

Regular

RA

Name Rattlesnake Creek Land + Cattle Co.

Christopher + Danielle Gregg

Address 524 Hwy 20 N Hines, OR 97738

29724 Hwy 20 W Hines, OR 97738

Andy J Root @gmail.com / Chris.Dani.Gregg@gmail.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of West Fork Silvies river

Irrigation / Supplemental Irrigation

Use Industrial/Manufacturing uses County Harney

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# G14645 Per # G13485 Cert # 90309 PR Date 1/24/1997

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

Change in POU, USE, POA, APOA

Date Filed 2-13-2023

Initial notice date 2-21-2023

DPD issued date _____

PD issued date 9/16/2025

PD notice date 9/16/2025

Date of FO 11/24/2025 Vol 138 Page 107-112

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Scott D Montgomery - Scott@apeands.com

CWRE Harney County

CC's list _____

- Oversized map - Location _____

FEES PAID		
Date	Amount	Receipt #
<u>2-13-2023</u>	<u>\$4910.00</u>	<u>140114</u>
<u>2-13-2023</u>	<u>\$1160.00</u>	<u>140115</u>
<u>2-13-2023</u>	<u>\$125.00</u>	<u>140107</u>
<u>3-6-2023</u>	<u>\$2,917.25</u>	<u>140243</u>
<u>7-14-2025</u>	<u>\$421.88</u>	<u>145629</u>

FEES REFUNDED		
Date	Amount	Receipt #



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

November 24, 2025

Christopher & Danielle Gregg
29724 Hwy 20 W
Hines, OR 97738

Rattlesnake Creek Land and Cattle Co
Andy Root
524 Hwy 20 N
Hines, Or 97738

REFERENCE: Transfer Application T-14173

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

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

cc: Donald (dally) S. Swindlehurst, Watermaster Dist. # 10 (via email)
Scott D. Montgomery, Agent
County of Harney Planning Department, Local Government

Enclosure

5. The Department has determined from this description of water delivery system, and the Claim of Beneficial Use filed for application G-14165 on December 6, 2004, that the Supplemental Irrigation Use portion of the Certificate is linked directly to the Industrial Use portion, where tail water that is used from the Industrial Use portion is then delivered via ditch or canal for flood irrigation during the irrigation season.
6. The proposed changes would result in enlargement of the right. Because the Supplemental and Industrial portions of the right are linked via water delivery system, and the applicant proposes to use half (1.615 CFS) of the maximum cumulative total rate (3.23 CFS) used for INDUSTRIAL USE to irrigate an additional 129.2 acres without transferring Supplemental acreage EQUAL to the amount of CFS being transferred, the total number of acres irrigated under this right would be enlarged.
7. Further, because the applicant proposes a change in character of use, and would have to transfer a portion of the Supplemental Irrigation of Certificate 90309 to primary irrigation, the Department would require the applicant to submit documentation of the quantity of water historically used under the supplemental water right. The applicant must also cancel the portion of primary acreage under Certificate 10176 layered with the portion of supplemental acreage Certificate transferred under 90309 per OAR 690-380-2320.
8. The proposed changes would also increase the rate of water to be used for the portion of supplemental irrigation on the "TO" lands. The current rate for supplemental irrigation is 1/140 of one cubic foot per second (cfs) per acre irrigated. Under the proposed changes, the new rate for the proposed supplemental irrigation would be 1/80 of one cfs per acre irrigated.
9. In order to overcome the finding of enlargement, the applicants would have to transfer the amount of supplemental acreage that is irrigated with 1.615 cfs (this would amount to 223.4 acres), which is equal to the amount of water being transferred from the Industrial Use portion.
10. On October 18, 2024, the Department sent a draft Preliminary Determination proposing to deny Transfer Application T-14173 to the applicants.
11. On April 4, 2025, the Department sent a revised draft Preliminary Determination proposing to deny Transfer Application T-14173 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of May 4, 2025, for the applicants to respond, and amend the application.
12. On May 30, 2025, the Department received amended application pages and map from the applicant's agent. The proposed changes are to change the place of use for the industrial use portion of the right, and to change the point of appropriation for Certificate 90309. The proposed changes would not result in enlargement of the right.
13. On August 8, 2025, the applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

14. On September 16, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14173 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on September 16, 2025, and in the Burns Times Herald newspaper on September 24 and October 1, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

15. The right to be transferred is as follows:

Certificate: 90309 in the name of CHRISTOPHER AND DANIELLE GREGG; RATTLESNAKE CREEK LAND and CATTLE COMPANY (perfected under Permit G-13485)

Use: IRRIGATION OF 6.7 ACRES, SUPPLEMENTAL IRRIGATION OF 446.8 ACRES, AND INDUSTRIAL USE (GEOTHERMAL HEATING)

Priority Date: NOVEMBER 24, 1997

Rate: MAXIMUM CUMULATIVE TOTAL OF 3.23 CUBIC FEET PER SECOND (CFS) BEING 0.08 CFS FOR IRRIGATION, 3.23 CFS FOR SUPPLEMENTAL IRRIGATION AND 3.23 CFS FOR INDUSTRIAL USE (GEOTHERMAL HEATING), or its equivalent in case of rotation measured at the well.

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

Period of Use: Year round for INDUSTRIAL USE (GEOTHERMAL HEATING) and March 1 through September 1 for IRRIGATION

Source: WELL 2 in the WEST FORK SILVIES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	30 E	WM	26	NE SE	WELL 2 - 2544 FEET NORTH AND 907 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

INDUSTRIAL USE (GEOTHERMAL HEATING)				
Twp	Rng	Mer	Sec	Q-Q
23 S	30 E	WM	26	SE NE

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NW	3.7
23 S	30 E	WM	36	SW NW	3.0
Total					6.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NE	40.0
23 S	30 E	WM	36	NW NE	38.0
23 S	30 E	WM	36	SW NE	40.0
23 S	30 E	WM	36	SE NE	38.0
23 S	30 E	WM	36	NE NW	34.8
23 S	30 E	WM	36	NW NW	33.0
23 S	30 E	WM	36	SW NW	23.0
23 S	30 E	WM	36	SE NW	40.0
23 S	30 E	WM	36	NE SW	40.0
23 S	30 E	WM	36	NE SE	40.0
23 S	30 E	WM	36	NW SE	40.0
23 S	30 E	WM	36	SE SE	40.0
Total					446.8

16. Transfer Application T-14173 proposes to move the authorized point of appropriation with approximate distance from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from Authorized POA
23 S	30 E	WM	35	NE NE	GLERUP – 550 FEET SOUTH AND 550 FEET WEST FROM THE NE CORNER OF SECTION 35	0.6 mile Southeast

17. Transfer Application T-14173 also proposes to change the place of use of the INDUSTRIAL USE portion of the right to:

INDUSTRIAL USE (GEOTHERMAL HEATING)				
Twp	Rng	Mer	Sec	Q-Q
23 S	30 E	WM	35	NE NE

Transfer Review Criteria (OAR 690-380-0100(14), OAR 690-380-4010(2), OAR 690-380-2110(2), 690-380-2200, and 690-380-2300)

18. Because a previous transfer (T-12359) has been filed and is still pending with the Department, the presumption of forfeiture of Certificate 90309 would be rebutted under ORS 540.610(2)(m). There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
19. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14173.
20. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
21. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
22. The proposed changes, as conditioned, would not result in enlargement of the right.

23. The proposed changes, as conditioned, would not result in injury to other existing water rights.

24. All other application requirements are met.

Conclusion of Law

The changes in point of appropriation, and place of use, are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation, and place of use proposed in Transfer Application T-14173 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 90309 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation or the new place of use.
4. Water right Certificate 90309 is cancelled.
5. The quantity of water diverted at the new point of appropriation (Glerup) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2).
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing)
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

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

Dated at Salem, Oregon this NOV 24 2025


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

Mailing Date: NOV 25 2025

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14173

Transfer Specialist: *Aula - Duke*

Transfer Type: Regular Transfer

Reimbursement Authority?

Applicant: RATTLESNAKE CREEK LAND & CATTLE CO CHRISTOPHER & DANIELLE GREGG 29724 HWY 20 W HINES, OR 97738	Agent: SCOTT D. MONTGOMERY PO BOX 767 TERREBONNE, OR 97760	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: County Of Harney planning Department	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G 14645	G 13485	90309	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: February 13, 2023	Proposed Action(s): POINT OF APPROPRIATION; ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE; USE	
Fees Pd: 4910.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 12 Malheur Lake
Initial Public Notice:	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: HARNEY
WM District: 10 J R. Johnson	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Peer Review: *Electronic*

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>12/6/23</u> Initials: <u>AD</u>	Date: <u>12-13</u> Initials: <u>AL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <u>8-11-25</u> Initials: <u>AL</u>	Date: <u>8-12-25</u> Initials: <u>SG</u>	Date: <u>8-13-25</u> Initials: <u>CC</u>	Date: <u>8-15-25</u> Initials: <u>AL</u> Data Review Date: <u>8-19-25</u>	Date: _____	Date: _____
FO	Date: <u>9-19-25</u> Initials: <u>AL</u>	Date: <u>9-19-25</u> Initials: <u>EH</u>	Date: <u>9-22-25</u> Initials: <u>TS</u>	Date: <u>9-30-25</u> Initials: <u>AL</u>	Date: <u>11/2/25</u> No. of docs for sig: <u>1</u>	Date: <u>11/24/2025</u>

Special Issues: _____

Special Order Volume: Vol. 138 Pages 107-112

**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 # **145973**

INVOICE # _____

RECEIVED FROM: Rising V Land LLC
BY: _____

APPLICATION	_____
PERMIT	_____
TRANSFER	<u>T-14173</u>

CASH: CHECK:# 1025 OTHER: (IDENTIFY)

TOTAL REC'D \$ 259.20

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>46118</u>	\$
<u>0207</u> OTHER: (IDENTIFY) <u>Newspaper Notice</u>	\$ <u>259.20</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:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
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 (FW/WRD)	_____	\$
0231 HYDRO LICENSE FEE (FW/WRD)	_____	\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **145973**

DATED: 9-2-25 BY: [Signature]

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-14173

T-14173 filed by Rattlesnake Creek Land and Cattle Co and Christopher and Danielle Gregg, Hwy 20, Hines, OR 97738, a change in point of appropriation, and place of use under Certificate 90309. The right allows the use of up to 3.23 cubic feet per second from a well in Sec. 26, T23S, R30E, WM for industrial/manufacturing uses in Sec. 26, T23S, R30E, WM and irrigation and supplemental irrigation in Sec. 36, T23S, R30E, WM. The applicant proposes to move the point of appropriation to Sec. 35, T23S, R30E, WM; and to change the place of use of the industrial use portion to Sec. 36, T23S, R30E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 10/01/2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish Sept 24 and Oct 1, 2025

Received
OCT 06 2025
OWRD

BURNS TIMES-HERALD
355 N. Broadway Ave. - Burns, Oregon 97720
AFFIDAVIT OF PUBLICATION

STATE OF OREGON ()
(S.S.)
County of Harney

I, Terri L. Smith, being first and duly sworn, depose and say that I am the Advertising Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times-Herald that the

Pubic Notice: T-14173 Christopher & Danicelle Gregg
(Rattlesnake Creek Land & Cattle Co.)

a printed copy of which is hereto annexed, was published in the said newspaper for 2 successive and consecutive weeks in the following issues

Dates of Publication: 24th September and 1st October 2025

Terri L. Smith
By Terri L. Smith, Advertising Manager
The Burns Times-Herald

Subscribed and sworn before me this 16th day of October 2025

[Signature]
Notary Public for Oregon



No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____ 2025

Clerk

Deputy

From the office of _____

Attorney For _____

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14173, Harney County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT OF APPROPRIATION AND PLACE OF
)	USE

Authority

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

Applicants

RATTLESNAKE CREEK LAND AND CATTLE CO.	CHRISTOPHER AND DANIELLE GREGG
524 HWY 20 N	29724 HWY 20 WEST
HINES, OR 97738	HINES, OR 97738

Findings of Fact

1. On February 13, 2023, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg, filed an application to change the point of appropriation (POA), and the place of use (POU) under Certificate 90309. The Department assigned the application number T-14173.
2. Notice of the application for transfer was published on February 21, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The description of Certificate 90309 includes a maximum cumulative total of 3.23 cfs to be used, being 3.23 cfs for Industrial Use and 3.23 cfs for Supplemental Irrigation. This maximum cumulative total is set because the water use under Certificate 90309 is not to exceed 3.23 cfs. The Department recognizes that the additional limit of 3.23 cfs for both Industrial Use and Supplemental Irrigation are equal because the water being used for these purposes is meant to be passed through the same water delivery system.
4. The application describes the water delivery system as follows:
"Water is pumped from the Monaco Well and conveyed by closed conduit into a geothermal heating system for the large fabrication building. Also, tail water from the heating system is released and conveyed to the flood irrigated fields to the south by ditch or canal."

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

5. The Department has determined from this description of water delivery system, and the Claim of Beneficial Use filed for application G-14165 on December 6, 2004, that the Supplemental Irrigation Use portion of the Certificate is linked directly to the Industrial Use portion, where tail water that is used from the Industrial Use portion is then delivered via ditch or canal for flood irrigation during the irrigation season.
6. The proposed changes would result in enlargement of the right. Because the Supplemental and Industrial portions of the right are linked via water delivery system, and the applicant proposes to use half (1.615 CFS) of the maximum cumulative total rate (3.23 CFS) used for INDUSTRIAL USE to irrigate an additional 129.2 acres without transferring Supplemental acreage EQUAL to the amount of CFS being transferred, the total number of acres irrigated under this right would be enlarged.
7. Further, because the applicant proposes a change in character of use, and would have to transfer a portion of the Supplemental Irrigation of Certificate 90309 to primary irrigation, the Department would require the applicant to submit documentation of the quantity of water historically used under the supplemental water right. The applicant must also cancel the portion of primary acreage under Certificate 10176 layered with the portion of supplemental acreage Certificate transferred under 90309 per OAR 690-380-2320.
8. The proposed changes would also increase the rate of water to be used for the portion of supplemental irrigation on the "TO" lands. The current rate for supplemental irrigation is 1/140 of one cubic foot per second (cfs) per acre irrigated. Under the proposed changes, the new rate for the proposed supplemental irrigation would be 1/80 of one cfs per acre irrigated.
9. In order to overcome the finding of enlargement, the applicants would have to transfer the amount of supplemental acreage that is irrigated with 1.615 cfs (this would amount to 223.4 acres), which is equal to the amount of water being transferred from the Industrial Use portion.
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11. On April 4, 2025, the Department sent a revised draft Preliminary Determination proposing to deny Transfer Application T-14173 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of May 4, 2025, for the applicants to respond, and amend the application.
12. On May 30, 2025, the Department received amended application pages and map from the applicant's agent. The proposed changes are to change the place of use for the industrial use portion of the right, and to change the point of appropriation for Certificate 90309. The proposed changes would not result in enlargement of the right.
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14. The right to be transferred is as follows:

Certificate: 90309 in the name of CHRISTOPHER AND DANIELLE GREGG; RATTLESNAKE CREEK LAND and CATTLE COMPANY (perfected under Permit G-13485)

Use: IRRIGATION OF 6.7 ACRES, SUPPLEMENTAL IRRIGATION OF 446.8 ACRES, AND INDUSTRIAL USE (GEOTHERMAL HEATING)

Priority Date: NOVEMBER 24, 1997

Rate: MAXIMUM CUMULATIVE TOTAL OF 3.23 CUBIC FEET PER SECOND (CFS) BEING 0.08 CFS FOR IRRIGATION, 3.23 CFS FOR SUPPLEMENTAL IRRIGATION AND 3.23 CFS FOR INDUSTRIAL USE (GEOTHERMAL HEATING), or its equivalent in case of rotation measured at the well.

