

Regular

Name Hickey Organics / Denis + Jesse Hickey

DESCRIPTION OF WATER RIGHT(S)

Address PO Box 358
Merrill, OR 97633
hickeyorganics@gmail.com

Name of Stream Well

FEES PAID		
Date	Amount	Receipt #
<u>1-30-2023</u>	<u>\$1,840.00</u>	<u>170051</u>

Change in POA

Trib. of lost River Basin

Date Filed 1-30-2023

Use Supplemental Irrigation County Klamath

Initial notice date 2-7-2023

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

DPD issued date _____

Name of ditch _____

PD issued date 9/16/2025

App# G 15964 Per # G 15547 Cert # 96331 PR Date 3/26/2003

PD notice date 9/16/2025

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

Date of FO 10/31/2025 Vol 135 Page 948-951

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

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent Jim Carleton / on point solutions - jcarletonops@gmail.com

CWRE Klamath County

CC's list _____

- Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

October 31, 2025

Jesse & Denis Hickey
PO BOX 358
Merrill, OR 97633

Reference: Transfer Application T-14162

The above referenced transfer application was denied in the records of the Water Resources Department on October 31, 2025, by Special Order Volume 135, Page 948 (copy enclosed).

The transfer application is of no further force or effect.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 979-3511 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

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

cc: Garrett M. Steensland, Watermaster Dist. # 17 (via email)
Jim Carleton, Agent
Klamath County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application)
T-14162, Klamath County) **FINAL ORDER DENYING A CHANGE IN
POINT OF APPROPRIATION**

Authority

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

Applicant

HICKEY ORGANICS / DENIS AND JESSE HICKEY
PO BOX 358
MERRILL, OR 97633

Findings of Fact

1. On January 30, 2023, Hickey Organics / Denis and Jesse Hickey filed an application to change the point of appropriation under Certificate 96331. The Department assigned the application number T-14162.
2. Notice of the application for transfer was published on February 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 23, 2025, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to deny Transfer Application T-14162. The draft Preliminary Determination cover letter provided a deadline of August 22, 2025, for the applicants to respond and submit the required information. The applicants did not respond by the deadline.
4. On September 16, 2025, the Department issued a Preliminary Determination proposing to deny Transfer Application T-14162 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department’s weekly notice on September 16, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

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

Certificate: 96331 in the name of DUNCAN FAMILY TRUST (perfected under Permit G-15547)

Use: SUPPLEMENTAL IRRIGATION USE ON 389.5 ACRES

Priority Date: MARCH 26, 2003

Rate: 4.87 CUBIC FEET PER SECOND

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

Period of Use: APRIL 1 THROUGH OCTOBER 31

Source: A WELL IN LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	10 E	WM	36	NE NW	85.74 FEET SOUTH AND 2613.09 FEET EAST FROM THE NW CORNER OF SECTION 36

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	1	NE NE	40.0
41 S	10 E	WM	1	NW NE	37.7
41 S	10 E	WM	1	SW NE	14.0
41 S	10 E	WM	1	SE NE	40.0
41 S	10 E	WM	1	NW SW	14.7
41 S	11 E	WM	6	SW NE	38.9
41 S	11 E	WM	6	SE NE	5.5
41 S	11 E	WM	6	NE NW	39.4
41 S	11 E	WM	6	NW NW	39.3
41 S	11 E	WM	6	SW NW	40.0
41 S	11 E	WM	6	SE NW	40.0
41 S	11 E	WM	6	NE SW	40.0
Total					389.5

6. Transfer Application T-14162 proposes to move the authorized point of appropriation approximately 0.5-mile northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	10 E	WM	26	SE SE	HICKEY WELL- 295.96 FEET NORTH AND 152.29 FEET WEST FROM THE SE CORNER OF SECTION 26

7. Certificate 96331 was approved with decline triggers as follows:

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events: (A) an average water level decline of three or more feet per year for five consecutive years; or (B) a water level decline of 15 or more feet in fewer than five consecutive years; or (C) a water level decline of 25 or more feet; or (D) hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

8. The Water Resources Department has determined that the level from which the cited declines in (A), (B) and (C) above will be referenced is 29.20 feet Below Land Surface (BLS).
9. The review of T-14162 indicates that groundwater level declines have occurred in the authorized Point of Appropriation (POA). As of March 2025, static water level in the authorized POA KLAM 53717 was 55.67 feet BLS, which is a decline of 26.47 feet below the reference level. The table below shows declines for 2020 to 2025:

Well	Date	Water Level (BLS)
KLAM 0053717	03/31/2025	55.67
KLAM 0053717	01/27/2025	56.94
KLAM 0053717	10/29/2024	58.62
KLAM 0053717	03/25/2024	60.75
KLAM 0053717	01/29/2024	61.89
KLAM 0053717	10/23/2023	64.13
KLAM 0053717	06/05/2023	64.71
KLAM 0053717	03/27/2023	64.63
KLAM 0053717	10/25/2022	68.15
KLAM 0053717	03/29/2022	57.54
KLAM 0053717	02/16/2022	56.85
KLAM 0053717	10/26/2021	58.18
KLAM 0053717	08/04/2021	58.46
KLAM 0053717	03/26/2021	48.48
KLAM 0053717	01/21/2021	47.00
KLAM 0053717	09/24/2020	48.05

10. Water use at a new or additional point of appropriation, if water is not legally available at the original point of appropriation, constitutes enlargement. Because the static water level decline condition under Certificate 96331 has been triggered the applicant cannot meet its burden of proof.
11. Previously, the Department would approve transfers and permit amendments with static water level decline conditions specific to the new or additional points of appropriation that were based on the static water level decline conditions in the underlying permits or certificates. For the reasons described above, the Department has determined that this policy is inconsistent with the requirement that the applicant demonstrate that the proposed transfer would not result in enlargement.

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

12. 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.
13. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14162.
14. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
16. As outlined in Findings of Facts #7 - #11, the proposed change will enlarge the water right.
17. The proposed change, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements were not met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-14162 is not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

The change in point of appropriation proposed in Transfer Application T-14162 is denied.

Dated in Salem, Oregon on OCT 31 2025


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

Mailing date: NOV 03 2025

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14162

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Reimbursement Authority?

Applicant: HICKEY ORGANICS DENIS & JESSE HICKEY PO BOX 358 MERRILL, OR 97633	Agent: JIM CARLETON PO BOX 774 MERRILL, OR 97633	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Klamath County 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 15964	G 15547	96331	<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: January 30, 2023	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1840.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 14 Klamath
Initial Public Notice:	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: KLAMATH
WM District: 17 Danette M. Watson	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:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>7/15/25</u> Initials: <u>Scott</u>	Date: <u>7/16/25</u> Initials: <u>Joan</u>	Date: <u>7/23/25</u> Initials: <u>Sarah</u>	Date: <u>7/23</u> Initials: <u>Scott</u>	CW Sent: <u>7/23</u> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <u>8/22</u> Initials: <u>Scott</u>	Date: <u>8/22/25</u> Initials: <u>EDH</u>	Date: <u>8/27/25</u> Initials: <u>Kerni</u>	Date: <u>8/27</u> Initials: <u>Scott</u> Data Review Date: <u>NA</u>	Date: <u>8/27</u>	Date: <u>9/16/25</u>
FO	Date: <u>10/20</u> Initials: <u>Scott</u>	Date: <u>10/21/25</u> Initials: <u>Joan</u>	Date: <u>10/24</u> Initials: <u>Kerni</u>	Date: <u>10/29</u> Initials: <u>Scott</u>	Date: <u>10/29</u> No. of docs for sig: <u>1</u>	Date: <u>10/31/2025</u>

Special Issues: F.O. to Deny

Special Order Volume: Vol. 135 Pages 948-951



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

HICKEY ORGANICS / DENIS AND JESSE HICKEY
PO BOX 358
MERRILL, OR 97633

SUBJECT: Water Right Transfer Application T-14162

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to deny application T-14162. This document is an intermediate step in the denial process; water may not be used legally as proposed in the transfer application until a Final Order approving the transfer has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14162
Tom D. Skiles, District 17 Watermaster (via e-mail)
Jim Carleton, Agent for the applicant (via e-mail)

