		<b>EXAM FEE</b>	<b>RECORD FEE</b>
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
		<b>EXAM FEE</b>	<b>LICENSE FEE</b>
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **135924**

DATED: 7-23-2021 BY: [Signature]



**OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**

*ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.*

*The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Certificate Request	Application Number _____ Permit Number _____ Transfer Number/Permit Amendment (if applicable) <u>T-10471</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	<u>Gary Orem</u>	
Address:	<u>19980 Highway 50</u> <u>Merrill, OR 97633</u>	
Phone:	<u>541-798-1072</u>	
Fax:	_____	
E-Mail Address:	_____	

I certify that I (check one):

- have previously filed a Claim of Beneficial Use
- am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department  
Certificate Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271**

**RECEIVED**

**JUL 23 2021**

**OWRD**

I certify that I am the (check one):

- Applicant
- Applicant's Representative
- Other (Please specify) \_\_\_\_\_

Name: GOO

Signature: [Handwritten Signature]

**OWRD USE ONLY: Reimbursement Authority Number: R12813-23**



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

April 10, 2008

GARY D. OREM  
PO BOX 784  
MERRILL OR 97633

Reference: Transfer 10471

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

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

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

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

Sincerely,

*Sarah Henderson*

*for*  
Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #17  
Dennis Glender, Agent  
Thomas DelSanto, CWRE  
Charles Bury, Landowner

Enclosure



**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NE SE	15.5
41 S	10 E	WM	8	NW SE	9.9
41 S	10 E	WM	8	SW SE	0.6
41 S	10 E	WM	8	SE SE	10.8

3. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

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

**Certificate:** 67947 in the name of CHARLES G. KERR (perfected under Permit G-9623)

**Use:** IRRIGATION of 7.6 ACRES

**Priority Date:** MARCH 8, 1982

**Rate:** 0.1 CUBIC FOOT PER SECOND (CFS)

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

**Source:** A WELL, in the LOWER KLAMATH LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	900 FEET NORTH AND 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	SW SE	2.6
41 S	10 E	WM	8	SE SE	5.0

5. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

6. While the authorized point of appropriation for Certificate 48601 (described in Finding of Fact #2) and the authorized point of appropriation for Certificate 67947 (described in Finding of Fact #4) appear to describe two different points of appropriation, the Department has determined, based upon information contained in the record, that both certificates utilize the same, single well (KLAM 14939) which is actually located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	930 FEET NORTH AND 2614 FEET WEST FROM THE SE CORNER OF SECTION 8

7. Notice of the application for transfer was published on October 23, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On January 14, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10471 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of February 18, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On January 24, 2008, the applicant's Certified Water Rights Examiner revised the application map to accurately reflect the location of the authorized point of appropriation, referenced to recognized survey corners.
10. On January 29, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10471 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 5, 2008, and in the Klamath Falls Herald and News newspaper on February 9, 16 and 23, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

11. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. 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 Application T-10471.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.
15. The authorized well (KLAM 14939) is completed in sediments that overlay basalt that occurs at a greater depth. The geology at the site of the proposed well is similar. Therefore, the source of water at the proposed point of appropriation is likely to be the same as that at the original well.

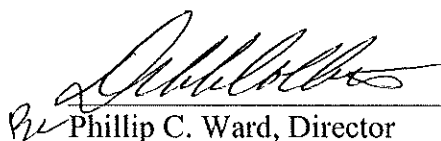
### Conclusions of Law

The change in point of appropriation proposed in application T-10471 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of appropriation proposed in application T-10471 is approved.
2. Water right certificates 48601 and 67947 are cancelled. A new certificate will be issued describing that portion of Certificate 67947 not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48601 and 67947 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 27<sup>th</sup> day of March 2008.

  
Phillip C. Ward, Director

Mailing date: APR 11 2008

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHARLES BURY  
7677 LOWER LAKE ROAD  
KLAMATH FALLS, OR 97603

confirms the right to use the waters of a WELL in the LOWER KLAMATH LAKE BASIN for IRRIGATION of 4.9 ACRES.

This right was perfected under Permit G-9623. The date of priority is MARCH 8, 1982. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.06 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	900 FEET NORTH & 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent, and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

IN THE EVENT OF A REQUEST FOR A CHANGE IN POINT OF APPROPRIATION, AN ADDITIONAL POINT OF APPROPRIATION OR REPAIR OF THIS WELL, THE QUANTITY OF WATER ALLOWED HEREIN TOGETHER WITH ANY OTHER RIGHT FROM THIS POINT OF APPROPRIATION SHALL NOT EXCEED THE CAPACITY OF THIS WELL AT THE TIME OF PERFECTION OF THIS RIGHT.

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

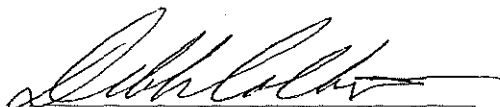
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NW SE	0.9
41 S	10 E	WM	8	SW SE	4.0

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

This certificate describes that portion of the water right confirmed by Certificate 67947, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered *March 28, 2008*, approving Transfer Application T-10471.

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

WITNESS the signature of the Water Resources Director, affixed *March 28, 2008*

  
Phillip C. Ward, Director

### Water Right Transfer Checklist

Transfer T-10471

Transfer Specialist: Reimbursement Authority

Transfer Type: Regular - BIG MAP

Applicant Name/Address: Gary Orem, 19980 Hwy 50, PO Box 784, Merrill, Oregon 97633

Agent Name/Address: Dennis Glender, Glenders Hydro Tech Services, 8664 SW Sand Ridge Rd, Crooked River Ranch, Oregon 97760

CWRE Name/Number: Thomas DelSanto, #034

Rec Landowner Name/Address: CLO: Charles Bury, 7677 Lower Lake Road, Klamath Falls, Oregon 97603

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: Klamath County

Commentors: Name/Address: NONE

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	G 7582	G 7139	48601	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	—
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	G 9646	G 9623	67947	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	83845
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions**

Rec'd: <u>10/15/07</u>	Proposed Action(s): <u>POU POD HST APOD USE OTHER: POA</u>	
Fees Pd: <u>600.00</u>	WM District: <u>17</u>	ODFW District: <u>NONE</u>
Initial Notice: <u>10/23/07</u>	WM Review sent: <u>10/18/07</u>	ODFW Review sent: <u>NONE</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent: <u>10/18/07</u>	

**Processing Dates & Actions**

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

Newspaper Pub Affid Due: \_\_\_\_\_

not required

DPD Mailed: \_\_\_\_\_

Affid of Pub Rec'd: \_\_\_\_\_

ODFW contact sheet sent with DPD, or  N/A

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

**Preliminary Determination**

Electronic Files uploaded

Preliminary Determination

PD Cover letter

Fee Refund Due

PD Notice

Remaining Rights

File Assigned/ ModPod updated

Email the PD notice to Dennis Glender Sent

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>[Signature]</u>	Reviewer: _____
Date: _____	Date: <u>1-22-08</u>	Date: _____
Coordinator: _____	Coordinator: <u>[Signature]</u>	Coordinator: _____
Date: _____	Date: <u>1/28/08</u>	Date: <u>3/26/08</u>
Comments/Special Issues: <u>Reimbursement Authority</u> Location of 2 "from" wells described differently on 2 certificates, but appear to reference the same well		

Special Order Volume: Vol 74 Pages 465

Final Order Signature Date: 3-28-08

Notice of FO email'd to processors Dorothy

Application

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

Water right subject to transfer

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

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- application complete**     **map**     **FPS**     evidence of use     land-use form
- deed/ROLI     **certificate**     fees paid     well logs     **plat card**
- audit**     **dpd**

- Reviews/comments/conditions received?     Watermaster     ODFW     GW
- Headgate     When in the judgment     Prior to diverting     Existing and maintain
- Measuring Devices     When in the judgment     Prior to diverting     Existing and maintain
- Fish Screen Devices

Injury: Y N    Enlargement: Y N

Conditions to avoid enlargement/injury –

Affidavit of Publication

RECEIVED

MAR 14 2008

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON,  
COUNTY OF KLAMATH

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

Legal # 9843

Public Notice

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

Three

Insertion(s) in the following issues:

February 9, 16, 23, 2008

Total Cost: \$195.24

*Jeanine P Day*

Subscribed and sworn by Jeanine P Day  
before me on: February 23, 2008

*Debra A Gribble*

Notary Public of Oregon

My commission expires March 15, 2008

Notice of Preliminary Determination for  
Water Right Transfer T-10471

T-10471 filed by Gary D. Orem, 19980  
Hwy  
50 (PO Box 784), Merrill, OR 97633, pro-  
poses a change in point of appropriation  
under Certificates 48601 and 67947. Certif-  
icate 48601 allows the use of 0.46 cfs (pri-  
ority date November 17, 1976) and Certifi-  
cate 67947 allows the use of 0.1 cfs  
(Prioty-  
ty date March 8, 1982) both from a well in  
Sec. 8, T41S, R10E, W.M. (Lower Klamath  
Lake Basin) for irrigation in Sec. 8.

The applicant proposes to change the  
point of appropriation to a well approxi-  
mately 0.26 mile southeast (Sec. 8, T41S,  
R10E, W.M.). The Water Resources De-  
partment has concluded that the  
proposed  
transfer appears to be consistent with  
the  
requirements of ORS Chapter 540 and  
OAR 690-380-5000.

Any person may file, jointly or severally,  
with the Department a protest or  
standing  
statement within 30 days after the date of  
final publication of notice in the Depart-  
ments weekly notice or of this  
newspaper  
notice, whichever is later. A protest  
form  
and additional information on filing pro-  
tests may be obtained by calling (503)  
986-0881. The last date of newspaper pub-  
lication is February 23, 2008. If no pro-  
tests are filed, the Department will issue  
a final order consistent with the prelimi-  
nary determination.  
#9843 February 9, 16, 23, 2008.



*PD notice 2/5/08  
Affidavit of pub due  
3/17  
last date of pub. 2/23  
FO due 3/25*



# Oregon

Theodore R. Kulongoski, Governor

January 30, 2008

## Water Resources Department

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

Dennis R. Glender  
dba Glender's Hydro Tech Services  
8664 SW Sand Ridge Road  
Crooked River Ranch, OR 97760

SUBJECT: Transfer Application T-10471

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10471. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original *affidavit of publication* to the Department, to me at the address above by **March 17, 2008**.

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

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

Please do not hesitate to contact me at 503-986-0890 or [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us) if I may be of assistance.

Sincerely,

Dorothy I. Pedersen  
Field Services Division

cc: District 17 Watermaster  
Gary Orem, applicant  
Thomas DelSanto, CWRE

encs

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

In the Matter of Transfer Application                    )  
T-10471, Klamath County                                    )  
  )  
  )  
  )

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
CHANGE IN POINT OF  
APPROPRIATION

**Authority**

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

**Applicant**

GARY D. OREM  
19980 HWY 50 (PO BOX 784)  
MERRILL, OR 97633

**Agent**

DENNIS R. GLENDER  
GLENDER'S HYDRO TECH SERVICES  
8664 SW SAND RIDGE RD.  
CROOKED RIVER RANCH, OR 97760

**Findings of Fact**

**Background**

1. On October 15, 2007, Gary D. Orem filed an application to change the point of appropriation under Certificates 48601 and 67947. The Department assigned the application number T-10471.
2. The first right to be transferred is as follows:  
**Certificate:** 48601 in the name of CHARLES G. KERR (perfected under Permit G-7139)  
**Use:** IRRIGATION of 36.8 ACRES  
**Priority Date:** NOVEMBER 17, 1976  
**Rate:** 0.46 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year  
**Source:** WATER HOLE WELL No.1, in the LOST RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	920 FEET NORTH AND 10 FEET EAST FROM THE S1/4 CORNER OF SECTION 8

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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NE SE	15.5
41 S	10 E	WM	8	NW SE	9.9
41 S	10 E	WM	8	SW SE	0.6
41 S	10 E	WM	8	SE SE	10.8

3. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

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

**Certificate:** 67947 in the name of CHARLES G. KERR (perfected under Permit G-9623)

**Use:** IRRIGATION of 7.6 ACRES

**Priority Date:** MARCH 8, 1982

**Rate:** 0.1 CUBIC FOOT PER SECOND (CFS)

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

**Source:** A WELL, in the LOWER KLAMATH LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	900 FEET NORTH AND 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	SW SE	2.6
41 S	10 E	WM	8	SE SE	5.0

5. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

6. While the authorized point of appropriation for Certificate 48601 (described in Finding of Fact #2) and the authorized point of appropriation for Certificate 67947 (described in Finding of Fact #4) appear to describe two different points of appropriation, the Department has determined, based upon information contained in the record, that both certificates utilize the same, single well (KLAM 14939) which is actually located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	930 FEET NORTH AND 2614 FEET WEST FROM THE SE CORNER OF SECTION 8

7. Notice of the application for transfer was published on October 23, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On January 14, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10471 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of February 18, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On January 24, 2008, the applicant's Certified Water Rights Examiner revised the application map to accurately reflect the location of the authorized point of appropriation, referenced to recognized survey corners.

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

10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. 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 Application T-10471.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. The authorized well (KLAM 14939) is completed in sediments that overlay basalt that occurs at a greater depth. The geology at the site of the proposed well is similar. Therefore, the source of water at the proposed point of appropriation is likely to be the same as that at the original well.

**Determination and Proposed Action**

The change in point of appropriation proposed in application T-10471 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10471 is approved, the final order will include the following:*

- 1. The change in point of appropriation proposed in application T-10471 is approved.*
- 2. Water right certificates 48601 and 67947 are cancelled. A new certificate will be issued describing that portion of Certificate 67947 not affected by this transfer.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48601 and 67947 and any related decree.*
- 4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 6. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
- 7. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 29<sup>th</sup> day of January 2008.



*PC*  
Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@ wrd.state.or.us](mailto:Dorothy.I.Pedersen@ wrd.state.or.us).

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

**Notice of Preliminary Determination for  
Water Right Transfer T-10471**

T-10471 filed by Gary D. Orem, 19980 Hwy 50 (PO Box 784), Merrill, OR 97633, proposes a change in point of appropriation under Certificates 48601 and 67947. Certificate 48601 allows the use of 0.46 cfs (priority date November 17, 1976) and Certificate 67947 allows the use of 0.1 cfs (priority date March 8, 1982) both from a well in Sec. 8, T41S, R10E, W.M. (Lower Klamath Lake Basin) for irrigation in Sec. 8. The applicant proposes to change the point of appropriation to a well approximately 0.26 mile southeast (Sec. 8, T41S, R10E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is **[DATE OF LAST PUBLICATION]**. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

RECEIVED

DEC 31 2007

WATER RESOURCES DEPT SALEM OREGON

Application

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

Water right subject to transfer

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

Application Map

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

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

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

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. (If transfer application is several years old, contact assessor's office)
- The applicant is the owner of the "from" lands. - No - but contingent on approval of Xfer
- All owners on the deed/ROLI have signed the application. - No, but have signed Supplemental Form B
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI. Requested in DPD cover letter
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- application complete  map  FPS  evidence of use  land-use form
- deed/ROLI  certificate  fees paid  well logs  plat card - POA change only
- audit  dpd  Watermaster  ODFW  GW Rec'd 12/26/2007 by "ra"
- Reviews/comments/conditions received?  Watermaster
- Headgate  When in the judgment  Prior to diverting  Existing and maintain
- Measuring Devices  When in the judgment  Prior to diverting  Existing and maintain
- Fish Screen Devices
- Injury: Y  N Enlargement: Y  N

Conditions to avoid enlargement/injury - per certificate 67997, "the quantity of water diverted at the new point of appropriation shall not exceed the capacity at the original point of appropriation as of November 30, 1892."



