

T-12359

T-12359

Regular

Name Andy Root / Rattlesnake Cr. Land
3 Cattle 3 Christopher 3 Danielle Gregg
Address 524 Hwy 20 N/29724 Hwy 20 W
Hines, OR 97738

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well

Trib. of West Fork Silvies R.

Use Industrial / Irrigation

County Harney um

Quantity of water (CFS)

No. of Acres

Name of ditch

App # G-14645

Per # G-13485

Cert # 90309

PR Date 1997

App #

Per #

Cert #

PR Date

App #

Per #

Cert #

PR Date

App #

Per #

Cert #

PR Date

App #

Per #

Cert #

PR Date

Change in POU, USE, POA, APOA

Date Filed 4-28-16

Initial notice date

DPD issued date

PD issued date

PD notice date

Date of FO 11/24/2025

Vol 138 Page 113

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID

Date

Amount

Receipt #

4-28-16

\$3,550.00

119642

FEES REFUNDED

Date

Amount

Receipt#

Assignments:

Irrigation District

Agent Scott D. Montgomery

PO Box 767 Terrebonne, OR 97760

CWRE

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

November 24, 2025

Andy Root
524 Hwy 20 N
Hines, OR 97738

REFERENCE: Transfer Application T-12359

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

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

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

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

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

Sincerely,

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

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING
T-12359 Harney County, Oregon	)	AN APPLICATION FOR A WATER RIGHT
	)	TRANSFER

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

Applicant

RATTLESNAKE CREEK LAND AND CATTLE, LLC
ANDY ROOT
524 HWY 20 N
HINES, OR 97738

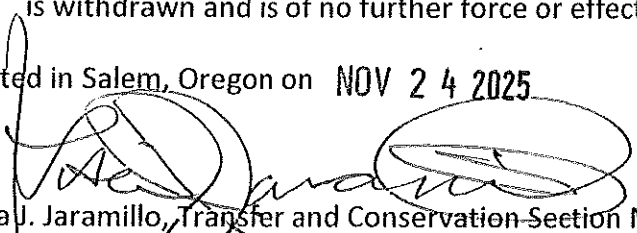
Findings of Fact

1. On April 28, 2016, Rattlesnake Land and Cattle, LLC/Andy Root filed an application to change the point of appropriation, for additional points of appropriation, to change the place of use, and to change the character of use under Certificate 90309. The Department assigned the application number T-12359.
2. On November 4, 2025, the applicant's representative on behalf of the applicant, submitted a request via e-mail that Transfer Application T-12359 be withdrawn in conjunction with the approval of transfer application T-14173.

Now, therefore, it is ORDERED:

1. Transfer Application T-12359, in the name of Rattlesnake Land and Cattle, LLC/Andy Root, is withdrawn and is of no further force or effect.

Dated in Salem, Oregon on NOV 24 2025


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

Mailing date: NOV 25 2025

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.

LUONGO Dante J * WRD

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Tuesday, November 4, 2025 7:18 AM
To: LUONGO Dante J * WRD
Cc: Scott; Andy Root; Neecee; Andy J. Root
Subject: Re: T-12359 Withdrawal [SWBE-PDX.FID1301039]

Dante,
On behalf of Rattlesnake Creek Land and Cattle Co LLC, I am writing to withdraw application T-12359, contingent upon OWRD's simultaneous issuance of a final order approving T-14173.

Thanks,

Shonee

Sent from my mobile device

From: LUONGO Dante J * WRD <Dante.J.LUONGO@water.oregon.gov>
Sent: Thursday, October 30, 2025 9:37 AM
To: Scott <Scott@apeands.com>
Cc: andyjroot@gmail.com; Dani Gregg <chris.dani.gregg@gmail.com>; DAVIDSON Will D * WRD <Will.D.DAVIDSON@water.oregon.gov>
Subject: T-12359 Withdrawal

Hello Scott,

With T-14173's FO about to be approved in the coming weeks, the Department will need the withdrawal statement of T-12359 to be sent in prior so we can issue both orders at the same time. Please consult with Andy Root, the applicant about the withdrawal and let me know as soon as possible so I can get the Order drafted and reviewed.

Best Regards,

Dante Luongo

Transfer Specialist- Transfers and Conservation Section

725 Summer Street NE Ste A

Salem, Oregon 97301

(971)-304-5006



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-12359

Applicant Name: Rattlesnake Creek Land & Cattle

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 06/07/2019

Date Reviewed by GW Mgr. and Returned to WRSD: 6/10/19

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

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

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

This review supersedes the original review dated 01/04/2017.

Transfer application T-12359 is related to certificate 90309.

Certificate 90309 authorizes groundwater pumping from 1 well (POD 1 = HARN 50176) for primary irrigation of 6.7 acres, supplemental irrigation of 446.8 acres, and year-round industrial use in the Malheur Lake Basin

This transfer seeks the following changes to cert 90309:

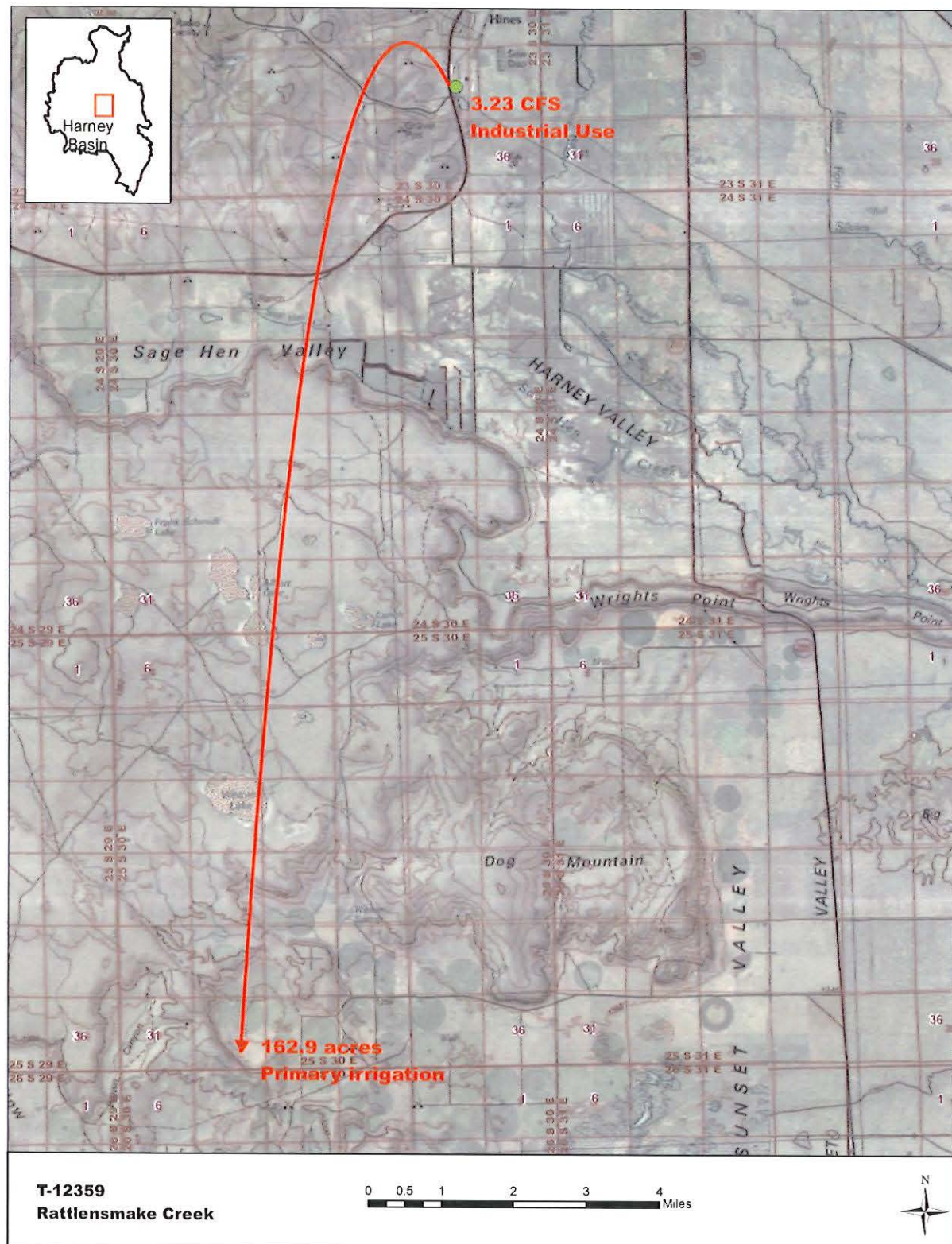
1. Change the type of use for the industrial portion to primary irrigation.
2. Change the POA.
2. Add 11 APOAs (applicant will tie into existing irrigation system)
3. Transfer to a POU ~12 miles south.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Available data indicates a predominantly volcanic/volcaniclastic unit occurs beneath a predominantly basin fill sediment unit. Reports for the Malheur Lake Basin indicate groundwater occurs in both the basin fill and underlying volcanic rocks. The groundwater is likely hydraulically connected, making a single groundwater system occurring in different geologic units. Leonard (1970) found that near the edges of the valley there is likely good interconnection between individual water-bearing beds in the valley fill and those in the adjacent and underlying tertiary rocks.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No See comment in 2 above.
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: _____

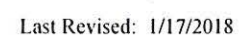
The proposed APOAs are located ~12 miles south of the currently authorized well. Consequently, groundwater withdrawals at this proposed location will result in an increase in interference with groundwater rights near that location. Additionally, the proposed APOAs are located in the Weaver Springs area; an area within the Harney Basin that has well documented year-to-year water level declines. The declines documented in the Weaver Springs area are up to 5 feet and greater per year since the late 1990s – the highest rate of decline of any area in the Harney Basin.

- 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: The proposed use will result in additional water level declines in the Weaver Springs area. Existing junior rights in this area have decline conditions, which will be triggered earlier if this transfer is approved. All existing groundwater users in this area will be negatively impacted by any increased authorized groundwater pumping.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☒ Yes ☐ No Comments: The proposed APOAs are closer to Harney Lake than the currently authorized POAs. This will result in an incremental increase in interference with this surface water source. Previous analyses indicate the increase in interference with this surface water source resulting from this will be minimal.
- 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: Harney lake ☒ Minimal ☐ Significant
Stream: _____ ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: The proposed wells are ~5 miles north of Harney Lake. Previous analyses indicate that at this distance interference will be minimal.

6. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
7. Any additional comments: Analysis of Landsat imagery clearly indicates that the proposed POU has been irrigated without the benefit of a water right since 2014, contributing to the long term year-to-year water level declines in this area.



Weaver Springs area Hydrograph





WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

Director Byler
Oregon Water Resources Department
Director@wrd.state.or.us

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March 1, 2021

Dear Director Byler:

I am writing about ongoing illegal groundwater use in the Weaver Springs area of Harney Basin. WaterWatch informed the department about this specific illegal use in 2016, which apparently began in 2014, and recently learned that it continued since that time and occurred as recently as 2020. We are asking that OWRD ensure that this illegal use does not happen in 2021 or beyond. We are also requesting that OWRD take all appropriate measures to hold the responsible entities accountable and for the department to consider this continued pattern of illegal use in any water permit transactions involving these entities.

The illegal use has been occurring in the proposed place of use for the now-denied permit application G-17834, in the name of Andy Root, and also coincides with the proposed "to" lands for the pending transfer application T-12359, in the name of Andy Root/Rattlesnake Land and Cattle Company LLC.¹ According to the protest jointly filed by Andy Root and Silver Sage Farms LLC to the department's denial of application G-17834 (dated 10/18/2019), the property described in application G-17834, including that where the illegal use has been occurring, was sold by Mr. Root to Silver Sage Farms LLC on 11/6/2018. (Page 2).

On March 29, 2016, WaterWatch notified OWRD of illegal use in the proposed place of use for application G-17834 (as well as in the proposed places of use for seven other then-pending permit applications). We sent a map showing the proposed place of use for the then-pending application G-17834, and one showing aerial imagery from OWRD's on-line Water Right Mapping Tool showing irrigation in that proposed place of use. (Attachments 1 and 2). As we noted then, that (undated) OWRD Water Right Mapping image appeared to be from 2014. We believed after talking with OWRD that it would take appropriate steps regarding the illegal uses we identified.

However, OWRD's Groundwater Re-Review of T-12359 (dated 6/7/2019), notes that:

"[a]nalysis of Landsat imagery clearly indicates that the proposed POU has been irrigated without the benefit of a water right since 2014, contributing to the long term year-to-year water level declines in this area."

(Page 3).

¹ T-12359 proposes to transfer industrial use from certificate 90309 from the Hines mill site to irrigation use in Weaver Springs.

Currently, OWRD's Water Right Mapper, likely showing imagery from 2019, also shows illegal use in this place of use; Google Earth Pro imagery from 2019 also shows use there. (Attachment 3). We have included a map of the "to" lands for T-12359, from which it can be seen that the illegal irrigation is occurring not just in the proposed place of use of a denied permit application, but on the "to" lands of applied-for but not authorized transfer.

The illegal use apparently continued into 2020. Thus if it has occurred annually since it began in 2014, this would total seven years of Mr. Root and/or Silver Sage Farms LLC illegally irrigating this acreage—apparently without any penalty. It is hard to even fathom how that could occur, especially in Weaver Springs, an area of extreme concern and study regarding groundwater declines from over-pumping.

I would also note that on September 30, 2020, OWRD issued a press release titled "Oregon Water Resources Department Continues to Monitor for Unauthorized Water Use in the Harney Basin," reporting that OWRD had not identified any unauthorized use in 2020 and that in 2019 it had identified "three instances in the Harney Basin of irrigation of water without a groundwater right." However, the press release apparently omits the 2019 and 2020 illegal use on Silver Sage Farms LLC even though OWRD was aware it had occurred. This is disconcerting and we would like to understand how it happened and how to attain a higher level of accuracy in the future.

This type of ongoing illegal use should not be tolerated anywhere. That the illegal use has been occurring in Weaver Springs, where groundwater levels are dropping by as much as 20 feet per year, makes addressing it critically important. Domestic well users are already being affected by groundwater declines from over-pumping in Weaver Springs. Those effects, and effects on irrigators and groundwater dependent ecosystems, are only expected to increase.

Further, between them, Andy Root and Charles Eggert (Silver Sage Farms LLC is a project of his family), hold nearly two dozen groundwater water rights in the Harney Basin.² The continuing illegal use described above raises questions about water use by these entities in the basin more broadly.

It also calls into question the proposal for a Harney Conservation Reserve and Enhancement Program (CREP) project, which would establish a 40 million dollar publicly funded system to pay irrigators to voluntarily not pump water and voluntarily cancel their water permits. A Harney CREP program cannot be run in an accountable manner if, as here, OWRD allows illegal water use to continue for five years after being notified specifically of it and major Harney Basin irrigators apparently do not abide by their water use authorizations. Without assurances and a

² The Burns Times Herald reported that "Silver Sage is one of several key projects in the works by the Eggert family, which collectively is one of the largest organic farmers in Oregon" and that Mr. Eggert is embarking on a \$22 million dollar project to convert the old Hines lumber mill into a facility "to process alfalfa into pellets with optimum nutrition under the Silver Sage Farms brand." (<https://btimesherald.com/2019/03/13/silver-sage-farms-will-process-pellets-at-hines-mill-site/>). Silver Sage Farms LLC also holds a registration for a Confined Animal Feedlot Operation in Weaver Springs.

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better system in place, a CREP program runs the risk of wasting significant public funds and failing to achieve targeted groundwater use reduction.

Further, as someone who has invested countless hours over many years in the Harney Place Based Planning water collaborative, I also feel it undermines that work. It is unclear how any of the solutions we're working on could be successful, and whether seeking public funding is even appropriate, if unauthorized water use—that OWRD knows about—is allowed to continue for years.