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

Period of Use: Year round for INDUSTRIAL USE (GEOTHERMAL HEATING) and March 1 through September 1 for IRRIGATION

Source: WELL 2 in the WEST FORK SILVIES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	30 E	WM	26	NE SE	WELL 2 - 2544 FEET NORTH AND 907 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

INDUSTRIAL USE (GEOTHERMAL HEATING)				
Twp	Rng	Mer	Sec	Q-Q
23 S	30 E	WM	26	SE NE

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
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23 S	30 E	WM	36	SW NW	3.0
Total					6.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
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23 S	30 E	WM	36	NW NE	38.0
23 S	30 E	WM	36	SW NE	40.0
23 S	30 E	WM	36	SE NE	38.0
23 S	30 E	WM	36	NE NW	34.8
23 S	30 E	WM	36	NW NW	33.0
23 S	30 E	WM	36	SW NW	23.0
23 S	30 E	WM	36	SE NW	40.0
23 S	30 E	WM	36	NE SW	40.0
23 S	30 E	WM	36	NE SE	40.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NW SE	40.0
23 S	30 E	WM	36	SE SE	40.0
Total					446.8

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Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from Authorized POA
23 S	30 E	WM	35	NE NE	GLERUP – 550 FEET SOUTH AND 550 FEET WEST FROM THE NE CORNER OF SECTION 35	0.6 mile Southeast

16. Transfer Application T-14173 also proposes to change the place of use of the INDUSTRIAL USE portion of the right to:

INDUSTRIAL USE (GEOTHERMAL HEATING)				
Twp	Rng	Mer	Sec	Q-Q
23 S	30 E	WM	35	NE NE

Transfer Review Criteria (OAR 690-380-0100(14), OAR 690-380-4010(2), OAR 690-380-2110(2), 690-380-2200, and 690-380-2300)

17. Because a previous transfer (T-12359) has been filed and is still pending with the Department, the presumption of forfeiture of Certificate 90309 would be rebutted under ORS 540.610(2)(m). There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
18. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14173.
19. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
20. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
21. The proposed changes, as conditioned, would not result in enlargement of the right.
22. The proposed changes, as conditioned, would not result in injury to other existing water rights.
23. All other application requirements are met.

Determination and Proposed Action

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

If Transfer Application T-14173 is approved, the final order will include the following:

1. *The changes in point of appropriation, and place of use proposed in Transfer Application T-14173 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 90309 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation or the new place of use.*
4. *Water right Certificate 90309 is cancelled.*
5. *The quantity of water diverted at the new point of appropriation (Glerup) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2).*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing)*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

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

Dated at Salem, Oregon this SEP 16 2025


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

This Preliminary Determination was prepared by Dante J. Luongo. If you have questions about the information in this document you may reached me at 971-304-5006 or dante.j.luongo@water.oregon.gov.

Protests

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

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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$720 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$1425 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

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

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

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

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

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice

to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

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

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

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

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

September 16, 2025

VIA CERTIFIED MAIL AND E-MAIL

RATTLESNAKE CREEK LAND AND CATTLE CO.
524 HWY 20 N
HINES, OR 97738

CHRISTOPHER AND DANI GREGG
29724 HWY 20 W
HINES, OR 97738

SUBJECT: Water Right Transfer Application T-14173

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14173. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

Dante Luongo

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14173
Donald (dally) S. Swindlehurst, District 10 Watermaster (*via e-mail*)
Scott D. Montgomery, Agent for the applicant (*via e-mail*)

**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 # **145629**

INVOICE # _____

RECEIVED FROM: <u>Rising Ranch LLC</u>	APPLICATION
BY: <u>Christopher A. Gregg</u>	PERMIT
<u>Danielle Gregg</u>	TRANSFER <u>7-14173</u>
CASH: <input type="checkbox"/> CHECK:# <u>3111</u> OTHER: (IDENTIFY) _____	TOTAL REC'D \$ <u>421.88</u>

1083 TREASURY	4170 WRD MISC CASH ACCT
0407 COPIES <u>47124</u>	\$ _____
<u>0412</u> OTHER: (IDENTIFY) <u>Transfer Reimbursement</u>	\$ <u>421.88</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:	EXAM FEE
0201 SURFACE WATER	\$ _____
0203 GROUND WATER	\$ _____
0205 TRANSFER	\$ _____
WELL CONSTRUCTION	EXAM FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____
LANDOWNER'S PERMIT	\$ _____
OTHER (IDENTIFY) _____	

0536 TREASURY		0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$ _____	CARD#	_____
0210 MONITORING WELLS	\$ _____	CARD#	_____
OTHER (IDENTIFY) _____			

0607 TREASURY		0467 HYDRO ACTIVITY		LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD)			\$ _____	
0231 HYDRO LICENSE FEE (FW/WRD)			\$ _____	
HYDRO APPLICATION			\$ _____	

TREASURY	OTHER / RDX
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **145629** DATED: 7-14-25 BY: [Signature]

Received

JUL 14 2025

OWRD

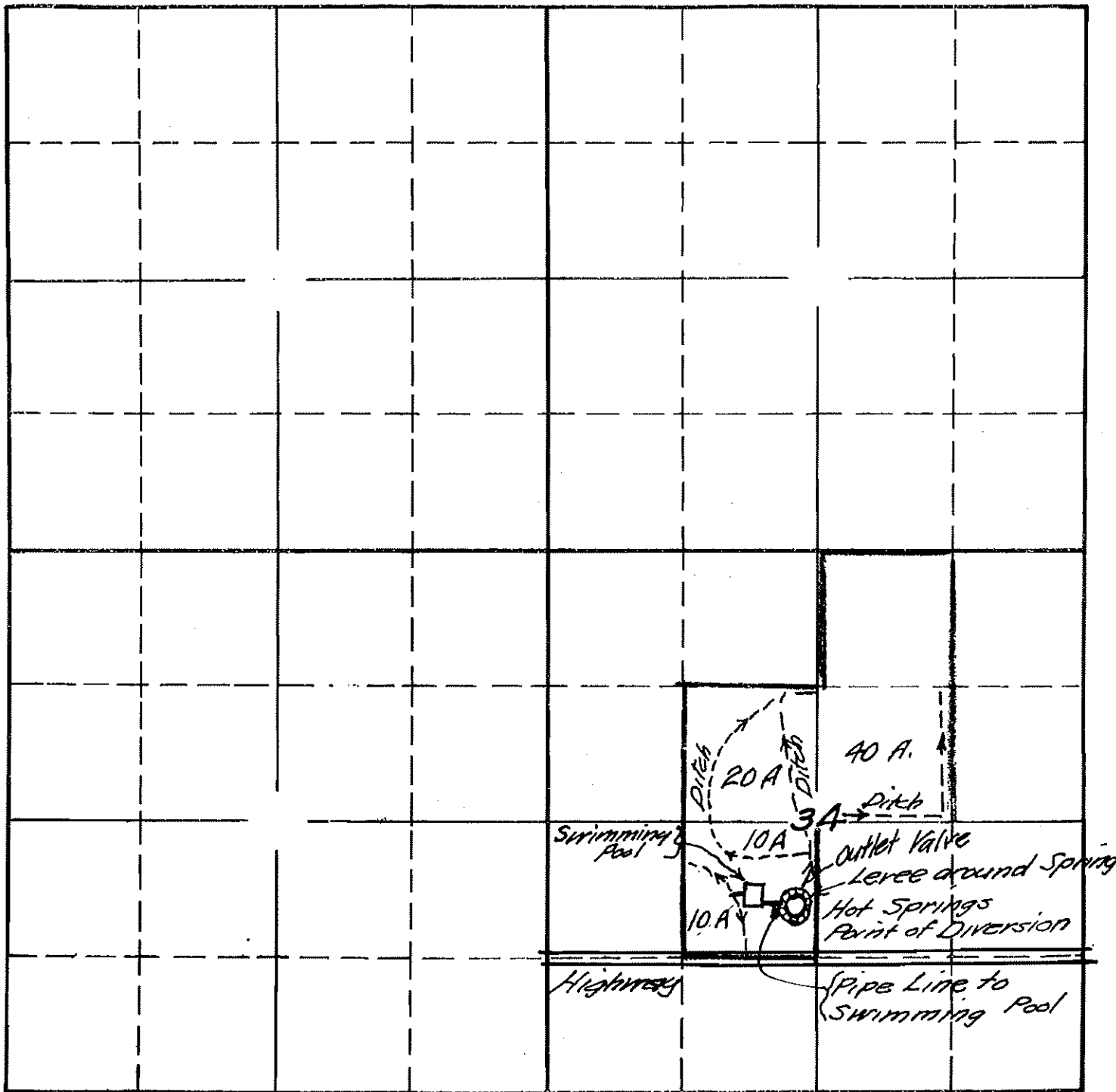
REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
REVISED Contract Number: R11-423-23

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Christopher and Danielle Gregg, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Lisa Jaramillo	Name: Christopher Gregg	Name: All Points Engineering & Surveying, Inc.
Title: Transfer Advisor/Manager	Name: Danielle Gregg	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 29724 Highway 20 W Hines, OR 97738	Address: PO Box 767 Terrebonne, OR 97760
Phone: (503) 871-1889	Phone: (541) 589-4361	Phone: (541) 548-5833
Fax: (503) 986-0901	Fax:	Fax:
Email: lisa.jaramillo@water.oregon.gov	Email: chris.dani.gregg@gmail.com	Email: scott@apeands.com

Purpose The purpose of this REVISED Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14173)

- 1. Authority.** The OWRD has been authorized pursuant to ORS 536.055 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.
- 2. Restrictions.** Applicant 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.
- 3. 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.
- 4. Consideration.**
 - a.** Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this REVISED Agreement is ~~\$2,917.25~~ **\$3,339.13**. Applicant agrees to pay the full amount of ~~\$2,917.25~~ **\$3,339.13** 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.
 - b.** The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 5. Confidentiality.** Applicant 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.
- 6. 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.



Supplement Plat to Accompany
 Application No. 12523
 Permit No. 8874

Oct. 15th 1932
 by J. J. Walsh

W. M.

R. 33 E

Tp. 24 S.

Sec. 34

Sec. 34
Springs
NE 1/4 of
SW 1/4

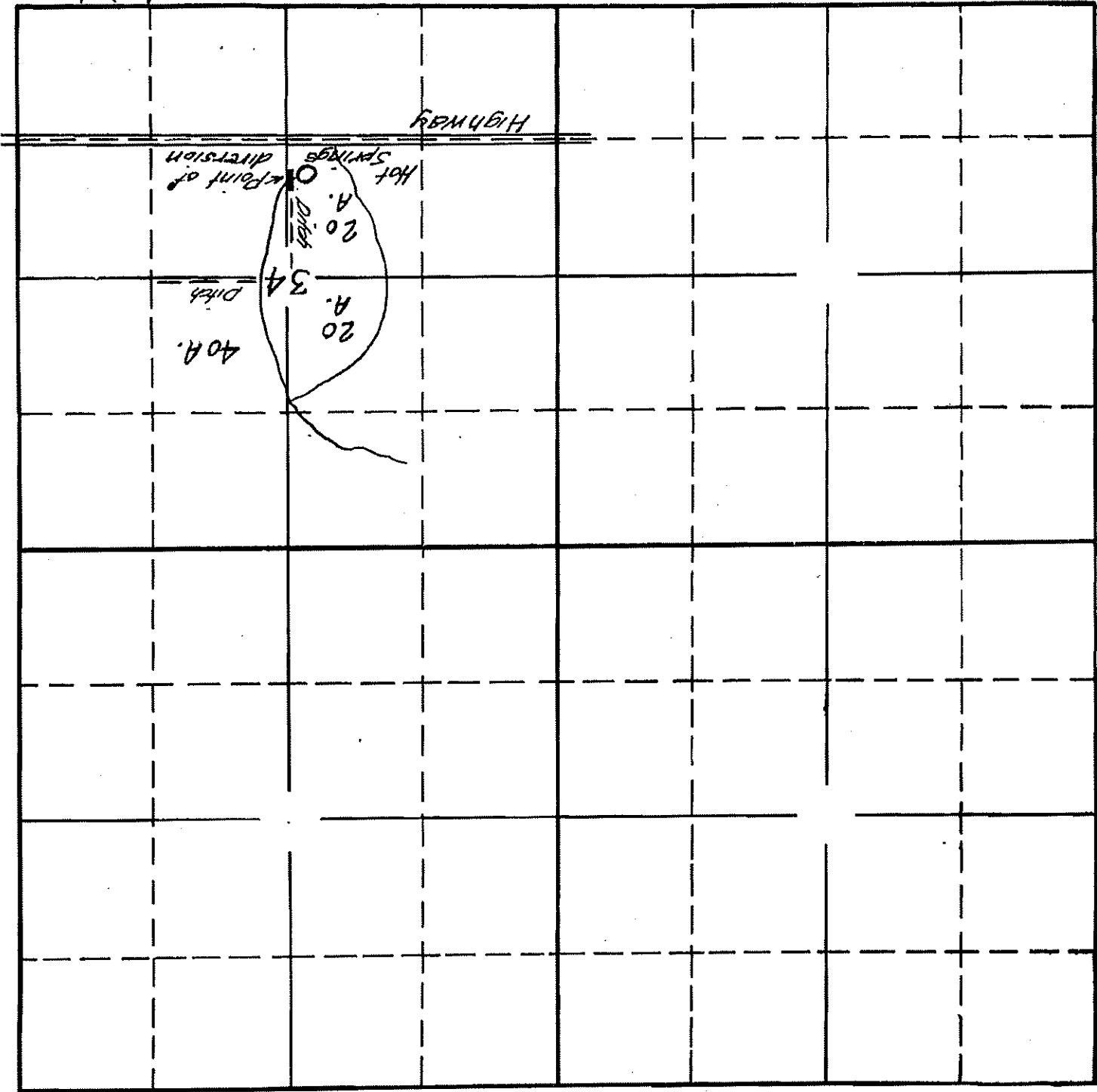
Tp. 24 S.