# Oregon

Theodore R. Kulongoski, Governor

RA

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

## INTEROFFICE MEMO

FORWARD TO: Dorothy Pedersen  
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 10-18-07

FROM: \_\_\_\_\_ WATERMASTER, DISTRICT # \_\_\_\_\_  
X \_\_\_\_\_ GROUNDWATER SECTION

(SIGNATURE) Dorothy Pedersen date signed 11 Dec 2007  
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10471

A change in: POU      POD      POA      USE      of water.

In the name(s) of Gary Orem

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

MAY BE MADE WITHOUT INJURY      WOULD RESULT IN INJURY\* to an existing water right.

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

The existing right may not be valid because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

## Oregon Water Resources Department Memorandum

**Date:** 20 December 2007

**To:** OWRD Transfer Section Files

**From:** Jerry Grondin, OWRD Hydrogeologist

**Subject:** Ground Water Transfer Application Review  
Transfer Application Number: T-10471  
Application: G-7582, Permit: G-7139, Certificate: 48601  
Application: G-9646, Permit: G-9623, Certificate: 67947  
Applicant: Gary Orem

Mr. Gary Orem has applied for a transfer to add a second ground water point of appropriation (POA) given the property covered by the current ground water rights has been partitioned, is being sold, and each party desires to have their own POA.

### **Source of Water Assessment:**

Well KLAM 14939 supplies water for the current ground water rights (application: G-7582, permit: G-7139, certificate: 48601 and application: G-9646, permit: G-9623, certificate: 67947). The well is located in 41S/10E-sec 8, is 990 feet deep, and is completed in sediments that overly basalt that occurs at greater depth. Sherrod and Picthorn (1992) map the area as continental sedimentary rocks (Tcs), and Gannett and others (2007) map the area as late tertiary sedimentary rocks (Ts).

The second POA well is proposed to be located in 41S/10E-sec 8, to be about 1,000 feet deep, and is likely to be completed in sediments that overly basalt that occurs at greater depth. Sherrod and Picthorn (1992) map the proposed well site as continental sedimentary rocks (Tcs), and Gannett and others (2007) map the area as late tertiary sedimentary rocks (Ts). **Therefore, the source of water at the second POA as proposed is likely to be the same.**

An additional note: the proposed second POA well location is on a small butte where the sediment may be more silicified, possibly reducing well yield.

### **Injury Assessment of the Proposed Transfer:**

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

### Closest Water Right Well:

The proposed change by water right transfer T-10471 may be made **without "injury"** as defined by OAR 690-380-100 given the closest neighboring water right well should continue receiving previously available water to which it is legally entitled. Theis equation calculations indicate the proposed transfer would likely result in less drawdown at the closest neighboring water right well.

### Klamath River:

The proposed change by water right transfer T-10471 may be made **without “injury”** as defined by OAR 690-380-100. It is anticipated a water right dependent upon the river may continue receiving previously available water to which it is legally entitled. Theis equation calculations indicate the proposed transfer would likely result in less seasonal drawdown at the Klamath River. There should be no change to the steady state (long term) impact to the river.

### Lost River:

The proposed change by water right transfer T-10471 may be made **without “injury”** as defined by OAR 690-380-100. It is anticipated a water right dependent upon the river may continue receiving previously available water to which it is legally entitled. Theis equation calculations indicate the seasonal drawdown at the Lost River would increase less than 0.25 feet. Subsequently, Hunt (1999) model calculations indicate the seasonal ground water discharge to the river may change (further decrease) a maximum of about 0.01 cfs, (about 5 gpm) only. The minimum natural stream flow (80% exceedance) is nearly 100 cfs. There should be no change to the steady state (long term) impact to the river.

### **Conclusion:**

The proposed change by water right transfer T-10327 may be made **without “injury”** as defined by OAR 690-380-100.

### **References:**

- Gannett, M.W., Lite, K.E., La Marche, J.L., Fisher, B.J., and Polette, D.J., 2007. Ground-Water Hydrology of the Upper Klamath Basin, Oregon and California. USGS Scientific Investigations Report 2007-5050.
- Hunt, B., 1999, Unsteady stream depletion from ground water pumping: *Ground Water*, v. 37, no. 1, p. 98-102.
- Sherrod, D.R., and Pickthorn, L.G., 1992, Geologic map of the west half of the Klamath Falls 1° by 2° Quadrangle, south-central Oregon: U.S. Geological Survey Miscellaneous Investigations Series, Map I-2182, scale 1:250,000, 1 sheet.
- Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage: *American Geophysical Union Transactions*, v. 16, p. 519-524.



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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10471

Review Due Date: 11/16/07

Applicant Name: Gary Orem

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Churchvl

Date of Review: Oct. 23, 2007

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

11. Have headgate notices been issued for the source that serves the right?  Yes  No
12. What water control and measurement conditions should be included in the transfer:

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

**Dorothy Pedersen**

---

**From:** Tom Del Santo [Tom@ci.klamath-falls.or.us]  
**Sent:** Thursday, January 24, 2008 7:25 AM  
**To:** Dorothy Pedersen  
**Cc:** rlestate@kfalls.net; cheryl@cbkfalls.com; djglender@msn.com  
**Subject:** FW: T-10471 map issues  
**Attachments:** ~WRD000.jpg

Dorothy,

Thank you for your initial review comments on the Transfer Map for T-10471 on property located in the Merrill, OR area. There was an electronic mapping error in drafting the location of the existing well. The survey location of the proposed well will not change, but the calculated distance between them is 1510 feet +/- and not 1347 feet. The 2614 feet west is correct.

I am showing the approximate S1/4 corner of Section 8 on the map as you requested, since it is referenced on the existing well certificates even though they have conflicting calls between them. I will be showing my coordinate calls to the existing and new well, from the SE Section corner of Section 8, since there is a physical monument in that location from which my field work used as a basis. If in the future I was contacted to provide the Claim of Beneficial Use map I would reference my work from that section corner and I believe others in our field would do the same.

I am making the correction on the map as I type this e-mail. If I do not hear back from you today I will hope that you are in agreement of my map referencing the S1/4 corner and use the SE Section corner for the survey distances since it is occupied by a survey monument that is on file in the local County Surveyor's office and further identified on the Assessor's Map, which you have access to check. I will be mailing the map to you tomorrow with the revisions. Thanks again.

Tom Del Santo, PLS, CWRE

---

**From:** Randy L Shaw [mailto:rlestate@kfalls.net]  
**Sent:** Wednesday, January 23, 2008 3:32 PM  
**To:** Tom Del Santo  
**Subject:** Fw: T-10471 map issues

Tom: Please find attached the e-mail sent from ODWR, Dorothy Pedersen concerning the application and peer review. FYI we are in the advertising stage and I believe we have already placed our first newspaper ad. Please help us resolve this matter with ODWR. Let me know if I can be of any assistance.

Randy L. Shaw

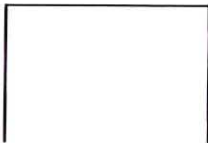
----- Original Message -----

**From:** [Cheryl Chatburn-Ross](#)

**To:** [rlestate@kfalls.net](mailto:rlestate@kfalls.net)

**Sent:** Wednesday, January 23, 2008 9:43 AM

**Subject:** FW: T-10471 map issues



**Cheryl Chatburn-Ross, Broker**  
**Coldwell Banker Holman Premier Realty**  
 3815 South 6th St – Ste. 110

Klamath Falls, OR 97603

(800) 347-1343 Toll Free

(541) 884-1343 Office

(541) 331-1480 Cell

Email: [Cheryl@cbkfalls.com](mailto:Cheryl@cbkfalls.com)

Web: [www.CBHolmanPremier.com](http://www.CBHolmanPremier.com)

*Serving the Klamath Basin*

*One Day at a Time...*

*One Home at a Time*

---

**From:** DENNIS GLENDER [mailto:djglender@msn.com]

**Sent:** Tuesday, January 22, 2008 1:33 PM

**To:** Cheryl Chatburn-Ross

**Subject:** FW: T-10471 map issues

Cheryl,

Do you want to get this to Tom Desanto?

Dennis R. Glender

---

Subject: T-10471 map issues

Date: Tue, 22 Jan 2008 13:31:20 -0700

From: pedersdi@wrд.state.or.us

To: djglender@msn.com

Hi Dennis,

During peer review of the T-10471 documents we noticed that there seems to be a discrepancy in the portrayal of location of the authorized well on the transfer map.

- The certificates describe the well as being 10-20 feet east of the S¼ corner, however the map appears to place it significantly farther from the N-S line that divides the section. No S¼ corner is identified on the map.
- The map states that the authorized well is 2614' west of the SE corner of Section 8, but at 1" to 400' scale the well location shown appears to be approximately 2440' west of the SE corner.

Please have the CWRE check the location of the authorized well and adjust it, or the distance from the SE corner if needed. Either place the S¼ corner on the map and scale the distance from it to the well appropriately, or submit an explanation for the shown well location.

Meanwhile, we will continue the review and plan to issue the Preliminary Determination shortly. If there are any significant modifications from the draft, I will email the proposed PD to you to review before it is signed.

Thanks,  
Dorothy

1/29/2008

**Dorothy Pedersen**


---

**From:** Cheryl Chatburn-Ross [cheryl@cbkfalls.com]  
**Sent:** Tuesday, January 29, 2008 10:07 AM  
**To:** Dorothy Pedersen  
**Subject:** Orem/Bury

*FYI*

*Per my customer we will not be adding Janie Orem to the Water Transfer agreement.*

*Please acknowledge . Thanks, Cheryl*



**Cheryl Chatburn-Ross, Broker**

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*One Home at a Time*



## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Tuesday, January 22, 2008 12:31 PM  
**To:** 'DENNIS GLENDER'  
**Subject:** T-10471 map issues

Hi Dennis,

During peer review of the T-10471 documents we noticed that there seems to be a discrepancy in the portrayal of location of the authorized well on the transfer map.

- The certificates describe the well as being 10-20 feet east of the S¼ corner, however the map appears to place it significantly farther from the N-S line that divides the section. No S¼ corner is identified on the map.
- The map states that the authorized well is 2614' west of the SE corner of Section 8, but at 1" to 400' scale the well location shown appears to be approximately 2440' west of the SE corner.

Please have the CWRE check the location of the authorized well and adjust it, or the distance from the SE corner if needed. Either place the S¼ corner on the map and scale the distance from it to the well appropriately, or submit an explanation for the shown well location.

Meanwhile, we will continue the review and plan to issue the Preliminary Determination shortly. If there are any significant modifications from the draft, I will email the proposed PD to you to review before it is signed.

Thanks,  
Dorothy

Dorothy I. Pedersen  
Transfer Program Advisor  
(503) 986-0890  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

1/22/2008

## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Tuesday, January 22, 2008 8:08 AM  
**To:** 'Cherice Treasure'  
**Cc:** 'Cheryl Chatburn'; 'DENNIS GLENDER'  
**Subject:** RE: T10471 Lienholder response

Cherice,

Thank you for sending the copy of the Trust Deed M05-72027, naming AmeriTitle as the trustee.

The second paragraph of this Deed of Trust contains the statement "...Grantor conveys to Trustee for the benefit of Lender as Beneficiary **all of Grantor's right, title, and interest in** and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; **all water, water rights** and ditch rights....."

It is the Department's practice to be sure that all parties with interest in a water right have given consent, before approving any change to the water right. Therefore, please submit a letter on company letterhead indicating whether AmeriTitle consents to the change to the water right being proposed in transfer application T-10471, or that AmeriTitle has no objections or does not claim to have an interest in the water right that needs to be considered in relation to the transfer application.

In the interest of saving time, since this transfer is being expedited, you may fax the letter to (503) 986-0903, attention: Dorothy Pedersen, or scan it and attach it to a response to this email. If you have questions, don't hesitate to email me or call me at (503) 986-0890.

Thank you,

Dorothy

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

**From:** Cherice Treasure [<mailto:chericet@ameri-title.com>]  
**Sent:** Monday, January 21, 2008 8:46 AM  
**To:** Dorothy Pedersen  
**Subject:** T10471 Lienholder response

Here is a copy of the recorded Trust Deed that you requested.

Cherice Treasure  
Escrow Assistant for Kristi Redd

AmeriTitle  
300 Klamath Avenue  
PO Box 5017  
Klamath Falls, OR 97601

Office (541)883-3401  
Direct (541)883-7929  
Fax (541)882-0620  
[chericet@ameri-title.com](mailto:chericet@ameri-title.com)

1/22/2008

## Dorothy Pedersen

---

**From:** DENNIS GLENDER [djglender@msn.com]  
**Sent:** Monday, January 14, 2008 11:36 AM  
**To:** Dorothy Pedersen  
**Cc:** Cheryl Chatburn-Ross  
**Subject:** T-10471 - Gary D. Orem, Draft Preliminary Determination

Dorothy,

I have reviewed T-10471 - Gary D. Orem, Draft Preliminary Determination. I have also discussed the document with the applicant. The Draft Preliminary Determination is consistent with the wishes of the applicant. Please proceed with preparation of the public notice document. Please forward this document to me as soon as possible so that I can start the public notice in the Klamath Herald and News.

A lot book report has been ordered and will be faxed or E-mailed to you as soon as it is received by the relators Randy Shaw or Cheryl Chatburn-Ross. A letter of notification is being prepared for the lien holder.

We wish to move this transfer along as soon as possible as a real estate transaction hangs in the ballance. Please notify me if any problems are identified.

Thank you,

Dennis R. Glender



# Oregon

Theodore R. Kulongoski, Governor

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

January 14, 2008

Dennis R. Glender  
dba Glender's Hydro Tech Services  
8664 SW Sand Ridge Road  
Crooked River Ranch, OR 97760

SUBJECT: Application T-10471

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10471. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information for the lands to which the water rights are appurtenant (the FROM lands) that has been prepared within the last three months by a title company. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Because the new point of appropriation is more than  $\frac{1}{4}$  mile from the authorized point of appropriation, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by February 18, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or [Dorothy.I.Pedersen@wrp.state.or.us](mailto:Dorothy.I.Pedersen@wrp.state.or.us) if I may be of assistance.

Sincerely,

Dorothy Pedersen  
Field Services Division

cc: Vern Church, District 17 Watermaster  
Gary D. Orem, applicant

enc



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

In the Matter of Transfer Application )  
T-10471, Klamath County )

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
CHANGE IN POINT OF  
APPROPRIATION

**Authority**

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

**Applicant**

GARY D. OREM  
19980 HWY 50 (PO BOX 784)  
MERRILL, OR 97633

**Agent**

DENNIS R. GLENDER  
GLENDER'S HYDRO TECH SERVICES  
8664 SW SAND RIDGE RD.  
CROOKED RIVER RANCH, OR 97760

**Findings of Fact**

**Background**

1. On October 15, 2007, GARY D. OREM filed an application to change the point of appropriation under Certificate 67947. The Department assigned the application number T-10471.

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

**Certificate:** 48601 in the name of CHARLES G. KERR (perfected under Permit G-7139)

**Use:** IRRIGATION of 36.8 ACRES

**Priority Date:** NOVEMBER 17, 1976

**Rate:** 0.46 CUBIC FOOT PER SECOND

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

**Source:** WATER HOLE WELL No.1 in the LOST RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	920 FEET NORTH AND 10 FEET EAST FROM THE S1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NE SE	15.5
41 S	10 E	WM	8	NW SE	9.9
41 S	10 E	WM	8	SW SE	0.6
41 S	10 E	WM	8	SE SE	10.8

3. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile SE from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SE SE	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

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

**Certificate:** 67947 in the name of CHARLES G. KERR (perfected under Permit G-9623)

**Use:** IRRIGATION of 7.6 ACRES

**Priority Date:** MARCH 8, 1982

**Rate:** 0.10 CUBIC FOOT PER SECOND

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

**Source:** A WELL in the LOWER KLAMATH LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	900 FEET NORTH AND 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	SW SE	2.6
41 S	10 E	WM	8	SE SE	5.0

5. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile SE from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SE SE	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

6. Notice of the application for transfer was published on October 23, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

**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, and 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 Application T-10471.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. The authorized well (KLAM 14939) is completed in sediments that overly basalt that occurs at greater depth. The geology at the site of the proposed well is similar. Therefore, the source of water at the proposed point of appropriation is likely to be the same as that at the original well.