We urge the department to use whatever authority it has to ensure this illegal use does not continue and to impose all appropriate consequences available. We request that OWRD monitor these acres starting at the beginning of and throughout the 2021 irrigation season and that a formal notice of violation be issued immediately should any illegal use occur. We strongly believe that no water right should be issued or transferred to these lands given the lengthy history of illegal use. We also urge OWRD to undertake a thorough examination of each water right held by these entities, including reviewing the vicinity of the places of use for any unauthorized use, to ensure that all water right conditions are being met. We request that the illegal use described in this letter be considered a factor when evaluating imposition of a penalty for any violations by these entities (ORS 536.920) and that it be considered, when allowed, in their future permit transactions.

I would appreciate the opportunity to discuss this with you and your staff further to ensure that this situation is addressed.

Sincerely,

/S/Lisa A. Brown

Lisa A. Brown

Staff Attorney

WaterWatch of Oregon

lisa@waterwatch.org

cc (by email):

Ivan Gall

Jason Spriet

Dwight French

Lisa Jaramillo

Harmony Burright

Ken Bierly

Meta Loftsgaarden

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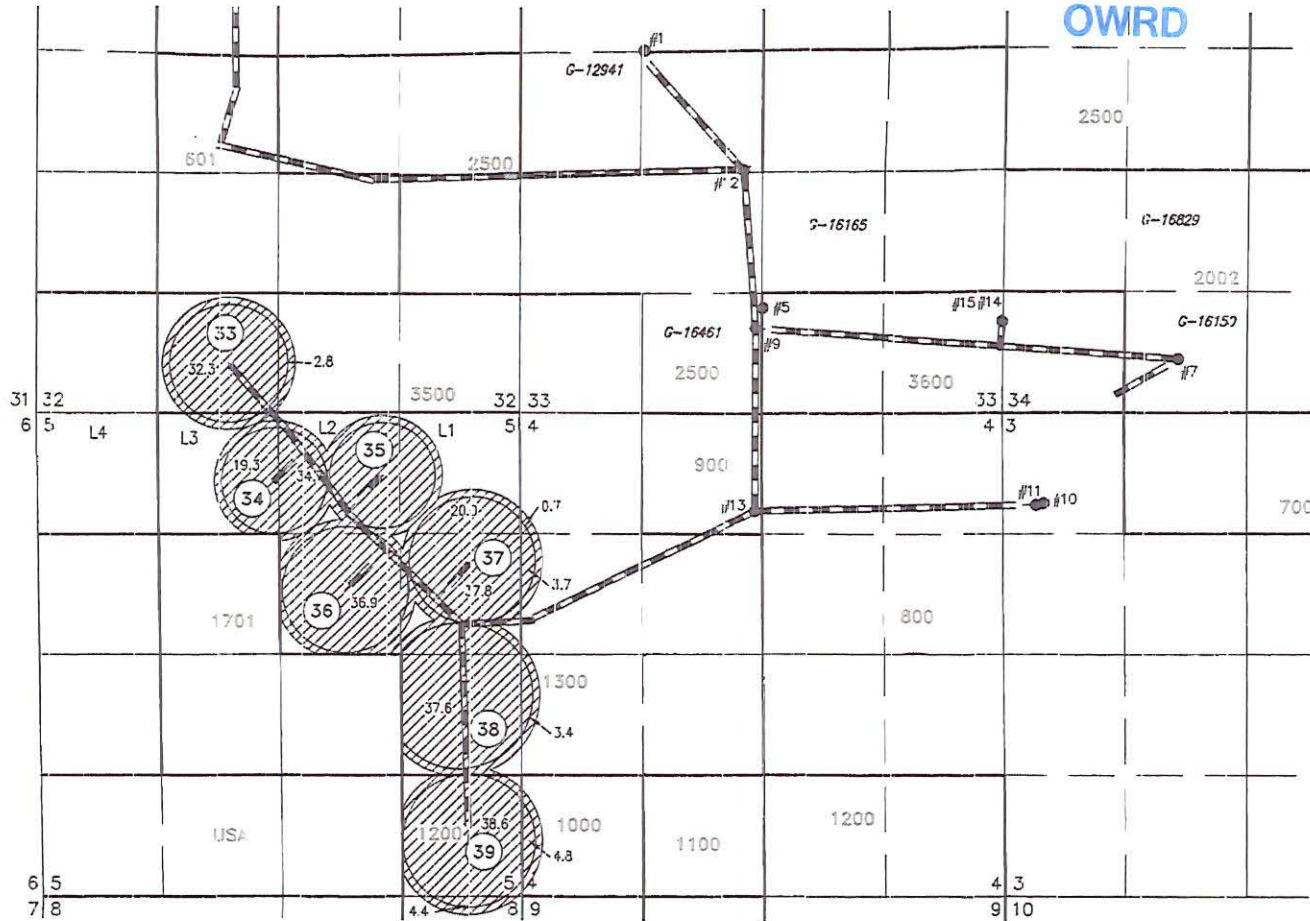
MAR 02 2021

Attachment 1

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MAP TO ACCOMPANY APPLICATION
TO ADD POINTS OF APPROPRIATION AND
PLACE OF USE FOR
RATTLESNAKE LAND & CATTLE

TAX LOTS 2500, 3600, & 2002
IN SECTIONS 32, 33 & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, 1000, 1100, 1200, & 1300
IN SECTION 3, 4, 5, & 6, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON



- #1
WELL #1 (HARN 1094)
1317' SOUTH & 1335' EAST FROM THE NW
CORNER SECTION 33.
- #5
WELL #5 (HARN 51146)
4195' SOUTH & 2672' WEST FROM THE NE
CORNER SECTION 33.
- #7
WELL #7 (HARN 51272)
4725' SOUTH & 1877' EAST FROM THE NW
CORNER SECTION 33.
- #9
WELL #9 (HARN 51448)
4423' SOUTH & 2750' WEST FROM THE NE
CORNER SECTION 33.
- #10
WELL #10 (HARN 51765)
985' SOUTH & 451' EAST FROM THE NW
CORNER SECTION 33.
- #11
WELL #11 (HARN 51760)
1005' SOUTH & 375' EAST FROM THE NW
CORNER SECTION 33.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 2390' WEST FROM THE NE
CORNER SECTION 33.
- #13
WELL #13 (HARN 51445)
1090' SOUTH & 2705' WEST FROM THE NE
CORNER SECTION 33.
- #14
WELL #14 (HARN 51871)
1000' NORTH & 10' WEST FROM THE SE
CORNER SECTION 33.
- #15
WELL #15 (HARN 51970)
1000' NORTH & 30' WEST FROM THE SE
CORNER SECTION 33.

1 OWNER'S PIVOT NUMBER

BURIED STEEL PIPE



277.0 ACRES PRIMARY IRRIGATION FROM
WELLS 1, 5, 7, 9-15, AS SHOWN.

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

PROJECT No. 14-017

PREPARED AT THE REQUEST OF:
ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

ALL POINTS ENGINEERING
& SURVEYING, INC.



P.O. BOX 767 (CRR)
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4602 FX
www.APEandS.com

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APR 11 2014

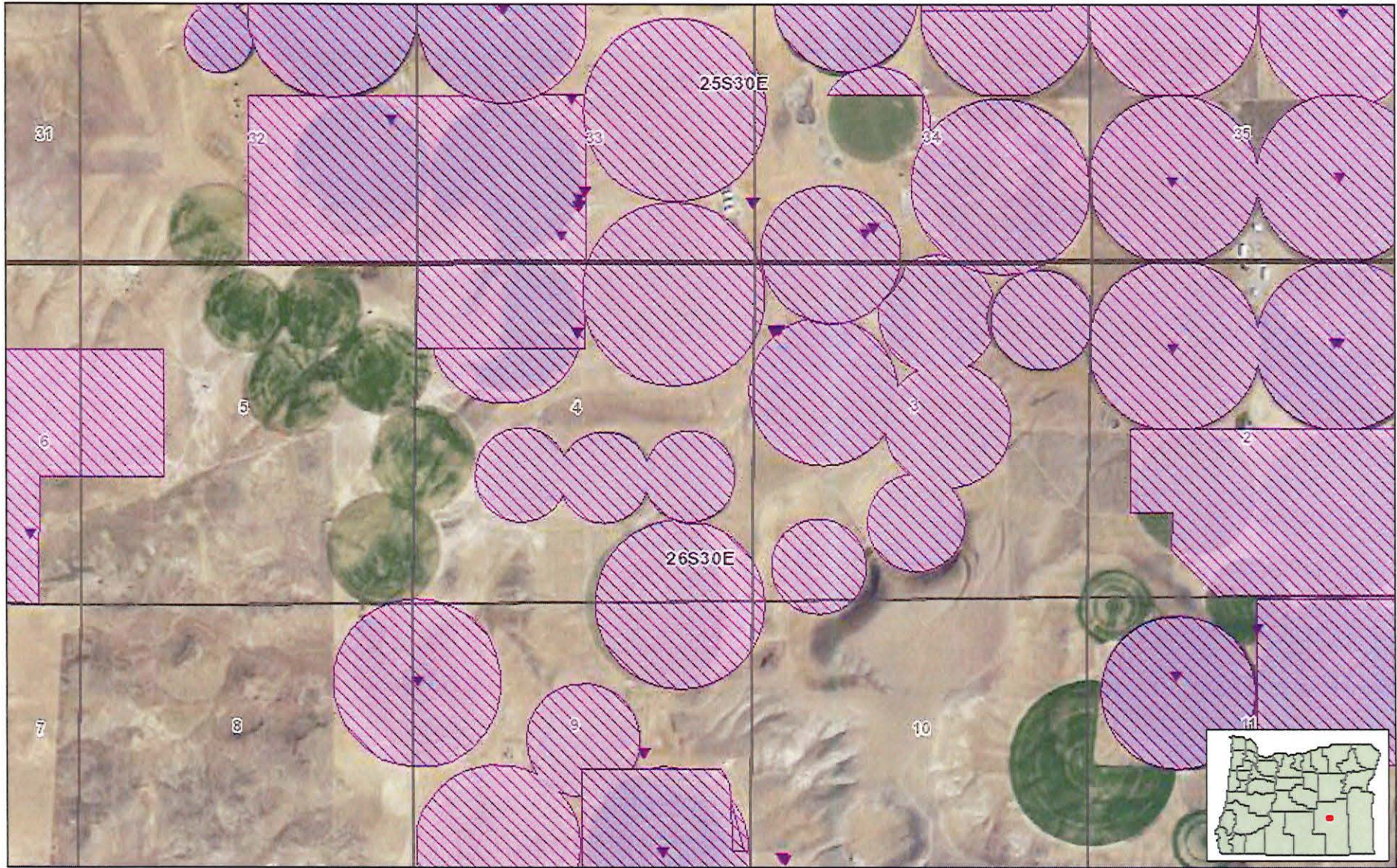
SALEM OR

G-17834

G-17834

March 21, 2016

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



Water Rights by Type

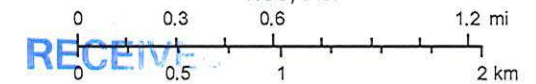
Point of Diversion	Places of Use

Water Rights by Use

By Primary/Supplemental

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1:36,112



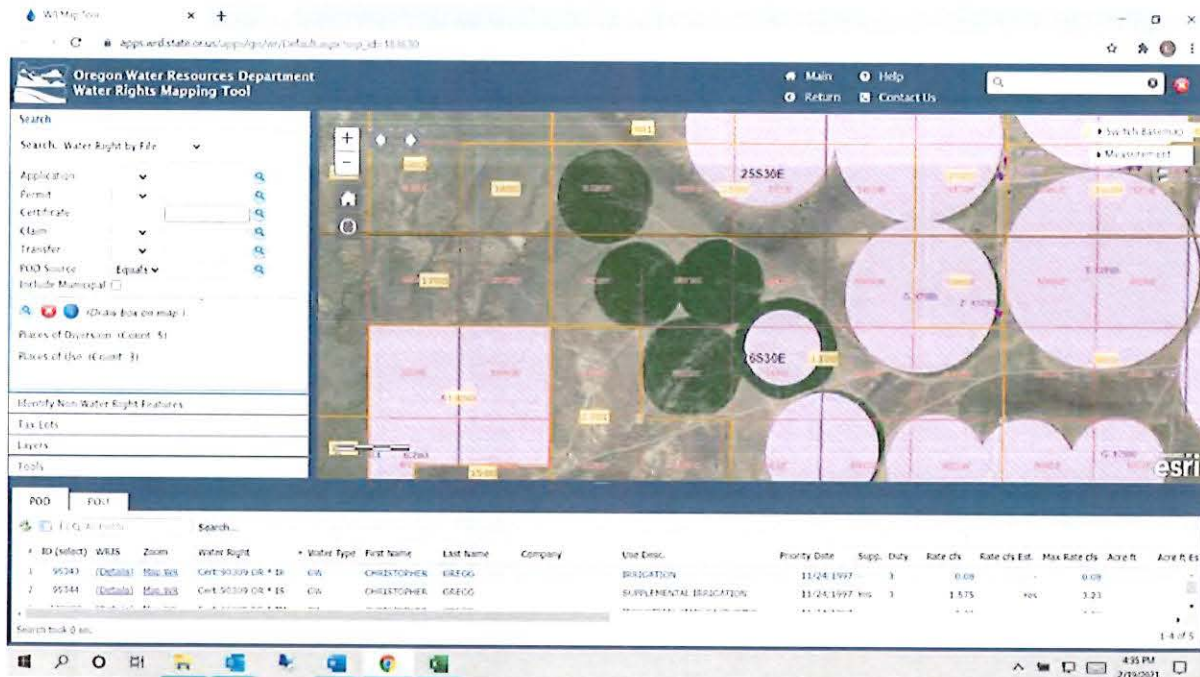
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MAR 02 2016

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Attachment 2

OWRD Water Right Mapper, 2-19-2021



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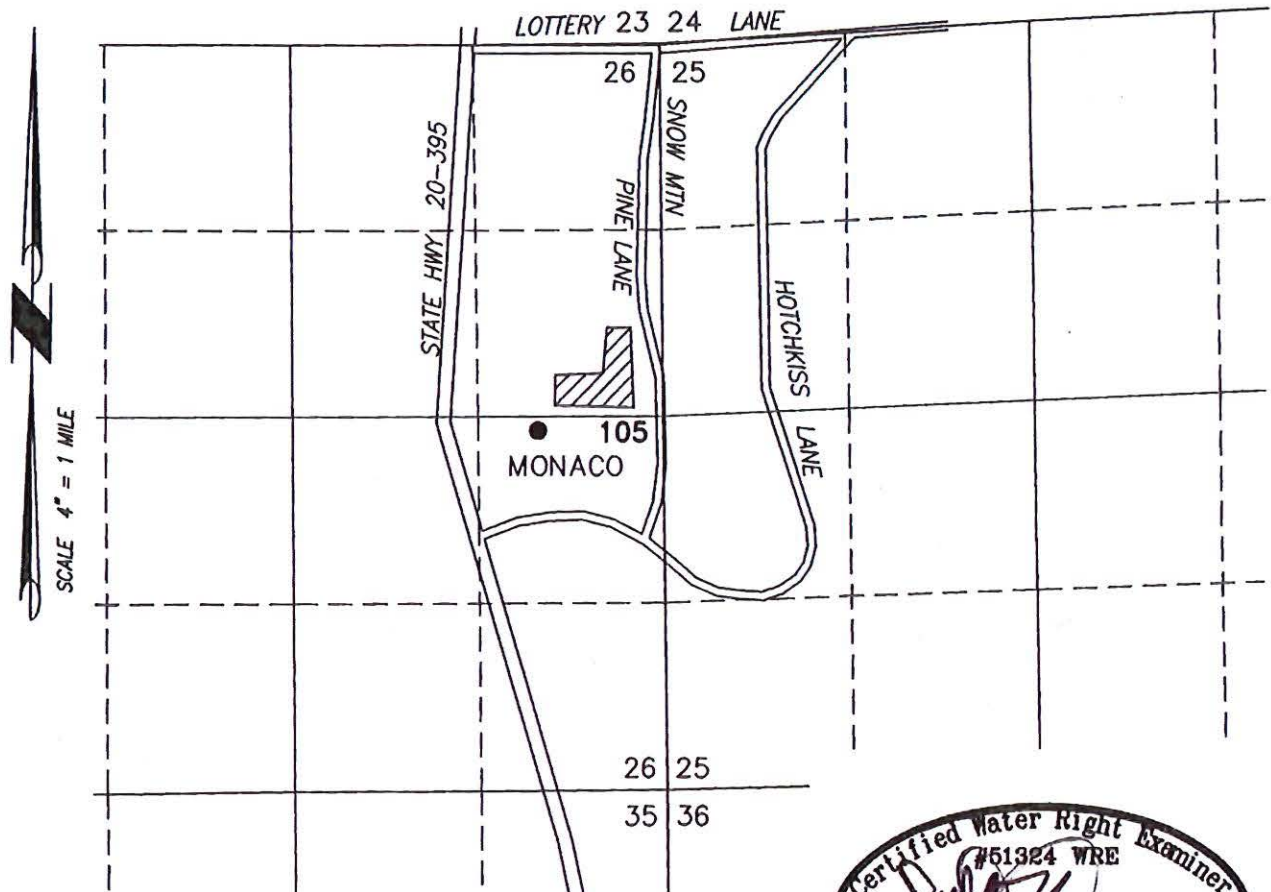
MAP TO ACCOMPANY APPLICATION TO CHANGE A POINT OF APPROPRIATION AND PLACE OF USE FOR RATTLESNAKE CREEK LAND & CATTLE CO..