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only																									
For delivery information, visit our website at www.usps.com ®.																									
OFFICIAL USE																									
<table border="1" style="width: 100%;"> <tr> <td>Certified Mail Fee</td> <td>\$</td> </tr> <tr> <td>Extra Services & Fees (check box, add fee as appropriate)</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Return Receipt (hardcopy)</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Return Receipt (electronic)</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Required</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td>\$</td> </tr> <tr> <td>Postage</td> <td>\$</td> </tr> <tr> <td>Total Postage and Fees</td> <td>\$</td> </tr> <tr> <td colspan="2">Sent To</td> </tr> <tr> <td colspan="2">Street and Apt. No., or PO Box No.</td> </tr> <tr> <td colspan="2">City, State, ZIP+4®</td> </tr> </table>	Certified Mail Fee	\$	Extra Services & Fees (check box, add fee as appropriate)		<input type="checkbox"/> Return Receipt (hardcopy)	\$	<input type="checkbox"/> Return Receipt (electronic)	\$	<input type="checkbox"/> Certified Mail Restricted Delivery	\$	<input type="checkbox"/> Adult Signature Required	\$	<input type="checkbox"/> Adult Signature Restricted Delivery	\$	Postage	\$	Total Postage and Fees	\$	Sent To		Street and Apt. No., or PO Box No.		City, State, ZIP+4®		Postmark Here T-14162
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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions																									

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14162, Klamath County)	PROPOSING DENIAL OF A CHANGE IN
)	POINT OF APPROPRIATION

Authority

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

Applicant

HICKEY ORGANICS / DENIS AND JESSE HICKEY
PO BOX 358
MERRILL, OR 97633

Findings of Fact

1. On January 30, 2023, Hickey Organics / Denis and Jesse Hickey filed an application to change the point of appropriation under Certificate 96331. The Department assigned the application number T-14162.
2. Notice of the application for transfer was published on February 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 23, 2025, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to deny Transfer Application T-14162. The draft Preliminary Determination cover letter provided a deadline of August 22, 2025, for the applicants to respond and submit the required information. The applicants did not respond by the deadline.
4. The portion of the right to be transferred is as follows:
Certificate: 96331 in the name of DUNCAN FAMILY TRUST (perfected under Permit G-15547)
Use: SUPPLEMENTAL IRRIGATION USE ON 389.5 ACRES
Priority Date: MARCH 26, 2003

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.

Rate: 4.87 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: APRIL 1 THROUGH OCTOBER 31
Source: A WELL IN LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	10 E	WM	36	NE NW	85.74 FEET SOUTH AND 2613.09 FEET EAST FROM THE NW CORNER OF SECTION 36

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	1	NE NE	40.0
41 S	10 E	WM	1	NW NE	37.7
41 S	10 E	WM	1	SW NE	14.0
41 S	10 E	WM	1	SE NE	40.0
41 S	10 E	WM	1	NW SW	14.7
41 S	11 E	WM	6	SW NE	38.9
41 S	11 E	WM	6	SE NE	5.5
41 S	11 E	WM	6	NE NW	39.4
41 S	11 E	WM	6	NW NW	39.3
41 S	11 E	WM	6	SW NW	40.0
41 S	11 E	WM	6	SE NW	40.0
41 S	11 E	WM	6	NE SW	40.0
Total					389.5

5. Transfer Application T-14162 proposes to move the authorized point of appropriation approximately 0.5 mile northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	10 E	WM	26	SE SE	HICKEY WELL- 295.96 FEET NORTH AND 152.29 FEET WEST FROM THE SE CORNER OF SECTION 26

6. Certificate 96331 was approved with decline triggers as follows:

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events: (A) an average water level decline of three or more feet per year for five consecutive years; or (B) a water level decline of 15 or more feet in fewer than five consecutive years; or (C) a water level decline of 25 or more feet; or (D) hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

7. The Water Resources Department has determined that the level from which the cited declines in (A), (B) and (C) above will be referenced is 29.20 feet Below Land Surface (BLS).
8. The review of T-14162 indicates that groundwater level declines have occurred in the authorized Point of Appropriation (POA). As of March 2025, static water level in the authorized POA KLAM was 55.67 feet BLS, which is a decline of 26.47 feet below the reference level. The table below shows declines for 2020 to 2025:

Well	Date	Water Level (BLS)
KLAM 0053717	03/31/2025	55.67
KLAM 0053717	01/27/2025	56.94
KLAM 0053717	10/29/2024	58.62
KLAM 0053717	03/25/2024	60.75
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KLAM 0053717	10/25/2022	68.15
KLAM 0053717	03/29/2022	57.54
KLAM 0053717	02/16/2022	56.85
KLAM 0053717	10/26/2021	58.18
KLAM 0053717	08/04/2021	58.46
KLAM 0053717	03/26/2021	48.48
KLAM 0053717	01/21/2021	47.00
KLAM 0053717	09/24/2020	48.05

9. Water use at a new or additional point of appropriation, if water is not legally available at the original point of appropriation, constitutes enlargement. Because the static water level decline condition under Certificate 96331 has been triggered the applicant cannot meet its burden of proof.
10. Previously, the Department would approve transfers and permit amendments with static water level decline conditions specific to the new or additional points of appropriation that were based on the static water level decline conditions in the underlying permits or certificates. For the reasons described above, the Department has determined that this policy is inconsistent with the requirement that the applicant demonstrate that the proposed transfer would not result in enlargement.

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

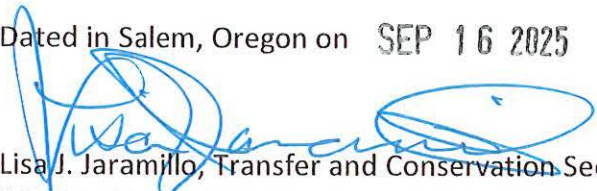
11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14162.

13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
15. As outlined in Findings of Facts #6 - #10, the proposed change will enlarge the water right.
16. The proposed change, as conditioned, would not result in injury to other existing water rights.
17. All other application requirements were not met.

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-14162 appears to be not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

Dated in Salem, Oregon on 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 Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14162

GW Reviewer Grayson Fish Date Review Completed: 3/18/2024

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 Water Level Decline Condition Review:

Water levels at the original point(s) of appropriation have exceeded the allowed decline threshold defined by conditions in the originating water right.

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-14162

Applicant Name: Hickey Organics

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

Reviewer(s): Grayson Fish, Justin Iverson

Date of Review: 3/13/2024

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 6/4/25

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: (Note: this March 18, 2024 review supersedes a previous review completed on October 19, 2023) The applicant proposes to transfer 389.5 acres of supplemental irrigation use associated with Certificate 96331 from authorized POA "Well 1" (KLAM 53717) to proposed POA "Hickey Well" (KLAM 61440) located approximately 2,700 feet to the west. Proposed POA "Hickey Well" is not currently an authorized POA for any water right.

Note: Transfer application T-14145 also proposes to modify Certificate 96331 by changing the POA (KLAM 61328) for 115.3 acres of use, separate from the 389.5 acres proposed by this transfer.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: Both "Well 1" and the "Hickey Well" source water from Late Tertiary volcanic rock at depth.

3. a) Is the existing authorized POA subject to a water level decline condition?
 Yes No Comments: _____

b) If yes, for each POA identify the reference level, most recent spring-high water level, and whether an applicable permit decline condition has been exceeded: _____

Existing Authorized POA for Cert 96331	Reference Level Depth Below Land Surface (feet)	Max Decline Below Reference Level (feet)	March 2025 water level at KLAM 53717 (hydrograph)	Permit decline condition exceeded?
KLAM 53717	29.2	25	55.67	Yes

4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No Both wells source water from Late Tertiary volcanic rock at depth.
- 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.): _____
5. 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 closest senior groundwater right is Permit G-15210 using **KLAM 52932** as a POA located ~1,000 feet to the north of proposed POA "**Hickey Well**" compared to the ~3,000 feet west-northwest from the authorized POA "**Well 1**". The reduced intervening distance of the proposed POA compared to the authorized POA will likely cause an increase in interference with **KLAM 52932**.
- 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: A Theis Time-Distance drawdown analysis was used to estimate the potential drawdown that would be observed in a well 1,000 feet away from the proposed POA at the maximum allowable rate (389.5 acres * 1/80 cfs/ac = 4.87 cfs) for the duration of the irrigation season (214 days). Results indicate that use from the proposed POA would cause up to 20 feet of estimated drawdown over the course of the irrigation season when compared to up to 15 feet of estimated drawdown if that use was to remain at the authorized POA (see attached Theis analysis). Due to the generally high-transmissivity and thickness of the aquifer it is unlikely that the proposed change at the maximum allowed rate of use would result in a nearby reasonably efficient well that fully penetrates the aquifer not receiving the water to which it is legally entitled to.
6. 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 change would not substantially change the impacts to nearby surface water sources in the area.
- 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: _____
7. 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: _____

8. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
9. Any additional comments: Groundwater level data from wells in the Merrill area indicate significant declines have occurred since 2001 (See attached area well hydrograph). KLAM 53717, authorized POA "Well 1", has seen 40.25 feet of decline from an annual high of 24.38 feet below land surface (bls) in April 8, 2004 to 64.63 feet bls in March 27, 2023 (See attached hydrograph of KLAM 53717).