### **Determination and Proposed Action**

The changes in point of appropriation proposed in application T-10471 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10471 is approved, the final order will include the following:*

1. *The changes in point of appropriation proposed in application T-10471 are approved.*
2. *Water right certificates 48601 and 67947 are cancelled. A new certificate will be issued describing that portion of Certificate 67947 not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 48601 and 67947 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
6. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

7. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_ day of \_\_\_\_\_ 2008.

**D R A F T**

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrд.state.or.us](mailto:Dorothy.I.Pedersen@wrд.state.or.us).



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for  
Water Right Transfer, Temporary Transfer, or Permit Amendment  
10/23/2007**

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

County: Klamath  
Transfer: T -10471  
Water Right: Cert:48601 OR \*, Cert:67947 OR \*  
Priority Date: 1976, 1982  
Name: GARY OREM  
Address: PO BOX 784, MERRILL, OR 97633  
Change: POA  
Source: A WELL > LOST RIVER  
WATER HOLE WELL 1 > LOST RIVER  
Authorized POA: T41S R10E 8  
Proposed POA: T41S R10E 8

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

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

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

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

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

# Permanent Transfer Application – OAR 690-380 3000 & 3100 Completeness Checklist

Applicant's Name: Gary Orem (Form last revised: March 13, 2007)

## Section A – Status of Right

Is this a Water Right that can be transferred? [OAR 690-380-0100(14)]

OK

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

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

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

## Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process? [ORS 540.510]

POA

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

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

## Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: \_\_\_\_\_

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: 600

- ~~\$350~~ - Base fee (1<sup>st</sup> change and 1<sup>st</sup> CFS of water)
- + ~~\$350~~ - Each additional type of change requested
- + ~~\$175~~ - For each CFS, or fraction thereof, requested beyond 1<sup>st</sup> CFS  
(for POU, Type of Use, or Exchange)

Fees Due (if any): \_\_\_\_\_

Refund Due (if any): \_\_\_\_\_

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

## Section D – Completeness

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

Is the Transfer application complete?

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

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

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

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

OK

• Type of transfer application Reg (Page 1)

OK

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

OK

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

OK

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

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

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

Checklist for Supplemental Form B – (Attachments)	
OK	<ul style="list-style-type: none"> <li>• Is there a box checked in #1? (Page 1)</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is there a box checked in #2? (Page 1)</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? (Page 1)</li> </ul>
OK	<ul style="list-style-type: none"> <li>• In question #4 and #5 are they filled out. 2) (Page 2)</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is there a box checked in #6? (Page 2)</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is the #6 supporting documentation included with application? 2) (Page 2)</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is there an original signature of the notary and notary stamp? 2) (Page 2) <i>not original-photocopy?</i></li> </ul>
<b>Return back to Page 3 of transfer application</b>	
none	<ul style="list-style-type: none"> <li>• Affected districts and local governments. (Page 3) If within a district/local government jurisdiction, ensure that name &amp; mailing address is provided.</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Is the applicant the Landowner of the “from” and “to” Lands? YES <b>NO</b> (Page 4) If <b>NO</b>..... The applicant must list current landowner name &amp; address.</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Who will be responsible for completion of the changes? <i>Receiving LD</i> (Page 4) Is a box checked? If no box is checked the applicant or agent must be contacted.</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Map..... (Page 5) (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map __ if more than 3 rights are included in transfer, is there a separate map for each water right? __ If larger than 8 ½ X 14 than 3 copies of map is needed &amp; an electronic pdf file of map __ north arrow __ size &amp; scale __ other: _____ __ authorized acreage per ¼ ¼ matches the water right __ authorized POD/POA and POU (<i>clearly shown, labeled &amp; matches application listing</i>) __ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR __ proposed POD/POA and/or POU (<i>clearly shown, labeled &amp; matches application “proposed” listing</i>) __ location coordinates accurately describe the point identified as the proposed POD/POA</li> </ul>
OK	<ul style="list-style-type: none"> <li>• Land Use form, <i>if applicable</i>. (Page 5) Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <b>and</b> off of land originally involved in WR.</li> </ul>
OK	<ul style="list-style-type: none"> <li>• If a groundwater right is involved, are the well logs or a description included. (Page 5)</li> </ul>
N/A	<ul style="list-style-type: none"> <li>• If this is an instream water right transfer, is there a form C included and filled out. (Page 5)</li> </ul>

OK

- Signature(s) of applicant(s):  
Are one of the boxes checked?

(Page 6)

All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

# **ORIGINALS**

**Transfer Application and Map**

**Amendments/Revisions to Appl & Map**

**Receipt**

**Deed or Lot Book Report**

**Notarized Consent**

**Evidence of Use Affidavit**

**Land Use Information Form**

**Lien Holder Notification *(if applicable)***

**Report of Ownership and Lien Info *(if applicable)***

**&**

**Other Supporting Documentation**



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

# Application for Water Right Transfer

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

## 1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other

## 2. APPLICANT INFORMATION

Name: GARY D. OREM  
First Last

Address: 19980 HWY 50 (PO BOX 784)

MERRILL OR 97633  
City State Zip

Phone: (541) 591 0047  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

## 3. AGENT INFORMATION

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

Name: Dennis R. Glender dba Glender's Hydro Tech Services  
First Last

Address: 8664 SW Sand Ridge Rd

Crooked River Ranch OR 97760  
City State Zip

Phone: (541) 548-4882 (541) 219-0806  
Home Work Other

Fax: (541)504-7728 E-Mail address: djglender@msn.com

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-7582	G-7139	48601
2.	G-9646	G-9623	67947
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - Place of Use             Point of Diversion             Additional Point of Diversion
  - Character of Use         Point of Appropriation         Additional Point of Appropriation
  - Instream Transfer       Surface Water source to Ground Water source
- Reason(s) for change(s): PROPERTY HAS BEEN PARTITIONED AND IS BEING SOLD.  
BOTH PARTIES WISH TO HAVE THEIR OWN POA

**5. WATER DELIVERY SYSTEM**

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Both water right certificates utilize same pump which is

Certificate 48601 is sprinkle irrigated with wheel lines

Certificate 67947 is flood irrigated

- System capacity: 0.555 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.  
C# 44601 - 0.46 CFS, C# 67947 - 0.95 CFS

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**6. EVIDENCE OF BENEFICIAL WATER USE**

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

**7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS**

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

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

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

KLAMATH COUNTY

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**8. LAND OWNERSHIP**

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

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

Names of Current Landowner(s): CHARLES BURY  
First Last

Address: 7677 LOWER LAKE RD

KLAMATH FALLS OR 97603  
City State Zip

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

*If "No", provide the following information:*

Names of Receiving Landowner(s): GARY E. OREM  
First Last

Address: 19980 HWY 50 (PO BOX 784)

MERRILL OR 97633  
City State Zip

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

\* NOTE: C# 48601 is a Grain field; does not show well under Aerial Photo's, is however irrigated.

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**9. ATTACHMENTS**

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

<p><b>Supplemental Form A –</b> <b>Description of Proposed Change(s) to a Water Right</b></p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p><b>Supplemental Form B –</b> <b>Evidence of Use Affidavit(s)</b></p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <u>and</u></p> <p><input type="checkbox"/> The Evidence of Use Affidavit <u>must</u> be accompanied by <u>supporting</u> documentation.</p> <p><b>Map</b></p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p><b>Water Well Report(s)/Well Log(s):</b></p> <p><input checked="" type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p>	<p><b>Land Use Information Form:</b></p> <p><input checked="" type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not Required if <u>all</u> of the following are met:</p> <ul style="list-style-type: none"> <li>① In EFU zone or irrigation district,</li> <li>② Change in place of use only,</li> <li>③ No structural changes needed, including diversion works, delivery facilities, other structures, <i>and</i></li> <li>④ Irrigation only.</li> </ul> <p><b>Fees:</b></p> <p><input type="checkbox"/> Amount enclosed: \$ <u>600.00</u> See the Department’s Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.</p> <p><b><u>Instream Water Right Transfers, also include:</u></b></p> <p><b>Supplemental Form C –</b> <b>Instream Water Right Transfer</b></p> <p><input type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><b><u>Temporary Transfers, also include:</u></b></p> <p><b>Recorded Deed:</b></p> <p><input type="checkbox"/> The applicant must submit a copy of the current deed of record for the land <u>from</u> which the authorized place of use or point of diversion/appropriation is being moved.</p> <p><b>Affidavit of Consent:</b></p> <p><input type="checkbox"/> If the applicant is <b>NOT</b> the owner of record for the land <u>from</u> which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.</p> <p style="text-align: center;"><b>RECEIVED</b> OCT 15 2007 WATER RESOURCES DEPT SALEM, OREGON</p>
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**Before submitting your application to the Department, be sure you have:**

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

**10. SIGNATURES**

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


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

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

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

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

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

 applicant signature	GARY D. OREM name (print)	10/13/07 date
_____ applicant signature	_____ name (print)	_____ date

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**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

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

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

<p>▪ Certificate Number or other identifying number: <u>48601</u></p>
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**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

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

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**2. CURRENT WATER RIGHT INFORMATION**

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

<input checked="" type="checkbox"/> Certificated Right	<u>48601</u> Certificate Number	<u>G-7139</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: CHARLES G. KERR
- County: KLAMATH
- Authorized Use(s) to be Affected by Transfer: IRRIGATION
- Priority Date(s): NOVEMBER 17, 1976

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

- Source(s) of Water to be Affected by Transfer: WATER HOLE WELL NO. 1

Tributary to: LOST RIVER

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: 48601

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
KLAM 14939	WELL 11-17-1976	41 S	10 E		8	SW SE	701	920' North & 10' East from
								the S¼ Corner, Section 8

▪ Does the water right being transferred involve a ground water source(s)?

Yes       No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 48601

**3. PROPOSED CHANGES TO THE WATER RIGHT**

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

**Location of Proposed Point(s) of Diversion or Appropriation:**

(i.e., the "TO" point(s) of diversion or appropriation)  N/A – Instream Water Right Transfer  
 (NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
WELL	41 S	10 E		8	SE SE	702	621' North & 1137' West from
							the SE Corner, Section 8

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
no		12	¼ Steel	80	none	20	680'	680'	port pipe	1000'

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**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

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

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

<p>▪ Certificate Number or other identifying number: <u>67947</u></p>
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**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<p><input checked="" type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <b>not</b> be used for the portion of the water right affected by the transfer.)</p> <p><input type="checkbox"/> <b>Additional</b> (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)</p> <p><input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.)</p> <p><input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion. The old point of diversion will <b>not</b> be used.)</p> <p><input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.)</p> <p><input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)</p>	<p><input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)</p> <p><input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)</p>	<p>Proposed new use:</p> <p><input checked="" type="checkbox"/> <b>Irrigation</b></p> <p><input type="checkbox"/> <b>Municipal</b></p> <p><input type="checkbox"/> <b>Quasi-municipal</b></p> <p><input type="checkbox"/> <b>Commercial</b></p> <p><input type="checkbox"/> <b>Industrial</b></p> <p><input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i>)</p> <p><input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____</p> <p><input type="checkbox"/> <b>Other</b> _____</p> <p><input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)</p> <p><input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)</p> <p align="center"><b>RECEIVED</b></p> <p align="center">OCT 15 2007</p> <p align="center">WATER RESOURCES DEPT SALEM, OREGON</p>

**2. CURRENT WATER RIGHT INFORMATION**

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

<input checked="" type="checkbox"/> <b>Certificated Right</b>	<u>67947</u> Certificate Number	<u>G-9623</u> Permit Number or Decree Name
<input type="checkbox"/> <b>Adjudicated, Non-certificated Right</b>	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> <b>Permit for which Proof has been Approved</b>	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> <b>Transferred Right for which Proof has been Filed</b>	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: CHARLES G. KERR
- County: KLAMATH
- Authorized Use(s) to be Affected by Transfer: IRRIGATION
- Priority Date(s): MARCH 8, 1982

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

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

Tributary to: LOWER KLAMATH BASIN

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

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

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
  - Yes     No     N/A – No Change in Place of Use or Character of Use

If “Yes”, what are the Permit, Registration or Certificate Numbers? \_\_\_\_\_

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

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▪ Certificate Number or other identifying number: 67947

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
KLAM 14939	WELL 03-8-1982	41 S	10 E		8	SW SE	701	900' North & 20' East from
								the S¼ Corner, Section 8

▪ Does the water right being transferred involve a ground water source(s)?

Yes       No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

**or**

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 67947

**3. PROPOSED CHANGES TO THE WATER RIGHT**

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Point(s) of Diversion or Appropriation:**

*(i.e., the "TO" point(s) of diversion or appropriation)*

N/A – Instream Water Right Transfer

*(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
WELL	41 S	10 E		8	SE SE	702	621' North & 1137' West from
							the SE Corner, Section 8

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
no		12	¼ Steel	80	none	20	680'	680'	port pipe	1000'
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							OCT 15 2007			
							WATER RESOURCES DEPT SALEM, OREGON			



00-11-10 7/00

07-2574-00

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This I do to Certify, That CHARLES G. KERR

of Box 512, Merrill, State of Oregon, 97633, has made proof to the satisfaction of the Water Resources Director of a right to the use of the waters of Water Hole Well No. 1

a tributary of Lost River for the purpose of irrigation of 31.8 acres

under Permit No. G-7139 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 November 17, 1976 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 0.46 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SW 1/4 SE 1/4, Section 8, T. 41 S., R. 10 E., W. M., 920 feet North and 10 feet East from the S 1/4 Corner, Section 8

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-eighth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 15.5 acres NE 1/4 SE 1/4
- 9.9 acres NW 1/4 SE 1/4
- 0.6 acre SW 1/4 SE 1/4
- 10.8 acres SE 1/4 SE 1/4
- Section 8
- T. 41 S., R. 10 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 Water Resources Director, affixed

this date, October 5, 1979

[Signature] Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48601

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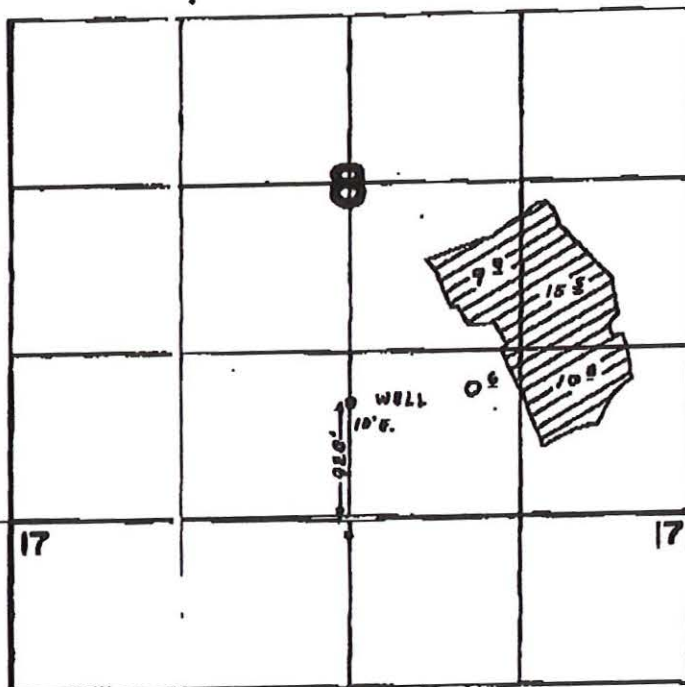
WATER RESOURCES DEPT SALEM OREGON

