

Application for Permanent Water Right Transfer

Part 1 of 4 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

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

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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 – Completed Applicant Information and Signature.
- ☒ Part 4 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 24785**
Please include a separate Part 4 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.
- ☒ **Application Fee** - payable by check to the Oregon Water Resources Department, the online fee calculator is located:
https://apps.wrd.state.or.us/apps/wr/wr_transfer_calculator/permanent_transfer.aspx
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):

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

Other/Explanation _____

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

Part 2 of 4 – 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°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Rusted Gate Farm		PHONE NO. 541-727-2806	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 5326			FAX NO.
CITY Central Point	STATE OR	ZIP 97502	E-MAIL dpicanso@rustedgatefarm.org
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 Adkins Engineering & Surveying, Inc.		PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.
ADDRESS 1435 Esplanade Avenue			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL dscalas@adkinsengineering.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:

The applicant is proposing to change the point of diversion to a location approximately 1,150' northwest of the authorized point of diversion. This project is part of a wetlands reclamation project between USFWS and the Klamath Tribes.

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

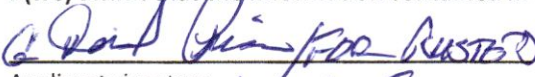
Check One Box

- ☒ 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: Herald 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.


Applicant signature **GATE FARM**

DAVID PICARDO / MANAGER
Print Name (and Title if applicable) Date **4/30/26**

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:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

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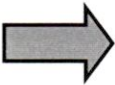
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Klamath County	ADDRESS 305 Main Street	
CITY Klamath Falls	STATE OR	ZIP 97601

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CERTIFICATE # 24785

Description of Water Delivery System

System capacity: **10.07** cubic feet per second (cfs)

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.

The authorized POD is equipped with a headgate and 24 inch pipe with a waterman valve that gravity flows into a canal. This canal feeds into a series of other canals/ditches to flood irrigate the authorized lands.

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)
POD 1	☒ Authorized ☐ Proposed	N/A	36 S	7 E	32	NW NW	1100	310' South & 530' East from the Northwest Corner of Section 32
POD 2	☐ Authorized ☒ Proposed	N/A	36 S	7 E	30	SE SE	300	680' North & 40' West from the Northwest Corner of Section 32

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 24785

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POD	36	S	7	E	29	SW	SW	500	Lot 1	6.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	NW	NE	300	Lot 9	4.4	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	SW	NE	300	Lot 8	29.5	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	NE	NW	300	Lot 10	29.5	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	NW	NW	300	Lot 11	20.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	SW	NW	300		38.5	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	SE	NW	300		40.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	NE	SW	300		40.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	NW	SW	300	Lot 3	29.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	SW	SW	300	Lot 4	4.4	Primary Irrigation	POD 2	1955

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POD	36	S	7	E	30	SE	SW	300	Lot 5	25.5	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	NE	SE	300	Lot 7	13.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	NW	SE	300		40.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	SW	SE	300		38.7	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	30	SE	SE	300	Lot 6	37.5	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	31	NE	NE	100	Lot 4	3.0	Primary Irrigation	POD 2	1955
													POD	36	S	7	E	32	NW	NW	1100	Lot 12	3.6	Primary Irrigation	POD 2	1955
TOTAL ACRES:										TOTAL ACRES: 402.6																

Additional remarks:_____.

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For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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ATTACHMENT A
Copy of Certificate 24785

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STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

This Is To Certify, That A. E. WAMPLER

of Rocky Point Route, Klamath Falls, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Upper Klamath Lake, a tributary of Klamath River, for the purpose of irrigation of 402.6 acres under Permit No. 23652 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 6, 1955,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 10.07 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 12 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 32, Township 36 South, Range 7 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 1200 acre feet per season,

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

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

6.0 acres Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 29
4.4 acres Lot 9 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
29.5 acres Lot 8 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
29.5 acres Lot 10 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
20.0 acres Lot 11 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
38.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
29.0 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
4.4 acres Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
25.5 acres Lot 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
13.0 acres Lot 7 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
38.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
37.5 acres Lot 6 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 30
3.0 acres Lot 4 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 31
3.6 acres Lot 12 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 32
Township 36 South, Range 7 East, W.M.