A point of concern for this proposed transfer is that the authorized From-POA "Well 1" (KLAM 53717) has triggered the decline conditions stipulated in the associated water right.

The certificate associated with the From-POA transfer is 96331. Certificate 96331 lists use as "Supplemental Irrigation" and establishes a reference level for KLAM 53717 with the following language: "The reference level against which any further measurements will be compared to 29.20 feet below land surface."

Certificate 96331 contains three water level decline conditions. The most relevant, and most likely to be validated is the following: "The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events: (C) A water level decline of 25 or more feet."

OWRD staff have collected water level measurements from KLAM 53717 since 2004. Water level measurements indicate that KLAM 53717 has triggered the 25 feet or more decline condition starting in 2022 when water levels dropped below 54.20 feet below land surface.

Recommended Condition

Area hydrographs indicate that groundwater levels in the vicinity are very similar to each other (within 3 feet) and exhibit the same trends. It is expected that static groundwater elevations would be very similar between FROM POA KLAM 53717 and TO POA KLAM 61440 and allows for a transfer of the established reference level listed on Cert. 96331. The reference level listed on Cert. 96331 for KLAM 53717 is 29.20 feet below land surface. The land surface elevation as determined by LIDAR measurement is 4,082.48 feet NAVD1988 which equates to a reference level elevation of 4,053.28 feet NAVD1988. The land surface elevation at the location of KLAM 61440 as determined by LIDAR measurement is 4,085.79 feet NAVD1988 which results in an equivalent reference level of 32.51 feet below land surface elevation.

The following provision is recommended as a condition for T-14162 (if approved) for future groundwater use management of KLAM 61440 under the resulting permit:

Certificate 96331 establishes a reference static water level of 29.20 feet below land surface to which decline conditions are to be compared to. If approved, the certificate resulting from this transfer should establish 32.51 feet below land surface as the reference static water level which decline conditions are compared to for KLAM 61440.

References

Jenks, M.D., unpublished, Geologic compilation map of part of the Upper Klamath Basin, Klamath County, Oregon: Portland, Oreg., Oregon Dept. of Geology and Mineral Industries, scale 1:100,000.

Oregon Water Resources Department. Groundwater Information System (GWIS) – Accessed 3/19/2024

Oregon Water Resources Department. Water Rights Information Query – Accessed 3/19/2024

Transfer Review Map

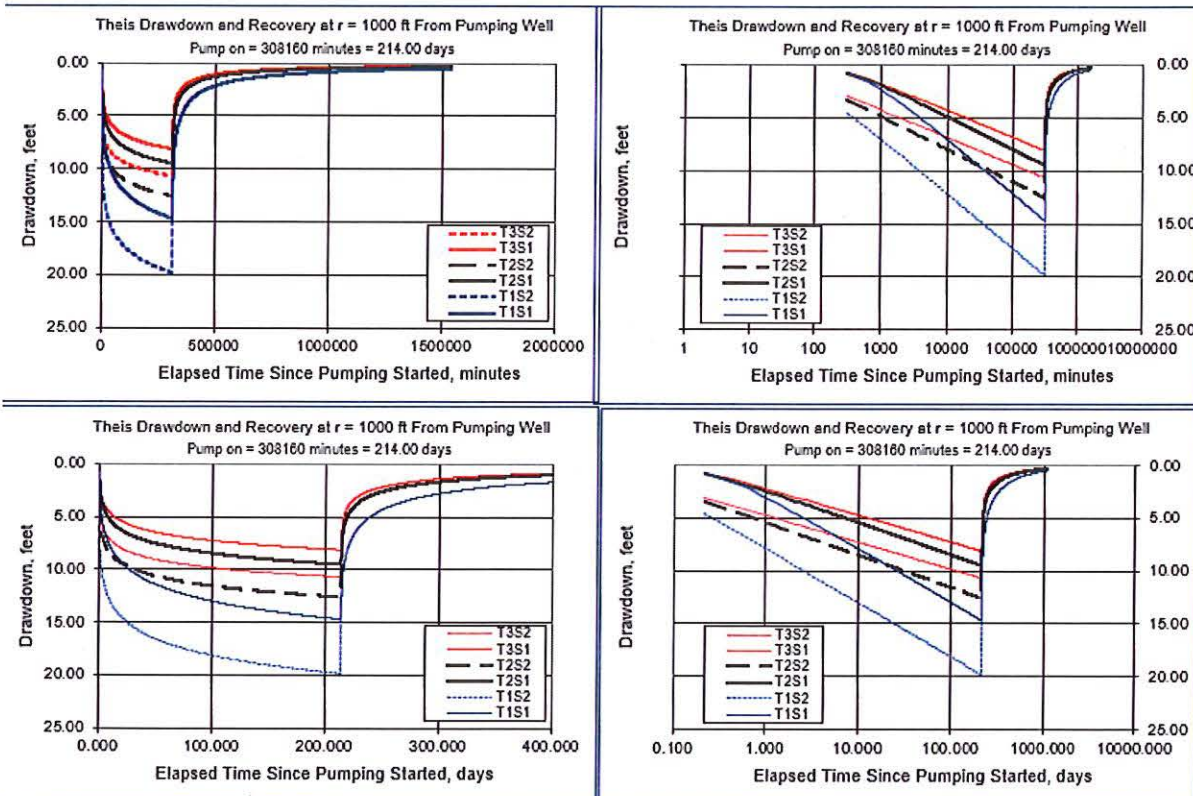
This Time-Drawdown Worksheet v.5.00

Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r, from a pumping well for 3 different T values and radial distance, r, from a pumping well for 3 different T values and 2 different S values.

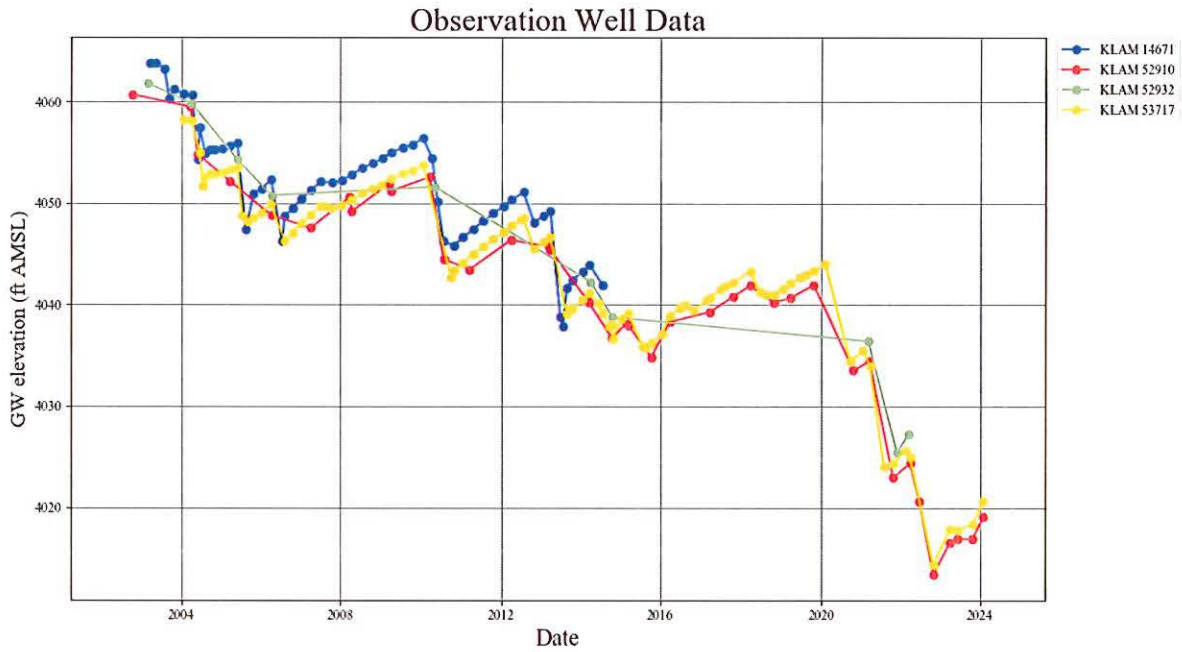
Written by Karl C. Wozniak September 1992. Last modified December 17, 2019