R. 33 E.

W. 11 M.

12523

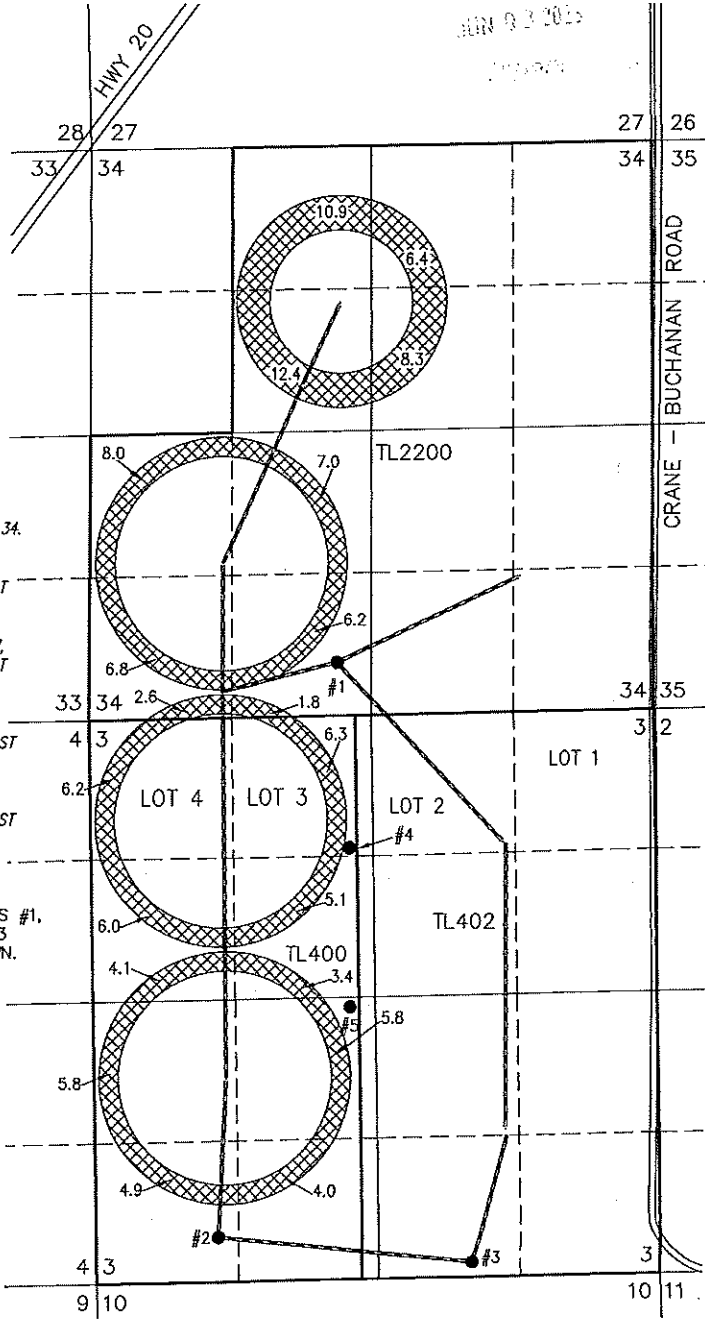
Application No. _____
Permit No. _____



**MAP TO ACCOMPANY APPLICATION TO CHANGE
POINT OF APPROPRIATION AND PLACE OF USE
PERTAINING TO CERTIFICATE 97073
FOR RATTLESNAKE CREEK LAND & CATTLE CO, LLC**

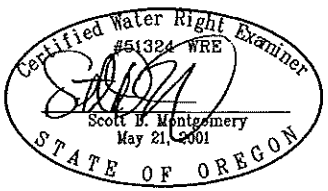
TAX LOT 2200
IN SECTION 34, TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.
AND TAX LOTS 400 & 402
IN SECTION 3, TOWNSHIP 23 SOUTH, RANGE 33 EAST, W.M.
HARVEY COUNTY, OREGON

RECEIVED
JUN 9 3 2015



- WELL #1 (HARN 52029/52644) PROPOSED FOR C90417, LOCATED 500 FEET NORTH AND 2320 FEET EAST FROM THE SW CORNER OF SECTION 34.
- WELL #2 (HARN 52411) PROPOSED FOR C90417, LOCATED 425 FEET NORTH AND 1130 FEET EAST FROM THE SW CORNER OF SECTION 3.
- WELL #3 (HARN 52498) PROPOSED FOR C90417, LOCATED 140 FEET NORTH AND 3515 FEET EAST FROM THE SW CORNER OF SECTION 3.
- WELL #4 (UNBUILT) PROPOSED FOR C90417, LOCATED 1235 FEET SOUTH AND 2420 FEET EAST FROM THE NW CORNER OF SECTION 3.
- WELL #5 (UNBUILT) PROPOSED FOR C90417, LOCATED 2720 FEET SOUTH AND 2410 FEET EAST FROM THE NW CORNER OF SECTION 3.

122.0 ACRES IR FROM WELLS #1, #2, #3, #4, & #5 & C97073 TRANSFERRED ON, AS SHOWN.



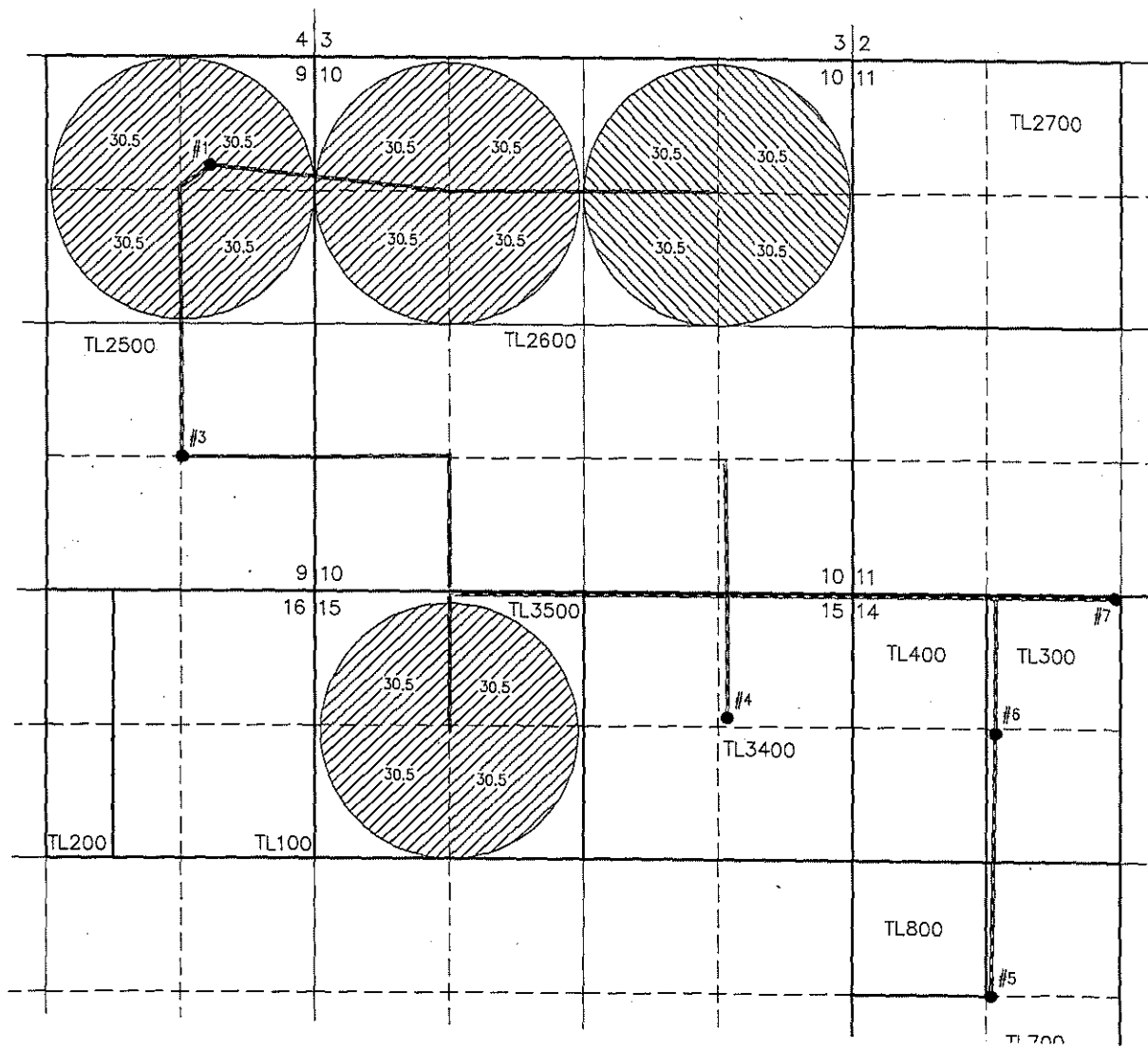
RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF PROPERTY LINES.


PROJECT No. 22-170 PREPARED AT THE REQUEST OF: ANDY ROOT 524 HWY 20 N HINES, OR 97738	ALL POINTS ENGINEERING & SURVEYING, INC. P.O. BOX 767 TERREBONNE, OREGON 97760 (541) 548-5833 PH Scott@APEandS.com www.APEandS.com
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MAP TO ACCOMPANY APPLICATION
POINT OF APPROPRIATION AND PLAT
PERTAINING TO CERTIFICATE
FOR RATTLESNAKE CREEK LAND & CA

TAX LOT 2700
IN SECTION 11, TOWNSHIP 24 SOUTH, RANGE 33 EAST, W.M.
HARNEY COUNTY, OREGON



- POA #1 (HARN 52111)
PROPOSED WELL, LOCATED IN THE NE 1/4 NE 1,
SECTION 9, T24S R33E, W.M. AND 1070' S AND
FROM NE CORNER SECTION 9.
- POA #3 (HARN 988)
AUTHORIZED BY C97073, LOCATED IN THE SE 1/4
SECTION 9, T24S R33E, W.M. AND 3960' S AND
FROM NE CORNER SECTION 9.
- POA #4 (HARN 1006)
AUTHORIZED BY C97073, LOCATED IN THE NE 1/4
SECTION 15, T24S R33E, W.M. AND 1275' S AND
FROM NE CORNER SECTION 15.
- POA #5 (NOT BUILT)
PROPOSED WELL, LOCATED IN THE SE 1/4 SW 1,
14, T24S R33E, W.M. AND 1315' N AND 1446' E
CORNER SECTION 14.
- POA #6 (HARN 2065)
AUTHORIZED BY C97073, LOCATED IN THE SE 1/4
SECTION 14, T24S R33E, W.M. AND 1364' S AND
FROM NW CORNER SECTION 14.
- POA #7 (HARN 50201)
AUTHORIZED BY C97073, LOCATED IN THE NE 1/4
SECTION 14, T24S R33E, W.M. AND 30' S AND 2
FROM NW CORNER SECTION 14.

 122.0 ACRES IR FROM WELLS #1,
97073 TRANSFERRED OFF, AS SHC



Oregon

Tina Kotek, Governor

Water Resources Department

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

December _____, 2023

VIA E-MAIL

Applicants

RATTLESNAKE CREEK LAND & CATTLE CO
524 HWY 20 N
HINES, OR 97738

CHRISTOPHER & DANIELLE GREGG
29724 HWY 20 WEST
HINES, OR 97738

Reference: Water Right Transfer Application T-14173

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14173. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by [insert 30-day due date here].

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. Respond in writing by MONTH, DAY, YEAR, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:
https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

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

Please note the proposed date by which all conditions must be met: October 1, 2025. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

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

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

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by [insert 30 day due date here], a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14173
Donald Swindlehurst, District 10 Watermaster (via e-mail)
Scott D. Montgomery, Agent for the applicant (via e-mail)

encs

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

In the Matter of Transfer Application
T-14173, Harney County

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)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
POINT OF APPROPRIATION, ADDITIONAL
POINTS OF APPROPRIATION, PLACE OF
USE AND CHARACTER OF USE

Authority

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

Applicants

RATTLESNAKE CREEK LAND & CATTLE CO
524 HWY 20 N
HINES, OR 97738

CHRISTOPHER & DANIELLE GREGG
29724 HWY 20 WEST
HINES, OR 97738

Findings of Fact

1. On February 13, 2023, RATTLESNAKE CREEK LAND & CATTLE CO and CHRISTOPHER & DANIELLE GREGG, filed an application for additional points of appropriation, to change the point of appropriation, to change the place of use and the character of use under Certificate 90309. The Department assigned the application number T-14173.
2. Notice of the application for transfer was published on February 21, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 90309 in the name of CHRISTOPHER AND DANIELLE GREGG; RATTLESNAKE CREEK LAND & CATTLE COMPANY (perfected under Permit G-13485)
Use: IRRIGATION OF 6.7 ACRES, SUPPLEMENTAL IRRIGATION OF 446.8 ACRES, AND INDUSTRIAL USE (GEOTHERMAL HEATING)
Priority Date: NOVEMBER 24, 1997
Rate: MAXIMUM CUMULATIVE TOTAL OF 3.23 CUBIC FEET PER SECOND (CFS) BEING 0.08 CFS FOR IRRIGATION, 3.23 CFS FOR SUPPLEMENTAL IRRIGATION AND 2.04 CFS FOR INDUSTRIAL USE (GEOTHERMAL HEATING), or its equivalent in case of rotation measured at the well.