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

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MONACO WELL

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



2.04 CFS PRIMARY INDUSTRIAL
RIGHTS FROM 9/1 TO 3/1

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RENEWAL DATE: 12/31/2018

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PROJECT No. 16-050

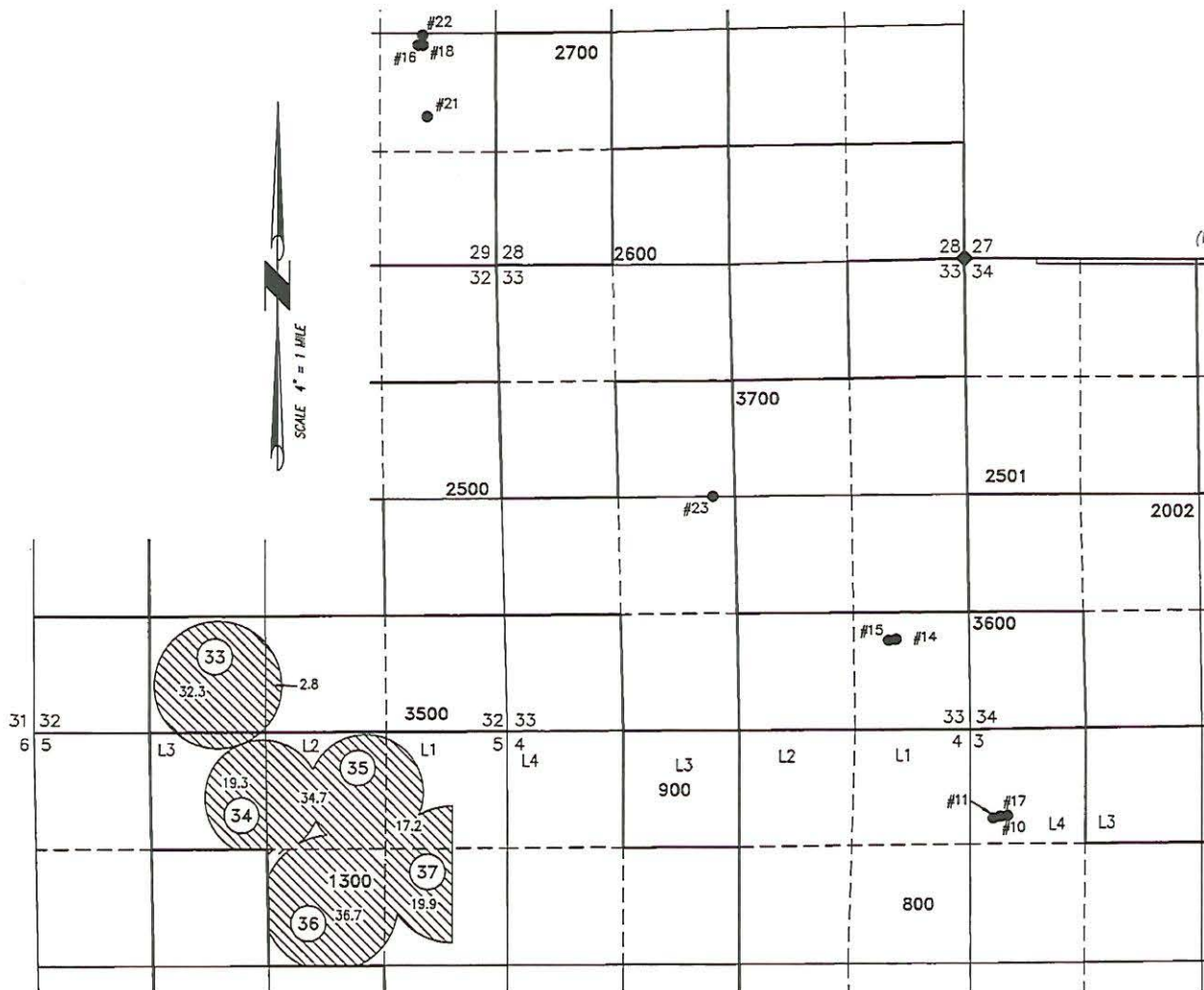
PREPARED AT THE REQUEST OF:

RATTLESNAKE LAND & CATTLE
524 HIGHWAY 20 N
HINES, OR 97738

ALL POINTS ENGINEERING & SURVEYING, INC.



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



TRANSFER MAP TO ACCOMPANY Attachment 4 APPLICATION TO ADD POINTS OF APPROPRIATION FOR RATTLESNAKE LAND & CATTLE

TAX LOTS 2002, 2500, 2600, 3500, & 3600
IN SECTIONS 29, 32, 33, & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, & 1300
IN SECTIONS 3, 4, & 5, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON

- #10
WELL #10 (HARN 51765) PROPOSED
6310' SOUTH & 415' EAST FROM THE
NW CORNER SECTION 34.
- #11
WELL #11 (HARN 51760) PROPOSED
6340' SOUTH & 330' EAST FROM THE
NW CORNER SECTION 34.
- #14
WELL #14 (HARN 51871) PROPOSED
4314' SOUTH & 870' WEST FROM THE
NE CORNER SECTION 33.
- #15
WELL #15 (HARN 51970) PROPOSED
4314' SOUTH & 920' WEST FROM THE
NE CORNER SECTION 33.
- #16
WELL #16 (HARN 52121) PROPOSED
1200' NORTH & 900' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #17
WELL #17 (HARN 52154) PROPOSED
6300' SOUTH & 440' EAST FROM THE
NW CORNER SECTION 34.
- #18
WELL #18 (HARN 52170) PROPOSED
1200' NORTH & 850' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #21
WELL #21 (HARN 52590) PROPOSED
400' NORTH & 800' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #22
WELL #22 (HARN 52591) PROPOSED
1300' NORTH & 850' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #23
WELL #23 (HARN 52674) PROPOSED
2690' SOUTH & 2870' WEST FROM THE
NE CORNER SECTION 33.

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MAY 31 2018
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THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

162.9 ACRES PRIMARY IRRIGATION
FROM C#90308
TO BE USED FROM 4/1 TO 10/1.

1 OWNER'S PIVOT NUMBER

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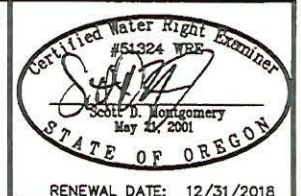
PROJECT No. 16-050

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

ALL POINTS ENGINEERING
& SURVEYING, INC.



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



RENEWAL DATE: 12/31/2018



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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-90309**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

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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°).

FEE WORKSHEET for PERMANENT TRANSFER (Part 3 of 5 – Fee Worksheet

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,000
	Types of change proposed: ☒ Place of Use ☒ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>3 (2a)</u> Subtract 1 from the number in line 2a = <u>2 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » »	2	\$1600
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 » ☒ Yes: enter \$350 »	4	\$350
	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>2.04 (5a)</u> Subtract 1.0 from the number in 5a above: <u>1.04 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>2.00 (5c)</u> and multiply 5c by \$300, then enter on line 5 » » » » » » » » » » » » » » » »		
5		5	\$600
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » Subtotal:	6	\$3550
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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 » If no box is applicable, enter 0 on line 7 »		
7		7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$3550

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- For irrigation calculate cfs for each water right involved as follows:
 - Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
- Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$725.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$350 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Andy Root/Rattlesnake Creek Land & Cattle, LLC		PHONE NO. 541-573-3645	ADDITIONAL CONTACT NO.
ADDRESS 524 Hwy 20 N/29724 Hwy 20 W		FAX NO.	
CITY Hines	STATE OR	ZIP 97738	E-MAIL sdavis@acwinc.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

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

Change the character of use from Industrial to irrigation to accommodate existing irrigated fields 6 miles south.

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

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

Check One Box

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

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

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

Applicant signature

Scott D. Montgomery, Agent
Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

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

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

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

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

RECEIVING LANDOWNER NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

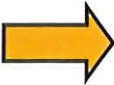
Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Harney County	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

CERTIFICATE # 90309

Description of Water Delivery System

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

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Water is pumped from Well #2 & conveyed by closed conduit into a geothermal heating system for the large fabrication building.

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 2 Monaco	☒ Authorized ☐ Proposed	HARN 50176	23 S	30 E	26	SE NE	105	2544' north & 907' west from the SE cor, Sec 26
Well 10	☐ Authorized ☒ Proposed	HARN 51765	26 S	30 E	3	NW NW	800	6310' south & 415' east from the NW cor, Sec 34
Well 11	☐ Authorized ☒ Proposed	HARN 51760	26 S	30 E	3	NW NW	800	6340' south & 330' east from the NW cor, Sec 34
Well 13	☐ Authorized ☒ Proposed	HARN 51445	26 S	30 E	4	NE NW	900	6415' south & 2745' west from the NE cor, Sec 33
Well 14	☐ Authorized ☒ Proposed	HARN 51871	25 S	30 E	33	SE SE	3600	4314' south & 870' west from the NE cor, Sec 33
Well 15	☐ Authorized ☒ Proposed	HARN 51970	25 S	30 E	33	SE SE	3600	4314' south & 920' west from the NE cor, Sec 33
Well 16	☐ Authorized ☒ Proposed	HARN 52121	25 S	30 E	29	NE SE	2600	1200' north & 900' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 17	☐ Authorized ☒ Proposed	HARN 52154	26 S	30 E	3	NW NW	800	6300' south & 440' east from NW cor, Sec 34
Well 18	☐ Authorized ☒ Proposed	HARN 52170	25 S	30 E	29	NE SE	2600	1200' north & 850' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 21	☐ Authorized ☒ Proposed	HARN 52590	25 S	30 E	29	NE SE	2600	400' north & 800' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 22	☐ Authorized ☒ Proposed	HARN 52591	25 S	30 E	29	NE SE	2600	1300' north & 850' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 23	☐ Authorized ☒ Proposed	HARN 52674	25 S	30 E	33	NE SW	2500	2690' south & 2870' west from the NE cor, Sec 33

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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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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.														
Twsp	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	Twsp	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
23	S	30	E	26	NE	SE	105		3.23 cfs	ID	#2 Monaco	1997		23	S	30	E	26	NE	SE	105		1.19 cfs	ID	#2 Monaco	1997
													POU/USE/ POA/APOA	25	S	30	E	32	SE	SW	3500		32.3	IR	10,11,14- 18,21-23	1997
													POU/USE/ POA/APOA	25	S	30	E	32	SW	SE	3500		2.8	IR	10,11,14- 18,21-23	1997
													POU/USE/ POA/APOA	26	S	30	E	5	NE	NE	1300		17.2	IR	10,11,14- 18,21-23	1997
													POU/USE/ POA/APOA	26	S	30	E	5	NW	NE	1300		34.7	IR	10,11,14- 18,21-23	1997
													POU/USE/ POA/APOA	26	S	30	E	5	SW	NE	1300		36.7	IR	10,11,14- 18,21-23	1997
													POU/USE/ POA/APOA	26	S	30	E	5	SE	NE	1300		19.9	IR	10,11,14- 18,21-23	1997
													POU/USE/ POA/APOA	26	S	30	E	5	NE	NW	1300		19.3	IR	10,11,14- 18,21-23	1997

TOTAL ACRES:	3.23 cfs			TOTAL ACRES:	1.19 CFS ID 162.9 IR	
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For Place of Use or Character of Use Changes

If YES, list the certificate, water use Are there other water right certificates, water use permits or ground water registrations associated

with the "from" or the "to" lands? ☐ Yes ☒ No

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
See well logs										

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STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

HARN 52590

10/4/2016

WELL I.D. LABEL#	L122963
START CARD #	1031827
ORIGINAL LOG #	

(1) LAND OWNER

Owner Well I.D. _____
First Name ANDY Last Name ROOT
Company ACW
Address P.O BOX 326
City BURNS State OR Zip 97720

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Dia + From To Gauge Stl Plstc Wld Thrd
Casing: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
Material From To Amt sacks/lbs
Seal: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

(3) DRILL METHOD

☐ Rotary Air ☒ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 340.00 ft. Special Standard ☐ (Attach copy)

BORE HOLE				SEAL				sacks/
Dia	From	To	Material	From	To	Amt		lbs
26	0	38	Bentonite Chips	0	38	82	S	
20	38	311			Calculated	78		
12	311	340			Calculated			

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ 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
☒	☒	20	☒	2	38	.250	☒	☒	☒	☒
☒	☒	12	☒	3	311	.250	☒	☒	☒	☒

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method Factory

Screens Type _____ Material _____

Perf/	Casing/	Screen	Dia	From	To	Scr/slot	Slot	# of	Tele/
Perf	Liner					width	length	slots	pipe size
		12	211	311		.093	3	1700	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
500		500	3

Temperature 65 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount _____

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 25.00 S N/S Range 30.00 E E/W WM
Sec 29 SE 1/4 of the SE 1/4 Tax Lot 2600
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

☒ Street address of well ☐ Nearest address

29062 WEAVER SPRINGS LN. BURNS OR. 97720

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	10/4/2016			111

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 140.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
10/2/2016	140	318	1000			111

(11) WELL LOG

Ground Elevation _____

Material	From	To
sandy soil	0	2
black cinders	2	17
soft brown cinderstone	17	140
black cinderstone with brown sand	140	290
basalt with grey clay	290	340

Date Started 8/18/2016

Completed 10/4/2016

(unbonded) Water Well Constructor Certification

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

License Number 1739

Date 10/4/2016

Signed CHARLES M FRY (E-filed)

(bonded) Water Well Constructor Certification

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

License Number 1355

Date 10/4/2016

Signed ARTHUR L FRY (E-filed)

Contact Info (optional) _____



All Points Engineering and Surveying, Inc.