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

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959

Lewis A. Stanley State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24785

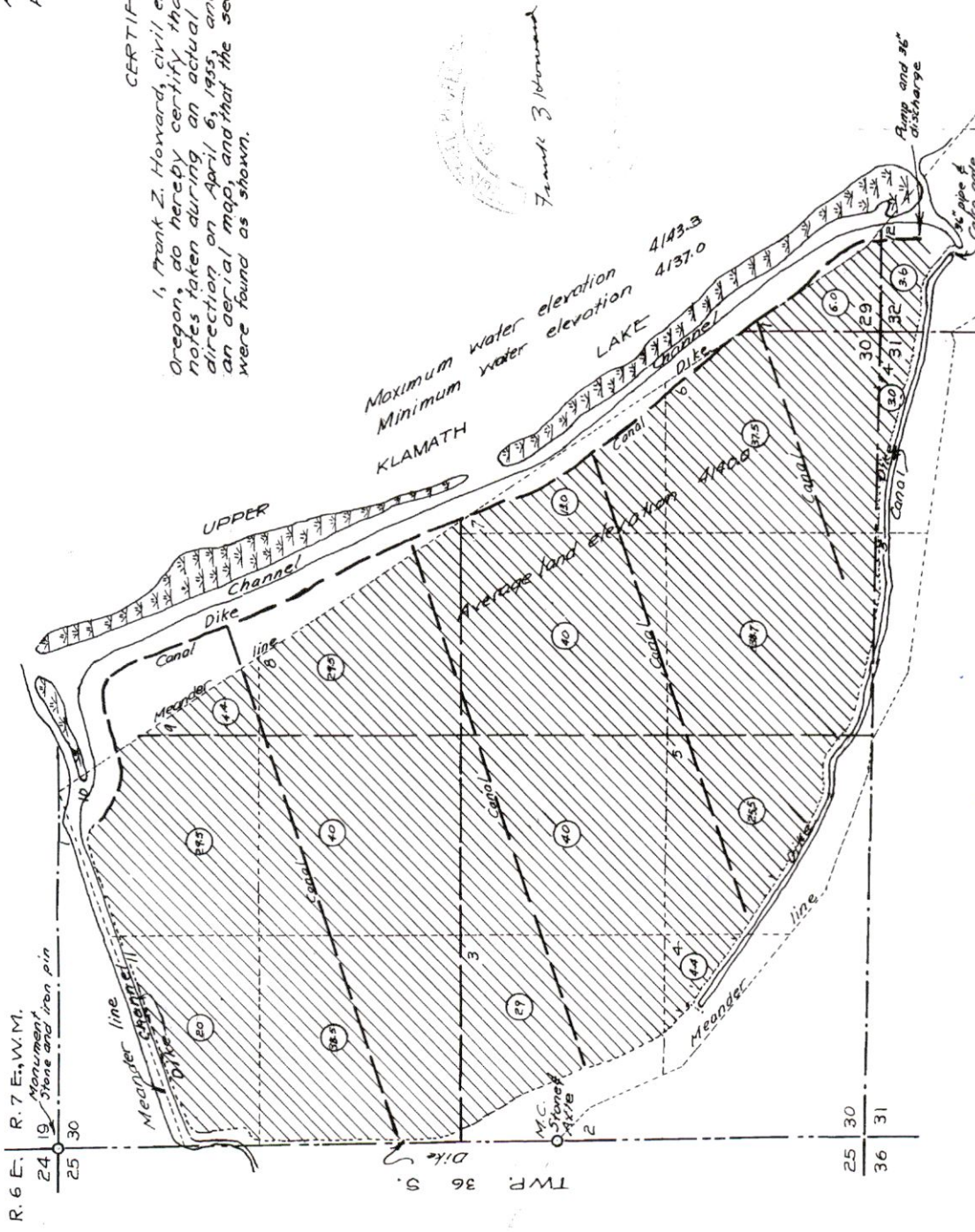
14858

APPLICATION NO. 29961
 PERMIT NO. 23652

CERTIFICATE-

I, Frank Z. Howard, civil engineer, of Klamath Falls, Oregon, do hereby certify that this map was made from notes taken during an actual survey made under my direction on April 6, 1935, and from information taken from an aerial map, and that the section corner and meander corner were found as shown.