10471

6-7139

48601

# T. 41S. R. 10E., W.M.



about 80. W. side

## FINAL PROOF SURVEY UNDER

Application No. G-7582... Permit No. G-7139....  
IN NAME OF

CHARLES G. KERR

Surveyed JUL...31... 1978.. by S.E. APPEL GATE

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1978 . F

80

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SALEM OREGON

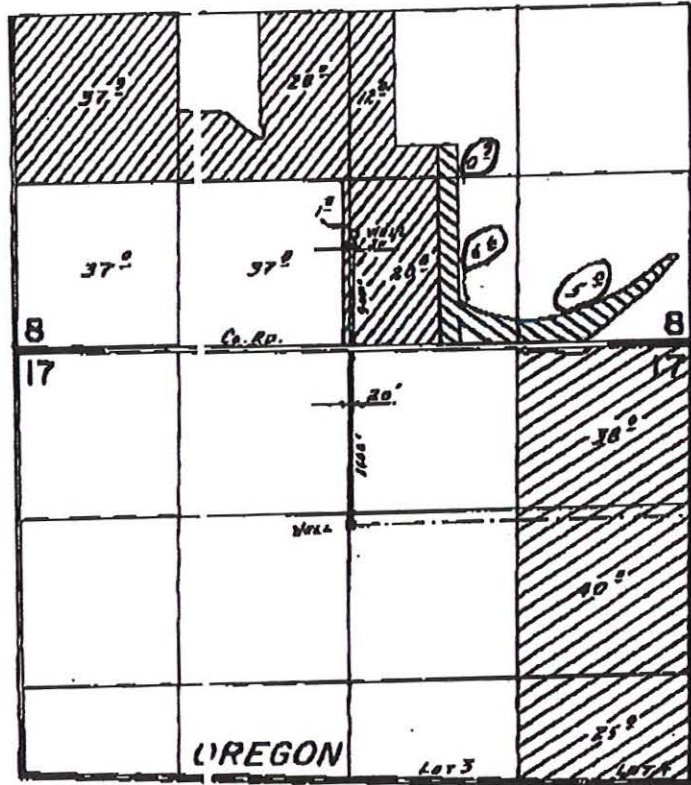
T 10471

T. 4 S., R. 10 E., W.M.

G-6771




6794X

7



OREGON

SCALE: 1" = 1320'

-  Permit G-6771
-  Permit G-9623
-  Permit G-10422

**FINAL PROOF SURVEY**  
UNDER

G-7333                      G-6771  
G-9646                      G-9623  
Application No. G-11228 Permit No. G-10422..  
IN NAME OF

CHARLES G. & SUSAN KERR

Surveyed Oct 14, 1988, by R.W. BISHOP

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2/2/89  
RWB

CHD-511-2401291

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WATER RESOURCES DEPT  
SALEM, OREGON

T 10471

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHARLES G. KERR  
P.O. BOX 512  
MERRILL, OREGON 97633

confirms the right to use the waters of A WELL in the LOWER KLAMATH LAKE BASIN for IRRIGATION OF 12.5 ACRES.

The right was perfected under Permit G-9623. The date of priority is MARCH 8, 1982. This right is limited to 0.16 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SE 1/4, SECTION 8, T 41 S, R 10 E, W.M.; 900 FEET NORTH AND 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

IN THE EVENT OF A REQUEST FOR A CHANGE IN POINT OF APPROPRIATION, AN ADDITIONAL POINT OF APPROPRIATION OR REPAIR OF THIS WELL, THE QUANTITY OF WATER ALLOWED HEREIN TOGETHER WITH ANY OTHER RIGHT FROM THIS POINT OF APPROPRIATION SHALL NOT EXCEED THE CAPACITY OF THIS WELL AT THE TIME OF PERFECTION OF THIS RIGHT.

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

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

NW 1/4 SE 1/4	0.9 ACRE
SW 1/4 SE 1/4	6.6 ACRES - 2 <sup>6</sup> ONLY
SE 1/4 SE 1/4	5.0 ACRES - ALL

SECTION 8  
TOWNSHIP 41 SOUTH, RANGE 10 EAST, W.M.

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

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

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 30, 1992.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67947.

G-9646.BWB

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SALEM OREGON

1 10471

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

STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

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APR 30 1976

State Well No. 415/10E-8

State Permit No. \_\_\_\_\_

WATER RESOURCES DEPT.

(1) OWNER:

Name Charles Kerr 6-7333  
Address Box 512  
McRILL, OREGON 97633

(2) TYPE OF WORK (check):

New Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary  Driven   
Cable  Jetted   
Dug  Bored

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

(5) CASING INSTALLED:

Threaded  Welded   
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
12 3/4 " Diam. from 7 1/2 ft. to 7 7/8 ft. Gage 250  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

(6) PERFORATIONS:

Perforated?  Yes  No.  
Type of perforator used \_\_\_\_\_  
Size of perforations \_\_\_\_\_ in. by \_\_\_\_\_ in.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(7) SCREENS:

Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level  
Was a pump test made?  Yes  No If yes, by whom? Interstate  
Yield: \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
1300 " 99 " 2 "  
Bailer test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
Artesian flow \_\_\_\_\_ g.p.m.  
Temperature of water 88 Depth artesian flow encountered \_\_\_\_\_ ft.

(9) CONSTRUCTION:

Well seal—Material used CEMENT  
Well sealed from land surface to \_\_\_\_\_ ft.  
Diameter of well bore to bottom of seal 20 in.  
Diameter of well bore below seal \_\_\_\_\_ in.  
Number of sacks of cement used in well seal 75 sacks  
Number of sacks of bentonite used in well seal \_\_\_\_\_ sacks  
Brand name of bentonite \_\_\_\_\_  
Number of pounds of bentonite per 100 gallons of water \_\_\_\_\_ lbs./100 gals.  
Was a drive shoe used?  Yes  No Plug \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(10) LOCATION OF WELL:

County KLAMATH Driller's well number \_\_\_\_\_  
SW 1/4 SE 1/4 Section 8 T. 41S R. 10E W.M.  
Bearing and distance from section or subdivision corner \_\_\_\_\_

(11) WATER LEVEL: Completed well.

Depth at which water was first found 688 ft.  
Static level 39 ft. below land surface. Date 4/8/76  
Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

(12) WELL LOG:

Diameter of well below casing 12 3/4 ft.  
Depth drilled \_\_\_\_\_ ft. Depth of completed well 990 ft.

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

MATERIAL	From	To	SWL
SANDY TOPSOIL	0	6	
HARDPAN	6	11	
YELLOW CHALK	11	37	
BLUE CLAY	37	43	
GREEN SHALE	43	71	
BLUE SHALE	71	73	
GREEN SHALE	73	585	
GREEN SHALE & HARD STREAKS OF GRAY SHALE	585	598	
GREEN SHALE & HARD STREAKS OF GRAY CHALK ROCK	598	632	
GRAY SHALE & BLACK CHALK ROCK	632	688	
BROWN SHALE	688	785	
BROWN SHALE & HARD STREAKS	785	990	

Work started 3/27/76 19 Completed 4/8/76 19  
Date well drilling machine moved off of well 4/8/76 19

Drilling Machine Operator's Certification:

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

[Signed] David M. Steyer Date 4/28, 1976  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 656

Water Well Contractor's Certification:

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

Name E.E. STORGEY & SON WELL DRILLING, INC.  
(Person, firm or corporation) (Type or print)

Address 3847 HOPE ST. KLAMATH FALLS

[Signed] David M. Steyer  
(Water Well Contractor)

Contractor's License No. 601 Date 4/28, 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45054-119

OCT 15 2007

WATER RESOURCES DEPT  
SALEM OREGON

T 10471



# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: GARY OREM  
Mailing Address: 19980 HWY 50 (PO BOX 784)  
City: MERRILL State: OR Zip: 97633 Day Phone: (541) 591-0047

This application is related to a Measure 37 claim.  Yes  No

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
41 S	10 E	8	SE	702	PART 45-06 PARCEL 2	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIGATION
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.555  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: THIS IS A POINT OF APPROPRIATION CHANGE ONLY. A NEW WELL TO BE CONSTRUCTED TO SERVICE THIS PORTION OF WATER RIGHT CERTIFICATE 48601 AND 67947.

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

### Receipt for Request for Land Use Information

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

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WATER RESOURCES DEPT  
SALEM OREGON

1 10471

### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Article 54 of KCLDC

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

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Name: Elizabeth Hamblin Title: Planner  
 Signature: [Signature] Phone: 883-5721 Date: 9/24/07  
 Government Entity: Klamath County

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

**RECEIVED**

**Receipt for Request for Land Use Information**

**OCT 15 2007  
WATER RESOURCES DEPT  
SALEM, OREGON**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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

State of Oregon )  
 ) ss  
County of KLAMATH )

I, CHARLES BURY, in my capacity as OWNER,  
mailing address 7677 LOWER LAKE RD, KLAMATH FALLS, OREGON 97603  
telephone number (541 ) 798-5609, being first duly sworn depose and say:

1. I attest that:

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

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

- Personal observation                       Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
41	S	10	E		8	NE SE		15.5
						NW SE		9.9
						SW SE		3.2
						SE SE		15.8

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SALEM, OREGON

(continues on reverse side)

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

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

alfalfa & Grain 2007  
Grain 2006

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

2 wheel lines

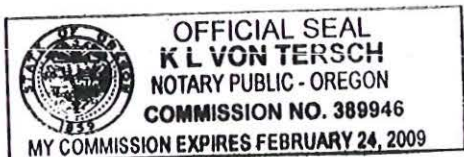
6. One or more of the following documentation supporting the above statements is attached:

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

Charles D. Bury  
Signature of Affiant

9/24/07  
Date

Signed and sworn to (or affirmed) before me this 24 day of Sept, 2007.



K.L. Von Tersch  
Notary Public for Oregon

My Commission Expires: 2/24/09

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

Supplemental Form B

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Affidavit Attesting to the Use of Water

OCT 15 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

T 10471

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

State of Oregon )  
County of KLAMATH ) ss

I, CHARLES G. KERR, in my capacity as PREVIOUS OWNER,  
mailing address PO BOX 512, MERRILL, OREGON 97633  
telephone number (541 ) \_\_\_\_\_, being first duly sworn depose and say:

1. I attest that:

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

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

- Personal observation
- Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
41	S	10	E		8	NE SE		15.5
						NW SE		9.9
						SW SE		3.2
						SE SE		15.8

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SALEM OREGON

(continues on reverse side)

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

10071

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

Grain + alfalfa

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

Well - Sprinkler wheelines by main line from well

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

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

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SALEM, OREGON**

Charles A Ken  
Signature of Affiant

Sept 26 2007  
Date

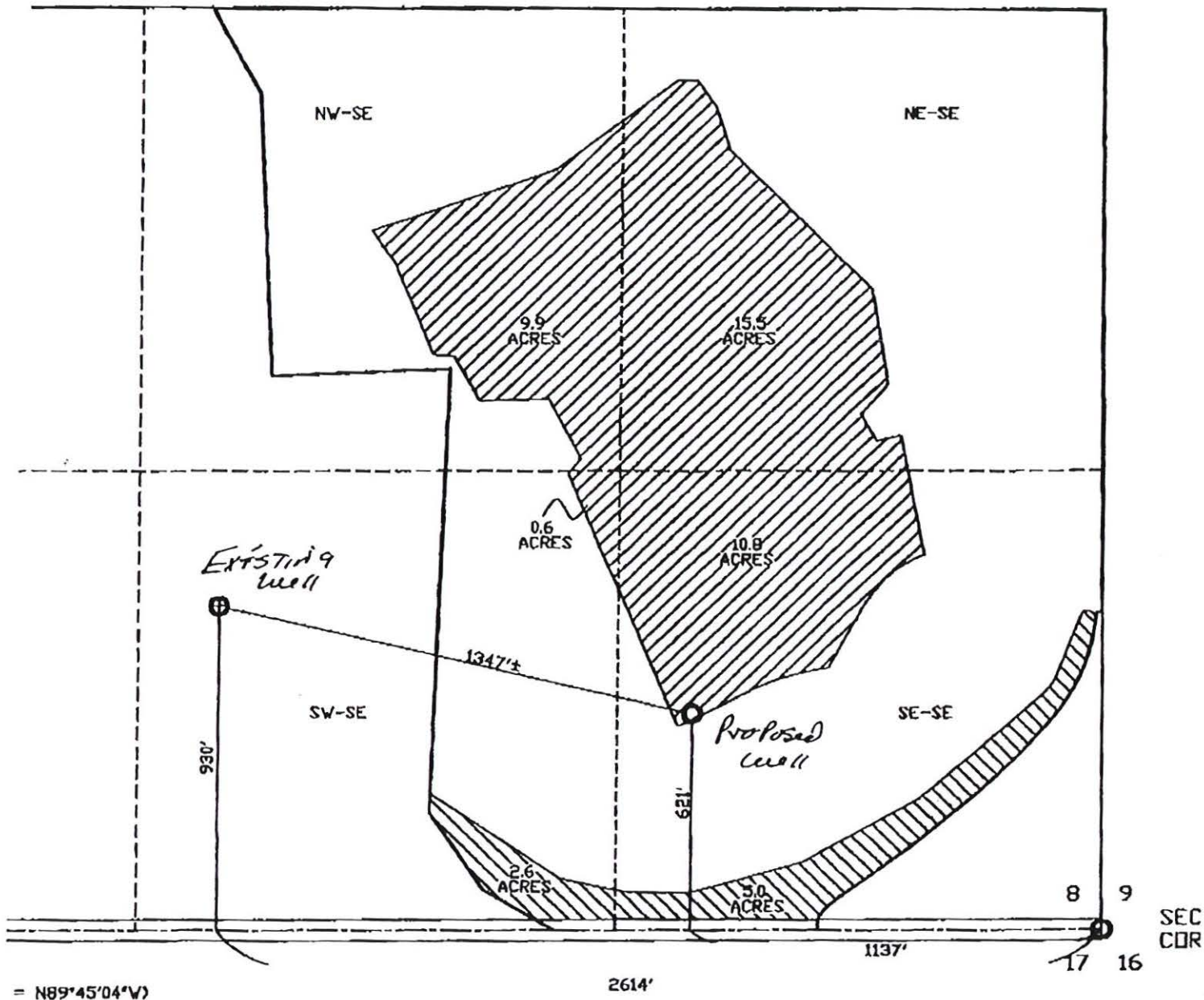
Signed and sworn to (or affirmed) before me this 26<sup>th</sup> day of Sept., 2007.



Kristi L. Redd  
Notary Public for Oregon

My Commission Expires: 11/16/2007

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



HATCHED IRRIGATED AREA SHOWN (44.4 ACRES TOTAL) TO BE SERVICED FROM THE PROPOSED WELL.

Post-It® Fax Note	7871	Date	9-19-07	# of pages	2
To	Dennis	From	Tom	Co.	
Co./Dept.		Phone #		Fax #	
Phone #		Fax #	541 504 7728		

Dennis - How does this look?

RECEIVED Tom

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T 10471



41 S10 E8

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SALEM OREGON

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**USDA / Farm Service Agency  
Klamath County**

**Township 41 Range 10 Section 8  
2003 Imagery**



Disclaimer:  
\* This acreage is for FSA program purposes only. No warranty is made for any other use.



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OCT 15 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

T 10471

**USDA / Farm Service Agency  
Klamath County**

**Township 41 Range 10 Section 8  
2004 Imagery**



Disclaimer:  
\* This acreage is for FSA program purposes only. No warranty is made for any other use.



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SALEM, OREGON

I 10471

**USDA / Farm Service Agency  
Klamath County**

**Township 41 Range 10 Section 8  
2005 Imagery**



Disclaimer:

\* This acreage is for FSA program purposes only. No warranty is made for any other use.



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SALEM OREGON

I 10471

**USDA / Farm Service Agency  
Klamath County**

**Township 41 Range 10 Section 8  
2006 Imagery**



Disclaimer:  
\* This acreage is for FSA program purposes only. No warranty is made for any other use.