P.O. Box 767 (CRR)
Terrebonne, OR 97760
(541) 548-5833 PH
(541) 585-4602 FX
Scott@APEandS.com

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April 3, 2018

Attn: Arla Heard, Transfer Case Worker
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

SUBJECT: Withdrawal of Chris and Dani Gregg from Transfer Application T-12359 and acceptance of conditions from Rattlesnake Creek Land and Cattle, LLC

Dear Ms. Heard:

As agent for Rattlesnake Creek Land and Cattle, LLC and Chris and Dani Gregg, I have been asked to reply for both in regard to our teleconference with Lisa Jaramillo on March 9th.

Rattlesnake Creek Land and Cattle, LLC is willing to accept the additional conditions recommended by the OWRD Groundwater Section. However, the Gregg's would like to respectively withdraw from the transfer, as they aren't willing to accept the additional conditions. Please advise me as to how we need to move forward to complete this transfer application.

If you have any questions, please don't hesitate to call at 541-548-5833.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Montgomery', with a long horizontal line extending to the right.

Scott Montgomery
All Points Engineering and Surveying
P.O. Box 767
Terrebonne, OR 97760
scott@apeands.com
PH: 541-548-5833
FAX: 541-585-4602



All Points Engineering and Surveying, Inc.

P.O. Box 767 (CRR)
Terrebonne, OR 97760
(541) 548-5833 PH
(541) 585-4602 FX
Scott@APEandS.com

April 3, 2018

Attn: Arla Heard, Transfer Case Worker
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

SUBJECT: Withdrawal of Chris and Dani Gregg from Transfer Application T-12359 and acceptance of conditions from Rattlesnake Creek Land and Cattle, LLC

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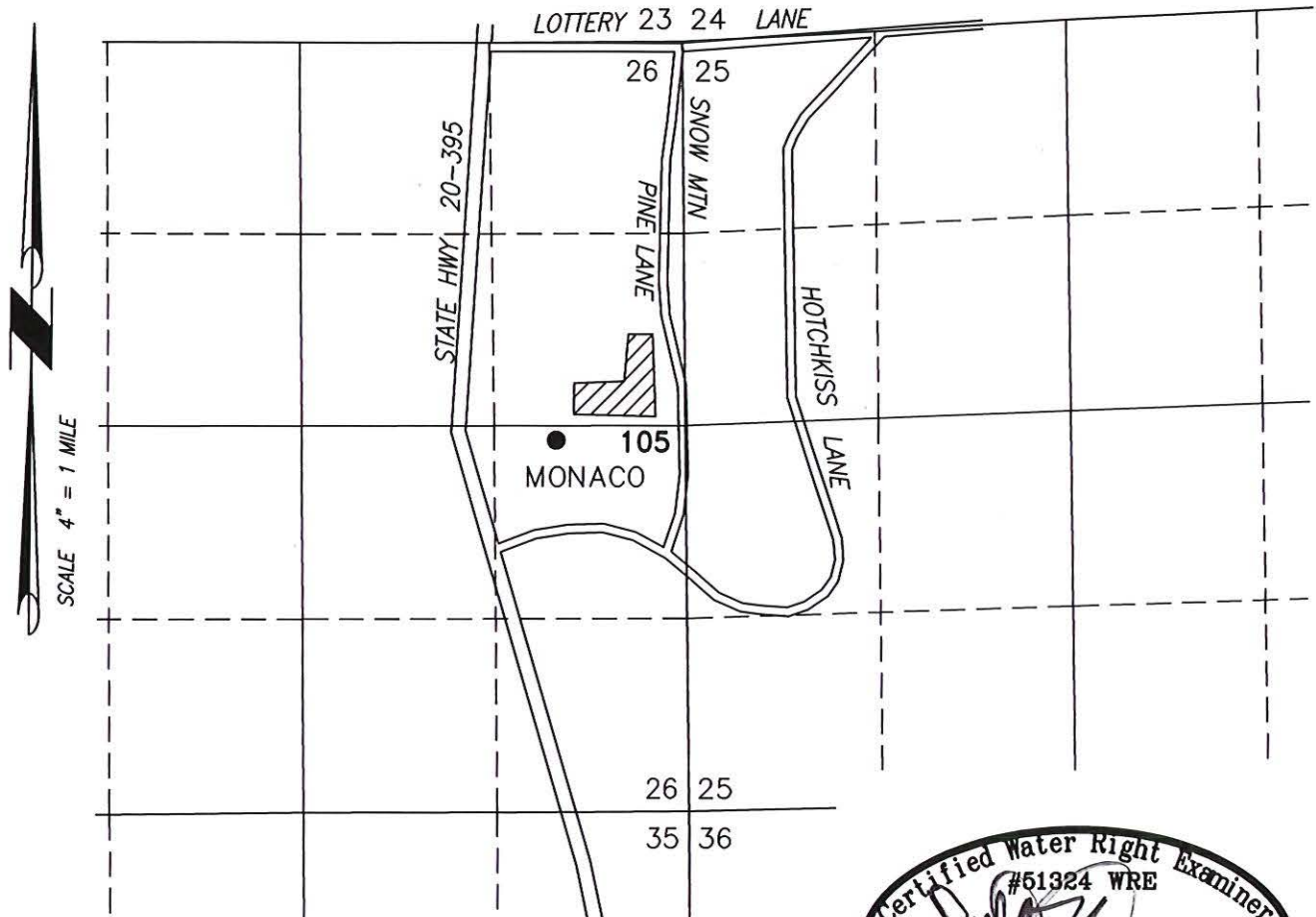
MAP TO ACCOMPANY APPLICATION TO
CHANGE A POINT OF APPROPRIATION AND
PLACE OF USE FOR
RATTLESNAKE CREEK LAND & CATTLE CO..

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

RECEIVED

MAY 31 2018

OWRD

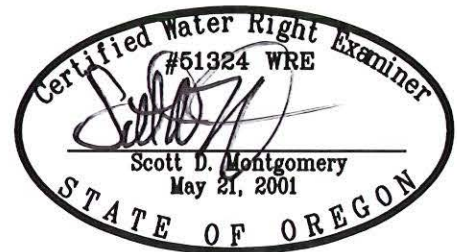


MONACO WELL

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



2.04 CFS PRIMARY INDUSTRIAL
RIGHTS FROM 9/1 TO 3/1



RENEWAL DATE: 12/31/2018

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

PROJECT No. 16-050

PREPARED AT THE REQUEST OF:

RATTLESNAKE LAND & CATTLE
524 HIGHWAY 20 N
HINES, OR 97738

ALL POINTS ENGINEERING
& SURVEYING, INC.



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

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 90309

SUPERSEDED

APR 28 2016

Description of Water Delivery System

System capacity: 0.8 for irrigation; 3.23 for supplemental irrigation & 3.23 for industrial use cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☐ Authorized ☒ Proposed	HARN 1094 ✓	25 S	30 E	33	SE NW	2600	1317' South & 1355' East from the NW cor, Sec 33
Well 2 Monaco Well	☒ Authorized ☐ Proposed	HARN 50176 ✓	23 S	30 E	26	SE NE	105	2544' North & 907' West from the SE cor, Sec 26
Glerup Well	☐ Authorized ☒ Proposed	HARN 320 ✓	23 S	30 E	35	NE NE	1000	525' South & 550' West from the NE cor, Sec 35
Cawfield Well	☐ Authorized ☒ Proposed	HARN 51538 ✓	23 S	30	36	NW NW	2100	1080' South & 420' East from the NW cor, Sec 36
Well 5	☐ Authorized ☒ Proposed	HARN 51146 ✓	25 S	30 E	33	SW NE	2500	4195' South & 2672' West from the NE cor, Sec 33
Well 7	☐ Authorized ☒ Proposed	HARN 51272 ✓	25 S	30 E	34	SE NW	2002	4725' South & 1877' East from the NW cor, Sec 34
Well 9	☐ Authorized ☒ Proposed	HARN 51448 ✓	25 S	30 E	33	SW NE	2500	4423' South & 2750' West from the NE cor, Sec 33
Well 10	☐ Authorized ☒ Proposed	HARN 51765 ✓	26 S	30 E	3	SE NW	800	6310' South & 415' East from the NW cor, Sec 34
Well 11	☐ Authorized ☒ Proposed	HARN 51760 ✓	26 S	30 E	3	SE NW	800	6340' South & 330' East from the NW cor, Sec 34
Well 12	☐ Authorized ☒ Proposed	HARN 51817 ✓	25 S	30 E	33	NE SW	2500	2690' South & 2890' West from the NE cor, Sec 33
Well 13	☐ Authorized	HARN	26 S	30 E	4	NE NW	900	6415' South & 2745'

	☒ Proposed	51445						West from the NE cor, Sec 33
Well 14	☐ Authorized ☒ Proposed	HARN 51871	25 S	30 E	33	SW NE	3600	4314' South & 870' West from the NE cor, Sec 33
Well 15	☐ Authorized ☒ Proposed	HARN 51970	25 S	30 E	33	SW NE	3600	4314' South & 920' West from the NE cor, Sec 33
Well 16	☐ Authorized ☒ Proposed	HARN 52121	25 S	30 E	29	NW SE	2600	1200' North & 900' West from the SE cor, Sec 29
Well 17	☐ Authorized ☒ Proposed	HARN 52154	26 S	30 E	3	SE NW	800	6300' South & 440' east from NW cor, Sec 34
Well 18	☐ Authorized ☒ Proposed	HARN 52170	25 S	30 E	29	NW SE	2600	1200' North & 850' West from the SE cor, Sec 29

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.

SUPERSEDED

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APR 28 2016

SALEM, OR

JUN 09 2016

Part 5 of 5 – Water Right Information

SALEM, OR

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

CERTIFICATE # 90309

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T-12359

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

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|---|--|
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| ☐ Surface Water POD to Ground Water
POA (SW/GW) | ☐ Government Action POD (GOV) |

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- ☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

SUPERSEDED

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JUN 09 2016

SALEM, OR



ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767 (CRR)
Terrebonne, Oregon 97760

TRANSMITTAL

To: Oregon Water Resources Office
ATTN: *Marissa Andrews*
725 Summer St NE, Suite A
Salem, OR 97301

Date: 6/6/16
Attention: *Marissa Andrews*
RE: Updated changes and maps for
Transfers T-12359 & T-12251

☒ Prints ☐ Plans ☐ Plat ☐ Specifications.

Attached is the updated pages and map for Transfer T-12359 & T-12251 for Andy Root. These changes are for the locations of Wells #16 & #18 & changing the Township for wells #10, #11, & #13.

If you have any questions please call or email me.

Copies	No.	Description
1	1	Updated pages for T-12257 ((5 pages letter bond)
1	2	Updated Maps for T-12257 (6 pages bond)
1	3	Updated pages for T-12359 (2 pages letter bond)
1	4	Updated maps for T-12359 (2 pages bond)

Signed: _____

RECEIVED BY OWRD

JUN 09 2016

SALEM, OR

**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 # **119642**

INVOICE # _____

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

APPLICATION	
PERMIT	
TRANSFER	T12359

CASH: ☐ CHECK:# 26142 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3,550.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

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

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>3,550.00</u>		
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **119642**

DATED: 4-28-16 BY: Carlos O. Turner

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



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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

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

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

APR 28 2016

- ☒ 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. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-90309**
Please include a separate Part 5 for each water right. (See instructions on page 6)

SALEM, OR

Attachments:

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

(For Staff Use Only)

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

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

1112359

Part 2 of 5 – Transfer Application Map Checklist

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. 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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APR 28 2016

Revised 7/1/2013
SALEM, OR

Part 3 of 5 – Fee Worksheet

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each “on the ground” acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

T 12359 TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Andy Root/Rattlesnake Creek Land & Cattle & Christopher & Danielle Gregg		PHONE NO. 541-573-3645	ADDITIONAL CONTACT NO.
ADDRESS 524 Hwy 20 N/29724 Hwy 20 W		FAX NO.	
CITY Hines	STATE OR	ZIP 97738	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

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

Change the character of use from Industrial to irrigation to accommodate existing irrigated fields & change POA of existing irrigated part to well on irrigator's land.

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

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

Check One Box

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

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APR 28 2016

SALEM, OR

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

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

Applicant signature

Andy Root

Print Name (and Title if applicable)

Date

4-18-16

Applicant signature

Christopher Gregg

Print Name (and Title if applicable)

Date

4/21/16

Applicant signature

Danielle Gregg

Print Name (and Title if applicable)

Date

4/21/16

Part 3 of 5 – Fee Worksheet

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,000
2	Types of change proposed: ☒ Place of Use ☒ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>3 (2a)</u> Subtract 1 from the number in line 2a = <u>2 (2b) If only one change, this will be 0</u> Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » »	2	\$1600
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b) If only one water right this will be 0</u> Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 » » » » » » » » » » » » » » » » ☒ Yes: enter \$350 » » » » » » » » » » » » » » » »	4	\$350
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » » » » » » » » » » » » » » » » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>2.04 (5a)</u> Subtract 1.0 from the number in 5a above: <u>1.04 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: <u>2.00 (5c)</u> and multiply 5c by \$300, then enter on line 5 » » » » » » » » » »	5	\$600
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$3550
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » Transfer Fee:	8	\$3550

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each “on the ground” acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

FEE WORKSHEET for SUBSTITUTION

1	Base Fee (includes change to one well)	1	\$725.00
	Number of wells included in substitution _____ (2a)		
	Subtract 1 from the number in 3a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$350 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

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

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

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

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

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

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

RECEIVING LANDOWNER NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Harney County	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 90309

Description of Water Delivery System

System capacity: 0.8 for irrigation; 3.23 for supplemental irrigation & 3.23 for industrial use cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☐ Authorized ☒ Proposed	HARN 1094	25 S	30 E	33	SE NW	2600	1317' South & 1355' East from the NW cor, Sec 33
Well 2 Monaco Well	☒ Authorized ☐ Proposed	HARN 50176	23 S	30 E	26	SE NE	105	2544' North & 907' West from the SE cor, Sec 26
Glerup Well	☐ Authorized ☒ Proposed	HARN 320	23 S	30 E	35	NE NE	1000	525' South & 550' West from the NE cor, Sec 35
Cawfield Well	☐ Authorized ☒ Proposed	HARN 51538	23 S	30 E	36	NW NW	2100	1080' South & 420' East from the NW cor, Sec 36
Well 5	☐ Authorized ☒ Proposed	HARN 51146	25 S	30 E	33	SE SW	2500	4195' South & 2672' West from the NE cor, Sec 33
Well 7	☐ Authorized ☒ Proposed	HARN 51272	25 S	30 E	34	SE SW	2002	4725' South & 1877' East from the NW cor, Sec 34
Well 9	☐ Authorized ☒ Proposed	HARN 51448	25 S	30 E	33	SE SW	2500	4423' South & 2750' West from the NE cor, Sec 33
Well 10	☐ Authorized ☒ Proposed	HARN 51765	26 S	30 E	3	NW NW	800	6310' South & 415' East from the NW cor, Sec 34
Well 11	☐ Authorized ☒ Proposed	HARN 51760	26 S	30 E	3	NW NW	800	6340' South & 330' East from the NW cor, Sec 34
Well 12	☐ Authorized ☒ Proposed	HARN 51817	25 S	30 E	33	NE SW	2500	2690' South & 2890' West from the NE cor, Sec 33
Well 13	☐ Authorized	HARN	26 S	30 E	4	NE NW	900	6415' South & 2745'

	☒ Proposed	51445							West from the NE cor, Sec 33
Well 14	☐ Authorized ☒ Proposed	HARN 51871	25	S	30	E	33	SE SE	3600 4314' South & 870' West from the NE cor, Sec 33
Well 15	☐ Authorized ☒ Proposed	HARN 51970	25	S	30	E	33	SE SE	3600 4314' South & 920' West from the NE cor, Sec 33
Well 16	☐ Authorized ☒ Proposed	HARN 52121	25	S	30	E	29	NE SE	2600 1200' North & 900' West from the South 1/16 th cor, Sec 28 & Sec 29
Well 17	☐ Authorized ☒ Proposed	HARN 52154	26	S	30	E	3	NW NW	800 6300' South & 440' east from NW cor, Sec 34
Well 18	☐ Authorized ☒ Proposed	HARN 52170	25	S	30	E	29	NE SE	2600 1200' North & 850' West from the South 1/16 th cor, Sec 28 & Sec 29

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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RENEWED 12/31/2018

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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 # 90309

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

AUTHORIZED (the “from” or “off” lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see “CODES” from previous page)	PROPOSED (the “to” or “on” lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
											23	S	30	E	26	NE	SE	105		1.19 cfs	ID	#2	1997
										APOA	23	S	30	E	36	NE	NE	2100		40.0	IS	Monaco Glerup	1997
										APOA	23	S	30	E	36	NW	NE	2100		38.0	IS	Monaco Glerup	1997
										APOA	23	S	30	E	36	SW	NE	2100		40.0	IS	Monaco Glerup	1997
										APOA	23	S	30	E	36	SE	NE	2100		25.0 13.0	IS IS	Monaco Glerup & Cawlfild	1997
										APOA	23	S	30	E	36	NE	NW	2100		34.8 3.7	IS IR	Monaco Glerup & Cawlfild	1997
										APOA	23	S	30	E	36	NW	NW	2100		33.0	IS	Monaco Glerup	1997
										APOA	23	S	30	E	36	SW	NW	2100		23.0 3.0	IS IR	Monaco Glerup	1997
										APOA	23	S	30	E	36	SE	NW	2100		40.0	IS	Monaco Glerup	1997
										APOA	23	S	30	E	36	NE	SW	2101		40.0	IS	Monaco Glerup	1997
										APOA	23	S	30	E	36	NE	SE	2101		40.0	IS	Monaco Glerup	1997

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For Place of Use or Character of Use Changes

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

permit, or ground water registration numbers: 14088.