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

Period of Use: Year round for INDUSTRIAL USE (GEOTHERMAL HEATING) and March 1 through September 1 for IRRIGATION

Source: WELL 2 in the WEST FORK SILVIES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	30 E	WM	26	NE SE	WELL 2 - 2544 FEET NORTH AND 907 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

INDUSTRIAL USE (GEOTHERMAL HEATING)					
Twp	Rng	Mer	Sec	Q-Q	
23 S	30 E	WM	26	SE NE	

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NW	3.7
23 S	30 E	WM	36	SW NW	3.0
Total					6.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NE	40.0
23 S	30 E	WM	36	NW NE	38.0
23 S	30 E	WM	36	SW NE	40.0
23 S	30 E	WM	36	SE NE	38.0
23 S	30 E	WM	36	NE NW	34.8
23 S	30 E	WM	36	NW NW	33.0
23 S	30 E	WM	36	SW NW	23.0
23 S	30 E	WM	36	SE NW	40.0
23 S	30 E	WM	36	NE SW	40.0
23 S	30 E	WM	36	NE SE	40.0
23 S	30 E	WM	36	NW SE	40.0
23 S	30 E	WM	36	SE SE	40.0
Total					446.8

4. Transfer Application T-14173 proposes to move the authorized point of appropriation with approximate distances from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well
23 S	30 E	WM	35	NE NE	GLERUP – 550 FEET SOUTH AND 550 FEET WEST FROM THE NE CORNER OF SECTION 35	0.60 mile

5. Transfer Application T-14173 proposes additional points of appropriation with approximate distances from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well
23 S	32.5 E	WM	6	SW NE	WELL 24 – 40 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER OF SECTION 6	14.5 miles
23 S	32.5 E	WM	29	NW NE	WELL 15 – 515 FEET SOUTH AND 2615 FEET WEST FROM THE NE CORNER OF SECTION 29	15.7 miles

6. Transfer Application T-14173 proposes to change the character of use of 2.04 CFS from Industrial Use (Geothermal Heating) to 85.6 acres of Primary Irrigation and 43.6 acres of Supplemental Irrigation.
7. Transfer Application T-14173 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	POA ID	Type of Change
22 S	33 E	WM	29	NW NE	13.5	#15	APOA, USE, POU
22 S	33 E	WM	29	SW NE	29.8	#15	APOA, USE, POU
22 S	33 E	WM	29	NE NW	3.4	#15	APOA, USE, POU
22 S	33 E	WM	29	SE NW	9.5	#15	APOA, USE, POU
23 S	30 E	WM	36	NE NW	3.7	GLERUP	POA
23 S	30 E	WM	36	SW NW	3.0	GLERUP	POA
23 S	32.5 E	WM	6	NE NE	4.0	#24	APOA, USE, POU
23 S	32.5 E	WM	6	SE SE	25.4	#24	APOA, USE, POU
Total					92.3		

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	POA ID	Type of Change
23 S	30 E	WM	36	NE NE	40.0	GLERUP	POA
23 S	30 E	WM	36	NW NE	38.0	GLERUP	POA
23 S	30 E	WM	36	SW NE	40.0	GLERUP	POA
23 S	30 E	WM	36	SE NE	38.0	GLERUP	POA
23 S	30 E	WM	36	NE NW	34.8	GLERUP	POA
23 S	30 E	WM	36	NW NW	33.0	GLERUP	POA
23 S	30 E	WM	36	SW NW	23.0	GLERUP	POA
23 S	30 E	WM	36	SE NW	40.0	GLERUP	POA
23 S	30 E	WM	36	NE SW	40.0	GLERUP	POA
23 S	30 E	WM	36	NE SE	40.0	GLERUP	POA
23 S	30 E	WM	36	NW SE	40.0	GLERUP	POA
23 S	30 E	WM	36	SE SE	40.0	GLERUP	POA
23 S	32.5 E	WM	36	NE NE	32.4	#24	APOA, USE, POU
23 S	32.5 E	WM	36	SE SE	11.2	#24	APOA, USE, POU
Total					490.4		

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14173. **Error! Reference source not found.**
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed changes would not result in enlargement of the right.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation, change in point of appropriation, place of use, and character of use, appear to be consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14173 is approved, the final order will include the following:

1. *The change in point of appropriation and additional points of appropriation and change in place of use and change in character of use proposed in Transfer Application T-14173 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 90309 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation and/or the new place of use.*
4. *Water right Certificate 90309 is cancelled.*
5. *The quantity of water diverted at the new and additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing)*

- b. The water user shall maintain the meters or measuring devices in good working order.*
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 8. The former place of use of the transferred right shall no longer receive water under the right.*
- 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document you may reached me at 503-979-3129 or arla.l.davis@oregon.gov

**Notice of Preliminary Determination for
Water Right Transfer T-14173**

T-14173 filed by Rattlesnake Creek Land and Cattle Co; Christopher and Danielle Gregg, Hwy 20, Hines, OR 97738, proposes a change in point of appropriation, additional points of appropriation, place of use and character of use under Certificate 90309. The right allows the use of 3.23 cubic feet per second from a well in Sec. 26, T23S, R30E, WM for Industrial/Manufacturing Uses in Sec. 26, T23S, R30E and Irrigation and Supplemental Irrigation in Sec. 36, T23S, R30E, WM. The applicant proposes to move the point of appropriation in Sec. 35, T23S, R30E, WM and to change the place of use to Sec. 29, T22S, R33E, WM and Sec. 6, T23S, R32.5E, WM and to change the character of use from Industrial/Manufacturing Uses to Irrigation and Supplemental Irrigation. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14173

GW Reviewer Darrick E. Boschmann Date Review Completed: 3/22/2023

Summary of Same Source Review:

The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

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



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

Ground Water Review Form:

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

Application: T-14173

Applicant Name: Gregg / Rattlesnake Creek Land & Cattle

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 3/22/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/3/23

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

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

1. Basic description of the changes proposed in this transfer: _____

This application is related to certificate 90309 which authorizes groundwater pumping from one well (HARN 50176) for year-round industrial use, primary irrigation of 6.7 acres, and supplemental irrigation of 446.8 acres in the Malheur Lake Basin. The follow changes are proposed:

1. Change the character of use from industrial to irrigation (primary and supplemental) and add a new POU of 85.6 acres primary irrigation and 43.6 acres supplemental irrigation in 23S/32.5E section 6 and 22S/33E section 29.
2. Change the authorized POA from HARN 50176 to HARN 320.
2. Add 2 APOA (HARN 52916; "#24" unbuilt).

Note: this permanent transfer application involves the same "from" and "to" wells as temporary drought transfer application T-14067.

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

Yes No Comments: _____

The "from" well HARN 50176 develops groundwater occurring in the Older basin fill and Silicic lava flows and domes hydrostratigraphic units. Proposed "to" well HARN 320 develops groundwater occurring primarily in the Proximal vent deposits hydrostratigraphic unit. Proposed "to" well HARN 52916 develops groundwater occurring in the Older basin fill hydrostratigraphic unit. Proposed "to" well "#24" will likely develop groundwater occurring in the Younger basin fill and/or Older basin fill hydrostratigraphic units. Groundwater occurs in multiple hydrostratigraphic units, and groundwater within these units is hydraulically connected, making a single groundwater system composed of multiple hydrostratigraphic units (Gingerich and others, 2022).

In general, groundwater in the Harney Basin flows from several upland recharge areas to a common discharge area near Malheur and Harney Lakes, with some apparent discharge to the Malheur Basin through one or more areas along the eastern margin. While the rocks and sediments making up the aquifer system in the Harney Basin do constitute a single groundwater flow system, sub-watersheds within the basin contribute recharge to different parts of the system depending on groundwater flow-paths from recharge to discharge areas. In general, within these sub-watersheds water within the aquifer system is sourced from a common recharge area and can therefore be considered a single source. The currently authorized well and the proposed wells are all within the northern part of Harney Valley and are located along groundwater flow paths flowing southward toward Malheur Lake.

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

Yes No _____

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

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

Yes No Comments: _____

The proposed APOA are located up to ~14.5 miles away from the currently authorized well. This will result in an incremental increase in interference with existing wells in these locations.

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

Yes No If yes, explain: _____

Any increase in interference with existing wells in these locations will not meet the standard for substantial or undue interference given the thickness of the aquifer system in the Harney Basin.

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

Yes No Comments: The proposed APOA are not located significantly closer to perennial reaches of surface water than the currently authorized well.

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

Stream: _____ Minimal Significant

Stream: _____ Minimal Significant

Provide context for minimal/significant impact: _____

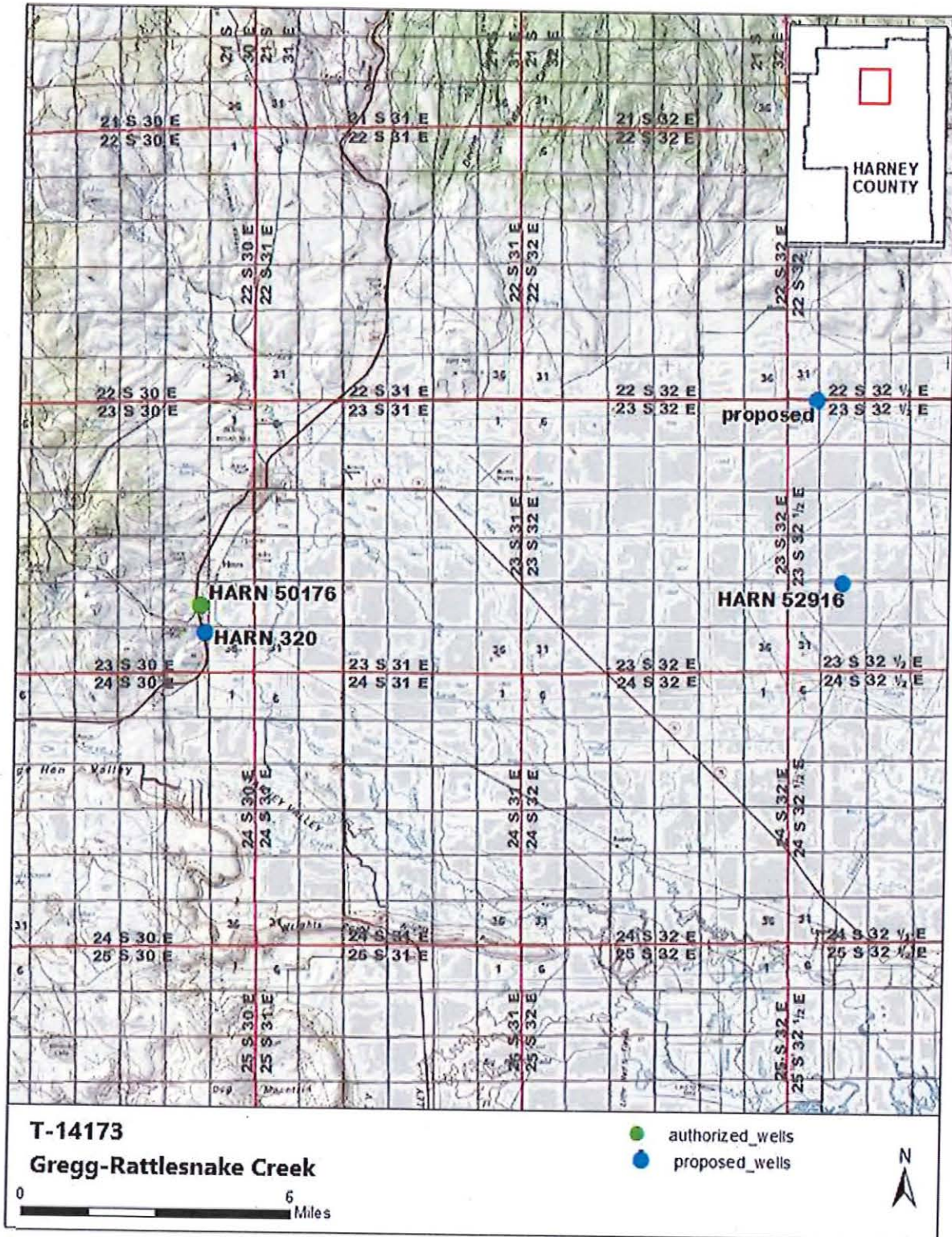
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: _____

7. What conditions or other changes in the application are necessary to address any potential issues identified above: none.

8. Any additional comments: _____

This review does not evaluate if the proposed change of use from year-round industrial use to 85.6 acres primary irrigation and 43.6 acres supplemental irrigation is allowed. Additionally, this review does not evaluate if certificate 90309 is subject to transfer.



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 # **140243**

INVOICE # _____

RECEIVED FROM: Acw Inc. DBA:
 BY: Andy's Custom Work

APPLICATION T-14173
 PERMIT _____
 TRANSFER T-14173

CASH: CHECK:# 35510 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 2,912.35

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11-423-23 \$ _____
5412 OTHER: (IDENTIFY) Reimbursement Authority \$ 2,912.35
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **140243** DATED: 3/6/23 BY: Cara D Munn

MAR 06 2023

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-423-23**



This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Rattlesnake Creek Land & Cattle Co., LLC**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Rattlesnake Creek Land & Cattle Co., LLC	Name: All Points Engineering & Surveying, Inc.
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 524 Highway 20 N Hines, OR 97738	Address: PO Box 767 Terrebonne, OR 97760
Phone: 503 979-3511	Phone: (541) 573-3615	Phone: (541) 548-5833
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email: andyjroot@gmail.com	Email: scott@apeands.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-14173**)

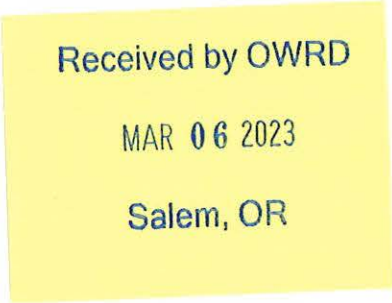
1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant 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.
3. **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.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$2,917.25**. Applicant agrees to pay the full amount of **\$2,917.25** 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.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant 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.
6. **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.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. 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. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **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.
11. **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.
12. **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.
13. **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.