COLDWELL BANKER HOLMAN PREMIER REALTY  
3815 S. SIXTH ST.  
KLAMATH FALLS, OR 97603

Date: June 21, 2007  
Escrow Number: MT79856-KR  
Escrow Officer: KRISTI REDD  
Title Number: 0079856  
Title Officer: BARBARA BEAUCHEMIN

Attn: SUSIE SPRATT

cc: COLDWELL BANKER HOLMAN PREMIER REALTY - CHERYL CHATBURN-ROSS  
cc: COLDWELL BANKER HOLMAN PREMIER REALTY - DAVE GOSS

**PRELIMINARY TITLE REPORT FOR:  
OREM, GARY D.**

**REPORT NO. 1**

<b>Policy or Policies to be issued:</b>	<u>Liability</u>	<u>Premium</u>
STANDARD OWNER'S POLICY	\$300,000.00	\$713.00
Reissue Rate		

We are prepared to issue ALTA (2006) title insurance policy (ies) of *Chicago Title Insurance Company of Oregon* in the usual form and amounts above, insuring the title to the land described as follows:

**Parcel 2 of Land Partition 45-06, being situated in the S1/2 of Section 8, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.**

And dated as of June 12, 2007 at 8:00 A. M., title is vested in:

**ROCKING P-B, LLC,  
AN OREGON LIMITED LIABILITY COMPANY**

The estate or interest in the land described or referred to in this Commitment and covered herein is:

**FEE SIMPLE**

**This report is preliminary to the issuance of title insurance and shall become null and void unless a policy is issued and the full premium therefore paid.**

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WATER RESOURCES DEPT  
SALEM OREGON

300 Klamath Avenue • PO Box 5017 • Klamath Falls, OR 97601 • 541-883-3401 • Fax 541-882-0620

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

**GENERAL EXCEPTIONS:**

- 1. *Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceeding by a public agency which may result in taxes or assessments, or notices of such proceeding; whether or not shown by the records of such agency or by the public records.*
- 2. *Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.*
- 3. *Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.*
- 4. *Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.*
- 5. *Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.*
- 6. *Unpatented mining claims whether or not shown by the public records.*

**SPECIAL EXCEPTIONS:**

- 7. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
- 8. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Sunnyside Irrigation District.
- 9. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads or highways.

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

Dated: December 28, 2005  
 Recorded: December 29, 2005  
 Volume: M05, page 72027, Microfilm Records of Klamath County, Oregon  
 Amount: \$578,700.00  
 Grantor: Rocking P-B, LLC, an Oregon limited liability company  
 Trustee: AmeriTitle  
 Beneficiary: South Valley Bank & Trust  
 (With other property)

End of Exceptions  
0079856

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OCT 15 2007

WATER RESOURCES DEPT  
SALEM OREGON

Page 2 of 3

T 10471

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

**NOTE B:** Taxes for fiscal year 2006-2007 have been prepaid for the entire plat under the following:

Account No:	4110-00800-00701-000	Key No:	819074
		Code No:	018

New Tax Information for Parcel 2

Account No:	4110-00800-00702-000	Key No:	893247
		Code No:	018

**NOTE C:** Per the Corporation Division of the State of Oregon the following is provided for informational purposes:

Rocking P-B LLC is an active Oregon limited liability company filed October 27, 2005. The Registered Agent is William P. Brandsness, and a Member is Charles D. Bury.

**NOTE D:** A copy of the Articles of Organization of Rocking P-B LLC (a limited liability company) along with its Operating Agreement and a certification as the identity and authority of the persons who will be consummating the proposed transaction on behalf of the company must be furnished to AmeriTitle for examination. Please do so at least 10 days before closing.

AmeriTitle



By: BARBARA BEAUCHEMIN  
Title Officer

\*\*\*END\*\*\*

**MISSION STATEMENT**

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

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WATER RESOURCES DEPT  
SALEM, OREGON

PARTITION

30-94

18

SEE CS 1098

POR. PARCEL 2

702  
115 AC.

131.000

SEE MAP 41 10 09

PARTITION

45-08

PARCEL 1

PARCEL 2

700  
6.91 AC.

SEE MAP 41 10 09

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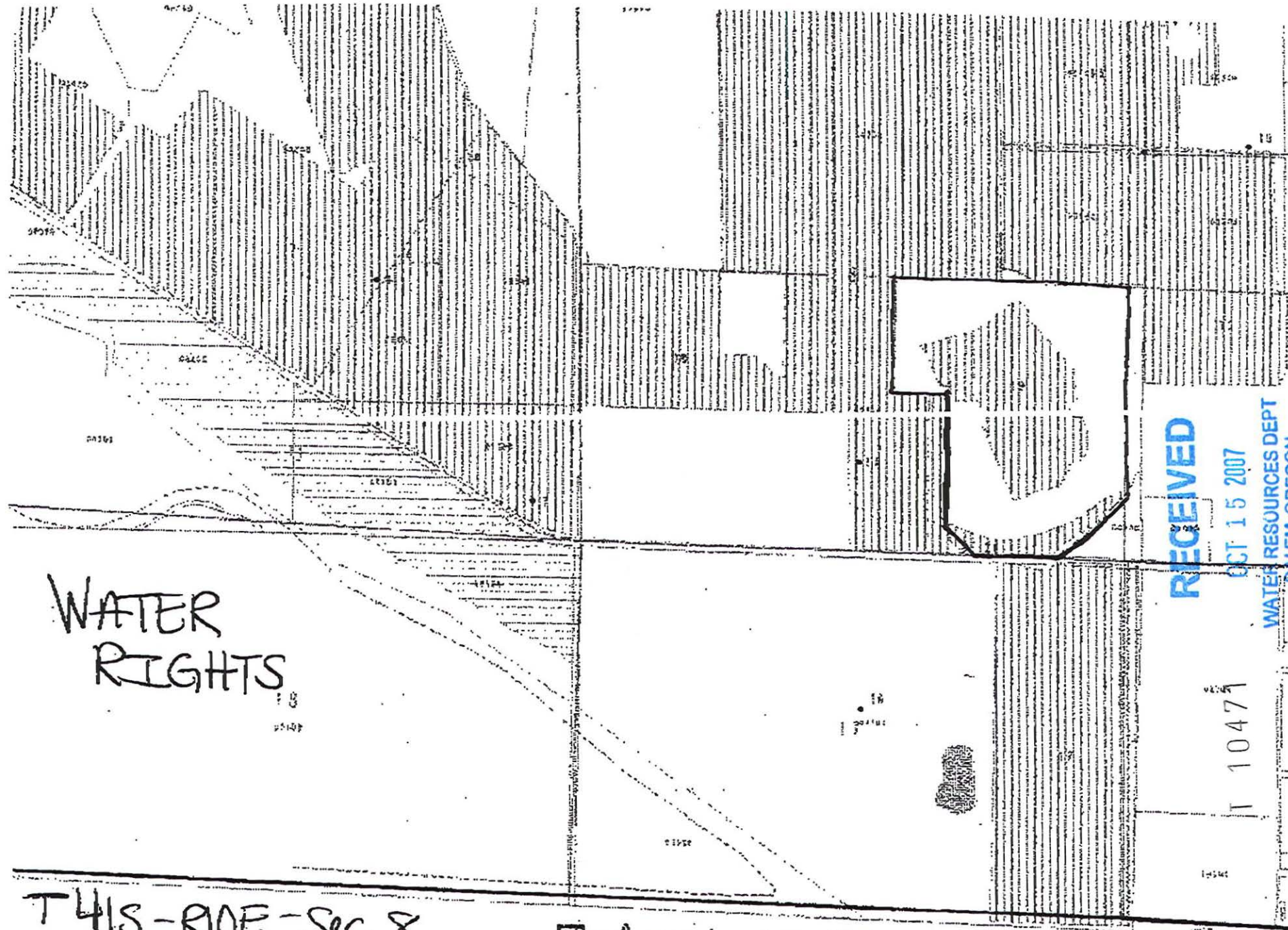
OCT 15 2007

WATER RESOURCES DEPT  
SALEM OREGON

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE  
PURPOSE OF ASSISTING IN LOCATING  
CERTAIN PREMISES AND NO LIABILITY IS  
ASSUMED FOR VARIATIONS IF ANY, IN  
DIMENSIONS AND LOCATIONS ASCERTAINED  
BY A PROFESSIONAL SURVEY

T 10471



WATER RIGHTS

THIS - ROE - Sec. 8  
Lot 702

☐ = Groundwater rights = 49.3 acres

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WATER RESOURCES DEPT  
Salem Oregon

T 10477





COLDWELL BANKER HOLMAN PREMIER REALTY  
3815 S. SIXTH ST.  
KLAMATH FALLS, OR 97603

Date: January 14, 2008  
Escrow Number: MT79856-KR  
Escrow Officer: KRISTI REDD  
Title Number: 0079856  
Title Officer: BARBARA BEAUCHEMIN

Attn: SUSIE SPRATT

cc: COLDWELL BANKER HOLMAN PREMIER REALTY – CHERYL CHATBURN-ROSS  
cc: COLDWELL BANKER HOLMAN PREMIER REALTY – DAVE GOSS

**PRELIMINARY TITLE REPORT FOR:  
OREM, GARY D.**

**REPORT NO. 3**

<b>Policy or Policies to be issued:</b>	<u><b>Liability</b></u>	<u><b>Premium</b></u>
STANDARD OWNER'S POLICY	\$300,000.00	\$713.00
Reissue Rate		

We are prepared to issue ALTA (2006) title insurance policy (ies) of *Chicago Title Insurance Company of Oregon* in the usual form and amounts above, insuring the title to the land described as follows:

**Parcel 2 of Land Partition 45-06, being situated in the S1/2 of Section 8, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.**

And dated as of January 10, 2008 at 8:00 A.M., title is vested in:

**ROCKING P-B, LLC,  
AN OREGON LIMITED LIABILITY COMPANY**

The estate or interest in the land described or referred to in this Commitment and covered herein is:

**FEE SIMPLE**

**This report is preliminary to the issuance of title insurance and shall become null and void unless a policy is issued and the full premium therefore paid.**

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

**GENERAL EXCEPTIONS:**

1. *Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceeding by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*
2. *Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.*
3. *Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.*
4. *Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.*
5. *Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.*
6. *Unpatented mining claims whether or not shown by the public records.*

**SPECIAL EXCEPTIONS:**

7. Intentionally Deleted.
8. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
9. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Sunnyside Irrigation District.
10. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads or highways.
11. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;  
Dated: December 28, 2005  
Recorded: December 29, 2005  
Volume: M05, page 72027, Microfilm Records of Klamath County, Oregon  
Amount: \$578,700.00  
Grantor: Rocking P-B, LLC, an Oregon limited liability company  
Trustee: AmeriTitle  
Beneficiary: South Valley Bank & Trust  
(With other property)

Continued

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

Dated: September 25, 2007  
Recorded: October 3, 2007  
Volume: 2007, page 17246, Microfilm Records of Klamath County, Oregon  
Amount: \$50,000.00  
Grantor: Rocking P-B, LLC, an Oregon limited liability company  
Trustee: AmeriTitle  
Beneficiary: South Valley Bank & Trust  
(With other property)

End of Exceptions

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

**NOTE B:** Taxes for fiscal year 2007-2008, paid.

Account No:	4110-00800-00702-000	Key No:	893247
Amount	\$187.16	Code No:	018

**NOTE C:** Per the Corporation Division of the State of Oregon the following is provided for informational purposes:

Rocking P-B LLC is an active Oregon limited liability company filed October 27, 2005. The Registered Agent is William P. Brandsness, and a Member is Charles D. Bury.

**NOTE D:** Intentionally Deleted.

**NOTICE:** This Preliminary Title Report has been supplemented to delete exception 7 and amend Note B to the PTR dated October 8, 2007.

AmeriTitle

By: BARBARA BEAUCHEMIN  
Title Officer

\*\*\*END\*\*\*

**MISSION STATEMENT**

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

OREGON SECRETARY OF STATE  
  
**Corporation Division**

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uniform commercial code uniform commercial code search documents & data services

**Business Name Search**

[New Search](#) [Printer Friendly](#) **Business Entity Data** 01-22-2008 07:38

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date
319606-93	DLLC	ACT	OREGON	10-27-2005		
<b>Entity Name</b>	ROCKING P-B, LLC					
<b>Foreign Name</b>						

[New Search](#) [Printer Friendly](#) **Associated Names**

<b>Type</b>	PPB	PRINCIPAL PLACE OF BUSINESS			
<b>Addr 1</b>	7677 LOWER LAKE RD				
<b>Addr 2</b>					
<b>CSZ</b>	KLAMATH FALLS	OR	97603	<b>Country</b>	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

<b>Type</b>	AGT	REGISTERED AGENT	<b>Start Date</b>	10-27-2005	<b>Resign Date</b>	
<b>Name</b>	WILLIAM	P	BRANDSNESS			
<b>Addr 1</b>	411 PINE ST					
<b>Addr 2</b>						
<b>CSZ</b>	KLAMATH FALLS	OR	97601	<b>Country</b>	UNITED STATES OF AMERICA	

<b>Type</b>	MAL	MAILING ADDRESS			
<b>Addr 1</b>	7677 LOWER LAKE RD				
<b>Addr 2</b>					
<b>CSZ</b>	KLAMATH FALLS	OR	97603	<b>Country</b>	UNITED STATES OF AMERICA

<b>Type</b>	MEM	MEMBER		<b>Resign Date</b>	
<b>Name</b>	CHARLES	D	BURY		
<b>Addr 1</b>	7677 LOWER LAKE RD				

<b>Addr 2</b>					
<b>CSZ</b>	KLAMATH FALLS	OR	97603	<b>Country</b>	UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#) **Name History**

<b>Business Entity Name</b>	<b>Name Type</b>	<b>Name Status</b>	<b>Start Date</b>	<b>End Date</b>
ROCKING P-B, LLC	EN	CUR	10-27-2005	

Please [read](#) before ordering [Copies](#).

[New Search](#) [Printer Friendly](#) **Summary History**

<b>Image Date</b>	<b>Action</b>	<b>Transaction Date</b>	<b>Effective Date</b>	<b>Status</b>	<b>Name/Agent Change</b>	<b>Dissolved By</b>
10-04-2007	ANNUAL REPORT PAYMENT	10-04-2007		SYS		
10-10-2006	AMENDED ANNUAL REPORT	10-10-2006		FI		
10-27-2005	ARTICLES OF ORGANIZATION	10-27-2005		FI	Agent	

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please contact : [businessregistry.sos@state.or.us](mailto:businessregistry.sos@state.or.us)



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January 16, 2008

Kristi Redd  
Amerititle  
300 Klamath Ave.  
Klamath Falls, OR 97601

RE: Escrow No. MT79856-KR (Rocking P-B, LLC to Gary D. Orem)

Dear Kristi:

This letter is to confirm that South Valley Bank & Trust is aware that the property described below is currently in escrow with Amerititle.

Parcel 2 of Land Partition 45-06, being situated in the S1/2 of Section 8, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon

Upon the receipt of all net proceeds from the sale, South Valley Bank & Trust will release the lien on the above property.

If you have any further questions please don't hesitate to contact me at 541-880-5204.

Sincerely,



Angalee M. Barry  
Commercial Loan Officer

Cc: Cheryl Chatburn-Ross  
Rocking P-B, LLC

Received by email  
1/22/08

**M05-72027**  
Klamath County, Oregon  
12/29/2005 11:38:03 AM  
Pages 7 Fee: \$51.00

**RECORDATION REQUESTED BY:**  
South Valley Bank & Trust  
Commercial Branch  
P O Box 5210  
Klamath Falls, OR 97601

**WHEN RECORDED MAIL TO:**  
South Valley Bank & Trust  
Commercial Branch  
P O Box 5210  
Klamath Falls, OR 97601

**SEND TAX NOTICES TO:**  
South Valley Bank & Trust  
Commercial Branch  
P O Box 5210  
Klamath Falls, OR 97601

JS 6666667

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY



**DEED OF TRUST**

**THIS DEED OF TRUST** is dated December 28, 2005, among Rocking P-B, LLC, an Oregon Limited Liability Company ("Grantor"); South Valley Bank & Trust, whose address is Commercial Branch, P O Box 5210, Klamath Falls, OR 97601 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Amerititle, whose address is 300 Klamath Ave, Klamath Falls, OR 97601 (referred to below as "Trustee").