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		214		d	
Radial distance from pumped well:	r		1000		ft	Q conversions
Pumping rate	Q		4.87		cfs	2,185.66 gpm
Hydraulic conductivity	K	15	25	30	ft/day	4.87 cfs
Aquifer thickness	b		1000		ft	292.20 cfm
Storativity	S_1		0.01			420,768.00 cfd
	S_2		0.001			9.66 af/d
Transmissivity Conversions	T ft2pd	15000	25000	30000	ft2/day	
	T ft2pm	10.416867	17.361111	20.833333	ft2/min	
	T gpd/ft	112200	187000	224400	gpd/ft	<input type="button" value="Recalculate"/>

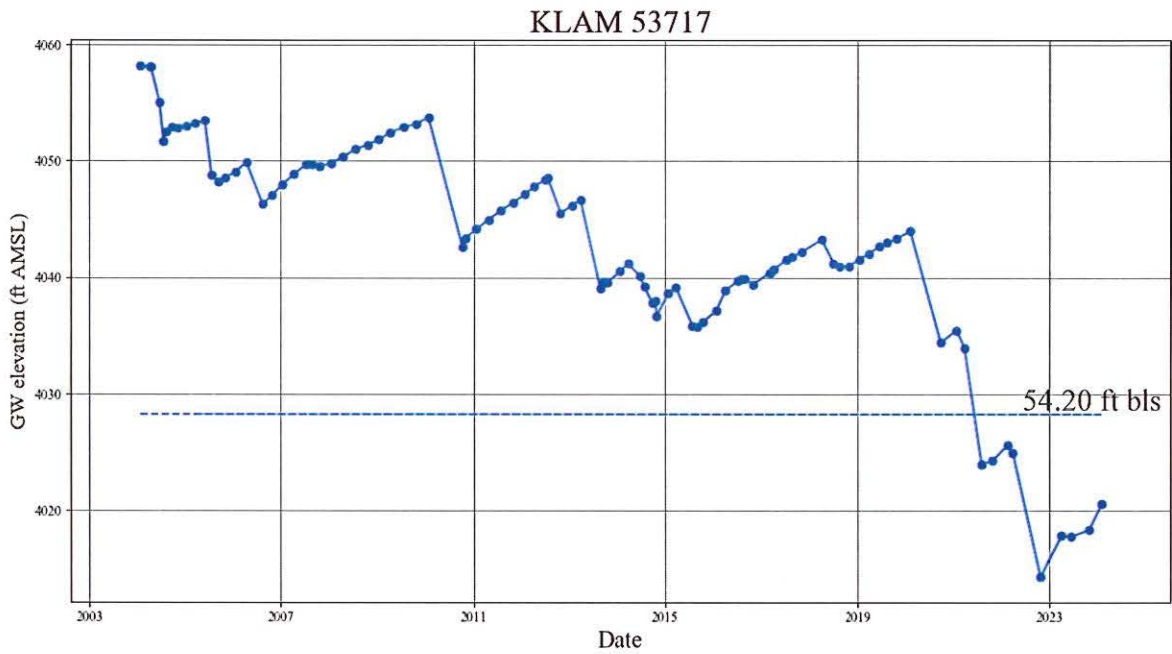
Use the Recalculate button if recalculation is set to manual



Area Hydrographs



KLAM 53717 Hydrograph – 25 ft decline condition



Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14162

Review Due Date: 03/05/2024

Applicant Name: Jesse Hickey

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Giffin

Date of Review: 03/21/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

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

N/A

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

N/A

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

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

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

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

Yes No If "Yes", explain:

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

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

Yes No If "Yes", explain:

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

Yes No If "Yes", answer the following:

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

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

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

iv. Do you have any other observations regarding the temporary transfer?

Yes No If "Yes", describe:

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

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

i. "Injury" will occur to other water rights that share the same source?

Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?

Yes No If "Yes", explain:

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

Yes No If "Yes", explain:

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

- Weir
- Parshall Flume
- Other: _____
- Submerged Orifice
- Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-14162

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

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

at each new point of diversion/appropriation.

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

Watermaster name: **Jeremy Giffin**

District: **11**

Address: **231 Scalehouse Lp, STE 103**

City/State/Zip: **Bend, OR 97702**

Phone: **541-306-6885**

Email: **Jeremy.T.Giffin@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

RICHMAN Elyse D * WRD

From: GIFFIN Jeremy T * WRD
Sent: Thursday, March 21, 2024 9:56 AM
To: WRD_DL_transferreviews
Cc: SKILES Tom D * WRD; SUFIT Carolyn W * WRD
Subject: Wm review
Attachments: 14162klamathreview.pdf

Tom/Carolyn,

Here is the WM review for T-14162 (Jesse Hickey). This is a simple POA change, which is rare since most people do an APOA change, meaning they still have legal access to the "off" well. I required a totalizing flowmeter on **both** the on well as well as the off well since the applicant already is required to have the measuring device on the off well per the permit condition and this can help aid in regulation should a question come up that they are still using the off well.

Let me know if you have any questions/concerns,

Jeremy



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 3, 2023

JESSE HICKEY

PO BOX 358

MERRILL, OR 97633

Reference: Application T-14162

On January 30, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Receipt number 140051 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 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 from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

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

Cc: Watermaster Dist. #17, Danette M. Watson (*via email*)

Klamath County

Jim Carleton, 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 # **140051**

INVOICE # _____

RECEIVED FROM: Hickey Organics LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>7-1416Z</u>

CASH: CHECK:# 11233 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1840.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS				
0407	COPY & TAPE FEES	\$		
0410	RESEARCH FEES	\$		
0408	MISC REVENUE: (IDENTIFY) _____	\$		
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$		
0240	EXTENSION OF TIME	\$		
WATER RIGHTS:			RECORD FEE	
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$ <u>1840.00</u>		
WELL CONSTRUCTION			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: **140051** DATED: 1-30-2023 BY: [Signature]

Hickey

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

JAN 30 2023

OWRD
SALEM, OREGON

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:** CERT 96331

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 HICKEY ORGANICS/ DENIS AND JESSE HICKEY		PHONE NO. 541-892-0509	ADDITIONAL CONTACT NO. 541-281-5599
ADDRESS PO box 358			FAX NO.
CITY Merrill	STATE OR	ZIP 97633	E-MAIL hickeyorganics@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 JIM CARLETON/ ON POINT SOLUTINS		PHONE NO. 541-891-9424	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 774			FAX NO.
CITY MERRILL	STATE OF	ZIP 97633	E-MAIL jcarletonops@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.			

Explain in your own words what you propose to accomplish with this transfer application, and why:

TRANSFER WATER RIGHTS AND CHANGE POA

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

Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: heard and news
- 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

[Signature]
Applicant signature

<u>Jesse Hickey</u>	<u>1-15-23</u>
Print Name (and Title if applicable)	Date
<u>Denis Hickey</u>	<u>1-15-23</u>
Print Name (and Title if applicable)	Date

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			<div style="font-size: 24px; font-weight: bold; color: blue;">RECEIVED</div> <div style="font-size: 18px; font-weight: bold; color: blue;">JAN 30 2023</div> <div style="font-size: 12px; font-weight: bold; color: blue;">OWRD SALEM, OREGON</div>
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

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 rows to tables within the form.