For Applicant:	 _____ Name/Title:	3-1-23 _____ Date
For OWRD:	 _____ Dwight French – Administrator	3-15-2023 _____ Date

Mail signed Agreement to:

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



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 # **140107**

INVOICE # _____

RECEIVED FROM: All Points Engineering and
 BY: Surveying

APPLICATION	
PERMIT	
TRANSFER	1-14173

CASH: CHECK:# 4835 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>47124</u>	<u>R11423-23</u>	\$
<u>0412</u> OTHER:	(IDENTIFY) <u>Transfer Reimbursement</u>		\$ <u>125.00</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan	<u>Authority</u>	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		\$	
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 (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **140107** DATED: 2/13/23 BY: Mindy Carls
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.
Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.
 The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14173</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Rattlesnake Creek Land & Cattle Co., LLC</u>	<u>All Points Engineering & Surveying, Inc.</u>
Address:	<u>524 Highway 20 N</u>	<u>P.O. Box 767</u>
	<u>Hines, OR 97738</u>	<u>Terrebonne, OR 97760</u>
Phone:	<u>541-573-3615</u>	<u>541-548-5833</u>
Fax:	_____	_____
E-Mail Address:	<u>AndyJRoot@gmail.com</u>	<u>Scott@APEandS.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs 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 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 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 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:

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

RECEIVED
 FEB 18 2023
 OWRD

I certify that I am the (check one):

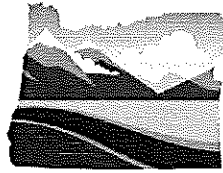
Applicant Applicant's Representative Other (Please specify) _____

Name: Andy Root, Managing Member of Rattlesnake Creek Land & Cattle Co., LLC

Signature: _____

OWRD USE ONLY. Reimbursement Authority Number: R11- 423 -23

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 14173

Review Due Date: _____

Applicant Name: Rattlesnake Creek Land & Cattle Co

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Dally Swindlehurst

Date of Review: 02/23/23

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____ N/A
7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain: _____
10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
11. For POU changes that involve micro-irrigation: N/A type text here
- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement? Yes No If "Yes", explain: _____
 - b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer? Yes No If "Yes", answer the following:
 - i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No
If "Yes", explain: _____
 - ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No
If "No", explain: _____
 - iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain: _____
 - iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe: _____
 - v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No
If "No", explain: _____
 - c. To the best of your knowledge, if this transfer is approved, does it appear that:
 - i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain: _____
 - ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain: _____
12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? Yes No If "Yes", explain: _____

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

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

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

A Headgate should be required prior to diverting water.

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

a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing)

OR at each new point of diversion/appropriation

with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

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

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

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

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

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

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

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14173

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

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

at each new point of diversion/appropriation.

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

Watermaster name: Dally Swindlehurst

District: 10

Address: 450 N Buena Vista

City/State/Zip: Burns OR 97720

Phone: 541-573-2591

Email: donald.s.swindlehurst@water.oregon.gov

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

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

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

Watermaster signature

District

Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

February 17, 2023

RATTLESNAKE CREEK LAND & CATTLE CO LLC
ANDY ROOT
524 HWY 20 N
HINES, OR 97738 Reference: Application T-14173

On February 13, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$4910.00. Receipt number 140114 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed or to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

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

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

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

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

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #10, J R. Johnson (*via email*)
Harney County
Scott D. Montgomery, Agent

Enclosure



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

February 17, 2023

CHRISTOPHER & DANIELLE GREGG
29724 HWY 20 W HINES, OR 97738
Reference: Application T-14173

On February 13, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1160.00. Receipt number 140115 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed or to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

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

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Cc: Watermaster Dist. #10, J R. Johnson (*via email*)
Harney County
Scott D. Montgomery, Agent

Enclosure

**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 # **140114**

INVOICE # _____

RECEIVED FROM: ACW, Inc. dba,
BY: Andy's Custom Work

APPLICATION	
PERMIT	
TRANSFER	<u>1-14173</u>

CASH: CHECK:# 35402 OTHER: (IDENTIFY)

TOTAL REC'D \$ 4,910.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>4910.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **140114** DATED: 2/13/07 BY: Mindy Cochran

**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 # **140115**

INVOICE # _____

RECEIVED FROM: <u>Christopher A Gregg</u>	APPLICATION	
BY: <u>Danielle B Gregg</u>	PERMIT	
<u>Ranch Account</u>	TRANSFER	<u>T-14173</u>
CASH: <input type="checkbox"/> CHECK:# <u>2407</u> OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D	\$ <u>1,160.⁰⁰</u>

1083 TREASURY 4170 WRD MISC CASH ACCT
0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT			
MISCELLANEOUS			
0407 COPY & TAPE FEES	<u>46110</u>		\$ _____
0410 RESEARCH FEES			\$ _____
0408 MISC REVENUE: (IDENTIFY)			\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY)			\$ _____
0240 EXTENSION OF TIME			\$ _____
WATER RIGHTS:			
0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1160.00</u>		
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE			
0211 WELL CONST START FEE	\$ _____	CARD#	_____
0210 MONITORING WELLS	\$ _____	CARD#	_____
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER			
0233 POWER LICENSE FEE (FW/WRD)			\$ _____
0231 HYDRO LICENSE FEE (FW/WRD)			\$ _____
HYDRO APPLICATION			\$ _____

TREASURY	OTHER / RDX
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **140115** DATED: 2/13/23 BY: Mindy Carlisle

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED
 FEB 13 2023
 OWRD

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 90309**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Rattlesnake Creek Land & Cattle Co			PHONE NO. 541-573-3615	ADDITIONAL CONTACT NO.
ADDRESS 524 Hwy 20 N				FAX NO.
CITY Hines	STATE OR	ZIP 97738	E-MAIL AndyJRoot@gmail.com	
APPLICANT/BUSINESS NAME Christopher & Danielle Gregg			PHONE NO. 541-589-4361	ADDITIONAL CONTACT NO.
ADDRESS 29724 Hwy 20W				FAX NO.
CITY Hines	STATE OR	ZIP 97738	E-MAIL Chris.Dani.Gregg@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Scott D Montgomery			PHONE NO. 541-548-5833	ADDITIONAL CONTACT NO. 541-420-0401
ADDRESS PO Box 767				FAX NO.
CITY Terrebonne	STATE OR	ZIP 97760	E-MAIL scott@apeands.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
Change the character of use from industrial to irrigation to accommodate existing irrigated fields & change existing POA to wells on irrigators land.

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

Check One Box

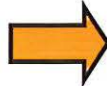
- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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FEB 13 2023
OWRD

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Burns Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



[Signature]
Applicant signature

Andy Root, Managing Mbr
Print Name (and Title if applicable)

1-10-23
Date

[Signature]
Applicant signature

Christopher Gregg, Owner
Print Name (and Title if applicable)

2/2/2023
Date

[Signature]
Applicant signature

Danielle Gregg, Owner
Print Name (and Title if applicable)

2/2/2023
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No*

**If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

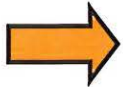
RECEIVING LANDOWNER NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				

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

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Harney County	ADDRESS 360 N Alvord	
CITY Burns	STATE OR	ZIP 97720

RECEIVED

FEB 13 2023

OWRD

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 90309

RECEIVED

FEB 13 2023

OWRD

Description of Water Delivery System

System capacity: 3.23 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped from the Monaco Well and conveyed by closed conduit into a geothermal heating system for the large fabrication building. Also, tail water from the heating system is released and conveyed to the flood irrigated fields to the south by ditch or canal.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Se	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
							c				
Well 2 Monaco Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 50176	23	S	30	E	26	SE	NE	105	2544' N & 907' W from the SE cor, Sec 26
#15	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52916	23	S	32.5	E	29	NW	NE	900	515' S & 2615' W from NE cor, Sec 29
Glerup	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 320	23	S	30	E	35	NE	NE	1001	550' S & 550' W from NE cor, Sec 35
#24	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	UNBUILT	23	S	32.5	E	6	SW	NE	100	40' S & 200' W from NE cor, Sec 6

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 90309

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POA	23	S	30	E	36	NE	NE	2100		40.0	IS	Glerup	1997
										POA	23	S	30	E	36	NW	NE	2100		38.0	IS	Glerup	1997
										POA	23	S	30	E	36	SW	NE	2100		40.0	IS	Glerup	1997
										POA	23	S	30	E	36	SE	NE	2100		38.0	IS	Glerup	1997
										POA	23	S	30	E	36	NE	NW	2100		3.7 34.8	IR IS	Glerup	1997
										POA	23	S	30	E	36	NW	NW	2100		33.0	IS	Glerup	1997
										POA	23	S	30	E	36	SW	NW	2100		3.0 23.0	IR IS	Glerup	1997
										POA	23	S	30	E	36	SE	NW	2100		40.0	IS	Glerup	1997
										POA	23	S	30	E	36	NE	SW	2101		40.0	IS	Glerup	1997

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 14088, 14574, Silvies River Decree.



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

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

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
See well logs										
#24	No	NA	700'	12"	+1-100	0-100	No	50'	Clay	

Land Use Information Form

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

Applicant(s): Rattlesnake Creek Land & Cattle Co., LLC & Christopher & Danielle Gregg

Mailing Address: 524 Hwy 20 N/29724 Hwy 20 W

City: Hines

State: OR

Zip Code: 97738

Daytime Phone: 541-573-3615

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>23S</u>	<u>30 E</u>	<u>35</u>	<u>NE NE</u>	<u>1001</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR & IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>NE NW</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR & IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>NW NE</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>SW NE</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>NE NE</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>SE NE</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>NW NW</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>SW NW</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR & IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>SE NW</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>NE SW</u>	<u>2101</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>NE SE</u>	<u>2101</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>NW SE</u>	<u>2101</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>30 E</u>	<u>36</u>	<u>SE SE</u>	<u>2101</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IS</u>
<u>23S</u>	<u>32.5E</u>	<u>6</u>	<u>NE NE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR & IS</u>
<u>23S</u>	<u>32.5E</u>	<u>6</u>	<u>SE NE</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR & IS</u>
<u>22S</u>	<u>33E</u>	<u>29</u>	<u>NW NE</u>	<u>900</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>33E</u>	<u>29</u>	<u>NE NW</u>	<u>900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>33E</u>	<u>29</u>	<u>SE NW</u>	<u>900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>22S</u>	<u>33E</u>	<u>29</u>	<u>SW NE</u>	<u>900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>

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

Harney

B. Description of Proposed Use

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HC20 3.020 & 3.010 (EALU-1 & 2)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Brandon McMillan Title: Planner, Director
 Signature: [Signature] Phone: (541) 573-6655 Date: 2/8/2023
 Government Entity: Harney County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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

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

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

Estimated quantity of water needed: 3.23 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:

Change the character of use from Industrial to irrigation to develop irrigated fields and change existing POA to irrigator's lands.

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

See bottom of Page 3. →

Application for Water Right Transfer

Evidence of Use Affidavit



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

State of Oregon)
) ss
 County of HARNEY)

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 OWRD

I, CHRISTOPHER & DANIELLE GREGG, in my capacity as OWNER,
 mailing address 29724 HWY 20 W, HINES, OR 97738
 telephone number () , being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 90309; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

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

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

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2/2/23

Charles A. Gregg
Signature of Affiant

Date

David R. Gregg Signed and sworn to (or affirmed) before me this 2 day of Feb, 2023.



Sarah Pierce

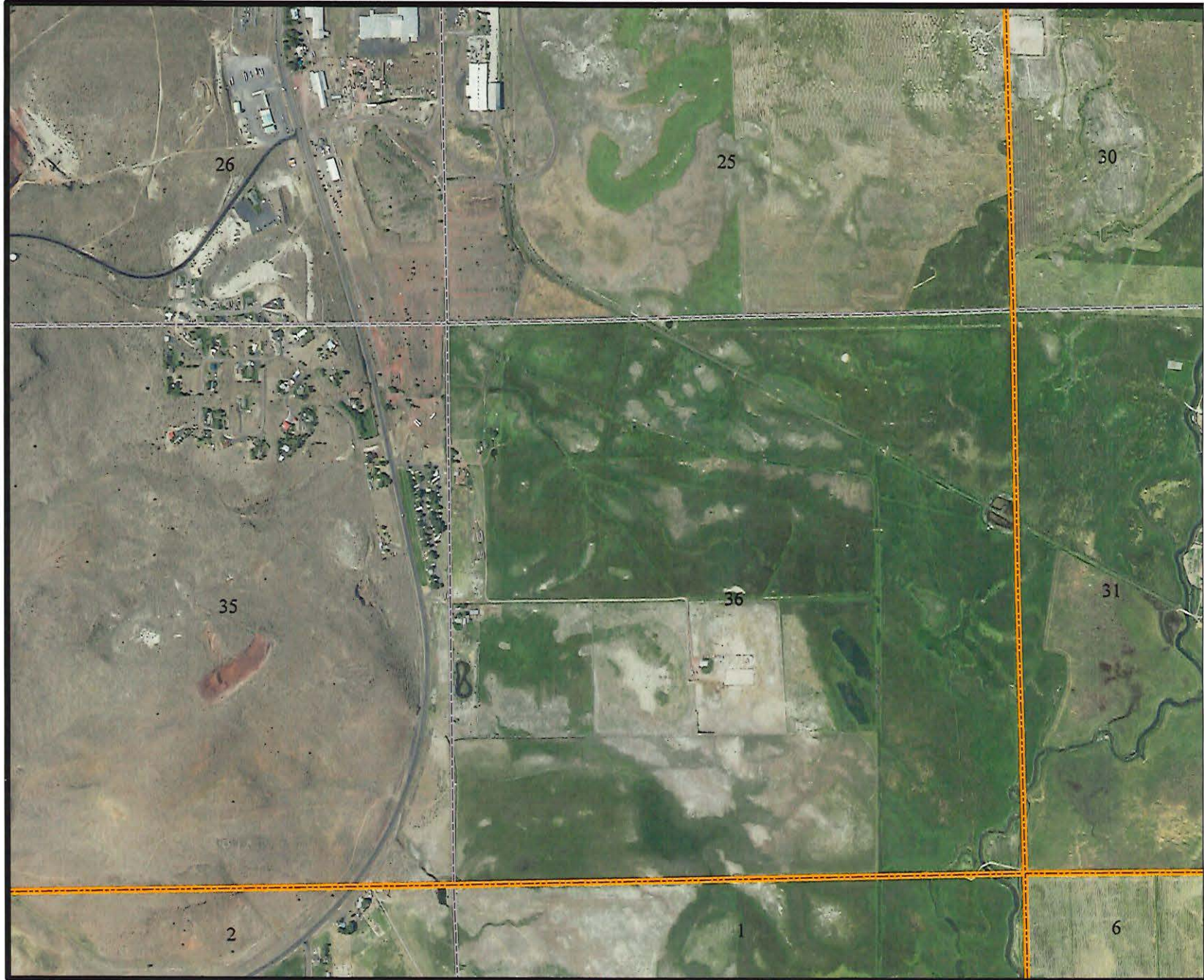
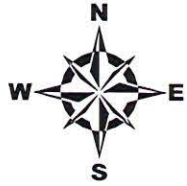
Notary Public for Oregon

My Commission Expires: 11-25-2023

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date See attached copies of certificate & WRIS page indicating this water has been included in a pending transfer application since 2016 and is therefore not subject to forfeiture.
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input checked="" type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

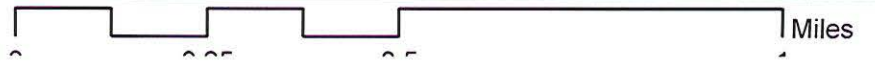
T23S R 30E, W.M.