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 # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

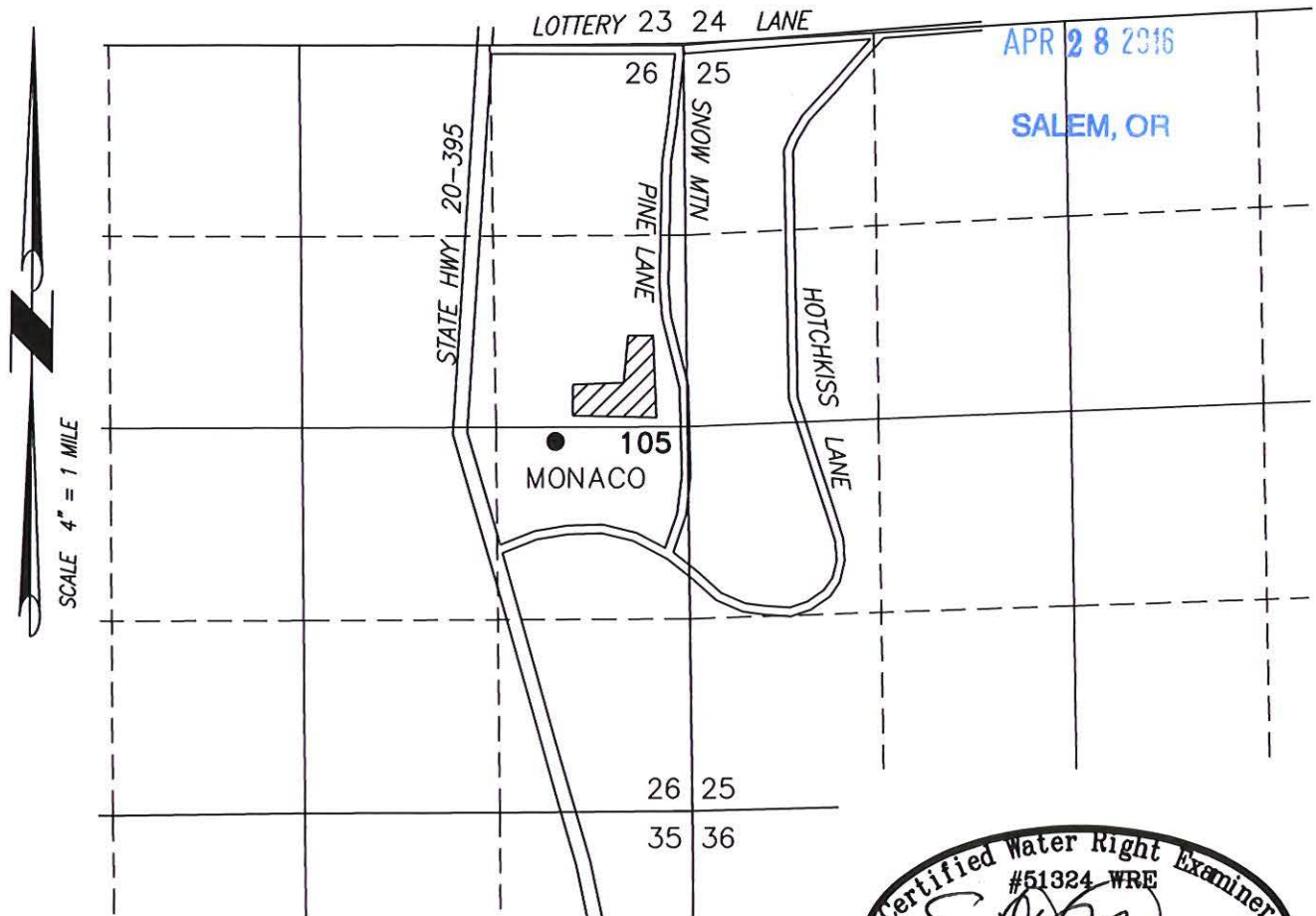
Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department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

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

MAP TO ACCOMPANY APPLICATION TO CHANGE A POINT OF APPROPRIATION AND PLACE OF USE FOR RATTLESNAKE CREEK LAND & CATTLE CO..

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

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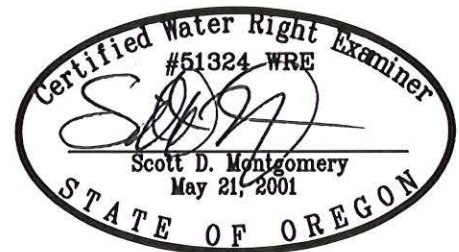


MONACO WELL

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



2.04 CFS PRIMARY INDUSTRIAL
RIGHTS FROM 9/1 TO 3/1



RENEWAL DATE: 12/31/2016

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

PROJECT No. 16-050

PREPARED AT THE REQUEST OF:

RATTLESNAKE LAND & CATTLE
524 HIGHWAY 20 N
HINES, OR 97738

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



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

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MAP TO ACCOMPANY APPLICATION TO ADD POINTS OF APPROPRIATION FOR CHRIS & DANI GREGG

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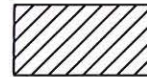
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TAX LOT 105 MAP 23S 30E 26 &
TAX LOT 1000 MAP 23S 30E 35AA &
TAX LOTS 2100 & 2101 MAP 23S 30E
HARNEY COUNTY, OREGON

MONACO WELL

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



6.7 AC IR & 446.8 AC IS IRRIGATION RIGHTS
FROM 3/1 TO 9/1 FROM ALL WELLS SHOWN.



6.7 AC IR & 366.0 AC IS IRRIGATION RIGHTS FROM
3/1 TO 9/1 FROM MONACO & GLERUP WELLS ONLY.



SCALE 4" = 1 MILE

GLERUP WELL

(HARN 320) LOCATED IN THE NE 1/4
NE 1/4 SECTION 35, T23S R30E, W.M. LOCATED 525 FEET SOUTH AND 550
FEET WEST FROM THE NE CORNER OF
SECTION 35.

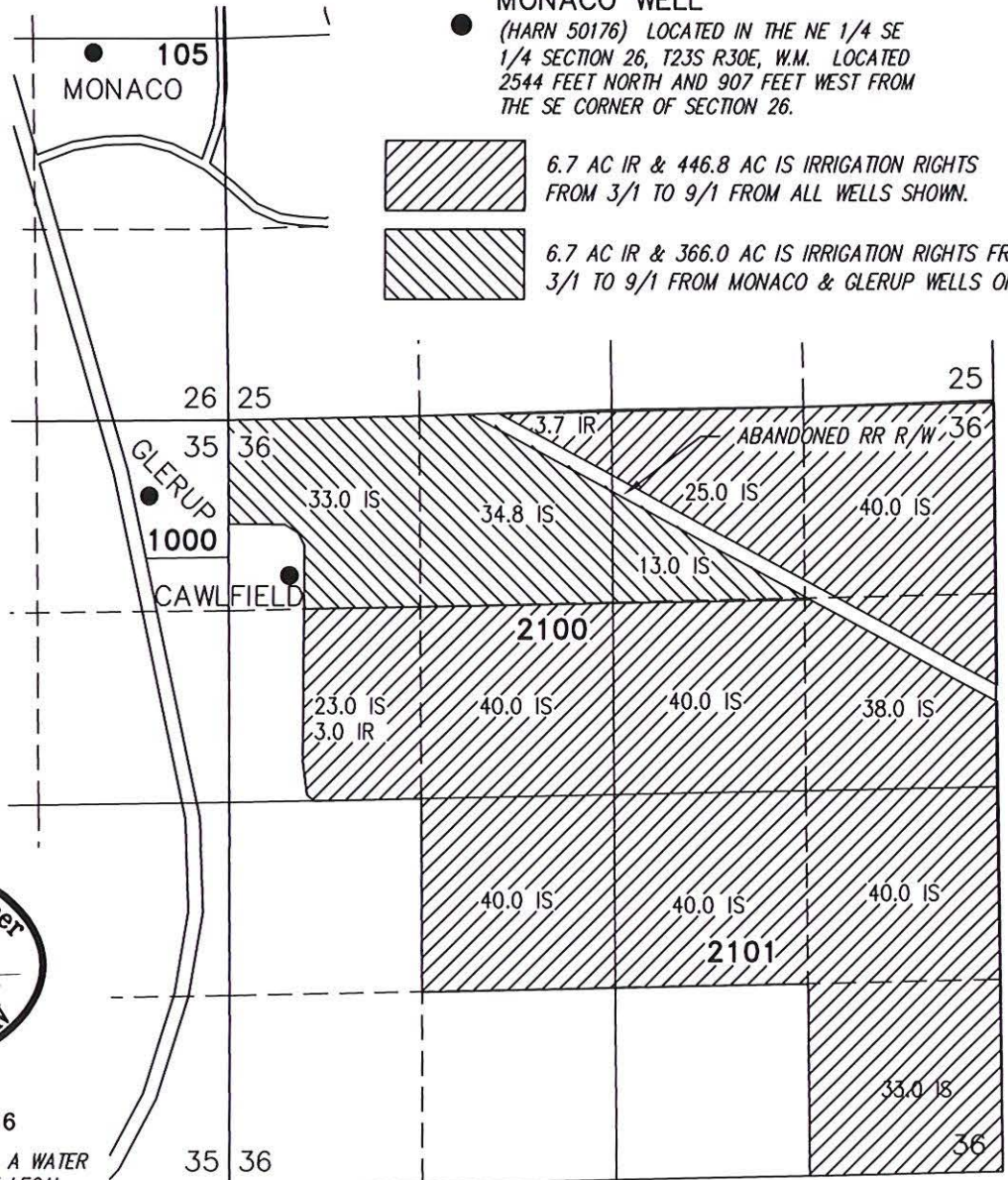
CAWLFIELD WELL

(HARN 51538) LOCATED IN THE NW
1/4 NW 1/4 SECTION 36, T23S R30E,
W.M. LOCATED 1080 FEET SOUTH AND
420 FEET EAST FROM THE NW CORNER
OF SECTION 36.



RENEWAL DATE: 12/31/2016

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



PROJECT No. 16-050

PREPARED AT THE REQUEST OF:

CHRIS & DANI GREGG
29724 HWY 20 W
HINES, OR 97738

ALL POINTS ENGINEERING
& SURVEYING, INC.