**CONVEYANCE AND GRANT.** For valuable consideration, represented in the Note dated December 28, 2005, in the original principal amount of \$578,700.00, from Grantor to Lender, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Klamath County, State of Oregon:

See Exhibit A, which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as NE of Lower Klamath Lake and Fugate Rd, Klamath Falls, OR 97603.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

**THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:**

**PAYMENT AND PERFORMANCE.** Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

**POSSESSION AND MAINTENANCE OF THE PROPERTY.** Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

**Possession and Use.** Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property. **THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

**Duty to Maintain.** Grantor shall maintain the Property in tenable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

**Compliance With Environmental Laws.** Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Deed of Trust or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Deed of Trust, including the obligation to indemnify, shall survive the payment of the indebtedness and the satisfaction and reconveyance of the lien of this Deed of Trust and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

**Nuisance, Waste.** Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

**Removal of Improvements.** Grantor shall not demolish or remove any improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such improvements with improvements of at least equal value.

**Lender's Right to Enter.** Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Grantor's compliance with the terms and conditions of this Deed of Trust.

SIF

**DEED OF TRUST  
(Continued)**

Page 2

**Compliance with Governmental Requirements.** Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

**Duty to Protect.** Grantor agrees neither to abandon or leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

**DUE ON SALE - CONSENT BY LENDER.** Lender may, at Lender's option, declare immediately due and payable all sums secured by this Deed of Trust upon the sale or transfer, without Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest in the Real Property; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of an interest in the Real Property. If any Grantor is a corporation, partnership or limited liability company, transfer also includes any change in ownership of more than twenty-five percent (25%) of the voting stock, partnership interests or limited liability company interests, as the case may be, of such Grantor. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by Oregon law.

**TAXES AND LIENS.** The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

**Payment.** Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

**Right to Contest.** Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

**Evidence of Payment.** Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

**Notice of Construction.** Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialmen's lien, or other lien could be asserted on account of the work, services, or materials and the cost exceeds \$1,000.00. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such improvements.

**PROPERTY DAMAGE INSURANCE.** The following provisions relating to insuring the Property are a part of this Deed of Trust.

**Maintenance of Insurance.** Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a fair value basis for the full insurable value covering all improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least ten (10) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, within 45 days after notice is given by Lender that the Property is located in a special flood hazard area, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

**Application of Proceeds.** Grantor shall promptly notify Lender of any loss or damage to the Property if the estimated cost of repair or replacement exceeds \$500.00. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default under this Deed of Trust. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Deed of Trust, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the indebtedness. If Lender holds any proceeds after payment in full of the indebtedness, such proceeds shall be paid to Grantor as Grantor's interests may appear.

**Grantor's Report on Insurance.** Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5) the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

**LENDER'S EXPENDITURES.** If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Deed of Trust also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

**WARRANTY; DEFENSE OF TITLE.** The following provisions relating to ownership of the Property are a part of this Deed of Trust:

**Title.** Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

**Defense of Title.** Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Trustee or Lender under this Deed of Trust, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

**DEED OF TRUST  
(Continued)**

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**Compliance With Laws.** Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

**Survival of Representations and Warranties.** All representations, warranties, and agreements made by Grantor in this Deed of Trust shall survive the execution and delivery of this Deed of Trust, shall be continuing in nature, and shall remain in full force and effect until such time as Grantor's indebtedness shall be paid in full.

**CONDEMNATION.** The following provisions relating to condemnation proceedings are a part of this Deed of Trust:

**Proceedings.** If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

**Application of Net Proceeds.** If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable costs, expenses, and attorneys' fees incurred by Trustee or Lender in connection with the condemnation.

**IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES.** The following provisions relating to governmental taxes, fees and charges are a part of this Deed of Trust:

**Current Taxes, Fees and Charges.** Upon request by Lender, Grantor shall execute such documents in addition to this Deed of Trust and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Deed of Trust, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Deed of Trust.

**Taxes.** The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Deed of Trust or upon all or any part of the indebtedness secured by this Deed of Trust; (2) a specific tax on Grantor which Grantor is authorized or required to deduct from payments on the indebtedness secured by this type of Deed of Trust; (3) a tax on this type of Deed of Trust chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the indebtedness or on payments of principal and interest made by Grantor.

**Subsequent Taxes.** If any tax to which this section applies is enacted subsequent to the date of this Deed of Trust, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

**SECURITY AGREEMENT; FINANCING STATEMENTS.** The following provisions relating to this Deed of Trust as a security agreement are a part of this Deed of Trust:

**Security Agreement.** This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

**Security Interest.** Upon request by Lender, Grantor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. In addition to recording this Deed of Trust in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Deed of Trust as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall not remove, sever or detach the Personal Property from the Property. Upon default, Grantor shall assemble any Personal Property not affixed to the Property in a manner and at a place reasonably convenient to Grantor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender to the extent permitted by applicable law.

**Addresses.** The mailing addresses of Grantor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Deed of Trust may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Deed of Trust.

**FURTHER ASSURANCES; ATTORNEY-IN-FACT.** The following provisions relating to further assurances and attorney-in-fact are a part of this Deed of Trust:

**Further Assurances.** At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Grantor's obligations under the Note, this Deed of Trust, and the Related Documents, and (2) the liens and security interests created by this Deed of Trust as first and prior liens on the Property, whether now owned or hereafter acquired by Grantor. Unless prohibited by law or Lender agrees to the contrary in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

**Attorney-In-Fact.** If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

**FULL PERFORMANCE.** If Grantor pays all the indebtedness when due, and otherwise performs all the obligations imposed upon Grantor under this Deed of Trust, Lender shall execute and deliver to Trustee a request for full reconveyance and shall execute and deliver to Grantor suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Any reconveyance fee required by law shall be paid by Grantor, if permitted by applicable law.

**EVENTS OF DEFAULT.** Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

**Payment Default.** Grantor fails to make any payment when due under the indebtedness.

**Other Defaults.** Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Grantor.

**Compliance Default.** Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

**Default on Other Payments.** Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

**False Statements.** Any warranty, representation or statement made or furnished to Lender by Grantor or on Grantor's behalf under this Deed of Trust or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

**Defective Collateralization.** This Deed of Trust or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

**Death or Insolvency.** The dissolution of Grantor's (regardless of whether election to continue is made), any member withdraws from the limited liability company, or any other termination of Grantor's existence as a going business or the death of any member, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

**Creditor or Forfeiture Proceedings.** Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against any property securing the indebtedness. This includes a garnishment of any of Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding.



**DEED OF TRUST  
(Continued)**

and if Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

**Breach of Other Agreement.** Any breach by Grantor under the terms of any other agreement between Grantor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or other obligation of Grantor to Lender, whether existing now or later.

**Events Affecting Guarantor.** Any of the preceding events occurs with respect to any Guarantor of any of the indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the indebtedness. In the event of a death, Lender, at its option, may, but shall not be required to, permit the Guarantor's estate to assume unconditionally the obligations arising under the guaranty in a manner satisfactory to Lender, and, in doing so, cure any Event of Default.

**Adverse Change.** A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the indebtedness is impaired.

**Insecurity.** Lender in good faith believes itself insecure.

**Right to Cure.** If any default, other than a default in payment is curable and if Grantor has not been given a notice of a breach of the same provision of this Deed of Trust within the preceding twelve (12) months, it may be cured if Grantor, after receiving written notice from Lender demanding cure of such default: (1) cures the default within fifteen (15) days; or (2) if the cure requires more than fifteen (15) days, immediately initiates steps which Lender deems in Lender's sole discretion to be sufficient to cure the default and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

**RIGHTS AND REMEDIES ON DEFAULT.** If an Event of Default occurs under this Deed of Trust, at any time thereafter, Trustee or Lender may exercise any one or more of the following rights and remedies:

**Election of Remedies.** Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

**Accelerate Indebtedness.** Lender shall have the right at its option without notice to Grantor to declare the entire indebtedness immediately due and payable, including any prepayment penalty which Grantor would be required to pay.

**Foreclosure.** With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law. If this Deed of Trust is foreclosed by judicial foreclosure, Lender will be entitled to a judgment which will provide that if the foreclosure sale proceeds are insufficient to satisfy the judgment, execution may issue for the amount of the unpaid balance of the judgment.

**UCC Remedies.** With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code.

**Collect Rents.** Lender shall have the right, without notice to Grantor to take possession of and manage the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use fees directly to Lender. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

**Appoint Receiver.** Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

**Tenancy at Sufferance.** If Grantor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Grantor, Grantor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (1) pay a reasonable rental for the use of the Property, or (2) vacate the Property immediately upon the demand of Lender.

**Other Remedies.** Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or by law.

**Notice of Sale.** Lender shall give Grantor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least fifteen (15) days before the time of the sale or disposition. Any sale of the Personal Property may be made in conjunction with any sale of the Real Property.

**Sale of the Property.** To the extent permitted by applicable law, Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

**Attorneys' Fees; Expenses.** If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

**Rights of Trustee.** Trustee shall have all of the rights and duties of Lender as set forth in this section.

**POWERS AND OBLIGATIONS OF TRUSTEE.** The following provisions relating to the powers and obligations of Trustee are part of this Deed of Trust:

**Powers of Trustee.** In addition to all powers of Trustee arising as a matter of law, Trustee shall have the power to take the following actions with respect to the Property upon the written request of Lender and Grantor: (a) join in preparing and filing a map or plat of the Real Property, including the dedication of streets or other rights to the public; (b) join in granting any easement or creating any restriction on the Real Property; and (c) join in any subordination or other agreement affecting this Deed of Trust or the interest of Lender under this Deed of Trust.

**Obligations to Notify.** Trustee shall not be obligated to notify any other party of a pending sale under any other trust deed or lien, or of any action or proceeding in which Grantor, Lender, or Trustee shall be a party, unless the action or proceeding is brought by Trustee.

**Trustee.** Trustee shall meet all qualifications required for Trustee under applicable law. In addition to the rights and remedies set forth above, with respect to all or any part of the Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

**Successor Trustee.** Lender, at Lender's option, may from time to time appoint a successor Trustee to any Trustee appointed under this Deed of Trust by an instrument executed and acknowledged by Lender and recorded in the office of the recorder of Klamath County, State of Oregon. The instrument shall contain, in addition to all other matters required by state law, the names of the original Lender, Trustee, and Grantor, the book and page where this Deed of Trust is recorded, and the name and address of the successor trustee, and the instrument shall be executed and acknowledged by Lender or its successors in interest. The successor trustee, without conveyance of the Property, shall succeed to all the title, power, and duties conferred upon the Trustee in this Deed of Trust and by applicable law. This procedure for substitution of Trustee shall govern to the exclusion of all other provisions for substitution.

**NOTICES.** Any notice required to be given under this Deed of Trust, including without limitation any notice of default and any notice of sale shall be

**DEED OF TRUST  
(Continued)**

given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Deed of Trust. All copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust shall be sent to Lender's address, as shown near the beginning of this Deed of Trust. Any party may change its address for notices under this Deed of Trust by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

**IN GROUND IRRIGATION EQUIPMENT.** All Equipment and Fixtures, including but not limited to, an in ground irrigation system, 1-60 HP pump for a Well, 1-50 HP pump for a Well, 7-1/4 wheel lines 4" 2,640 feet of 8" main line and 1,320 feet of 6" main line.

**MISCELLANEOUS PROVISIONS.** The following miscellaneous provisions are a part of this Deed of Trust:

**Amendments.** This Deed of Trust, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Deed of Trust. No alteration of or amendment to this Deed of Trust shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

**Annual Reports.** If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

**Caption Headings.** Caption headings in this Deed of Trust are for convenience purposes only and are not to be used to interpret or define the provisions of this Deed of Trust.

**Merger.** There shall be no merger of the interest or estate created by this Deed of Trust with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

**Governing Law.** This Deed of Trust will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Oregon without regard to its conflicts of law provisions. This Deed of Trust has been accepted by Lender in the State of Oregon.

**No Waiver by Lender.** Lender shall not be deemed to have waived any rights under this Deed of Trust unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Deed of Trust shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Deed of Trust. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Deed of Trust, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

**Severability.** If a court of competent jurisdiction finds any provision of this Deed of Trust to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Deed of Trust. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Deed of Trust shall not affect the legality, validity or enforceability of any other provision of this Deed of Trust.

**Successors and Assigns.** Subject to any limitations stated in this Deed of Trust on transfer of Grantor's interest, this Deed of Trust shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Deed of Trust and the indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Deed of Trust or liability under the indebtedness.

**Time is of the Essence.** Time is of the essence in the performance of this Deed of Trust.

**Waiver of Homestead Exemption.** Grantor hereby releases and waives all rights and benefits of the homestead exemption laws of the State of Oregon as to all indebtedness secured by this Deed of Trust.

**Commercial Deed of Trust.** Grantor agrees with Lender that this Deed of Trust is a commercial deed of trust and that Grantor will not change the use of the Property without Lender's prior written consent.

**DEFINITIONS.** The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

**Beneficiary.** The word "Beneficiary" means South Valley Bank & Trust, and its successors and assigns.

**Borrower.** The word "Borrower" means Rocking P-B, LLC and includes all co-signers and co-makers signing the Note.

**Deed of Trust.** The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

**Default.** The word "Default" means the Default set forth in this Deed of Trust in the section titled "Default".

**Environmental Laws.** The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant thereto or intended to protect human health or the environment.

**Event of Default.** The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the events of default section of this Deed of Trust.

**Grantor.** The word "Grantor" means Rocking P-B, LLC.

**Guarantor.** The word "Guarantor" means any guarantor, surety, or accommodation party of any or all of the Indebtedness.

**Guaranty.** The word "Guaranty" means the guaranty from Guarantor to Lender, including without limitation a guaranty of all or part of the Note.

**Hazardous Substances.** The words "Hazardous Substances" mean materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported or otherwise handled. The words "Hazardous Substances" are used in their very broadest sense and include without limitation any and all hazardous or toxic substances, materials or waste as defined by or listed under the Environmental Laws. The term "Hazardous Substances" also includes, without limitation, petroleum, including crude oil and any fraction thereof and asbestos.

**Improvements.** The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

**Indebtedness.** The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Trustee or Lender to enforce Grantor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust.

**Lender.** The word "Lender" means South Valley Bank & Trust, its successors and assigns.

**Note.** The word "Note" means the promissory note dated December 28, 2005, in the original principal amount of \$578,700.00 from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the



DEED OF TRUST (Continued)

promissory note or agreement. The maturity date of the Note is February 15, 2011.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

Trustee. The word "Trustee" means Amerititle, whose address is 300 Klamath Ave, Klamath Falls, OR 97601 and any substitute or successor trustees.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST, AND GRANTOR AGREES TO ITS TERMS.

GRANTOR:

ROCKING P-B, LLC

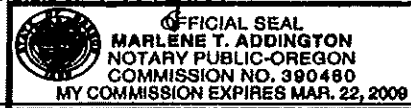
By: Charles D. Bury, Manager of Rocking P-B, LLC

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF OREGON )
COUNTY OF Klamath ) SS

On this 28th day of December, 2005, before me, the undersigned Notary Public, personally appeared Charles D. Bury, Manager of Rocking P-B, LLC, and known to me to be a member or designated agent of the limited liability company that executed the Deed of Trust and acknowledged the Deed of Trust to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Deed of Trust and in fact executed the Deed of Trust on behalf of the limited liability company.