June 2020 aerial imagery from NRCS Gateway website imported into ArcMap GIS software in statewide Lambert projection.



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FEB 13 2023
DWR/PT

14173



Simplot Grower Solutions Ontario

1700 SW 4th Street

Ontario OR 97914

(541)889-2353 Fax: (541)889-2511

Pest Lic#: AG-L0129177CP0



GROWER SOLUTIONS

Invoice

705094602

Invoice Date 02/28/2020
Due Date 03/20/2020

Customer ID 60843

Salesperson smithw
Shipping Loc. 1005
Field ID all

Acres 108
Ticket(s) 370531333

Bill To: CHRIS GREGG
29724 HIGHWAY 20 W
HINES, OR 97738

Ship To: CHRIS GREGG
29724 HIGHWAY 20 W
HINES, OR 97738

Comments: ACW SPREAD / Marshall Lane

Quantity	Description	Unit Price	Total \$
Analysis: 46 - 0 - 0 - 0			
6.020 Tons	SSN-46N [T]	515.00 /Tons	3,100.30
108.000 Acre	THIRD-PARTY BROADCAST-NUTRITION [1A]	7.00 /Acre	756.00



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This Invoice is subject to the Terms & Conditions of Sale on the back of this Invoice, which form an integral part of this Invoice and the agreement between Customer and Simplot Grower Solutions.

Customer will pay all amounts under this Invoice when due. If Customer fails to pay amounts due under this Invoice on the Net Due Date, Customer will be charged interest at a rate of 2.0% per month (24% per annum) or the maximum rate allowed by law, whichever is less, on any unpaid amounts accruing from the date after the Net Due Date unless otherwise approved by Simplot Grower Solutions in writing.

It is not necessary for this Invoice to be signed to be enforceable against Customer, including without limitation invoice for sale, or application. By accepting these goods and/or services, Customer acknowledges and agrees that Customer understands and accepts the terms and conditions of this Invoice, including the Terms & Conditions of Sale.

Sub Total 3,856.30

Amount Due 3,856.30

**** PAID BY JDF MULTI-USE ****

JDF Multi-use 3,856.30

Recommendation Was Made By or Provided to the Seller. Yes No

CHRIS GREGG

Pesticide # Andy Root AG-L1008673CPA Exp. Date 12/31/2020

Invoice

705094602

14173

Simplot Grower Solutions Ontario

1700 SW 4th Street

Ontario OR 97914

(541)889-2353 Fax: (541)889-2511

Rest Lic#: AG-L0129177CP0



Invoice

705094601

Bill To: CHRIS GREGG
29724 HIGHWAY 20 W
HINES, OR 97738

Invoice Date 02/28/2020
Due Date 03/20/2020

Customer ID 60843

Salesperson smithw
Shipping Loc. 1005
Field ID all

Ship To: CHRIS GREGG
29724 HIGHWAY 20 W
HINES, OR 97738

Acres 121
Ticket(s) 370531338

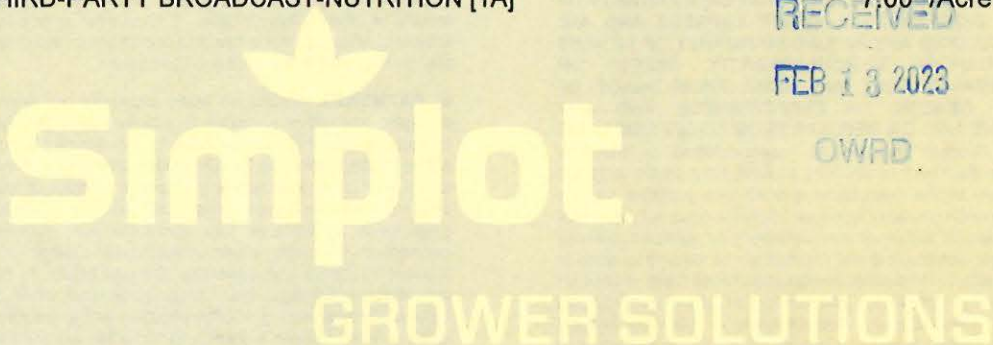
Comments: ACW SPREAD / Home

Quantity	Description	Unit Price	Total \$
Analysis: 30 - 0 - 0 - 14			
4.014	Tons SSN-46N [T]	515.00 /Tons	2,067.21
6.176	Tons 21-00-00 AMM SUL-REG [T]	350.00 /Tons	2,161.60
10.190	Tons BLENDING-NUTRITION [T]	2.50 /Tons	25.48
121.000	Acre THIRD-PARTY BROADCAST-NUTRITION [1A]	7.00 /Acre	847.00

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FEB 13 2023

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Customer will pay all amounts under this Invoice when due. If Customer fails to pay amounts due under this Invoice on the Net Due Date, Customer will be charged interest at a rate of 2.0% per month (24% per annum) or the maximum rate allowed by law, whichever is less, on any unpaid amounts accruing from the date after the Net Due Date unless otherwise approved by Simplot Grower Solutions in writing.

It is not necessary for this Invoice to be signed to be enforceable against Customer, including without limitation invoices for pest control services or application. By accepting these goods and/or services, Customer acknowledges and agrees that Customer understands and accepts the terms and conditions of this Invoice, including the Terms & Conditions of Sale.

Sub Total 5,101.29

Amount Due 5,101.29
*** PAID BY JDF MULTI-USE ****

JDF Multi-use 5,101.29

Recommendation Was Made By or Provided to the Seller. Yes No

CHRIS GREGG

Pesticide # Andy Root AG-L1008673CPA Exp. Date 12/31/2020

Invoice

705094601

14173

Simplot Grower Solutions Ontario
 1700 SW 4th Street
 Ontario OR 97914
 (541)889-2353 Fax: (541)889-2511
 Pest Lic#: AG-L0120177CP0



Invoice

705103100

Bill To: CHRIS GREGG
 29724 HIGHWAY 20 W
 HINES, OR 97738

Invoice Date 04/22/2021
Due Date 05/20/2021 C__Standard20th

Customer ID 60843

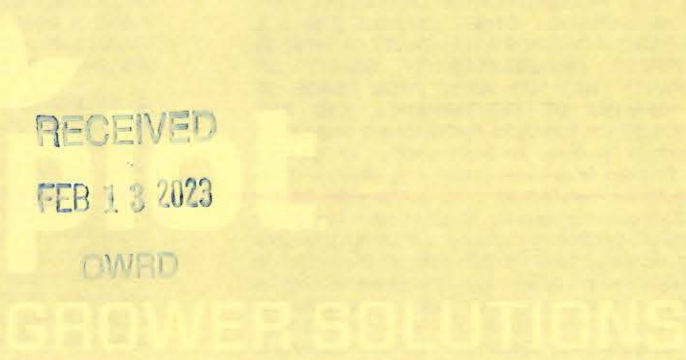
Salesperson smithw
Shipping Loc. 1005
Field ID all

Acres 108
Ticket(s) 370534027

Ship To: CHRIS GREGG
 29724 HIGHWAY 20 W
 HINES, OR 97738

Comments: ACW/ Marshall Lane

Quantity	Description	Unit Price	Total \$
Analysis: 46 - 0 - 0 - 0			
7.240 Tons	SSN-46N [T]	605.00 /Tons	4,380.20
108.000 Acre	THIRD-PARTY BROADCAST-NUTRITION [1A]	7.50 /Acre	810.00



This Invoice is subject to the Terms & Conditions of Sale on the back of this Invoice, which form an integral part of this Invoice and the agreement between Customer and Simplot Grower Solutions.

Customer will pay all amounts under this Invoice when due. If Customer fails to pay amounts due under this Invoice on the Net Due Date, Customer will be charged interest at a rate of 2.0% per month (24% per annum) or the maximum rate allowed by law, whichever is less, on any unpaid amounts accruing from the date after the Net Due Date unless otherwise approved by Simplot Grower Solutions in writing.

It is not necessary for this Invoice to be signed to be enforceable against Customer, including without limitation invoices for custom spraying or application. By accepting these goods and/or services, Customer acknowledges and agrees that Customer understands and accepts the terms and conditions of this Invoice, including the Terms & Conditions of Sale.

Sub Total 5,190.20

Amount Due 5,190.20
**** PAID IN FULL ****

John Deere Cr

5,190.20

Recommendation Was Made By or Provided to the Seller. Yes No

CHRIS GREGG

Pesticide # Andy Root AG-L1012200CPA/Eric Exp. Date 12/31/2021

Invoice

705103100

14173

Simplot Grower Solutions Ontario

1700 SW 4th Street

Ontario OR 97914

(541)889-2353 Fax: (541)889-2511

Pest Lic#: AG-L0129177CP0



Invoice

705103616

Bill To: CHRIS GREGG
29724 HIGHWAY 20 W
HINES, OR 97738

Invoice Date 05/12/2021
Due Date 06/20/2021 C__Standard20th
Customer ID 60843
Salesperson smithw
Shipping Loc. 1005
Field ID all
Acres 120
Ticket(s) 370534118

Ship To: CHRIS GREGG
29724 HIGHWAY 20 W
HINES, OR 97738

Comments: ACW SPREAD / Home 1 & 2

Quantity	Description	Unit Price	Total \$
Analysis: 30 - 0 - 0 - 14			
3.951 Tons	SSN-46N [T]	605.00 /Tons	2,390.36
6.079 Tons	21-00-00 AMM SUL-REG [T]	370.00 /Tons	2,249.23
10.030 Tons	BLENDING-NUTRITION [T]	4.20 /Tons	42.13
120.000 Acre	THIRD-PARTY BROADCAST-NUTRITION [1A]	7.50 /Acre	900.00



This Invoice is subject to the Terms & Conditions of Sale on the back of this Invoice, which form an integral part of this Invoice and the agreement between Customer and Simplot Grower Solutions.

Customer will pay all amounts under this Invoice when due. If Customer fails to pay amounts due under this Invoice on the Net Due Date, Customer will be charged interest at a rate of 2.0% per month (24% per annum) or the maximum rate allowed by law, whichever is less, on any unpaid amounts accruing from the date after the Net Due Date unless otherwise approved by Simplot Grower Solutions in writing.

It is not necessary for this Invoice to be signed to be enforceable against Customer, including without limitation invoices for custom spraying or application. By accepting these goods and/or services, Customer acknowledges and agrees that Customer understands and accepts the terms and conditions of this Invoice, including the Terms & Conditions of Sale.

Sub Total 5,581.72
Amount Due PAID IN FULL ** 5,581.72

John Deere Cr

5,581.72

Recommendation Was Made By or Provided to the Seller. Yes No

CHRIS GREGG

Pesticide # Andy Root AG-L1012200CPA/Eric Exp. Date 12/31/2021

Invoice

705103616

14173

CCC-452 (06-14-19)	U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation NAP ACTUAL PRODUCTION HISTORY AND APPROVED YIELD RECORD FOR 2019 AND SUBSEQUENT YEARS	1A. COUNTY FSA OFFICE NAME AND ADDRESS (Including Zip code) HARNEY COUNTY FARM SERVICE AGENCY P O BOX 1200 HINES, OR 97738-1200 TELEPHONE NO.(Area code) (541)573-6446 x2
------------------------------	---	---

2. CROP YEAR <p style="text-align: center;">2022</p>	3. UNIT NO. <p style="text-align: center;">1293</p>	1B. STATE & COUNTY CODE <p style="text-align: center;">41 025</p>
---	--	--

4. Producer(s) Name
 (1) GREGG, DANIELLE RENAE

5. Crop Name <p style="text-align: center;">GRASS</p>	6. Crop Type <p style="text-align: center;">NAG</p>	7. Planting Period <p style="text-align: center;">01</p>	8. Practice <p style="text-align: center;">I</p>	9. Intended Use <p style="text-align: center;">FG</p>	10. Organic Status <p style="text-align: center;">Conventional</p>	11. Native Sod <p style="text-align: center;">NO</p>	12. Unit of Measure <p style="text-align: center;">TON</p>
--	--	---	---	--	---	---	---

13. Do Yield Limitation Rules Apply? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	14. County Yield/T-Yield <p style="text-align: center;">1.77</p>	15. Prior Appr Yield <p style="text-align: center;">1.24</p>	16. If Applicable, COC Adjusted T-Yield and Reason Code 16A. Adjusted T-Yield 16B. Reason Code:		16C. Date of COC Minutes
---	---	---	---	--	--------------------------

17. APH Crop Year	18. Eligible Disaster?	19. Eligible Acres	20. Actual Production	21. Record Type	22. Yield Type	23. Yield
2021	Y	530.5300	325.50	5	R	1.15
2020		530.5300			P	0.97
2019	N	530.5300	1020.00	5	A	1.92
2018	Y	532.6200	655.00	5	A	1.23
2017	N	421.0000	750.00	5	A	1.78
2016	N	421.0000	475.50	5	A	1.13
2015	N	421.0000	410.00	5	A	0.97
2014	N	420.9100	287.00	5	A	0.68

RECORD TYPES:
 1 - Production sold/commercial storage 2 - On farm storage, measurement 3 - Livestock feeding records 22. Total
 4 - Appraisal 5 - Other (See Remarks)

Remarks
 Producer certified to 325.50 tons on 418.91 acres for crop year 2021. Approved yield of 1.23.

I hereby certify that the information included on this form includes a complete and accurate record of actual record of actual production history. The actual production history is accurately identified to the unit, crop and crop years shown. I understand that the information on this form may be spot checked and failure to certify accurately may result in a loss of program benefits. Additionally, I direct the purchaser, warehouse operator, ginner, or any person who otherwise stores or purchases crop production identified on this form to disclose those storage or purchase records of the identified crop to USDA representatives for the purpose of verification of production. I understand that the payment yield may be different than the approved yield if the unit acreage increases or plant density changes.

APPROVED YIELD 1.23

	Signature	Date
Producer		
COC Representative		

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1437, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Agriculture Improvement Act of 2018 (Pub. L. 115-334). The information will be used to determine eligibility to participate in and receive benefits under the Noninsured Crop Disaster Assistance Program (NAP). The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under the Noninsured Crop Disaster Assistance Program (NAP).