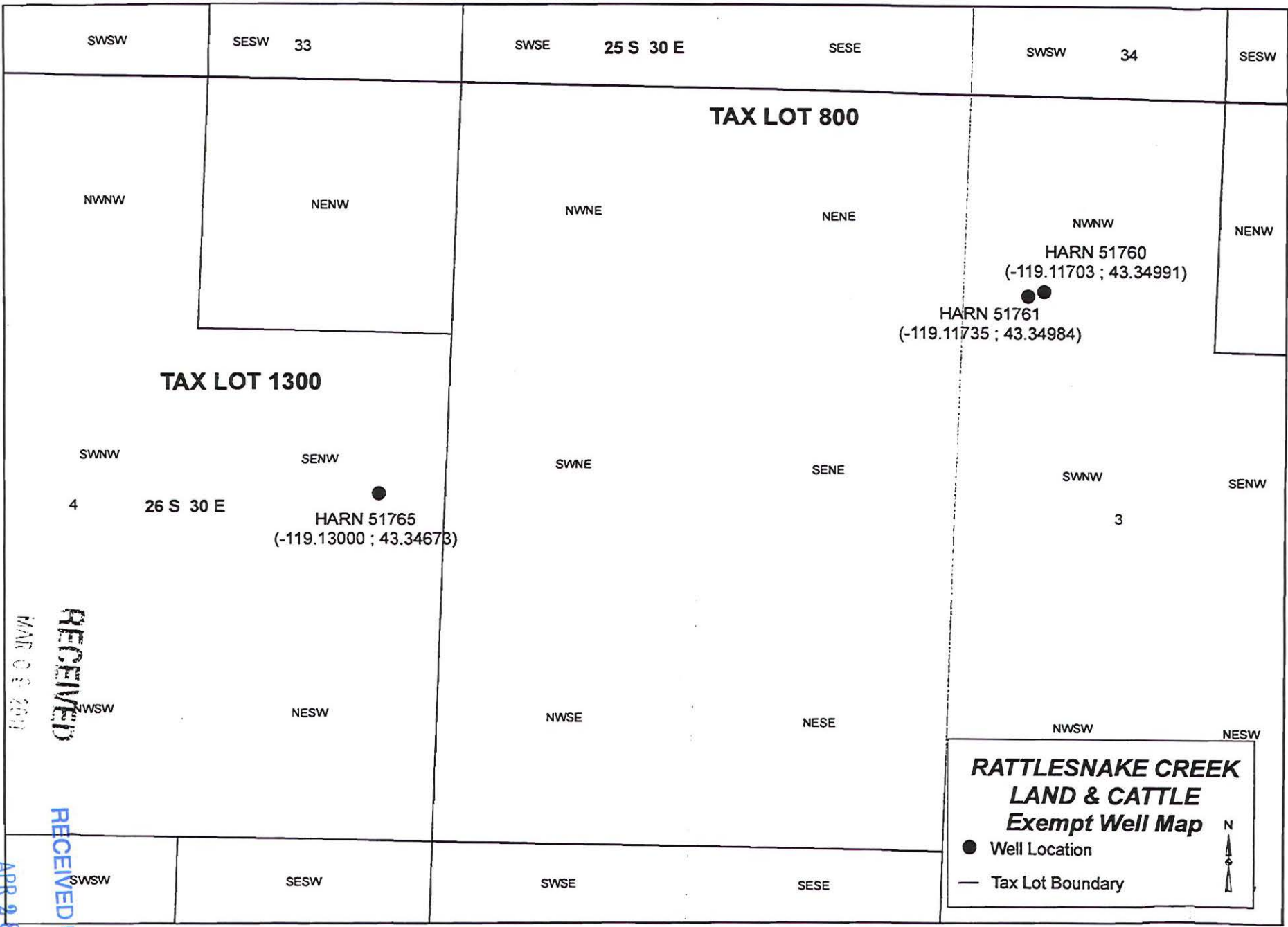


P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com

I 12359

LAND OWNER SUBMITTED TO WATER RESOURCES DEPT
T 12359 SALEM, OREGON

SALEM, OR
APR 28 2016



HARN 51760

**RATTLESNAKE CREEK
LAND & CATTLE
Exempt Well Map**

● Well Location
— Tax Lot Boundary

N

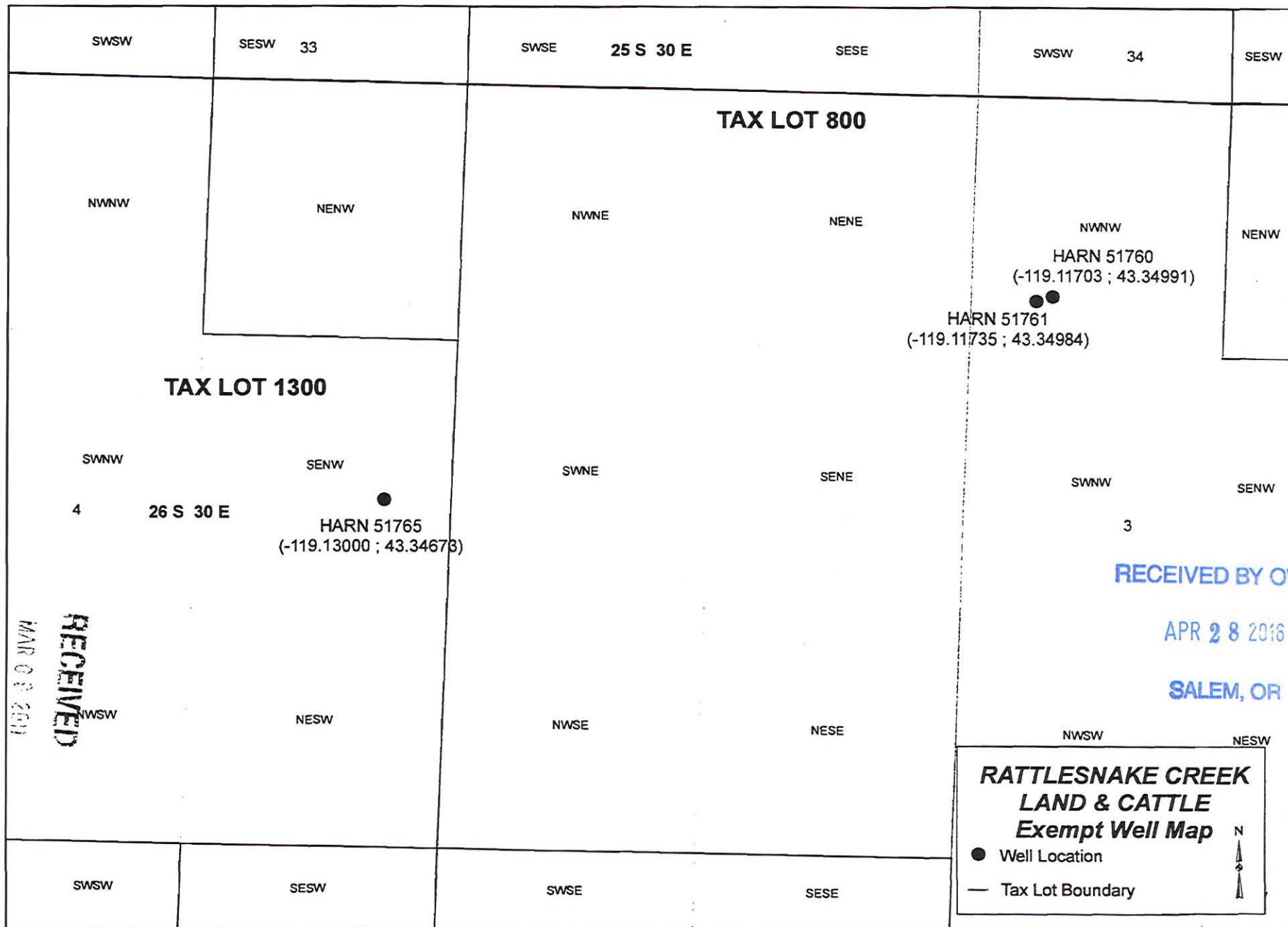
RECEIVED

RECEIVED BY OWRD

HARN 51765
WATER RESOURCES DEPT
SALEM, OREGON

MAR 0 0 2016

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T 12359

T 12350

Land Use Information Form



Oregon Water Resources
Department
725 Summer Street NE,

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Applicant(s): Andy Root

APR 28 2016

Mailing Address: 524 Hwy 20 N

SALEM, OR

City: Hines

State: OR

Zip Code: 97738

Daytime Phone: 541-573-3615

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>23S</u>	<u>30E</u>	<u>26</u>	<u>NE SE</u>	<u>105</u>	<u>IND</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>ID</u>
<u>23S</u>	<u>30E</u>	<u>35</u>	<u>NE NE</u>	<u>1000</u>	<u>EFU</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>NE NE</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>NW NE</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>SW NE</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>SE NE</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>NE NW</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IS/IR</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>NW NW</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>SW NW</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IS/IR</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>SE NW</u>	<u>2100</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>NE SW</u>	<u>2101</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>NE SE</u>	<u>2101</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>NW SE</u>	<u>2101</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IS</u>
<u>23S</u>	<u>30E</u>	<u>36</u>	<u>SE SE</u>	<u>2101</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IS</u>
<u>25S</u>	<u>30E</u>	<u>32</u>	<u>SE SW</u>	<u>3500</u>	<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IR</u>
<u>25S</u>	<u>30E</u>	<u>32</u>	<u>SW SE</u>	<u>3500</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>30E</u>	<u>4</u>	<u>NW NW</u>	<u>1300</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>30E</u>	<u>4</u>	<u>SW NW</u>	<u>1300</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>30E</u>	<u>5</u>	<u>NE NE</u>		<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>30E</u>	<u>5</u>	<u>NW NE</u>		<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>30E</u>	<u>5</u>	<u>SW NE</u>		<u>EFU</u>	☐ Diverted	☐ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>30E</u>	<u>5</u>	<u>SE NE</u>		<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>
<u>26S</u>	<u>30E</u>	<u>5</u>	<u>NE NW</u>	<u>3</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>IR</u>

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

Harney

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 3.23 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☒ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Part of certificated water right is proposed to change point of appropriation and character of use from industrial irrigation.

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. →

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APR 28 2016

SALEM, OR

APR 28 2016

For Local Government Use Only

SALEM, OR

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): HCZO 3.010, EFRU-1
- ☐ 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:	
		☐ 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
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Brandon McMullen Title: Planning Director

Signature:  Phone: (541)429-5048 Date: 3/31/16

Government Entity: Harney County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-12359

Review Due Date: _____

Applicant Name: Gregg & Root

Proposed Changes: ☒ POU ☐ POD ☒ POA ☒ USE ☐ OTHER

Reviewer(s): JR Johnson

Date of Review: May. 16, 2016

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

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? ☐ Yes ☒ No If "Yes", explain: _____
12. What alternatives may be available for addressing any issues identified above: _____
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked below:
- ☐ A Headgate should be required prior to diverting water.
- ☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)
- a. *Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) or ☐ at each new point of diversion/appropriation.*
- b. *The water user shall maintain the meters or measuring devices in good working order.*
- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- ☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)
- a. *Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*
- b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

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

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

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-12359

- ☐ In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed **prior to diversion of water**, as a condition of this transfer:
- ☒ *at each point of diversion/appropriation (new and existing) or*
- ☐ *at each new point of diversion/appropriation.*

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

Watermaster name: JR Johnson

District: 10

Address: 450 N Buena Vista

City/State/Zip: Burns, OR 97720

Phone: 541 573 2764

Email: jr.johnson@wrđ.state.or.us

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 12359

GW Reviewer D. Boschmann Date Review Completed: 06/07/2019

Summary of Enlargement (Same Source) Review:

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

Summary of Injury Review:

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

Summary of Well Construction Assessment:

☐ The proposed POA does not have a well log.

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

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



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

Ground Water Review Form:

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

Application: T-12359 Applicant Name: Christopher Gregg/Rattlesnake Creek Land & Cattle

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

Reviewer(s): Darrick E. Boschmann

Date of Review: 1/4/2017

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: _____

Transfer application T-12359 is related to certificate 90309.

Certificate 90309 authorizes groundwater pumping from 1 well (POD 1 = HARN 50176) for primary irrigation of 6.7 acres, supplemental irrigation of 446.8 acres, and year-round industrial use in the Malheur Lake Basin

This transfer seeks the following changes to cert 90309:

1. Change the type of use for the industrial portion to irrigation.
2. Change the POA.
2. Add 15 APOAs (applicant will tie into existing irrigation system)
3. Transfer the POU ~12 miles south.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: _____

Available data indicates a predominantly volcanic/volcaniclastic unit occurs beneath a predominantly basin fill sediment unit. Reports for the Malheur Lake Basin indicate groundwater occurs in both the basin fill and underlying volcanic rocks. The groundwater is likely hydraulically connected, making a single groundwater system occurring in different geologic units. Leonard (1970) found that near the edges of the valley there is likely good interconnection between individual water-bearing beds in the valley fill and those in the adjacent and underlying tertiary rocks.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No See comments in 2 above.

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

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: _____

The proposed APOAs are located ~12 miles south of the currently authorized well. Consequently, groundwater withdrawals at this proposed location will result in an incremental increase in interference with groundwater rights near that location. Additionally, the proposed APOAs are located in the Weaver Springs area; an area within the Harney Basin that has well documented year-to-year water level declines.

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: The proposed use will very likely result in additional water level declines in the Weaver Springs area. Existing junior rights in this area have decline conditions, which will be triggered earlier if this transfer is approved.

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

☐ Yes ☒ No Comments: The proposed APOAs are closer to Harney Lake than the currently authorized POAs. This will result in an incremental increase in interference with this surface water source. Previous analyses indicate the increase in interference with this surface water source resulting from this will be minimal.

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: Harney Lake

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: The proposed wells are ~5 miles north of Harney Lake. Previous analyses indicate that at this distance interference will be minimal.

6. What conditions or other changes in the application are necessary to address any potential issues identified above: Given that the proposed transfer is within the Weaver Springs area, a set of measurement and decline conditions similar to those required under the new Division 512 rules, in addition to priority date subordination would be necessary to address the issues identified above:

1. Priority date subordination.

2. Dedicated measuring tube condition: Wells with pumps shall be equipped with a minimum 3/4 -inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if the static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

3. Drawdown condition and static water level conditions: All groundwater pumping authorized by this permit shall be prohibited if March groundwater levels indicate 18 feet or more of decline has occurred, as measured in any authorized irrigation well, when compared to the first March measurement. Subsequent groundwater pumping may occur with Department approval during the year(s) a subsequent March groundwater level measurement indicates the groundwater level has recovered to less than 18 feet of decline when compared to the first March measurement.

The Department requires the water user to obtain, from a qualified individual (see below), the annual static groundwater level measured in any authorized irrigation well. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static groundwater-level measurement from any authorized irrigation well once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurement 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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurement shall be made with equipment that is accurate to at least 0.1 foot. Airlines are not acceptable methods of measurement. The Department requires the individual performing the measurement to accomplish the following:

A. Associate each measurement with an owner's well name or number and a Department well log ID; and

B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and

C. Specify the method of measurement; and

D. Certify the accuracy of all measurements and calculations reported to the Department.

4. Measurement devices, and recording/reporting of annual water use conditions:
- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring a reporting procedures for review and approval.
5. Well identification tag condition: Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
6. All other standard conditions.
7. Any additional comments: No additional comments.

Regular Permanent Water Right Transfer Application Checklist

Checked by Scott CSG Date 4/29/16

(If OK, check box to left; if not, fill in the blank)

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☒ 2. Are fees included and correct? Fee paid: 3550
If not, the correct fee would be: _____, so the amount missing is: _____

Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____

► If a Substitution (see Page 5 of application)

Base fee for 1 well (POA)		\$725.00
Number of additional wells =	_____	x \$350.00 =
Total =		

► If a Government Action POD change (see: Page 5): NO CHARGE

► If any other type of "regular permanent" transfer:

Base fee for one water right, one change and first cfs =		\$1,000.00
# of additional water rights beyond the first (see Part 4 of application) =	_____	x \$450.00 =
Additional fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change from SW diversion point to a well =		\$350.00 <u>350</u>
1 or 2 additional TYPES of change* (see Page 5 of application) =	<u>2</u>	x \$800.00 = <u>1600</u>
If <i>Place of Use</i> or <i>Character of Use</i> change and transfer involves more than 1 cfs (based on primary acres x rate), # cfs or fraction above the first cfs =	<u>2</u>	x \$300.00 = <u>600</u>
HINT: Total cfs on WR (÷) total # acres on WR (x) # acres involved in transfer = # cfs involved in transfer		
Sub-total =		<u>3550</u>
If a letter from ODFW endorsing this as a "fish-friendly" transfer is included, multiply sub-total by 0.50 =		
Total = sub-total minus 50% "fish-friendly" reduction, if applicable =		<u>3550</u>

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type

POU is counted as one type

[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Interoffice Memorandum

September 18, 2019

To: Arla Davis, Transfer and Conservation Section
From: Darrick Boschmann, Groundwater Section
Cc: Justin Iverson
Subject: T-12359 Interference

The proposed APOAs are located ~12 miles south of the currently authorized well. Consequently, additional groundwater withdrawals at this proposed location will result in an increase in interference with groundwater rights near that location.

Additionally, the proposed APOAs are located in the Weaver Springs area; an area within the Harney Basin that has well documented year-to-year water level declines indicative of unsustainable pumping of groundwater in this area. The water level declines documented in the Weaver Springs area since the late 1990s have increased up to 8 feet per year in recent years. The proposed use will result in additional water level declines in the Weaver Springs area. Numerous wells in this area have required deepening in recent years. Owners of exempt use wells in this area have filed complaints with the Department regarding the negative impacts to their wells. Junior water rights in this area have permit decline conditions that will be triggered earlier if this transfer is approved.

Existing groundwater users in this area will be negatively impacted by any increased authorized groundwater pumping, which will increase the rate of water level declines and result in existing water rights not receiving previously available water to which they are legally entitled. In order to generate a list of parties that are expected to experience negative impacts as a result of this transfer, a five mile buffer was placed around the proposed wells. All authorized PODs with source type = "well" or source type = "spring" within the five mile buffer are included in the list. Additionally, all tax lots within and intersecting the five mile buffer are included to provide a list of likely properties with exempt use wells (domestic, livestock etc.) that are expected to experience negative impacts as a result of this transfer. A comprehensive list of exempt use wells within the five mile buffer is not available at this time. The list of PODs and tax lots generated by the five mile buffer is considered conservative, as there are wells outside of five miles that are known to be experiencing declines due to the current development at Weaver Springs.