Frank Z. Howard



WATER RIGHT APPLICATION OF PAGE	
H. F. MARJORIE N. LAMOREAUX	
PORTION OF SECTIONS 29, 30, 31	
T. 32, TWP. 36 S., R. 7 E., W. 1.	
SURVEYED FOR	A.B. F. M. LAMOREAUX
SURVEYED BY	FRANK Z. HOWARD
DRAWN BY	A.Z.H.
DATE	4-6-35
SCALE	1" = 10 CHAINS
APPROVED	

Application No. 29961
 Permit No. 23652

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ATTACHMENT B

Permanent Transfer Map

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ATTACHMENT C
Evidence of Use Affidavit and Supporting
Documents

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of KLAMATH

I, DAVE PICANSO, in my capacity as MANAGER OF RUSTED GATE FARM,
mailing address P.O. BOX 5326, CENTRAL POINT, OR 97502
telephone number (541)727-2806, 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 # 24785; **OR**

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

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

OR

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

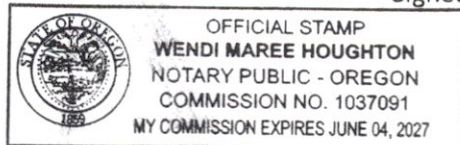
(continues on reverse side)

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

a Paul Price For RUSTON GATE FARM 4/24/26
Signature of Affiant Date

Signed and sworn to (or affirmed) before me this 24 day of April, 2024.



Wendi Maree Houghton
Notary Public for Oregon

My Commission Expires: 6-4-27

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



Ball Bay

N

3000 ft

Date: May 20, 2025

Google Earth

Image © 2026 Airbus

14858 -

ATTACHMENT D

Land Use Information Form

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Land Use Information Form



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

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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Land Use Information Form

OWRD



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

NAME Rusted Gate Farm			PHONE 541-727-2806	
MAILING ADDRESS P.O. Box 5326				
CITY Central Point	STATE OR	ZIP 97502	EMAIL dpicanso@rustedgatefarm.org	

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:
36S	7E	29	SW SW	500	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	NW NE	500	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	SW NE	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	NE NW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	NW NW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	SW NW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	SE NW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	NE SW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	NW SW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	SW SW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	SE SW	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	NE SE	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	NW SE	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	SW SE	300	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	30	SE SE	300	Exclusive Farm Use	☒ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	31	NE NE	100	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
36S	7E	32	NW NW	1100	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Irrigation

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

Klamath County, Oregon

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Upper Klamath Lake

Estimated quantity of water needed: 10.07 ☒ 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:

The applicant is proposing to change the point of diversion to a location approximately 1,150' northwest of the authorized point of diversion. This project is part of a wetlands reclamation project between USFWS and the Klamath Tribes.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

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For Local Government Use Only

OWRD

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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): KCLDC ART. 54
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

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

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

Name: JUSTIN THORNE Title: SENIOR PLANNER

Signature: [Signature] Date: 4/16/2026

Governmental Entity: KUAMATI COUNTY Phone: 541-851-3648

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

ATTACHMENT E

Ownership Update

Received

MAY 06 2026

OWRD

14858 -



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

Ownership Update for Certificated Rights Only

NO FEES ARE REQUIRED TO SUBMIT THIS FORM

NOTICE: A certificate of water right typically stays with the land. To track water right ownership, the Department requests that this form be submitted to the Department. **To update multiple rights, a separate form is required for each right.** If you have any questions about this form, please contact your local watermaster, or call the Water Resources Department at (503) 986-0900.

Note: Use the [assignment](#) form to change ownership on pending applications, permits, transfers, groundwater registrations, or limited licenses.

Current Landowner Information				
Name:	Rusted Gate Farms			
Mailing Address:	P.O. Box 5236			
City:	Central Point	State:	OR	Zip: 97502
Phone:	541-727-2806	Email:	dpicanso@rustedgatefarm.org	

Property Information				
County:	Klamath	Township:	36S	Range: 7E
Section:	30			
Tax Lot #:	3607-B3000-00300, 3607-B3000-00500, 3607-B3100-00100, 3607-B0000-01100			
Street Address of Water Right:	Latitude: 42.408418; Longitude: -122.043853			
Water Right Information				
Application:	S-29968			
Permit:	S-23652			
Certificate:	24785			
Are all the lands associated with this water right owned by the requestor? ☒ Yes ☐ No				
(If no, include a map showing the portion of the water right involved)				

Signature and Date	
Name of individual completing form:	Dave Picanso
Phone or email:	dpicanso@rustedgatefarm.org
Date:	4/16/26
Signature of requestor:	<i>[Signature]</i> FOR RUSTED GATE FARM

The Department does not change names on water right certificates. This form will be placed in the file for future reference only. If mailed, the Department will not provide acknowledgment of receipt.