Water Right Certificate # 96331

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Description of Water Delivery System

System capacity: 15.99 cubic feet per second (cfs) **OR**
7000 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. canals, pumps, pipe, and sprinklers, used to divert convey and apply water

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	klam 53717	4 0 S	1 0 E	36	N E N W	201	85.74 south and 3613.09 east of the nw corner of sec 36
Hickey well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	L145393	4 0 S	1 0 E	26	S E S E	900	150' north and 60' west of the se corner sec 26
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input checked="" type="checkbox"/> Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

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

- Yes Complete only the Proposed ("to" 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 Temporary Changes to Water Right Certificate # 96331

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																	
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date											
EXAMPLE																															
2	S	9	E	15	NE	NW	100		15.0	IRRIGATION	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901					
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901					
40	s	10	E	1	NW	NE	100		37.7	IRRIGATION	well 1	2003	POA	4	0	S	10	E	1	NW	NE	100		37.7	IRRIGATION	HICKEY WELL	2003				
41	s	10	E	1	NE	NW	100		40	IRRIGATION	well 1	2003	POA	4	1	S	10	E	1	NE	NW	100		40	IRRIGATION	HICKEY WELL	2003				
41	s	10	E	1	S	W	NE	400		14	IRRIGATION	well 1	2003	POA	4	1	S	10	E	1	S	W	NE	400		14	IRRIGATION	HICKEY WELL	2003		
41	s	10	E	1	SE	NE	100		40	IRRIGATION	well 1	2003	POA	4	1	S	10	E	1	SE	NE	100		40	IRRIGATION	HICKEY WELL	2003				
41	s	11	E	6	N	W	N	W	400		39.3	IRRIGATION	well 1	2003	POA	4	1	S	11	E	6	N	W	N	W	400		39.3	IRRIGATION	HICKEY WELL	2003
41	s	11	E	6	S	W	N	W	400		40	IRRIGATION	well 1	2003	POA	4	1	S	11	E	6	S	W	N	W	400		40	IRRIGATION	HICKEY WELL	2003
41	s	11	E	6	N	E	N	W	200		39.4	IRRIGATION	well 1	2003	POA	4	1	S	11	E	6	N	E	N	W	200		39.4	IRRIGATION	HICKEY WELL	2003
41	s	11	E	6	S	E	N	W	200		40	IRRIGATION	well 1	2003	POA	4	1	S	11	E	6	S	E	N	W	200		40	IRRIGATION	HICKEY WELL	2003
41	s	11	E	6	S	W	N	E	500		39.8	IRRIGATION	well 1	2003	POA	4	1	S	11	E	6	S	W	N	E	500		39.8	IRRIGATION	HICKEY WELL	2003
41	s	11	E	6	N	E	S	W	800		40	IRRIGATION	well 1	2003	POA	4	1	S	11	E	6	N	E	S	W	800		40	IRRIGATION	Hickey well	2003
						TOTAL ACRES		369.30								TOTAL ACRES		369.30													

Additional remarks:

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29
141
62

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 Temporary Changes to Water Right Certificate # 96331

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date								
EXAMPLE																												
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901		
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901		
41	s	11	e	6	se	nw	500		5.5	IRRIGATION	WELL 1	2003	POA	4	1	s	1	e	6	se	nw	500		5.5	IRRIGATION	HICKEY WELL	2003	
40	s	10	e	1	nw	sw	700		14.7	IRRIGATION	WELL 1	2003	POA	4	0	s	1	0	e	1	nw	sw	700		14.7	IRRIGATION	HICKEY WELL	2003
TOTAL ACRES									20.20	TOTAL ACRES													20.20					

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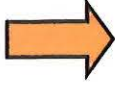
Additional remarks: previous page 369.3
total 389.5

previous page 369.30
total 389.50

For Place 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:



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) 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 below for any well that does not have a well log. For a *proposed well(s) 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

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Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? Yes No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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Land Use Information Form

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OWRD SALEM, OREGON



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

Applicant(s): Denis P. Hickey and Jesse D Hickey, LLC DBA Hickey Organics

Mailing Address: PO BOX 358

City: MERRILL State: OR Zip Code: _____ Daytime Phone: 541-892-0509

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:
40S	10E	1	NWNE NWSW	100 700	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIGATION
41S	10E	1	NENW SENE SWNE NWSW	100 400 700	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIGATION
41S	11E	6	NWNW SWNW NENW SENW	400 200	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIGATION
41S	10E	6	SWNE SENW SESW	500 800	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIGATION

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

KLAMATH COUNTY

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: _____ 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:

NAME AND POA CHANGE REQUEST



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. →

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):
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Erika Nobel Title: Planning Dir
 Signature: [Signature] Phone: 541-851-3648 Date: 12-28-2022
 Government Entity: Klamath County

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



Receipt for Request for Land Use Information

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

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of KLAMATH) ss

I, Jesse Hickey, in my capacity as OWNER- HICKEY ORGANICS,
mailing address PO BOX 358 MERRILL OR 97633
telephone number (541) 541-892-0509, being first duly sworn depose and say:

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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 # 96331 has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): Crops / pasture
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

1/13/23
Date

Signed and sworn to (or affirmed) before me this 1st day of January, 20 23.



[Signature]
Notary Public for Oregon

My Commission Expires: 1/20/2024

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
<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	<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.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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JAN 30 2023
OWRD
SALEM, OREGON

JAN 30 2023

OWRD
SALEM, OREGON

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUNCAN FAMILY TRUST
18969 W MCDOWELL RD
BUCKEYE AZ 85396

confirms the right to the use of water perfected under the terms of Permit G-15547. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15964

SOURCE OF WATER: A WELL IN LOST RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 1080.8 ACRES

MAXIMUM RATE: 13.5 CUBIC FEET PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 26, 2003

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	10 E	WM	36	NE NW	85.74 FEET SOUTH AND 2613.09 FEET EAST FROM NW CORNER, SECTION 36

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	10 E	WM	35	SE SE		27.2
40 S	10 E	WM	36	NE NW		35.1
40 S	10 E	WM	36	NW NW		27.5
40 S	10 E	WM	36	SW NW		33.9
40 S	10 E	WM	36	SE NW		40.0
40 S	10 E	WM	36	NE SW		40.0

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 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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Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	10 E	WM	36	NW SW		36.0
40 S	10 E	WM	36	SW SW		36.4
40 S	10 E	WM	36	SE SW		32.5
40 S	11 E	WM	31	SE NW		2.5
40 S	11 E	WM	31	NE SW		36.5
40 S	11 E	WM	31	NW SW	3	40.0
40 S	11 E	WM	31	SW SW	4	40.0
40 S	11 E	WM	31	SE SW		37.1
40 S	11 E	WM	31	NW SE		11.6
40 S	11 E	WM	31	SW SE		38.5
40 S	11 E	WM	31	SE SE		2.9
41 S	10 E	WM	1	NE NE		40.0
41 S	10 E	WM	1	NW NE		37.7
41 S	10 E	WM	1	SW NE		37.1
41 S	10 E	WM	1	SE NE		40.0
41 S	10 E	WM	1	NE SW		37.8
41 S	10 E	WM	1	NW SW		33.2
41 S	10 E	WM	1	NE SE		37.0
41 S	10 E	WM	1	NW SE		39.8
41 S	10 E	WM	1	SW SE		3.6
41 S	10 E	WM	1	SE SE		6.2
41 S	11 E	WM	6	SW NE		38.9
41 S	11 E	WM	6	SE NE		5.5
41 S	11 E	WM	6	NE NW		39.4
41 S	11 E	WM	6	NW NW		39.3
41 S	11 E	WM	6	SW NW		40.0
41 S	11 E	WM	6	SE NW		40.0
41 S	11 E	WM	6	NE SW		40.0
41 S	11 E	WM	6	SE SW		7.6

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director 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.

To monitor the effect of water use from the well(s) authorized under this right, the Director may require the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and

- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements will be compared is 29.20 feet below land surface.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

If it is determined there are no underlying rights for these same lands after the adjudication of claims in the Klamath Basin, a certificate resulting from the use of water under this right may allow primary, rather than supplemental, irrigation of the lands described above. However, the right evidenced by such a certificate will be limited to the actual use made under this right.

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 interferences.

The wells 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 usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well 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 any 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 JUN 17 2022



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

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SALEM, OREGON

STATE OF OREGON WATER SUPPLY WELL REPORT

KLAM 61440

WELL I.D. LABEL# 145393 START CARD # 1055804 ORIGINAL LOG #

(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

9/6/2022

(1) LAND OWNER Owner Well I.D. First Name DENNIS Last Name HICKEY Company HICKEY ORGANICS Address 540 NORTH MAIN STREET City MERRILL State OR Zip 97633

(2) TYPE OF WORK [X] New Well [] Deepening [] Conversion [] Alteration (complete 2a & 10) [] Abandonment (complete 5a)

(2a) PRE-ALTERATION Casing: [] [] [] [] [] [] [] [] [] [] Seal: [] [] [] [] [] [] [] [] [] []

(3) DRILL METHOD [X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Cable Mud [] Reverse Rotary [] Other

(4) PROPOSED USE [] Domestic [X] Irrigation [] Community [] Industrial/ Commercial [] Livestock [] Dewatering [] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION Special Standard [] (Attach copy) Depth of Completed Well 655.00 ft.