Paperwork Reduction Act Statement: The information collection is exempted from PRA as specified in 7 U.S.C. 9091(2)(c)(B).
 According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number for this information collection is 0560-0175. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. USDA is an equal opportunity provider and employer.

14173

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14173

Checked by: <u>Aula</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> POU	<input type="checkbox"/> POD	<input type="checkbox"/> APOD
Date: <u>2/17/23</u>		Gov Action	Surface to Ground	<input checked="" type="checkbox"/> USE	<input checked="" type="checkbox"/> POA	<input checked="" type="checkbox"/> APOA
Fee Received: <u>6070.00</u>			How many rights to be Transferred?			
Calculated Fee: <u>6070.00</u>			Certificate #			
Additional Observations:			<u>90309</u>			

If OK and complete, check box to the left; if NOT, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? N/A.
Name of the district: _____
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? Yes No
7. If a change in point of appropriation (POA), have the well logs been included? N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.

OR: If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____



ALL POINTS
ENGINEERING & SURVEYING
P.O. Box 767
Terrebonne, Oregon 97760

RECEIVED
FEB 13 2023
OWRD

TRANSMITTAL

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

Date: 2/9/2023 Job: 22-080
Attention: Transfer Section
Re: Application for Transfer

Prints Plans Map/Plat Specifications Change order Other

Copies	No.	Description
1	1	Application (11 sheets letter bond)
1	2	LUCS (4 sheets letter bond)
1	3	Use Affidavit (13 sheets letter bond)
1	4	Map (4 sheets letter bond)
1	5	Well Reports (3 sheets letter bond)
1	6	Application for Reimbursement Authority Estimate (1 sheet letter bond)

These are transmitted as checked below:

For OWRD approval Approved as submitted Approved as noted
 Copies for distribution Returned for corrections Returned corrected prints
 Review and comment For bids due Other

Remarks:

Check for transfer fee was split proportionately between the applicants. Thanks and if you have questions please don't hesitate to call (541) 548-5833.

Signed: _____

Application for Water Right Transfer

Evidence of Use Affidavit



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

State of Oregon)
) ss
 County of HARNEY)

RECEIVED
 FEB 13 2023
 OWRD

I, ANDY ROOT, in my capacity as MANAGER OF RATTLESNAKE CREEK LAND & CATTLE CO, LLC,
 mailing address 524 HWY 20 N, HINES, OR 97738
 telephone number (541)573-3615, being first duly sworn depose and say:

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

2. I attest that:

- Water was used during the previous five years on the entire place of use for Certificate # _____; **OR**
 My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
 Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
 The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached. See attached confirming certificate 90309, which was issued on 5/11/2015, and attached printout of WRIS page for Transfer T-12359, which includes the same water & has been pending since 4/28/2016. Pursuant to ORS 540.610(2)(m), Certificate 90309 is not subject to forfeiture.
 Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

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

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete. No documentation needed other than the attached copy of confirming certificate 90309 (issued in 2015) and WRIS printout demonstrating that this water has been included in a pending transfer application since 2016.



 Signature of Affiant

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 FEB 13 2023

1-10-23

 Date

OWRD

Signed and sworn to (or affirmed) before me this 10 day of Jan, 2023.





Notary Public for Oregon

My Commission Expires: 11-25-2023

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date See attached copies of certificate & WRIS page indicating this water has been included in a pending transfer application since 2016 and is therefore not subject to forfeiture.
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> ● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> ● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

STATE OF OREGON

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COUNTY OF HARNEY

AUG 11 2022

CERTIFICATE OF WATER RIGHT

OWRD

THIS CERTIFICATE ISSUED TO

CHRISTOPHER AND DANIELLE GREGG
29724 HIGHWAY 20 WEST
HINES OR 97738

RECEIVED

FEB 13 2023

RATTLESNAKE CREEK LAND & CATTLE COMPANY
524 HIGHWAY 20 N
HINES OR 97738

OWRD

confirms the right to use the waters of WELL 2 in the WEST FORK SILVIES RIVER BASIN for IRRIGATION OF 6.7 ACRES, SUPPLEMENTAL IRRIGATION OF 446.8 ACRES, AND INDUSTRIAL USE (GEOTHERMAL HEATING)

This right was perfected under Permit G-13485. The date of priority is NOVEMBER 24, 1997. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed a maximum cumulative total of 3.23 CUBIC FEET PER SECOND (CFS), BEING 0.08 CFS FOR IRRIGATION, 3.23 CFS FOR SUPPLEMENTAL IRRIGATION, AND 3.23 CFS FOR INDUSTRIAL USE (GEOTHERMAL HEATING), or its equivalent in case of rotation, measured at the well.

The period of use is year round for INDUSTRIAL USE (GEOTHERMAL HEATING) and March 1 through September 1 for IRRIGATION

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	30 E	WM	26	NE SE	WELL 2 - 2544 FEET NORTH AND 907 FEET WEST FROM SE CORNER, SECTION 26

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

A description of the place of use is as follows:

INDUSTRIAL USE (GEOTHERMAL HEATING)				
Twp	Rng	Mer	Sec	Q-Q
23 S	30 E	WM	26	SE NE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NW	3.7
23 S	30 E	WM	36	SW NW	3.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NE	40.0
23 S	30 E	WM	36	NW NE	38.0
23 S	30 E	WM	36	SW NE	40.0
23 S	30 E	WM	36	SE NE	38.0
23 S	30 E	WM	36	NE NW	34.8
23 S	30 E	WM	36	NW NW	33.0
23 S	30 E	WM	36	SW NW	23.0
23 S	30 E	WM	36	SE NW	40.0
23 S	30 E	WM	36	NE SW	40.0
23 S	30 E	WM	36	NE SE	40.0
23 S	30 E	WM	36	NW SE	40.0
23 S	30 E	WM	36	SE SE	40.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

The use of water for geothermal heating is junior in priority to all subsequent rights for beneficial consumptive use and to those rights using standard low-temperature geothermal effluent disposal systems. This condition shall not apply if a standard disposal system is installed and operated as part of this project.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued MAY 11 2015.



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

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FEB 13 2023

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AUG 11 2022

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Contact Information

(Click to Collapse...)

Transfer Information

(Click to Collapse...)

▼ **Contact information**

- AGENT:
 - ▷ SCOTT MONTGOMERY
 - ▷ PO BOX 767
 - ▷ TERREBONNE, OR 97760
- APPLICANT:
 - ▷ RATTLESNAKE CREEK LAND AND CATTLE CO. LLC
 - ▷ ANDY ROOT
 - ▷ 524 HWY 20 N
 - ▷ HINES, OR 97738
- LOCAL GOVERNMENT:
 - ▷ HARNEY COUNTY PLANNING DEPARTMENT
 - ▷ 360 N. ALVORD
 - ▷ BURNS, OR 97720

▼ **Status**

- ▷ **Type:** Regular Transfer
- ▷ **Status:** Under Review
- ▷ **Begin Date:** n/a
- ▷ **End Date:** n/a

▼ **Proposed Action**

- ▷ **Point of Appropriation**
- ▷ **Additional Point of Appropriation**
- ▷ **Place of Use**
- ▷ **Character of Use**



All Scanned Documents

(Click to Collapse...)

Records per page:

<u>Document Type</u>	<u>Document Title</u>	<u>Date</u>	<u>Remarks</u>
Transfer Map	T-12359 Maps	4/28/2016	ADDITIONAL MAPS ADDED 6/9/2016
Application	T-12359 Application	4/28/2016	ADDITIONAL PAGES ADDED 6/9/2016
Transfer Map	T-12359 Superseding Maps	5/31/2018	
Application	T-12359 Superseding Application	5/31/2018	

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AUG 11 2022

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Processing History

(Click to Collapse...)

Staff Person Responsible: [ARLA DAVIS](#)

<u>Process Step</u>	<u>Date Initiated</u>	<u>Date Completed</u>	<u>Comments</u>
Received	4/28/2016	4/28/2016	
WM Review Request	5/2/2016	5/16/2016	
File Assigned	5/2/2016	7/27/2017	
GW Review Request	5/2/2016	1/4/2017	
Transfer Initial Comment Period	5/3/2016	6/3/2016	
File Assigned	7/27/2017		
GW Review Request	9/17/2018	6/7/2019	

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JUL 13 2017

OWRD

Rights this impacts

(Click to Collapse...)

	Application	Permit	Certificate	Decree	Claim
Cert:90309 OR *	G14645	G13485	90309		

Results of the transfer

(Click to Collapse...)

n/a

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AUG 11 2022

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Report Errors with Water Right Data

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FEB 13 2023

OWRD

harn
50176

JUN 20 1997

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FEB 13 2023

ID LABEL # L11232

STATE OF OREGON
WATER SUPPLY WELL REPORT WATER RESOURCES DEPT.
(as required by ORS 537.765)
SALEM, OREGON

(START CARD) # 76985

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number _____
Name SAFARI MOTOR COACH
Address 30725 DIAMOND HILL Rd
City HARRISBURG State OR Zip 97446

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 805 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
20	0	400	CEMENT	0	400	2.50 SKS
16	400	805				

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 16"	0	400	2.50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Material	Case	Filter
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 1650 Drawdown 35' Drill stem at _____ Time 6 hr.
Temperature of water 91° Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County HARNEY Latitude _____ Longitude _____
Township 23 S N or S Range 30 E E or W. WM.
Section 26 SE 1/4 NE 1/4
Tax Lot 101 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
_____ ft. below land surface. Date JAN 7, 1997
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 12'

From	To	Estimated Flow Rate	SWL
400	800	1650	3'
12	14	N/A	
110	140	100+	12'

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
YELLOW CLAY	0	12	
BROWN SAND	12	14	12
YELLOW CLAY	14	57	
BROWN SAND / BROWN CLAY	57	148	
BLACK CINDER	148	160	
BLACK BASALT	160	170	
RED CINDER	170	190	
YELLOW CLAYSTONE	190	239	
RED CINDER	239	274	
BLACK BASALT	274	315	
ORANGE CLAY	315	320	
RED & YELLOW CINDER	320	325	
GREEN TUFF	325	355	
GRAY TUFF	355	440	
RYOLITE / QUARTZ	440	570	3'
GRAY / GREEN TUFF	570	590	
RYOLITE / QUARTZ	590	640	
BROWN TUFF	640	760	
RYOLITE / QUARTZ	760	805	

Date started DEC 2, 1996 Completed JAN 6, 1997
(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, 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.

WVC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, 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.

WVC Number 773
Signed John Otter Date 2-25-96

TRANSFER MAP TO ACCOMPANY APPLICATION TO CHANGE CHARACTER OF USE AND PLACE OF USE AND CHANGE AND ADD POINTS OF APPROPRIATION FOR RATTLESNAKE LAND & CATTLE CO., LLC

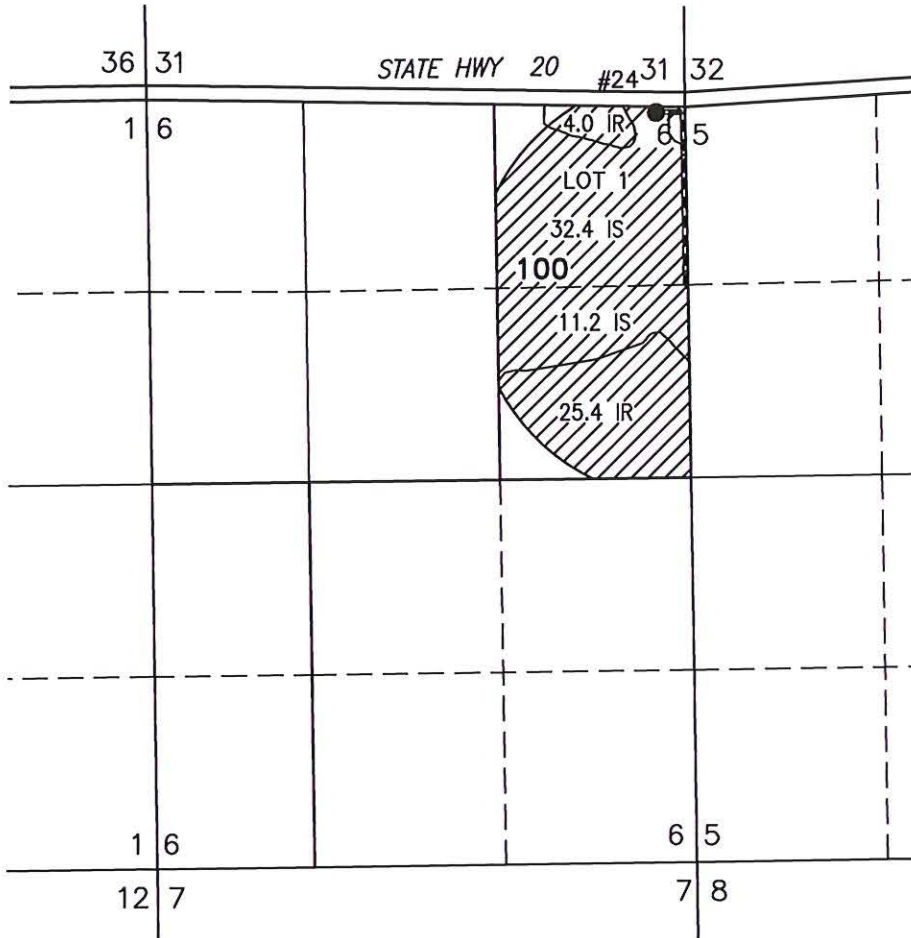
TAX LOT 100
IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 32-1/2 EAST, W.M.
HARNEY COUNTY, OREGON

RECEIVED

FEB 13 2023

OWRD

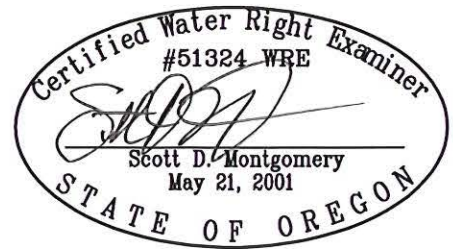
"TO"



● #24
WELL #24 (NOT BUILT) PROPOSED
40' SOUTH & 200' WEST FROM THE
NE CORNER SECTION 6.