This form can be mailed to the address above or sent by email to wrd_dl_customerservice@water.oregon.gov

ATTACHMENT F
Klamath County Tax Maps 36-7-30 & 36-7-
31

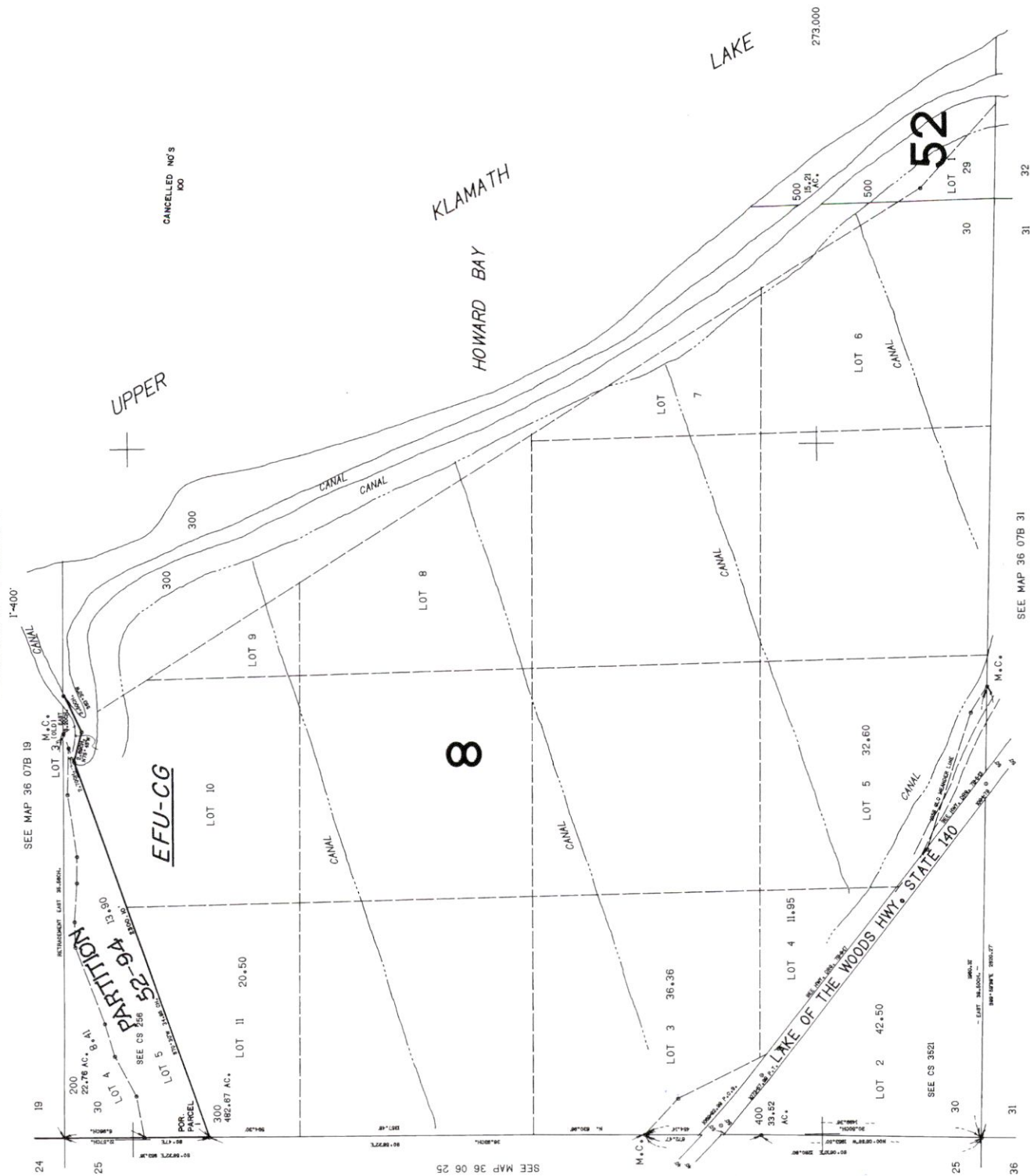
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SECTION 30 T.36S. R.07E. WM.
(WEST OF THE LAKE)
KLAMATH COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