By: Marlene T. Addington Residing at Klamath County, OR.
Notary Public in and for the State of Oregon My commission expires 3-22-2009



REQUEST FOR FULL RECONVEYANCE

(To be used only when obligations have been paid in full)

To: \_\_\_\_\_, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by this Deed of Trust. All sums secured by this Deed of Trust have been fully paid and satisfied. You are hereby directed, upon payment to you of any sums owing to you under the terms of this Deed of Trust or pursuant to any applicable statute, to cancel the Note secured by this Deed of Trust (which is delivered to you together with this Deed of Trust), and to reconvey, without warranty, to the parties designated by the terms of this Deed of Trust, the estate now held by you under this Deed of Trust. Please mail the reconveyance and Related Documents to:

Date: \_\_\_\_\_ Beneficiary: \_\_\_\_\_
By: \_\_\_\_\_
Its: \_\_\_\_\_

**Exhibit "A"**

Real property in the County of , State of Oregon, described as follows:

The S1/2 of Section 8, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, Saving and Excepting the following:

A tract of land situated in the SE1/4SE1/4 of Section 8, Township 41 South, Range 10 East of the Willamette Meridian, more particularly described as follows:


Beginning at the Southeast corner of said Section 8, as marked by a 5/8" iron pin; thence N 89°45'04" W., along the South line of said Section 8, 774.90 feet; thence N. 00°14'56" E. 30.00 feet to a point on the Northerly right of way line of Lower Klamath Lake Road; thence N. 32°28'38" E. 27.40 feet to a point 1 foot Northwesterly of an existing fence line; thence along a line 1 foot Northwesterly of said fence line, N. 41°09'50" E. 28.19 feet, N 51°32'46" E. 63.12 feet, N. 53°04'23" E. 191.71 feet, N. 50°07'36" E. 268.88 feet, N 45°27'10" E. 167.78 feet, N. 41°49'20" E. 89.91 feet, along the arc of a curve to the left (radius= 500.00 feet and central angle = 29°02'58") 253.50 feet, N. 12°46'22" E. 36.94 feet, and N. 08°40'58" E. 70.25 feet; thence along an existing fence S. 88°36'12" E. 17 feet, more or less, to a point on the East line of said Section 8, thence Southerly along said East line, 917.14 feet to the point of beginning.

Saving and Excepting any portion within the right of way of Lower Klamath Lake Road.

Tax Parcel Number: 819074

**ATTACHED TO DEED OF TRUST DATED DECEMBER 28, 2005 AND BY THIS REFERENCE INCORPORATED HEREIN.**

**ROCKING P-B LLC**

  
**CHARLES D. BURY, MANAGER OF**  
**ROCKING P-B LLC**

## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Tuesday, January 22, 2008 5:13 PM  
**To:** 'Kristi Redd'  
**Cc:** 'Cheryl Chatburn-Ross'  
**Subject:** RE: T10471 Lienholder response - Rocking P-B LLC/Orem

Kristi,

Thank you for your explanation. I will take this statement as documentation of AmeriTitle's agreement to the transfer and move forward with processing T-10471.

Dorothy

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

**From:** Kristi Redd [mailto:kristir@ameri-title.com]  
**Sent:** Tuesday, January 22, 2008 4:48 PM  
**To:** Dorothy Pedersen  
**Cc:** Cheryl@cbkfalls.com; relstate@kfalls.net  
**Subject:** T10471 Lienholder response - Rocking P-B LLC/Orem  
**Importance:** High

Dorothy,

You have been communicating with my assistant, Cherice Treasure here at AmeriTitle. I am Kristi Redd, Escrow Officer on this transaction and have reviewed your email of 8:24AM this morning to Cherice requesting a letter from AmeriTitle, as Trustee named in that Trust Deed recorded in Volume M05, page 72027, Microfilm Records of Klamath County, Oregon.

AmeriTitle is in fact the Trustee acting on behalf of the Beneficiary in said Trust Deed and thru the closing of our Escrow #MT79856-KR, it is the Beneficiary's(Seller's)intent to make payment to South Valley Bank & Trust (Beneficiary) for release of the Trust Deed recorded in Volume M05, page 72027, Microfilm Records of Klamath County, Oregon so said Trustee/Beneficiary of Trust Deed will no longer have any interest in the parcel known as Map #4110-00800-00702-000 more particularly described as:  
Parcel 2 of Land Partition 45-06, being situated in the S1/2 of Section 8, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

As I write this note, I just received the demand statement from South Valley Bank & Trust that says that they have agreed to do the release I mention in the above paragraph when they receive all of Seller's net proceeds. AmeriTitle will comply with this letter of instruction from South Valley Bank dated January 16, 2008 at the close of escrow.

I will forward a copy of the South Valley Bank letter described herein in separate email for your review.

Please call me with any questions. My direct phone number is 541/883-7921.

Sincerely,

Kristi Redd  
300 Klamath Avenue  
Klamath Falls, OR 97601  
Phone: 541/883-3401  
Fax: 541/882-0620

## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Wednesday, January 16, 2008 11:46 AM  
**To:** 'John Borden'  
**Subject:** New ownership report for T-10471

**Attachments:** 10471-newROLI.pdf



10471-newROLI.pdf  
(25 KB)

John,

Here is the new ownership and lien report for T-10471. I believe that was the last thing remaining for your review prior to submitting an invoice. Is that correct? Let me know if everything is in order for moving forward, or if we need anything more from the applicant.

Thank you,  
Dorothy

Dorothy I. Pedersen  
Transfer Program Advisor  
(503) 986-0890  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Monday, November 19, 2007 12:53 PM  
**To:** 'John Borden'  
**Subject:** T-10471 templates

**Attachments:** 10471-wm-rev.pdf; 10471-DPD Cover Deny template.doc; 10471-dpd-template.doc; 10471-pd-cov template.doc; 10471-DPD Cover Approval template.doc; supplemental-lang.dot; Contact List.dot; PD\_notice.dot; DeficLet.dot; 10471-rr-67947-template.doc



10471-wm-rev.pdf  
(29 KB)



10471-DPD Cover  
Deny template...



10471-dpd-templat  
e.doc (142 KB...



10471-pd-cov  
template.doc (34 ...



10471-DPD Cover  
Approval templ...



supplemental-lang.  
dot (162 KB)...



Contact List.dot (26  
KB)



PD\_notice.dot (29  
KB)



DeficLet.dot (27  
KB)



10471-rr-67947-te  
mplate.doc (5...

Hi John,

Here are the templates and watermaster review for another project: T-10471. I'll send you the groundwater review when it is completed. I expect that you will have a work order for it within the next couple of weeks.

Have a good day,  
Dorothy

Dorothy I. Pedersen  
Field Services Division  
Oregon Water Resources Department  
Dorothy.I.PEDERSEN@wrd.state.or.us  
503-986-0890

**Reimbursement Authority Process  
Itemized Estimate Sheet  
for  
Water Rights Transfer**

*To: Dorothy Pedersen  
From: John Borden  
Date: 10/29/2007  
Note: FAX also sent to Science Office*

Application Number T-10471
Name of Applicant: Gary Orem

**Proposed Timeline**

10/23/07	Public Notice (start of 30-day comment period).
11/30/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
1/4/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	<b>Completion of contract work:</b> Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

**Estimate**

	Item	Time
1	Review of application for completeness.	2
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	-
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary). <i>No paid change only</i>	-
4	Preparation of draft preliminary determination, DPD cover letter and contact list. <sup>(2)</sup>	4
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. <sup>(2)</sup>	4
<b>Total Estimated Time:</b>		<b>10</b>

(Indicate the estimated amount of time, in 1/2 hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Anderson Engineering & Surveying

Authorized Representative: John E. Borden Date: 10/29/2007

## Shipping Checklist for Reimbursement Authority File

File T- 10471 Applicant: Gary Orem

Agent/Contact: Dennis Glender

Ship to Contractor: Anderson Engineering

### Items included:

- Copy of front of file folder
- Reimbursement Authority Estimate Application
- Transfer Application form
- Transfer map
- Evidence of use affidavit
- Supporting documentation for evidence of use
- Land-use Information form
- Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03) - *Need to request in DPD cover letter*
- Certificate or copy of decree for each right to be transferred
- Final Proof map or decree map for each right to be transferred
- Well logs (if change in POA, SW POD-to-GW POA change)
- Watermaster review (all transfers)
- ODFW review (if change in POD) → will send later
- GW review (if  $\Delta$ POA, or POD-to-POA change) → will send later
- Transfer review checklist
- Final Deliverable cover sheet
- Itemized Estimate sheet for contractor

### Additional things to check:

- All regular application processing fees paid
- Reimbursement Authority \$125 fee paid for preparing estimate
- Date of WRD initial Public Notice 10-23-07

Number of sheets copied 22

File contents copied by Lisa Paschke Date 10-17-07

**Reimbursement Authority Process  
Itemized Estimate Sheet  
for  
Water Rights Transfer**

Application Number T-10471

Name of Applicant: Gary Orem

**Proposed Timeline**

10/23/07	Public Notice (start of 30-day comment period).
11/30/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
1/4/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	<b>Completion of contract work:</b> Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

**Estimate**

	<b>Item</b>	<b>Time</b>
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
<b>Total Estimated Time:</b>		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Anderson Engineering & Surveying

Authorized Representative: \_\_\_\_\_

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

Application

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

Water right subject to transfer

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

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

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

- Reviews/comments/conditions received?  Watermaster  ODFW  GW
- |                     |   |   |  |
|---------------------|---|---|--|
| Headgate            | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices   | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/>                      |   |  |

Injury: Y N      Enlargement: Y N

Conditions to avoid enlargement/injury –

**Reimbursement Authority  
Final Deliverables Cover Sheet  
for  
Transfers**

Transfer # T-10471

Applicant: Gary Orem

**The following items have been submitted electronically\*:**

- Contact List
- Draft Preliminary Determination (DPD)
- DPD Cover Letter
- PD Notice
- PD Cover Letter
- Remaining Right Certificates (one for each right that is not entirely affected by the transfer)

**\*NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

**The following items are enclosed:**

- Marked copy of transfer application
- (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.
  
- Signature of Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

***For WRD use only:***

WRD approval by: \_\_\_\_\_ Date: \_\_\_\_\_

**WATER RESOURCES DEPARTMENT  
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

*House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.*

*The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.*

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: *(check one)*:

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	TO BE DETERMINED
<input type="checkbox"/>	Certificate Request	<u>T-10471</u>
<input type="checkbox"/>	Extension of Time Request	

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	GARY D. OREM	DENNIS R. GLENDER
Address:	19980 HWY 50 (PO BOX 784)	8664 SW SAND RIDGE RD
	MERRILL, OREGON 97633	CROOKED RIVER RANCH, OR, 97760
Phone:	(541) 591-0047	(541) 548-4882
Fax		(541) 504-7728
E-Mail Address:		djglender@msn.com

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to: **OWRD – Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266.**

I certify that I am the *(check one)*  Applicant  Applicant's Representative  Other *(Please specify)* \_\_\_\_\_

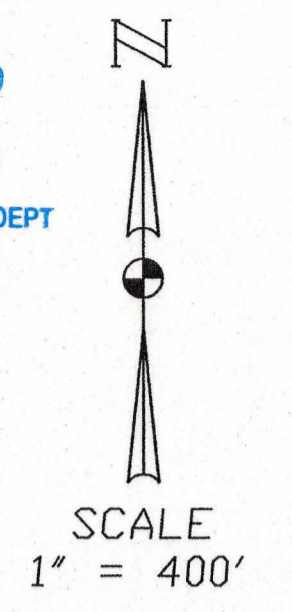
Signature: *D.R. Glender* Name: *Dennis R. Glender*

**OWRD USE ONLY**

Contractor Assigned:	Total Amount Paid: \$
OWRD Approval:	

TRANSFER MAP  
 FOR  
 POINT OF APPROPRIATION  
 LOCATED IN THE S½, SECTION 8,  
 T41S, R10E, W.M., KLAMATH COUNTY, OR.  
 Revised: 1-24-08 JDS.

RECEIVED  
 JAN 31 2008  
 WATER RESOURCES DEPT  
 SALEM, OREGON

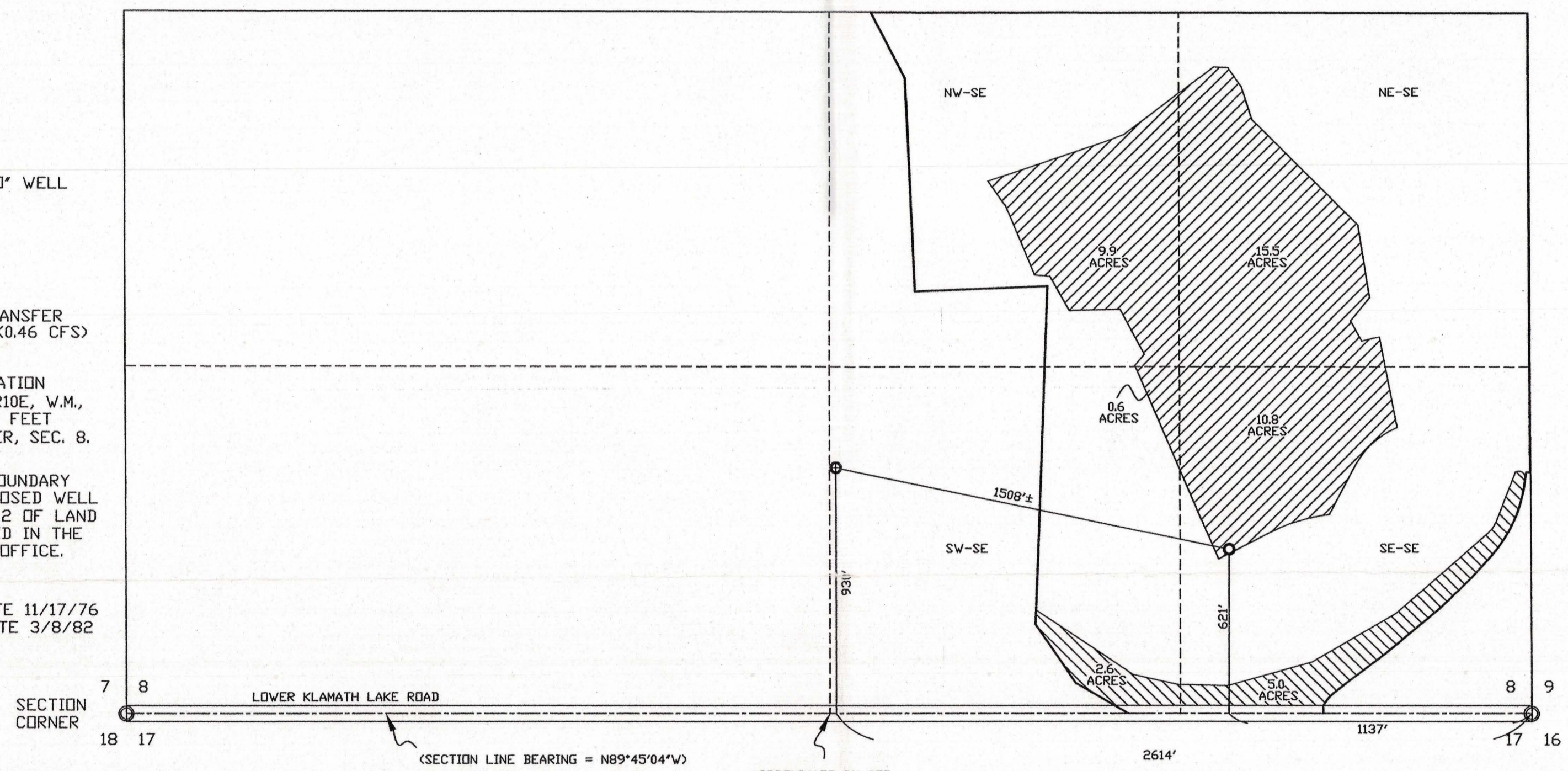


- LEGEND
- IRRIGATED AREAS SHOWN WILL BE SERVICED FROM THE PROPOSED "TO" WELL
  - IRRIGATED AREA UNDER CERTIFICATE 48601
  - IRRIGATED AREA UNDER CERTIFICATE 67947
  - EXISTING "FROM" WELL TRANSFER PER CERTIFICATES 48601 (0.46 CFS) AND 67947 (0.095 CFS)
  - PROPOSED "TO" WELL LOCATION SE¼, SE¼, SEC. 8, T41S, R10E, W.M., 621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER, SEC. 8.
  - APPROXIMATE PROPERTY BOUNDARY TO BE SERVICED BY PROPOSED WELL TRANSFER, BEING PARCEL 2 OF LAND PARTITION 45-06 RECORDED IN THE KLAMATH COUNTY CLERKS OFFICE.