The list of PODs and the list of tax lots will be provided in two digital spreadsheets:

- T-12359 PODs within 5mi buffer.xlsx
- T-12359 TL within 5mi buffer.xlsx

DAVIS Arla L * WRD

From: JARAMILLO Lisa J * WRD
Sent: Friday, August 16, 2019 4:58 PM
To: scott@apeands.com
Cc: DAVIS Arla L * WRD; STARNES Patrick K * WRD; FRENCH Dwight W * WRD
Subject: Pending Transfer T-12359

Good afternoon Scott,

I just wanted to touch base with you to let you know that we are still in the process of reviewing and internally discussing Transfer Application T-12359 following issuance of the revised Groundwater Review. We need to meet with other Department staff before we can move forward with finalizing this transfer. We're hoping to get a meeting scheduled later this month or sometime in early September.

We will be in touch with you shortly after those internal discussions are completed.

Please feel free to contact me if you have any questions. However, please note that I'll be out of the office until August 26, 2019.

Sincerely,
Lisa

[LISA J. JARAMILLO](#) | TRANSFER & CONSERVATION SECTION MANAGER

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0880



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

DAVIS Arla L * WRD

From: BOSCHMANN Darrick E * WRD
Sent: Friday, June 28, 2019 11:13 AM
To: DAVIS Arla L * WRD
Cc: IVERSON Justin T * WRD; JARAMILLO Lisa J * WRD; STARNES Patrick K * WRD
Subject: RE: GW Review for T-12359 for Andy Root

Hi Arla,

I understand that my recent re-review looks somewhat different than the original review from 2017.

We have continued to collect water level data in the Weaver Springs area since this application first came in and it continues to be increasingly clear that this area has the highest rate of water level decline within the Harney Basin. Many wells are experiencing over 5 feet a year of spring-to-spring decline. At least one well we had been measuring has now gone dry. Many wells have had to be deepened. Nearby domestic wells are experiencing the effects of the over pumping in this area.

This is not an area we should be authorizing additional groundwater pumping. This is an area we need to be thinking about ways to reduce groundwater pumping. I chose not to include the conditions on this re-review because I did not want to give the impression that approving this transfer with these conditions would in any way mitigate the impacts of the additional groundwater pumping in this area.

- Authorizing any additional groundwater pumping in this area will exacerbate the already very serious water level declines
- Any drawdown/decline condition applied to the transfer can be expected to be triggered within the first few years

The list of potentially injured water rights that I provided to you back in 2017 is no longer accurate given the numerous transfers have occurred within and out of this area over the past several years. An updated list of potentially injured parties would also need to include any nearby domestic well owners with an implied water right and priority date based on the year their well was drilled. I can say with confidence that there will be no consent to injury from numerous parties that would be on this list. Several of them have already been making public comments on transfer applications in the area.

I'm happy to discuss this more any time.

-Darrick

Darrick E. Boschmann, RG | Hydrogeologist – Groundwater Section

Oregon Water Resources Department
725 Summer ST. NE., Suite A Salem OR 97301

| Phone: 503-986-0853
| Fax: 503-986-0902



From: DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>

Sent: Friday, June 28, 2019 10:24 AM

To: BOSCHMANN Darrick E * WRD <Darrick.E.Boschmann@oregon.gov>

Cc: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>;

STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>

Subject: GW Review for T-12359 for Andy Root

Hi Darrick,

Quick Question:

On your original review dated 1/4/2017 for Transfer Application T-12359, you listed the following conditions as necessary to address any potential issues identified in the review:

Given that the proposed transfer is within the Weaver Springs area, a set of measurement and decline conditions similar to those required under the new Division 512 rules, in addition to priority date subordination would be necessary to address the issues identified above:

1. Priority date subordination.

2. Dedicated measuring tube condition: Wells with pumps shall be equipped with a minimum 3/4 –inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if the static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

3. Drawdown condition and static water level conditions: All groundwater pumping authorized by this permit shall be prohibited if March groundwater levels indicate 18 feet or more of decline has occurred, as measured in any authorized irrigation well, when compared to the first March measurement. Subsequent groundwater pumping may occur with Department approval during the year(s) a subsequent March groundwater level measurement indicates the groundwater level has recovered to less than 18 feet of decline when compared to the first March measurement.

The Department requires the water user to obtain, from a qualified individual (see below), the annual static groundwater level measured in any authorized irrigation well. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static groundwater-level measurement from any authorized irrigation well once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurement 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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurement shall be made with equipment that is accurate to at least 0.1 foot. Airlines are not acceptable methods of measurement. The Department requires the individual performing the measurement to accomplish the following:

A. Associate each measurement with an owner's well name or number and a Department well log ID; and

B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface;
and
C. Specify the method of measurement; and
D. Certify the accuracy of all measurements and calculations reported to the Department.

4. Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring a reporting procedures for review and approval.
5. Well identification tag condition: Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
6. All other standard conditions.

There are no conditions listed in the new review dated June 7, 2019. I realize we do not have the authority to do priority date subordination, however the applicant can move forward with consent to injury to try to overcome the denial I am issuing for this transfer or if he is unable to obtain consent, can protest the denial. Are these conditions no longer applied to this application? I just want to double check with you before moving forward.

Also I have attached the original excel spreadsheet you provided to me with the list of wells that are being injured. Is this list still accurate?

Thank you in advance for your help!

Arla L. Davis
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Direct: 503-986-0806

arla.l.davis@oregon.gov

DAVIS Arla L * WRD

From: Scott <Scott@apeands.com>
Sent: Friday, March 1, 2019 10:36 AM
To: DAVIS Arla L * WRD; Neecee
Subject: RE: Transfer T-12359

BTW. Tell Darrick to quit playing in the snow and get busy on this rereview.

From: DAVIS Arla L * WRD [mailto:Arla.L.Davis@oregon.gov]
Sent: Thursday, February 28, 2019 10:22 AM
To: Scott <Scott@apeands.com>; Neecee <Neecee@apeands.com>
Subject: RE: Transfer T-12359

Hi Scott,

I just wanted to check in with you to let you know that this file is still awaiting the groundwater re-review. I was going through the file this morning and wanted to make sure that the most recent amended pages I have (received May 31, 2018) are accurate and do not include the Gregg's portion of the original Transfer Application that was submitted. Could you let me know if this is accurate? I appreciate any assistance.

Thank you!

Arla L. Davis
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Direct: 503-986-0806

arla.l.davis@oregon.gov

From: Scott [mailto:Scott@apeands.com]
Sent: Friday, October 19, 2018 10:44 AM
To: DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>
Subject: Transfer T-12359

Good Morning Arla,
I'm just checking on the status of this transfer for Rattlesnake L&C. I believe it's still waiting for a GW review, but if you know differently, please advise me. The farm is being sold and the buyer is interested in the status of rights on the property. I've informed him that the original transfer was going to be approved with conditions. Since we haven't added anything to the application, only removing the Greg's part, we should receive a similar review and decision. Please give me an update so I can inform the new buyer. His name is Chris Eggert, Pacific Foods, and he may want to speak with you about this as well. Andy Root has given me and Mr. Eggert permission to speak with you about this transfer.

Thanks,
Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.

HEARD Arla L * WRD

From: HEARD Arla L * WRD
Sent: Monday, September 17, 2018 4:26 PM
To: 'Neecee'
Subject: RE: T-12359

Hi Denise,

Due to the amendments made to the application, the file has to be re-reviewed by our groundwater section. This review will take a few weeks and then I should be able to get a revised draft preliminary determination out to you. I will let you know if there are any other delays. Please let me know if you have any other questions.

Thank you,

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

arla.l.heard@oregon.gov

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

From: Neecee [<mailto:Neecee@apeands.com>]
Sent: Tuesday, September 11, 2018 10:48 AM
To: HEARD Arla L * WRD
Subject: T-12359

What is the status of transfer T-12359

Denise Montgomery
All points engr & surveying

Sent from my iPhone

HEARD Arla L * WRD

From: HEARD Arla L * WRD
Sent: Wednesday, March 07, 2018 1:24 PM
To: 'Scott'
Cc: JOHNSON JR * WRD
Subject: RE: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Good Afternoon Scott,

In the draft Preliminary Determination under the Determination and Proposed Action Section, item number 3 states the following:

3. Water right Certificate 90309 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer

This is the standard language we include in all orders that have a portion of the right not being transferred. According to the original permit and certificate 90309, I am not able to discern between the portion of the right that belongs to Mr. Root and the portion that belongs to the Gregg's. Therefore, I can only state that the portion of the right not involved on Transfer T-12359 will not be affected and the priority date and original permit conditions will remain intact.

I hope this helps.

Please let me know if you have any other questions.

Thank you!

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

arla.l.heard@oregon.gov

From: Scott [mailto:Scott@apeands.com]
Sent: Wednesday, March 07, 2018 7:33 AM
To: HEARD Arla L * WRD
Cc: JOHNSON JR * WRD
Subject: RE: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Good Morning Arla,

I read this letter on the my phone so could've missed this, but I think you need to ensure the Greg's that their water right isn't going to lose its priority date or be changed as far as its original permit conditions, only the part being xfer'd to Weaver Springs. If you've already clarified this please excuse my oversight.

I spoke with Mr. Root yesterday and I'll be preparing a response soon.

Thanks,

Scott

From: HEARD Arla L * WRD [Arla.L.Heard@oregon.gov]

Sent: Tuesday, March 06, 2018 1:15 PM

To: Scott

Cc: JOHNSON JR * WRD

Subject: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 6, 2018

Applicant

Andy Root

Rattlesnake Creek Land & Cattle Company

524 Hwy 20 North

Hines, OR 97738

SUBJECT: Water Right Transfer Application T-12359

Applicant

Christopher & Danielle Gregg

29724 Hwy 20 West

Hines, OR 97738

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-12359. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed additional points of diversion would substantially interfere with other existing groundwater rights, resulting in injury to those rights. The issues that we have identified could be resolved by one of the following alternatives:

- Obtain consent to injury of water rights from all affected water right holders, or
- Priority date subordination of the right being transferred.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. Describe how you will overcome the issues identified above and submit modifications or additional information as needed, or indicate whether you wish to protest a Preliminary Determination to deny the transfer.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) will be required. **The report must be prepared by a title company and meet the criteria below.** (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Burns Herald as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are there is more than ¼ mile between the proposed new and the authorized point(s) of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive

1. your written response modifying the application to resolve the issues that we have identified or by requesting that we proceed with processing of the application
2. report of ownership information.

If we do not receive your response to withdraw the application or the items listed above by April 6, 2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0806 or arla.l.heard@oregon.gov, if I may be of assistance.



Sincerely,

Arla Heard
Transfer Specialist
Transfer and Conservation Section

HEARD Arla L * WRD

From: HEARD Arla L * WRD
Sent: Tuesday, March 06, 2018 1:15 PM
To: 'Scott'
Cc: JOHNSON JR * WRD
Subject: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!



Oregon
Kate Brown, Governor

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

March 6, 2018

Applicant

Andy Root
Rattlesnake Creek Land & Cattle Company
524 Hwy 20 North
Hines, OR 97738

Applicant

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

SUBJECT: Water Right Transfer Application T-12359

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-12359. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be **DENIED**. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed additional points of diversion would substantially interfere with other existing groundwater rights, resulting in injury to those rights. The issues that we have identified could be resolved by one of the following alternatives:

- Obtain consent to injury of water rights from all affected water right holders, or
- Priority date subordination of the right being transferred.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. Describe how you will overcome the issues identified above and submit modifications or additional information as needed, or indicate whether you wish to protest a Preliminary Determination to deny the transfer.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) will be required. **The report must be prepared by a title company and meet the criteria below.** (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)
 - a) The title company's report must either be:

- i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Burns Herald as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are there is more than ¼ mile between the proposed new and the authorized point(s) of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

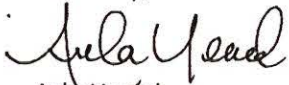
Issuance of the Preliminary Determination will occur shortly after we receive

1. your written response modifying the application to resolve the issues that we have identified or by requesting that we proceed with processing of the application
2. report of ownership information.

If we do not receive your response to withdraw the application or the items listed above by April 6, 2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0806 or arla.l.heard@oregon.gov, if I may be of assistance.

Sincerely,



Arla Heard
Transfer Specialist
Transfer and Conservation Section

Enclosure

cc: Transfer Application file T-12359
J.R. Johnson, District #10 Watermaster (via e-mail)
Scott Montgomery, Agent for the applicant (via e-mail at scott@apeands.com)

Arla L. Heard

From: Scott [<mailto:Scott@apeands.com>]

Sent: Wednesday, March 07, 2018 6:30 PM

To: HEARD Arla L * WRD

Cc: JOHNSON JR * WRD

Subject: Re: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Arla,

Let me correct my previous message that all of the right is affected and no remaining right certificate will be issued. Part of Rattlesnake L&C won't be involved. But all of the Greg's right is involved.

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On Wed, Mar 7, 2018 at 6:24 PM -0800, "Scott" <Scott@apeands.com> wrote:

Arla,

The Entire water is affected by this transfer. So there won't be a remaining rights certificate issued. The Gregs are changing and adding POA. Their POU will remain the same. So there needs to be language added to ensure their conditions will remain from only the original permit and not the new rules. Please let me know if you have questions or concerns.

Thanks,

Scott

Get [Outlook for iOS](#)

On Wed, Mar 7, 2018 at 1:23 PM -0800, "HEARD Arla L * WRD" <Arla.L.Heard@oregon.gov> wrote:

Good Afternoon Scott,

In the draft Preliminary Determination under the Determination and Proposed Action Section, item number 3 states the following:

3. Water right Certificate 90309 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer

This is the standard language we include in all orders that have a portion of the right not being transferred. According to the original permit and certificate 90309, I am not able to discern between the portion of the right that belongs to Mr. Root and the portion that belongs to the Gregg's. Therefore, I can only state that the portion of the right not involved on Transfer T-12359 will not be affected and the priority date and original permit conditions will remain intact.

I hope this helps.

Please let me know if you have any other questions.

Thank you!

HEARD Arla L * WRD

From: Scott <Scott@apeands.com>
Sent: Friday, March 09, 2018 12:49 PM
To: HEARD Arla L * WRD
Subject: RE: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Yes

From: HEARD Arla L * WRD [mailto:Arla.L.Heard@oregon.gov]
Sent: Friday, March 09, 2018 12:48 PM
To: Scott <Scott@apeands.com>
Subject: RE: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,

Will you be available today around 2?

From: Scott [mailto:Scott@apeands.com]
Sent: Friday, March 09, 2018 8:52 AM
To: HEARD Arla L * WRD
Subject: RE: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Sorry, Arla. I've been in the field making well measurements this month and didn't have access to my email yesterday. I'll be in my office most of today. So let me know when you're available.

From: HEARD Arla L * WRD [mailto:Arla.L.Heard@oregon.gov]
Sent: Thursday, March 08, 2018 12:00 PM
To: Scott <Scott@apeands.com>
Subject: RE: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,

Would you have some time to talk with me over the phone this afternoon to discuss this further? Perhaps after 1:30? Please let me know.

Thank you!

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

arla.l.heard@oregon.gov

From: Scott [<mailto:Scott@apeands.com>]
Sent: Wednesday, March 07, 2018 7:33 AM
To: HEARD Arla L * WRD
Cc: JOHNSON JR * WRD
Subject: RE: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

Good Morning Arla,
I read this letter on the my phone so could've missed this, but I think you need to ensure the Greg's that their water right isn't going to lose its priority date or be changed as far as its original permit conditions, only the part being xfer'd to Weaver Springs. If you've already clarified this please excuse my oversight.
I spoke with Mr. Root yesterday and I'll be preparing a response soon.
Thanks,
Scott

From: HEARD Arla L * WRD [Arla.L.Heard@oregon.gov]
Sent: Tuesday, March 06, 2018 1:15 PM
To: Scott
Cc: JOHNSON JR * WRD
Subject: T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christopher and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!