29.4 ACRES 'IR' AND 43.6 ACRES
'IS' FROM C#90309 AND WELL 24
TO BE USED FROM 3/1 TO 9/1.



*THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.*

RENEWAL DATE: 12/31/2024

<p>PROJECT No. 22-080</p> <p>PREPARED AT THE REQUEST OF:</p> <p>RATTLESNAKE LAND & CATTLE 524 HIGHWAY 20 N HINES, OR 97738</p>	<p>ALL POINTS ENGINEERING & SURVEYING, INC.</p> <p> P.O. BOX 767 TERREBONNE, OREGON 97760 (541) 548-5833 Scott@APEandS.com www.APEandS.com</p>
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TRANSFER MAP TO ACCOMPANY APPLICATION TO CHANGE CHARACTER OF USE AND PLACE OF USE AND CHANGE AND ADD POINTS OF APPROPRIATION FOR RATTLESNAKE LAND & CATTLE CO., LLC

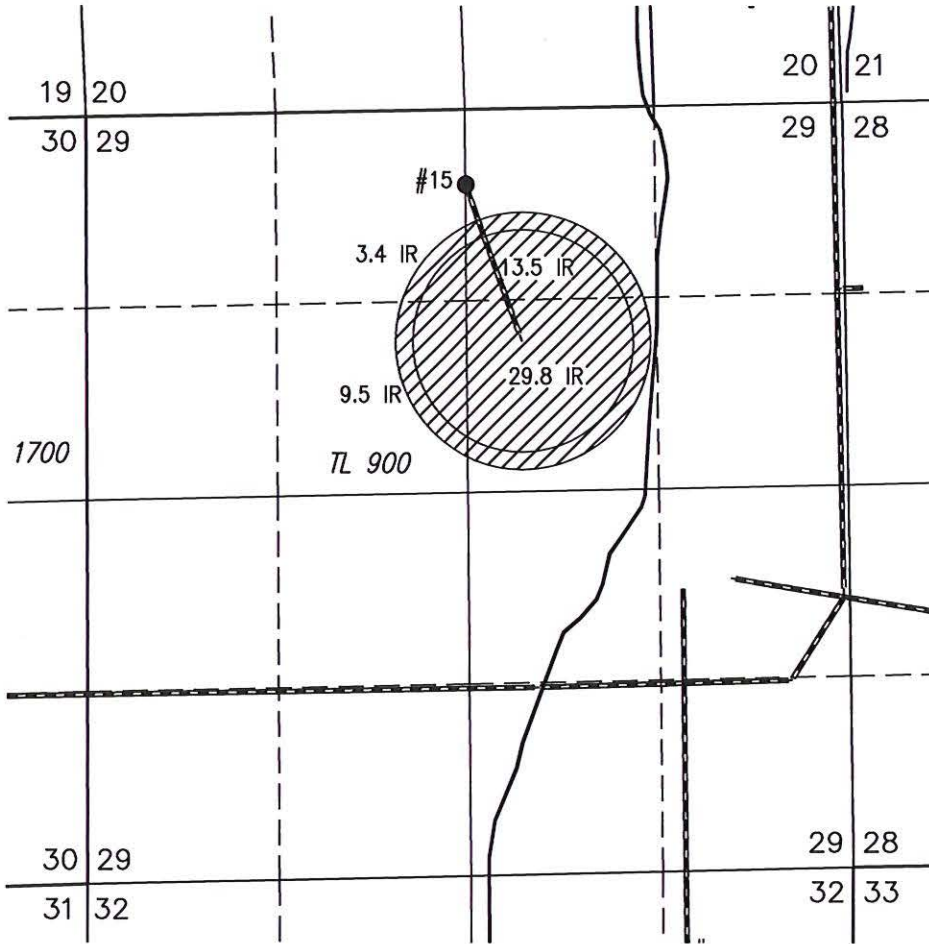
TAX LOT 900
IN SECTION 29, TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.
HARNEY COUNTY, OREGON

RECEIVED

FEB 13 2023

OWRD

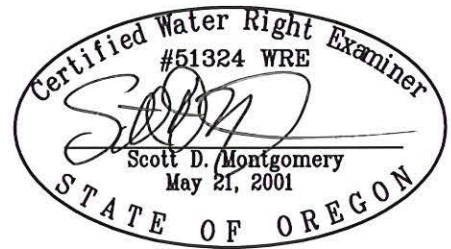
"TO"



● #15
WELL #15 (HARN 52916) PROPOSED
515' SOUTH & 2615' WEST FROM
THE NE CORNER SECTION 29.

PIPED CONVEYANCE

56.2 ACRES 'IR' FROM C#90309
AND WELL 15
TO BE USED FROM 3/1 TO 9/1.



*THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.*

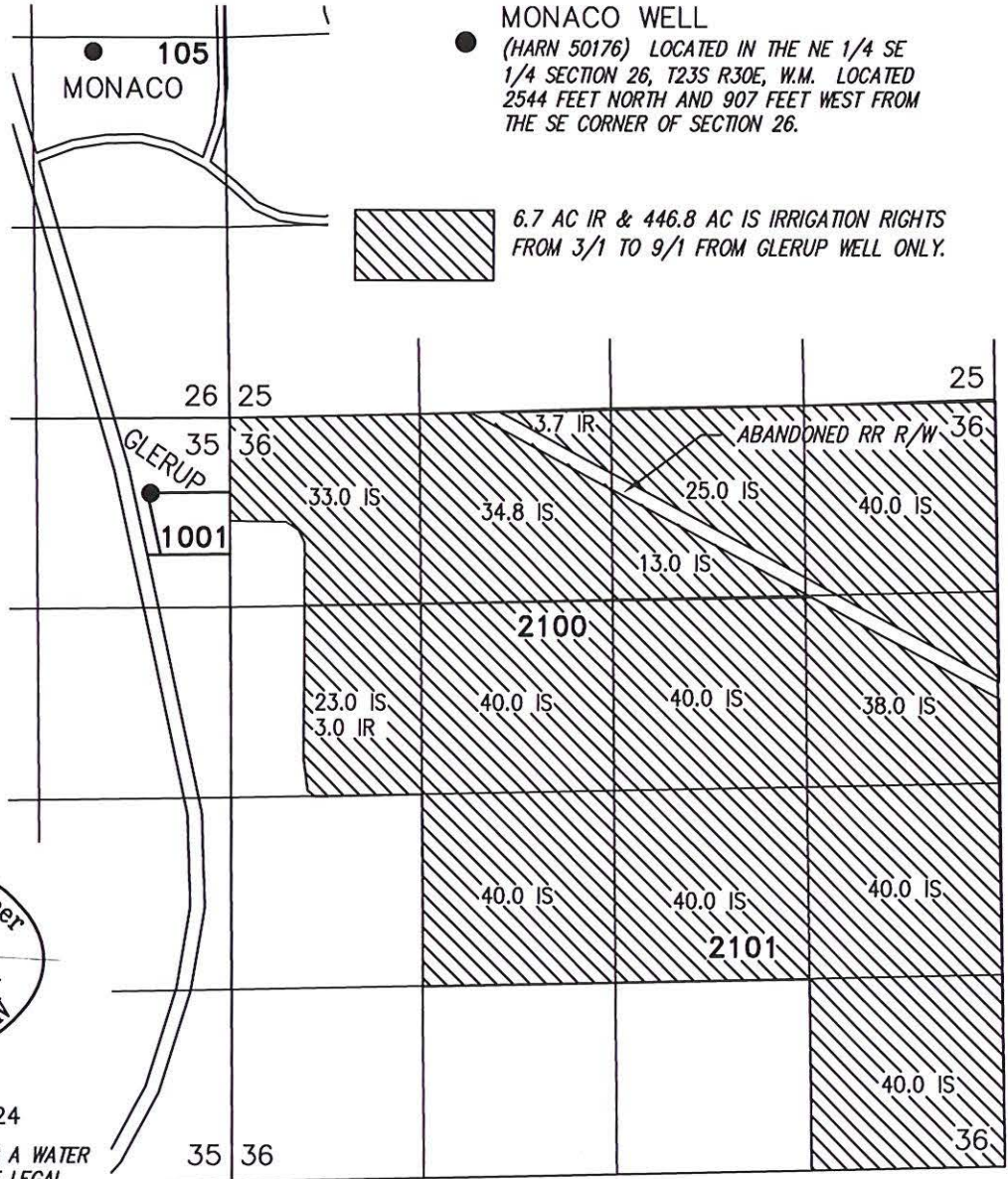
RENEWAL DATE: 12/31/2024

<p>PROJECT No. 22-080</p> <p>PREPARED AT THE REQUEST OF:</p> <p>RATTLESNAKE LAND & CATTLE 524 HIGHWAY 20 N HINES, OR 97738</p>	<p>ALL POINTS ENGINEERING & SURVEYING, INC.</p> <p> P.O. BOX 767 TERREBONNE, OREGON 97760 (541) 548-5833 Scott@APEandS.com www.APEandS.com</p>
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MAP TO ACCOMPANY APPLICATION TO CHANGE AND ADD A POINT OF APPROPRIATION FOR CHRIS & DANI GREGG

RECEIVED
FEB 13 2023
OWFD

TAX LOT 105 MAP 23S 30E 26 &
TAX LOT 1001 MAP 23S 30E 35AA &
TAX LOTS 2100 & 2101 MAP 23S 30E
HARNEY COUNTY, OREGON



RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

PROJECT No. 22-080

PREPARED AT THE REQUEST OF:
CHRIS & DANI GREGG
29724 HWY 20 W
HINES, OR 97738

ALL POINTS ENGINEERING & SURVEYING, INC.

P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com

MAP TO ACCOMPANY APPLICATION TO CHANGE CHARACTER AND PLACE OF USE AND CHANGE AND ADD POINTS OF APPROPRIATION FOR RATTLESNAKE CREEK LAND & CATTLE CO., LLC

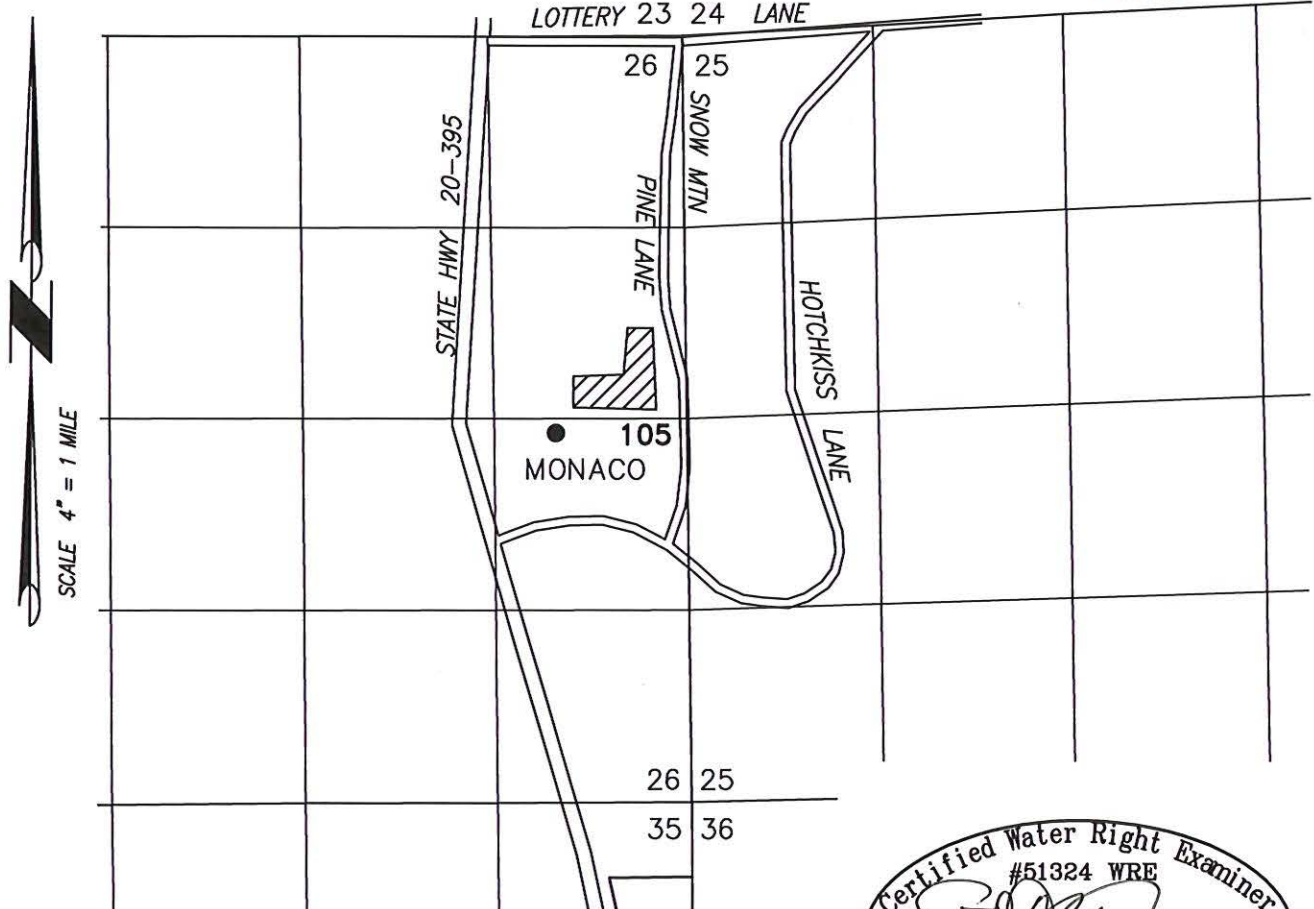
TAX LOT 105 MAP 23S 30E 26
HARNEY COUNTY, OREGON

RECEIVED

FEB 13 2023

OWRD

"FROM"

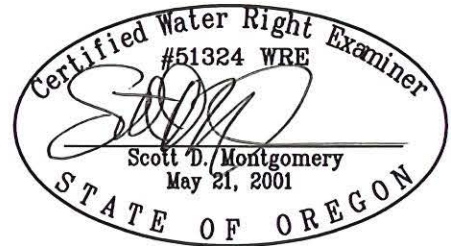


MONACO WELL

(HARN 50176) LOCATED IN THE NE 1/4 SE 1/4 SECTION 26, T23S R30E, W.M. LOCATED 2544 FEET NORTH AND 907 FEET WEST FROM THE SE CORNER OF SECTION 26.



3.23 CFS PRIMARY INDUSTRIAL RIGHTS USED ALL YEAR



RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

PROJECT No. 22-080

PREPARED AT THE REQUEST OF:
RATTLESNAKE LAND & CATTLE
524 HIGHWAY 20 N
HINES, OR 97738



ALL POINTS ENGINEERING & SURVEYING, INC.

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