CERTIFICATE #48601: PRIORITY DATE 11/17/76  
 CERTIFICATE #67947: PRIORITY DATE 3/8/82

OWNER: CHARLES BURY  
 7677 LOWER LAKE RD.  
 KLAMATH FALLS, OR. 97603  
 (541) 798-5609

CWRE: DELSANTO LAND SURVEYING  
 & WATER RIGHTS  
 6501 SCOTTSBLUFF RD.  
 KLAMATH FALLS, OR. 97601

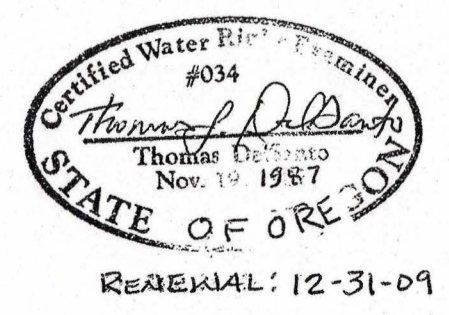


- "FROM" WELL LOCATION PER CERTIFICATE:
- #48601: LOCATED IN THE SW¼, SE¼, SEC. 8, T41S, R10E, W.M., 920 FEET NORTH AND 10 FEET EAST FROM THE S¼ CORNER, SEC. 8.
  - #67947: LOCATED IN THE SW¼, SE¼, SEC. 8, T41S, R10E, W.M., 900 FEET NORTH AND 20 FEET EAST FROM THE S¼ CORNER, SEC. 8.

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

*Dorothy -  
 Per our recent  
 e-mails: T-10471  
 Map Revision.  
 Tom Del Santo*

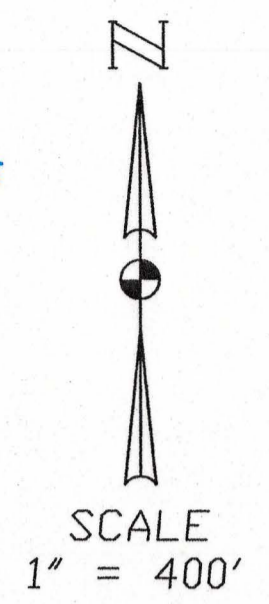
HATCHED IRRIGATED AREA SHOWN (44.4 ACRES TOTAL)  
 TO BE SERVICED FROM THE PROPOSED WELL.



# TRANSFER MAP FOR POINT OF APPROPRIATION LOCATED IN THE S½, SECTION 8, T41S, R10E, W.M., KLAMATH COUNTY, OR.

Revised: 1-24-08 JDS.

**RECEIVED**  
JAN 31 2008  
WATER RESOURCES DEPT  
SALEM, OREGON

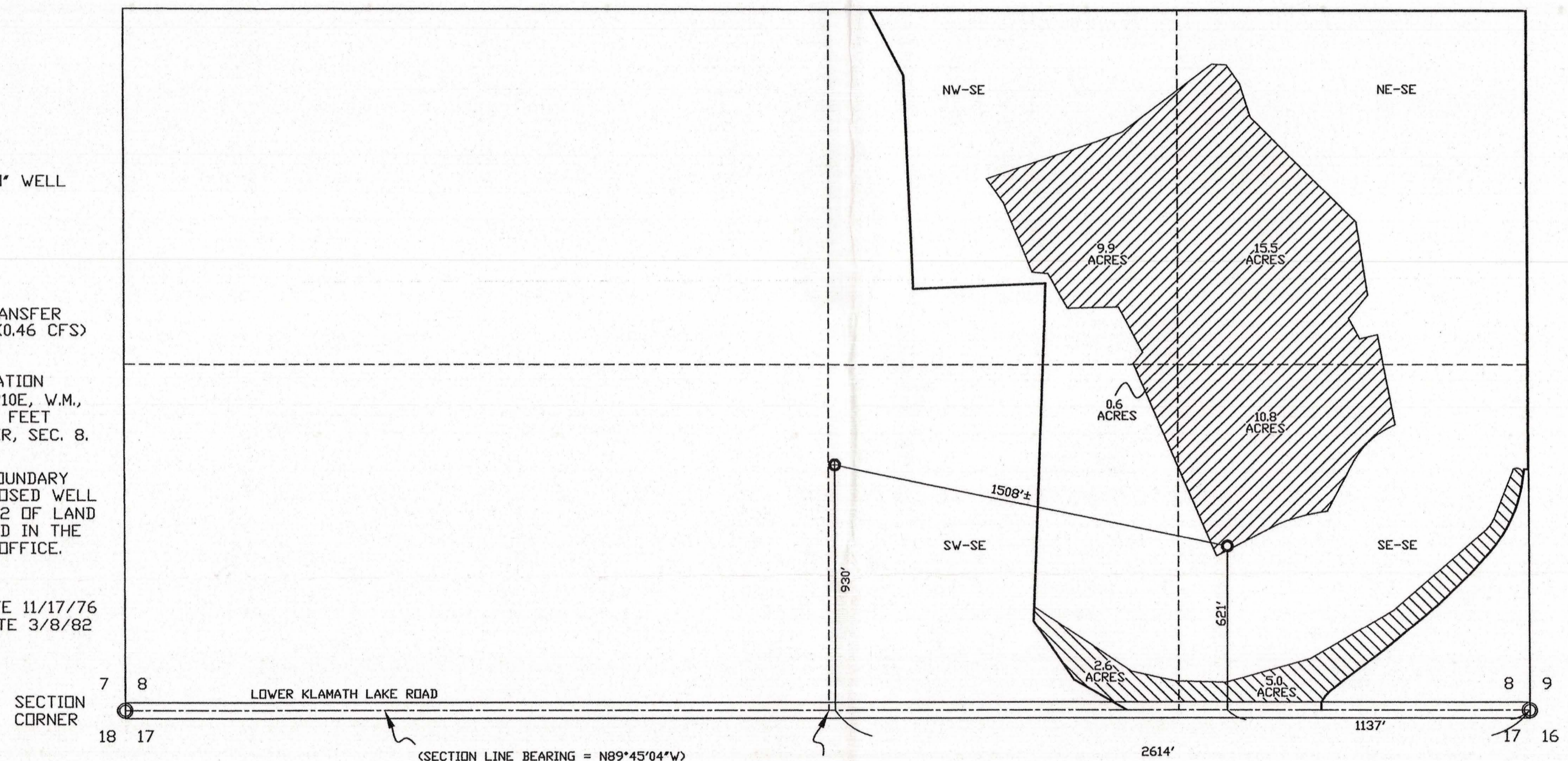


- LEGEND**
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  - EXISTING "FROM" WELL TRANSFER PER CERTIFICATES 48601 (0.46 CFS) AND 67947 (0.095 CFS)
  - PROPOSED "TO" WELL LOCATION SE¼, SE¼, SEC. 8, T41S, R10E, W.M., 621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER, SEC. 8.
  - APPROXIMATE PROPERTY BOUNDARY TO BE SERVICED BY PROPOSED WELL TRANSFER, BEING PARCEL 2 OF LAND PARTITION 45-06 RECORDED IN THE KLAMATH COUNTY CLERKS OFFICE.

CERTIFICATE #48601: PRIORITY DATE 11/17/76  
CERTIFICATE #67947: PRIORITY DATE 3/8/82

OWNER: CHARLES BURY  
7677 LOWER LAKE RD.  
KLAMATH FALLS, OR. 97603  
(541) 798-5609

CWRE: DELSANTO LAND SURVEYING  
& WATER RIGHTS  
6501 SCOTT'S BLUFF RD.  
KLAMATH FALLS, OR. 97601



- "FROM" WELL LOCATION PER CERTIFICATE:**
- #48601: LOCATED IN THE SW¼, SE¼, SEC. 8, T41S, R10E, W.M., 920 FEET NORTH AND 10 FEET EAST FROM THE S¼ CORNER, SEC. 8.
  - #67947: LOCATED IN THE SW¼, SE¼, SEC. 8, T41S, R10E, W.M., 900 FEET NORTH AND 20 FEET EAST FROM THE S¼ CORNER, SEC. 8.

HATCHED IRRIGATED AREA SHOWN (44.4 ACRES TOTAL)  
TO BE SERVICED FROM THE PROPOSED WELL.

SECTION CORNER  
5/8" IRON PIN  
PER KLAMATH COUNTY  
RECORD OF SURVEY 3066

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Certified Water Right Examiner  
#034  
*Thomas DeSanto*  
Thomas DeSanto  
Nov. 19 1987  
STATE OF OREGON  
RENEWAL: 12-31-09



TRANSFER MAP  
FOR  
POINT OF APPROPRIATION  
LOCATED IN THE S½, SECTION 8,  
T41S, R10E, W.M., KLAMATH COUNTY, OR.


*Superseded by  
map received 4/3/08*

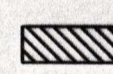


SCALE  
1" = 400'

LEGEND

IRRIGATED AREAS SHOWN WILL BE SERVICED FROM THE PROPOSED 'TO' WELL

 IRRIGATED AREA UNDER CERTIFICATE 48601

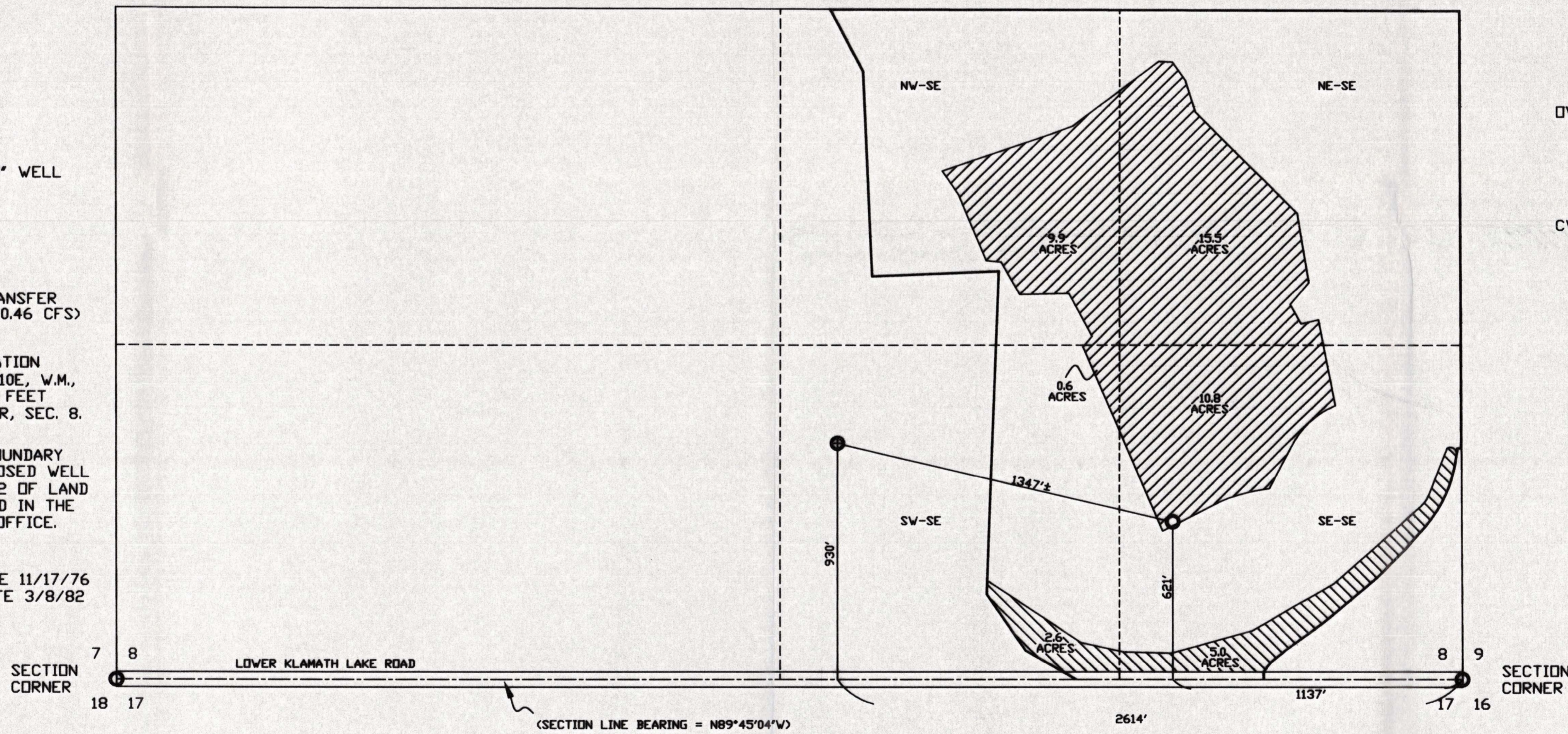
 IRRIGATED AREA UNDER CERTIFICATE 67947

● EXISTING 'FROM' WELL TRANSFER PER CERTIFICATES 48601 (0.46 CFS) AND 67947 (0.095 CFS)

○ PROPOSED 'TO' WELL LOCATION SW¼, SE¼, SEC. 8, T41S, R10E, W.M., 621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER, SEC. 8.

— APPROXIMATE PROPERTY BOUNDARY TO BE SERVICED BY PROPOSED WELL TRANSFER, BEING PARCEL 2 OF LAND PARTITION 45-06 RECORDED IN THE KLAMATH COUNTY CLERKS OFFICE.

CERTIFICATE #48601: PRIORITY DATE 11/17/76  
CERTIFICATE #67947: PRIORITY DATE 3/8/82



OWNER: CHARLES BURY  
7677 LOWER LAKE RD.  
KLAMATH FALLS, OR. 97603  
(541) 798-5609

CWRE: DELSANTO LAND SURVEYING  
& WATER RIGHTS  
6501 SCOTTSLUFF RD.  
KLAMATH FALLS, OR. 97601

'FROM' WELL LOCATION PER CERTIFICATE:

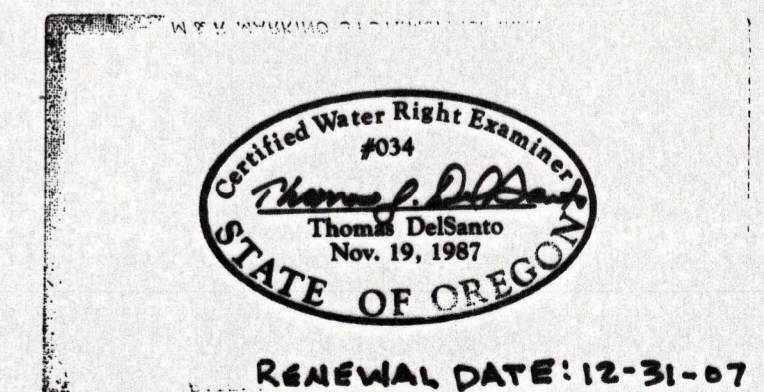
#48601: LOCATED IN THE SW¼, SE¼, SEC. 8, T41S, R10E, W.M., 920 FEET NORTH AND 10 FEET EAST FROM THE SW CORNER, SEC. 8.

#67947: LOCATED IN THE SW¼, SE¼, SEC. 8, T41S, R10E, W.M., 900 FEET NORTH AND 20 FEET EAST FROM THE SW CORNER, SEC. 8.

HATCHED IRRIGATED AREA SHOWN (44.4 ACRES TOTAL) TO BE SERVICED FROM THE PROPOSED WELL.

**RECEIVED**

OCT 15 2007  
WATER RESOURCES DEPT  
SALEM OREGON



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

T-10471