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MAY 06 2026

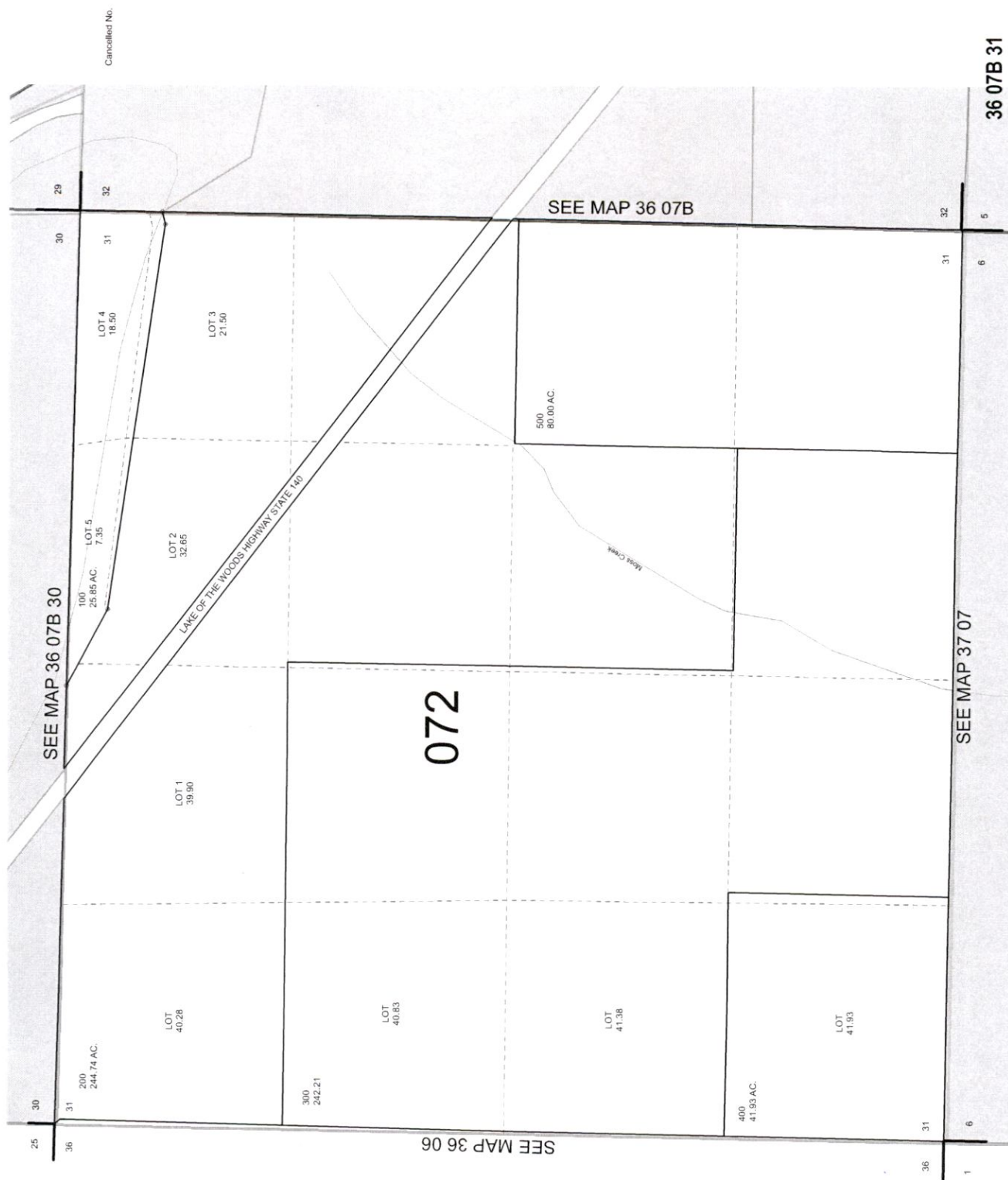
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Revised: 10/16/2025

 $1'' = 400'$

36 07B 31



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