Table with columns: Dia, From, To, Material, SEAL, Amt, sacks/lbs. Rows include Cement and Bentonite Chips.

How was seal placed: Method [] A [] B [X] C [] D [] E [X] Other POURED DRY Backfill placed from ... ft. to ... ft. Material ... Filter pack from ... ft. to ... ft. Material ... Size ... Explosives used: [] Yes Type ... Amount ...

(5a) ABANDONMENT USING UNHYDRATED BENTONITE Proposed Amount Actual Amount

(6) CASING/LINER Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd [X] [X] [X] [X] [X] [X] [X] [X] [X] [X] Shoe [] Inside [] Outside [] Other Location of shoe(s) Temp casing [] Yes Dia From + [] To

(7) PERFORATIONS/SCREENS Perforations Method Screens Type Material Perf/ Casing/ Screen Screen Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour [X] Pump [] Bailer [] Air [] Flowing Artesian

Table with columns: Yield gal/min, Drawdown, Drill stem/Pump depth, Duration (hr). Rows: 3500, 5500.

Temperature 72 °F Lab analysis [] Yes By Water quality concerns? [] Yes (describe below) TDS amount 310 mg/L From To Description Amount Units

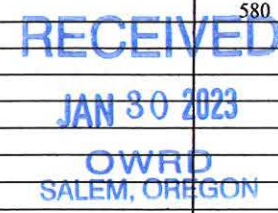
(9) LOCATION OF WELL (legal description) County KLAMATH Twp 40.00 S N/S Range 10.00 E E/W WM Sec 26 SE 1/4 of the SE 1/4 Tax Lot 900 Tax Map Number Lot Lat Long

[X] Street address of well [] Nearest address 18827 HILL ROAD, KLAMATH FALLS, OR 97603

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft) Existing Well / Pre-Alteration Completed Well 4/21/2022 64 Flowing Artesian? [] Dry Hole? []

WATER BEARING ZONES Depth water was first found 185.00 SWL Date From To Est Flow SWL(psi) + SWL(ft) 3/5/2022 185 190 25 58 4/2/2022 542 655 5000 62

(11) WELL LOG Ground Elevation 4077.00 Material From To Brown Clay & Cobbles 0 7 Brown Clay 7 100 Gray Claystone 100 150 Brown & Tan Clay some Broken 150 175 Gravel & Gray Clay 175 180 Gray Clay 180 300 Brown Clay 300 375 Gray Claystone 375 400 Gray & Brown Clay Mix 400 537 Hard Black & Brown Rock 537 580 Black, Brown & Red Rock 580 655



Date Started 3/2/2022 Completed 4/21/2022

(unbonded) Water Well Constructor Certification I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. License Number Date Signed

(bonded) Water Well Constructor Certification I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. License Number 1385 Date 9/6/2022 Signed ROBERT BUCKNER (E-filed) Contact Info (optional) 14162

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

KLAM 61440

9/6/2022

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Map of Hole

STATE OF OREGON
WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department
725 Summer St NE, Salem OR 97301
(503)986-0900



LOCATION OF WELL

Latitude: 42.05402000 Datum: WGS84

Longitude: -121.60069300

Township/Range/Section/Quarter-Quarter Section:
WM40.00S10.00E26SESE

Address of Well:

18827 HILL ROAD, KLAMATH FALLS, OR 97603

Well Label: 145393

Printed: September 1, 2022

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



14162

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537765)

WELL ID # L46050
(START CARD) # 108765

(1) OWNER 03 01
JIM CARLTON
619 W. 3RD ST
MERRILL OR 97633

(9) LOCATION OF WELL by legal description :
County KLAMATH Latitude Longitude
Township 40 S Range 10 E
Section 36 NE 1/4 NW 1/4
Tax Lot 201 Lot Block Subdivision
Street Address of Well (or nearest address)
1/2 MILE EAST OF HILL RD ON SOUTH SIDE OF TAYLOR RD

(2) TYPE OF WORK : NEW WELL

(3) DRILL METHOD : ROTARY AIR

(4) PROPOSED USE: Irrigation

(10) STATIC WATER LEVEL:

21 ft. below land surface Date March 2, 2003
Artesian pressure Date

(5) BORE HOLE CONSTRUCTION:

Special Construction Approval No Depth of Completed Well 556 ft.
Explosives used NO Type Amount
HOLE SEAL AMOUNT
Diameter From To Material From To Sacks
26" 0 147 CEMENT 147 137 21
12" 147 556 BENTONITE 20 0 35

(11) WATER BEARING ZONES :

Depth at which water was first found 22'

From	To	Estimated Flow Rate	SWL
22	51	75GPM	19'
60	68	100GPM	19'
154	556	5000GPM	21'

How was seal Placed POURED DRY & C
Backfil placed from 137 ft. to 20 ft. Material BENTONIT
Gravel placed from ft. to ft. Size of Gravel

(12) WELL LOG:

	Ground Elevation		
	FROM	TO	SWL
SOIL	0	2	
BROWN SANDY CLAY	2	6	
YELLOW CLAY	6	12	
BROWN CLAY	12	22	
BLUE CLAY W/SAND STREAKS	22	51	19
GREEN CLAY	51	60	
SANDY BLUE CLAY	60	68	19
BLUE CLAY	68	79	
GREEN CLAY	79	82	
GREY CLAY	82	140	
GREY BASALT	140	154	
BROKEN GREY & BROWN BASALT	154	556	21

(6) CASING / LINER:

Dia.	From	To	Gage	Material
CASING	20"	+1	147	375 STEEL / WELDED

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Final location of shoe (s)

(7) PERFORATIONS / SCREENS:

METHOD	TYPE	MATERIAL
From	To	Slot size Number Dia. Tele / pipe size

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WATER RESOURCES DEPT.
SALEM, OREGON

(8) WELL TESTS:

Minimum testing time is 1 hour
TESTING METHOD Pump
Yield GPM 6000 Drawdown 27' Drill stem at 4 HRS

Date started February 4, 2003 Completed March 2, 2003

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Jim Carlton DATE 3-10-03 WWC # 1758

(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 well construction standards. This report is true to the best of my knowledge and belief.

Stephen DATE 3-10-03 WWC # 693

Temperature of Water 73 F° Depth Artesian Flow Found
Was a water analysis done? NO By whom
Did any strata contain water not suitable for intended use? Yes
NOT ENOUGH

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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

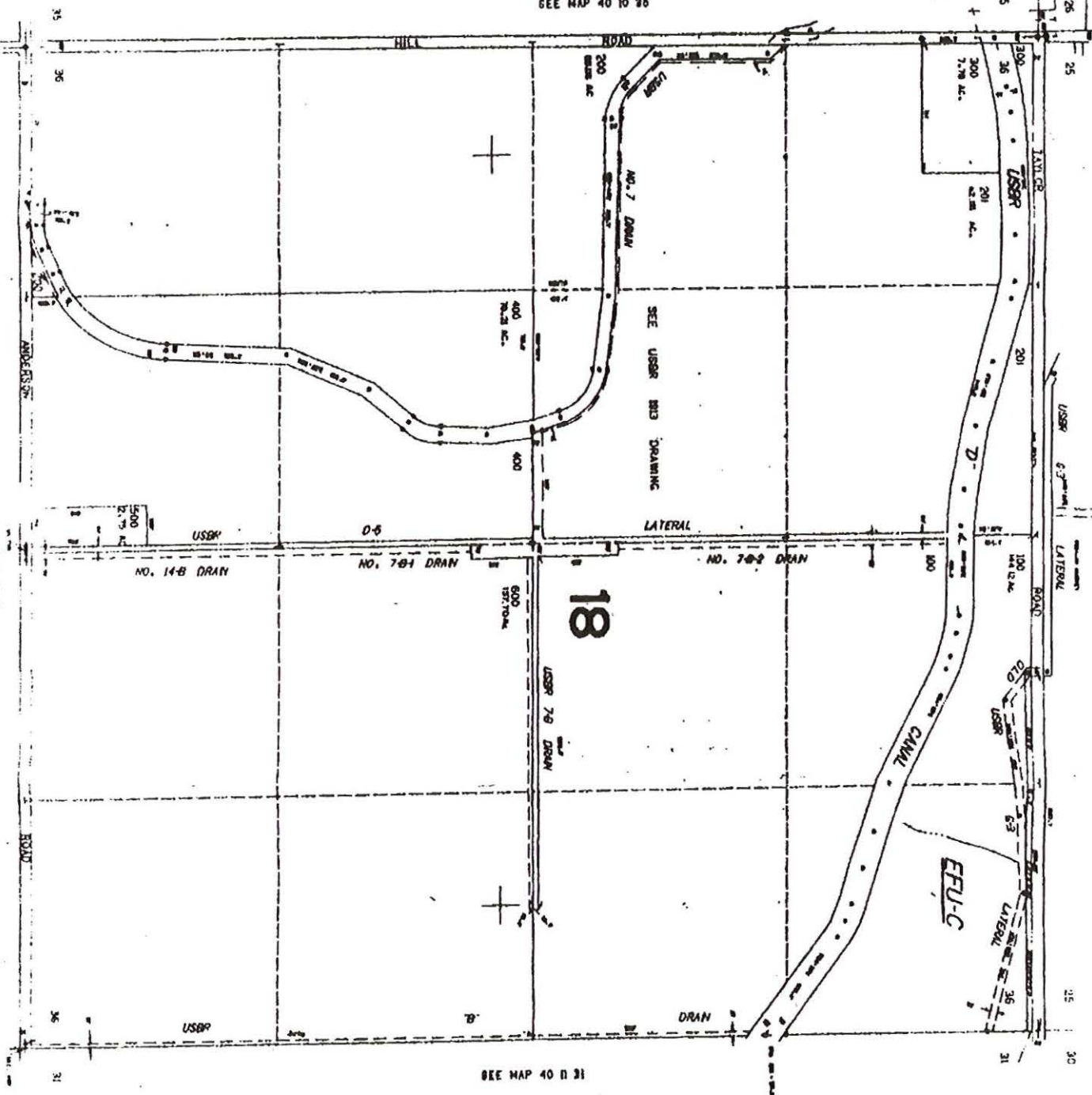
KLAMATH COUNTY

SEE MAP 40 10 25

SEE MAP 40 10 25

SEE MAP 40 10 31

14162



Application for Water Right Transfer



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

Consent by Deeded Landowner

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OWRD
SALEM, OREGON

State of Oregon)
County of Klamath)ss

I, Tim Paschke in my/our capacity as _____,
mailing address PO Box 1004, Merrill, Or. 97633
telephone number 541-591-0414, duly sworn depose and say that I/We
consent to the proposed change(s) to Water Right Certificate Number 96331

described in a Water Right Transfer Application (T-_____),
(transfer number, if known)

submitted by Hickey Organics

on the property in tax lot number(s) R-4111-00600-00300-000 →
R-4111-00600-00200-000

Section 6 Township 41 North/South Range 11 East/West, W.M.

located at _____
(site address)

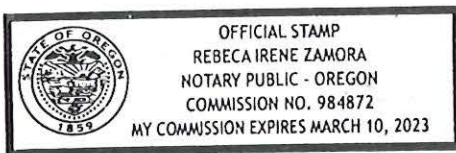
Tim Paschke
Signature of Affiant

1-26-23
Tim Paschke
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 26 day of January, 2023.



Rebecca Irene Zamora
Notary Public for Oregon

My commission expires March 10, 2023

Application for Water Right Transfer



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

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JAN 30 2023
OWRD
SALEM, OREGON

Consent by Deeded Landowner

State of Oregon)
County of Klamath)ss

I Ryan Hartman in my/our capacity as Member H:R Organics
mailing address P.O. Box 148
telephone number 541-591-0863, duly sworn depose and say that I/We
consent to the proposed change(s) to Water Right Certificate Number 96331
described in a Water Right Transfer Application (T-_____),
(transfer number, if known)

submitted by Hickey Organics

on the property in tax lot number(s) 700

Section 1 Township 41 North/South Range 10 East/West, W.M.

located at 501 N main st. Merrill OR 97633
(site address)

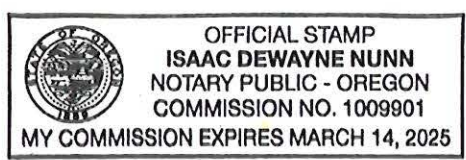
[Signature] member
Signature of Affiant

1/22/23
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 12 day of JAN, 2023.



[Signature]
Notary Public for Oregon

My commission expires Mar 14th 2025

Application for Water Right Transfer



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

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JAN 30 2023

OWRD
SALEM, OREGON

Consent by Deeded Landowner

State of Oregon)
County of Klamath Lane)ss

I Dennis Paschke in my/our capacity as owner,
mailing address PO Box 367 Dexter, Or. 97431,
telephone number 541-880-4052, duly sworn depose and say that I/We
consent to the proposed change(s) to Water Right Certificate Number 96331

described in a Water Right Transfer Application (T-____),
(transfer number, if known)

submitted by Hickey Organics

on the property in tax lot number(s) 100, 400

Section 1 Township 41 North/South Range 11E East/West, W.M.

located at _____
(site address)

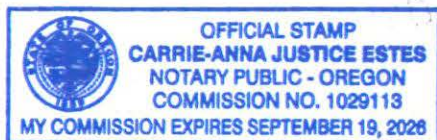
Dennis Paschke
Signature of Affiant

1/6/2023
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 6th day of January, 2023.



Carrie-Anna Justice Estes
Notary Public for Oregon

My commission expires 9/19/2028

Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T-

Checked by <u> Dante </u>	Type of Change(s) Proposed: NO other changes allowed other than those listed	
Date <u> 1-31-2023 </u>		
Fee Received: \$1840	<input type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input checked="" type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$1840		How many rights to be Transferred? 1
Deficiencies and Observations:		Certificate #(s) 96331

If OK, check box; if not, fill in.

1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?
If not, what is missing? Whose signature is missing? _____
2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? N/A.
Name of the District _____
3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?
If not, you may need to contact the applicant or agent? _____
4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (*compare with OAR 690-380-3220-may need to return*)
If no, which certificates are missing a separate Part 5, tables 1 & 2? _____
5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?
If not, what is missing? _____. Map waiver included?
6. If a change in point of appropriation, have the well logs been included? N/A.
7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? N/A.
8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? _____
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- 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 _____

Permanent Transfer Application Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »	4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7» »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	

14162

PERMANENT TRANSFER MAP

FOR

HICKEY ORGANICS

T40S, R10E, Sec. 35 & 36, W.M.

T40S, R11E, SEC. 31, W.M.

T41S, R10E, SEC. 1, W.M.

T41S, R11E, SEC. 6, W.M.

KLAMATH COUNTY, OREGON

CERTIFICATE 96331

LEGEND

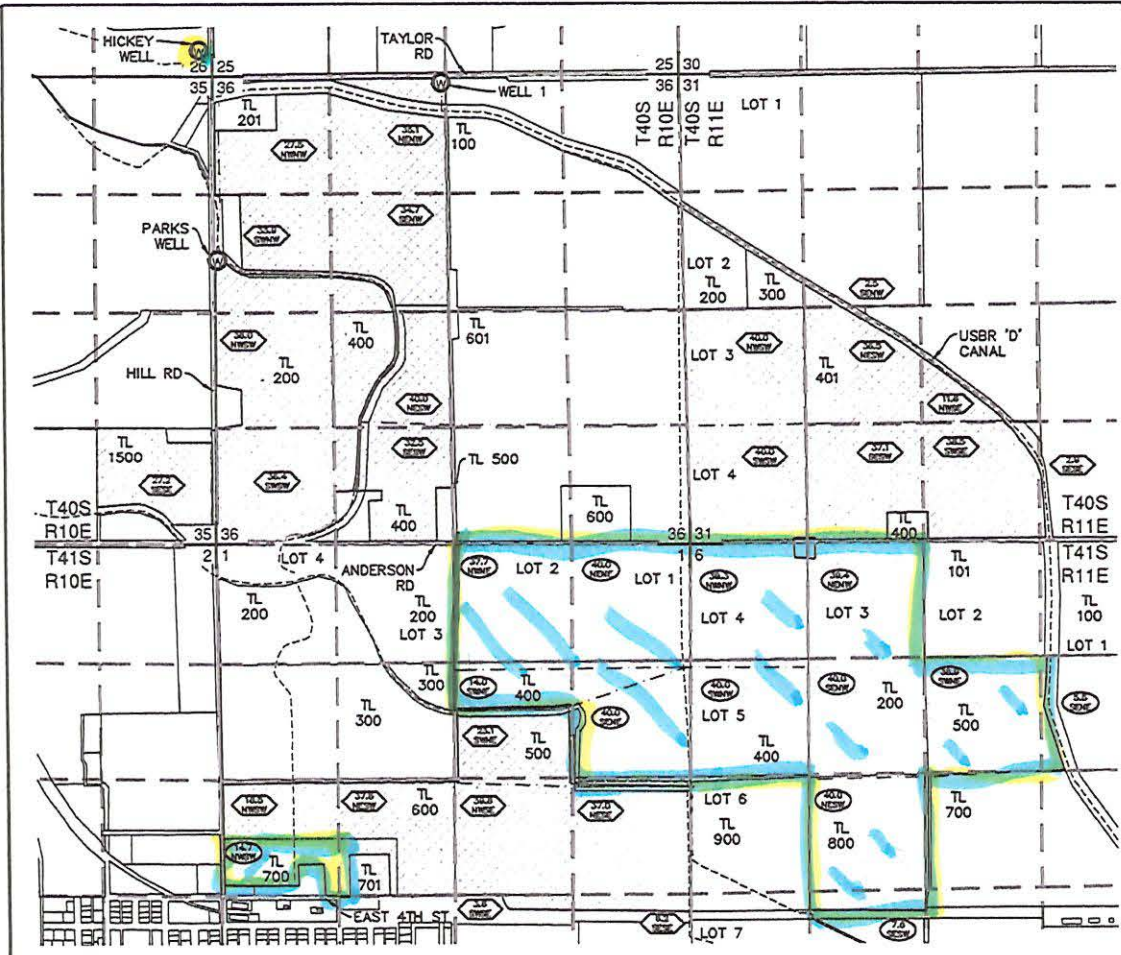
--- (dashed)	TOWNSHIP LINE	22 22	SECTION CORNER
--- (dashed)	RANGE LINE	22 22	
--- (dashed)	SECTION LINE	TL	TAX LOT NUMBER
--- (dashed)	1/4 1/4 LINE	0000	
--- (dashed)	TAX LOT LINE	⊙	POA (WELL)
--- (dashed)	DITCH CENTERLINE	⊙	LANDS TRANSFERRED TO HICKEY WELL
--- (dashed)	8" IRRIGATION MAIN LINE ROAD	⊙	LANDS REMAINED UNCHANGED

NOTES:

1. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2022 AERIAL PHOTOGRAPH, KLAMATH COUNTY TAX MAPS, AND OREGON GLO MAPS.
2. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
3. DATE OF PRIORITY FOR THIS CERTIFICATE IS MARCH 26, 2003.

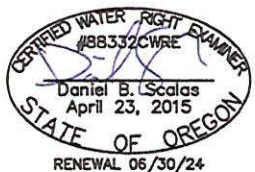
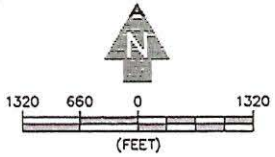
WELL LOCATIONS:

WELL 1: 85.74' SOUTH & 2613.09' EAST FROM THE NORTHWEST CORNER OF SECTION 36.
 HICKEY WELL (PROPOSED NEW POA): 295.96' NORTH & 152.29' WEST FROM THE SOUTHEAST CORNER OF SECTION 26.



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 ENGINEERING & SURVEYING
 1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

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TRANSFER APPLICATION MAP
 FOR
 HICKEY ORGANICS
 T40S, R10E, SECS. 35 & 36, WM
 T40S, R11E, SEC. 31, WM
 T41S, R10E, SEC. 1, WM
 T41S, R11E, SEC. 6, WM
 CERTIFICATE 96331

RECEIVED
 JAN 30 2023
 OWRD
 SALEM, OREGON

PERMANENT TRANSFER MAP

FOR

HICKEY ORGANICS

T40S, R10E, Sec. 35 & 36, W.M.
 T40S, R11E, SEC. 31, W.M.
 T41S, R10E, SEC. 1, W.M.
 T41S, R11E, SEC. 6, W.M.
 KLAMATH COUNTY, OREGON
 CERTIFICATE 96331

LEGEND

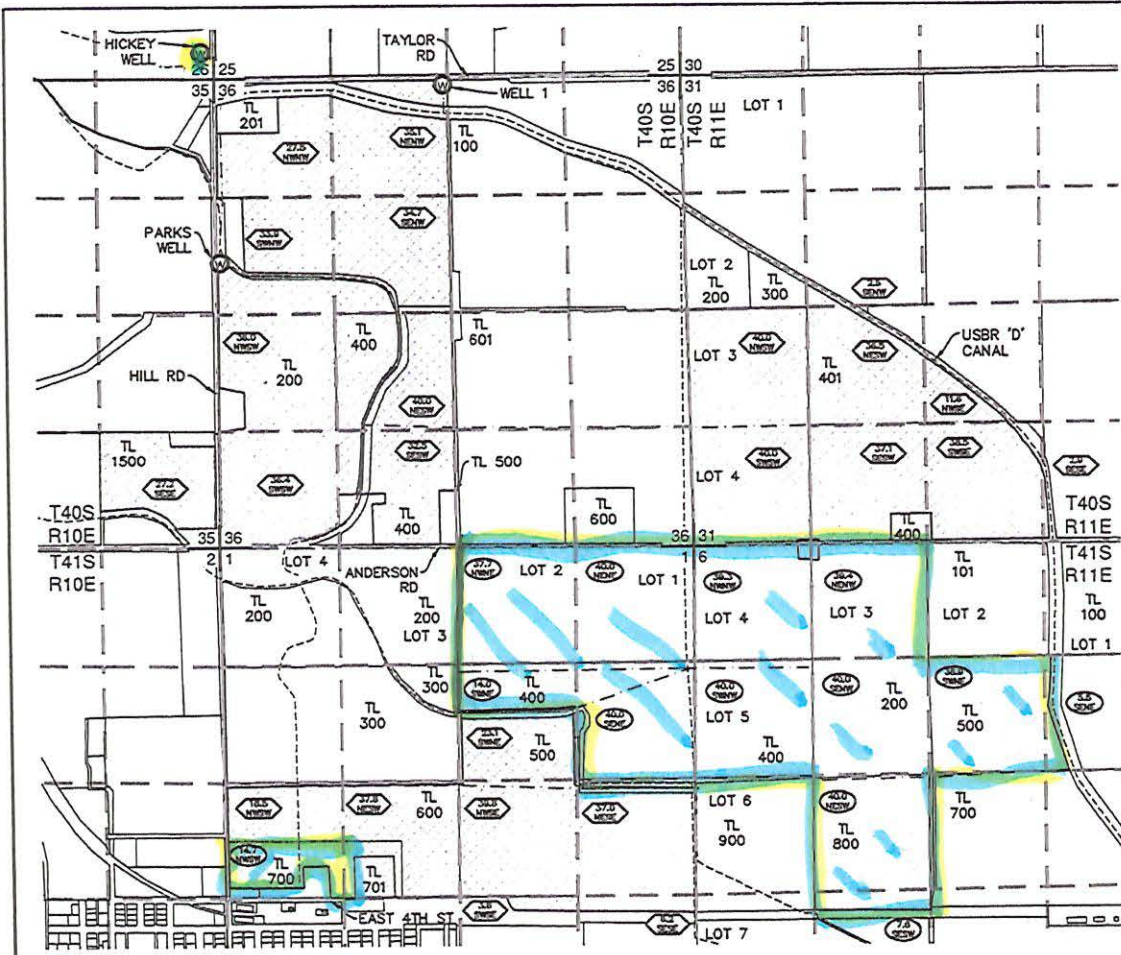
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-----	8" IRRIGATION MAIN LINE	⊙	LANDS REMAINED UNCHANGED
-----	ROAD		

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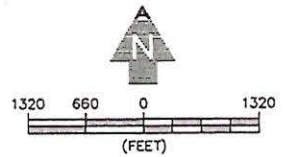
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CERTIFIED WATER RIGHT EXAMINER
 #88332CWRE
 Daniel B. Scalos
 April 23, 2015
 STATE OF OREGON
 RENEWAL 06/30/24

TRANSFER APPLICATION MAP
 FOR
 HICKEY ORGANICS
 T40S, R10E, SECS. 35 & 36, WM
 T40S, R11E, SEC. 31, WM
 T41S, R10E, SEC. 1, WM
 T41S, R11E, SEC. 6, WM
 CERTIFICATE 96331

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