Oregon
Kate Brown, Governor

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

March 6, 2018

Applicant
Andy Root

Applicant
Christopher & Danielle Gregg

Rattlesnake Creek Land & Cattle Company
524 Hwy 20 North
Hines, OR 97738

29724 Hwy 20 West
Hines, OR 97738

SUBJECT: Water Right Transfer Application T-12359

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-12359. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed additional points of diversion would substantially interfere with other existing groundwater rights, resulting in injury to those rights. The issues that we have identified could be resolved by one of the following alternatives:

- Obtain consent to injury of water rights from all affected water right holders, or
- Priority date subordination of the right being transferred.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. Describe how you will overcome the issues identified above and submit modifications or additional information as needed, or indicate whether you wish to protest a Preliminary Determination to deny the transfer.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) will be required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Burns Herald as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the proposed new and the authorized point(s) of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive

1. your written response modifying the application to resolve the issues that we have identified or by requesting that we proceed with processing of the application
2. report of ownership information.

If we do not receive your response to withdraw the application or the items listed above by April 6, 2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0806 or arla.l.heard@oregon.gov, if I may be of assistance.



Sincerely,

Arla Heard
Transfer Specialist
Transfer and Conservation Section

Enclosure

cc: Transfer Application file T-12359
J.R. Johnson, District #10 Watermaster (*via e-mail*)
Scott Montgomery, Agent for the applicant (*via e-mail at scott@apeands.com*)

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

arla.l.heard@oregon.gov

HEARD Arla L * WRD

From: Scott <Scott@apeands.com>
Sent: Friday, October 27, 2017 11:38 AM
To: HEARD Arla L * WRD
Subject: RE: T-12359 - Transfer Application for Andy Root/ Rattlesnake Creek Land & Cattle LLC/ Christopher & Danielle Gregg - Question about changes in points of appropriation

Hello Arla,

I'm not sure what difference this will make in the end, but I understand why you ask the question. I'd say that Glerup and #16 are the replacements for #2 (Monaco) and the rest would be additional wells. Hope this helps.

From: HEARD Arla L * WRD [<mailto:Arla.L.Heard@oregon.gov>]
Sent: Thursday, October 26, 2017 2:20 PM
To: Scott <Scott@apeands.com>
Subject: T-12359 - Transfer Application for Andy Root/ Rattlesnake Creek Land & Cattle LLC/ Christopher & Danielle Gregg - Question about changes in points of appropriation

Hi Scott,

Through review of the application, I am unable to discern which wells are to be additional points of appropriation and which wells you are proposing to change the existing point of appropriation to. Could you clarify this for me? Attached is your table two that was included in your application.

Thank you

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

arla.l.heard@oregon.gov

HEARD Arla L * WRD

From: BOSCHMANN Darrick E * WRD
Sent: Thursday, August 10, 2017 1:57 PM
To: HEARD Arla L * WRD
Cc: STARNES Patrick K * WRD
Subject: RE: T-12359 Priority Date Subordination
Attachments: T-12359_Potential Injury.xlsx

Arla,

The attached spreadsheet lists the water rights that will potentially be injured by this transfer. Let me know if there is anything else you need.

Darrick

Darrick E. Boschmann, RG | Hydrogeologist – Groundwater Section

Oregon Water Resources Department | Phone: 503-986-0853
725 Summer ST. NE., Suite A Salem OR 97301 | Fax: 503-986-0902

From: STARNES Patrick K * WRD
Sent: Thursday, August 10, 2017 1:32 PM
To: BOSCHMANN Darrick E * WRD
Cc: HEARD Arla L * WRD
Subject: RE: T-12359 Priority Date Subordination

Hi Darrick –

Your transfer review should list all the water rights you have determined that will be injured by the proposed change. Subordination is certainly an option, but we will determine that once a complete listing of the water rights is made available.

Transfer statutes say “injury to other water rights”, so the Department needs to be specify the water right(s) being injured.

Thank you!

Kelly

From: BOSCHMANN Darrick E * WRD
Sent: Thursday, August 10, 2017 1:09 PM
To: STARNES Patrick K * WRD
Cc: HEARD Arla L * WRD
Subject: FW: T-12359 Priority Date Subordination

Hi Kelly,

Is there anything more you guys need on this? What I provided below is the most junior right that will potentially be affected by the transfer.

Thanks,
Darrick

Darrick E. Boschmann, RG | Hydrogeologist – Groundwater Section

Oregon Water Resources Department | Phone: 503-986-0853
725 Summer ST. NE., Suite A Salem OR 97301 | Fax: 503-986-0902

From: BOSCHMANN Darrick E * WRD
Sent: Tuesday, August 08, 2017 11:02 AM
To: HEARD Arla L * WRD
Subject: RE: T-12359 Priority Date Subordination

Arla,

This is the water right with the most junior priority date that could be affected by the transfer.

Darrick

Darrick E. Boschmann, RG | Hydrogeologist – Groundwater Section

Oregon Water Resources Department | Phone: 503-986-0853
725 Summer ST. NE., Suite A Salem OR 97301 | Fax: 503-986-0902

From: HEARD Arla L * WRD
Sent: Tuesday, August 08, 2017 11:01 AM
To: BOSCHMANN Darrick E * WRD
Subject: RE: T-12359 Priority Date Subordination

Hi Darrick,

Is this the only water right that will be affected by the transfer?

From: BOSCHMANN Darrick E * WRD
Sent: Tuesday, August 08, 2017 9:27 AM
To: HEARD Arla L * WRD
Subject: T-12359 Priority Date Subordination

Arla,

Any permit issued as a result of Transfer T-12359 should be subordinated to Permit G-17098 which has a priority date of 7/18/2012.

Please let me know if you have any questions.

Thank you,
Darrick

Darrick E. Boschmann, RG | Hydrogeologist – Groundwater Section

HEARD Arla L * WRD

From: HEARD Arla L * WRD
Sent: Friday, October 13, 2017 11:15 AM
To: 'Scott'
Subject: T-12359 - Transfer Application for Andy Root/ Rattlesnake Creek Land & Cattle LLC/ Christopher & Danielle Gregg - **Deficiency** - Action Required!
Attachments: T-12359 New Maps.pdf; T-12359 - table 1.pdf

Hi Scott,

Through review of the application I have discovered some discrepancies in Table 1 and the Transfer map provided with the application. The ¼ ¼ location listed for Well 5, Well 7, Well 9, Well 10, Well 11, Well 14, Well 15, Well 16, Well 17, and Well 18 provided in Table 1 of the application do not match the information provided on the map. In order to complete the draft order I will need an updated Table 1 or an updated application map (whichever one is correct) . I have attached both the Table 1 (in which I have noted the discrepancies) and map to this email. Please respond by **November 13, 2017** with how you would like to proceed.

Thank you

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

arla.l.heard@oregon.gov

T-12359

JARAMILLO Lisa J * WRD

From: JARAMILLO Lisa J * WRD
Sent: Friday, August 16, 2019 4:58 PM
To: scott@apeands.com
Cc: DAVIS Arla L * WRD; STARNES Patrick K * WRD; FRENCH Dwight W * WRD
Subject: Pending Transfer T-12359

Good afternoon Scott,

I just wanted to touch base with you to let you know that we are still in the process of reviewing and internally discussing Transfer Application T-12359 following issuance of the revised Groundwater Review. We need to meet with other Department staff before we can move forward with finalizing this transfer. We're hoping to get a meeting scheduled later this month or sometime in early September.

We will be in touch with you shortly after those internal discussions are completed.

Please feel free to contact me if you have any questions. However, please note that I'll be out of the office until August 26, 2019.

Sincerely,
Lisa

[LISA J. JARAMILLO](#) | TRANSFER & CONSERVATION SECTION MANAGER
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0880



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

DAVIS Arla L * WRD

Subject: RE: GW Review for T-12359 for Andy Root - draft
Location: *OWRD 2nd Floor CR - Deschutes (8) * WRD

Start: Tue 8/13/2019 8:30 AM
End: Tue 8/13/2019 9:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: IVERSON Justin T * WRD
Required Attendees: DAVIS Arla L * WRD; BOSCHMANN Darrick E * WRD; JARAMILLO Lisa J * WRD; Kelly Starnes

Hi Folks,

Before we launch into this I'd like to discuss this instance in particular and requests for potentially injured parties in general.

Thanks,

From: DAVIS Arla L * WRD
Sent: Thursday, August 8, 2019 9:01 AM
To: BOSCHMANN Darrick E * WRD
Cc: IVERSON Justin T * WRD; JARAMILLO Lisa J * WRD; STARNES Patrick K * WRD
Subject: RE: GW Review for T-12359 for Andy Root - draft

Hi Darrick,

Thank you for your response.

To continue with the processing of Transfer Application T-12359, I will need to obtain the current list of potentially injured parties, including any nearby domestic well owners with an implied water right and priority date based on the year their well was drilled. I need to include this information in my Draft Preliminary Order, so that I can provide the applicant the opportunity to obtain consent to injury for the affected parties. I realize that the applicant's ability to obtain consent to injury from all affected parties will be difficult, but our Rules and Statutes allow them the opportunity to try (ORS 540.530(1)(a)(b), OAR 690-380-5030(1) & OAR 690-380-5040). I appreciate all your help!

Thank you!

Arla L. Davis

Water Rights Transfer Specialist

Transfer and Conservation Section

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301

Direct: 503-986-0806

arla.l.davis@oregon.gov

From: BOSCHMANN Darrick E * WRD <Darrick.E.Boschmann@oregon.gov>

Sent: Friday, June 28, 2019 11:13 AM

To: DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>

Cc: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; JARAMILLO Lisa J * WRD

<Lisa.J.Jaramillo@oregon.gov>; STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>

Subject: RE: GW Review for T-12359 for Andy Root

Hi Arla,

I understand that my recent re-review looks somewhat different than the original review from 2017.

We have continued to collect water level data in the Weaver Springs area since this application first came in and it continues to be increasingly clear that this area has the highest rate of water level decline within the Harney Basin. Many wells are experiencing over 5 feet a year of spring-to-spring decline. At least one well we had been measuring has now gone dry. Many wells have had to be deepened. Nearby domestic wells are experiencing the effects of the over pumping in this area.

This is not an area we should be authorizing additional groundwater pumping. This is an area we need to be thinking about ways to reduce groundwater pumping. I chose not to include the conditions

on this re-review because I did not want to give the impression that approving this transfer with these conditions would in any way mitigate the impacts of the additional groundwater pumping in this area.

- Authorizing any additional groundwater pumping in this area will exacerbate the already very serious water level declines
- Any drawdown/decline condition applied to the transfer can be expected to be triggered within the first few years

The list of potentially injured water rights that I provided to you back in 2017 is no longer accurate given the numerous transfers have occurred within and out of this area over the past several years. An updated list of potentially injured parties would also need to include any nearby domestic well owners with an implied water right and priority date based on the year their well was drilled. I can say with confidence that there will be no consent to injury from numerous parties that would be on this list. Several of them have already been making public comments on transfer applications in the area.

I'm happy to discuss this more any time.

-Darrick

Darrick E. Boschmann, RG | Hydrogeologist – Groundwater Section

Oregon Water Resources Department

| Phone: 503-986-0853

725 Summer ST. NE., Suite A Salem OR 97301

| Fax: 503-986-0902

From: DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>

Sent: Friday, June 28, 2019 10:24 AM

To: BOSCHMANN Darrick E * WRD <Darrick.E.Boschmann@oregon.gov>

Cc: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; JARAMILLO Lisa J * WRD

<Lisa.J.Jaramillo@oregon.gov>; STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>

Subject: GW Review for T-12359 for Andy Root

Hi Darrick,

Quick Question:

On your original review dated 1/4/2017 for Transfer Application T-12359, you listed the following conditions as necessary to address any potential issues identified in the review:

Given that the proposed transfer is within the Weaver Springs area, a set of measurement and decline conditions similar to those required under the new Division 512 rules, in addition to priority date subordination would be necessary to address the issues identified above:

1. Priority date subordination.

2. Dedicated measuring tube condition: Wells with pumps shall be equipped with a minimum 3/4 – inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if the static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

3. Drawdown condition and static water level conditions: All groundwater pumping authorized by this permit shall be prohibited if March groundwater levels indicate 18 feet or more of decline has occurred, as measured in any authorized irrigation well, when compared to the first March measurement. Subsequent groundwater pumping may occur with Department approval during the year(s) a subsequent March groundwater level measurement indicates the groundwater level has recovered to less than 18 feet of decline when compared to the first March measurement.

The Department requires the water user to obtain, from a qualified individual (see below), the annual static groundwater level measured in any authorized irrigation well. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static groundwater-level measurement from any authorized irrigation well once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurement 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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurement shall be made with equipment that is accurate to at least 0.1 foot. Airlines are not acceptable methods of measurement. The Department requires the individual performing the measurement to accomplish the following:

A. Associate each measurement with an owner's well name or number and a Department well log ID; and

B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and

C. Specify the method of measurement; and

D. Certify the accuracy of all measurements and calculations reported to the Department.

4. Measurement devices, and recording/reporting of annual water use conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.

B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

D. The Director may provide an opportunity for the permittee to submit alternative measuring a reporting procedures for review and approval.

5. Well identification tag condition: Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

6. All other standard conditions.

There are no conditions listed in the new review dated June 7, 2019. I realize we do not have the authority to do priority date subordination, however the applicant can move forward with consent to injury to try to overcome the denial I am issuing for this transfer or if he is unable to obtain consent, can protest the denial. Are these conditions no longer applied to this application? I just want to double check with you before moving forward.

Also I have attached the original excel spreadsheet you provided to me with the list of wells that are being injured. Is this list still accurate?

Thank you in advance for your help!

Arla L. Davis

Water Rights Transfer Specialist

Transfer and Conservation Section

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301

Direct: 503-986-0806

arla.l.davis@oregon.gov



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 6, 2018

Applicant

Andy Root
Rattlesnake Creek Land & Cattle Company
524 Hwy 20 North
Hines, OR 97738

Applicant

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

SUBJECT: Water Right Transfer Application T-12359

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-12359. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed additional points of diversion would substantially interfere with other existing groundwater rights, resulting in injury to those rights. The issues that we have identified could be resolved by one of the following alternatives:

- Obtain consent to injury of water rights from all affected water right holders, or
- Priority date subordination of the right being transferred.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. Describe how you will overcome the issues identified above and submit modifications or additional information as needed, or indicate whether you wish to protest a Preliminary Determination to deny the transfer.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) will be required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time

- iii) Legal description of the property where the water right to be transferred is currently located.
- c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
- 3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Burns Herald as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are there is more than ¼ mile between the proposed new and the authorized point(s) of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive

- 1. your written response modifying the application to resolve the issues that we have identified or by requesting that we proceed with processing of the application
- 2. report of ownership information.

If we do not receive your response to withdraw the application or the items listed above by April 6, 2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0806 or arla.l.heard@oregon.gov, if I may be of assistance.

Sincerely,

Arla Heard
Transfer Specialist
Transfer and Conservation Section

Enclosure

cc: Transfer Application file T-12359
J.R. Johnson, District #10 Watermaster (via e-mail)
Scott Montgomery, Agent for the applicant (via e-mail at scott@apeands.com)

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

In the Matter of Transfer Application
T-12359, Harney County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING DENIAL OF
) ADDITIONAL POINTS OF
) APPROPRIATION, CHANGE IN POINT
) OF APPROPRIATION, PLACE OF USE
) AND CHARACTER OF USE

Authority

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

Applicants

ANDY J. ROOT
RATTLESNAKE CREEK LAND &
CATTLE COMPANY
524 HWY 20 N
HINES, OR 97738

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

Findings of Fact

1. On April 28, 2016, ANDY J. ROOT, RATTLESNAKE CREEK LAND & CATTLE COMPANY, and CHRISTOPHER & DANIELLE GREGG, filed an application for additional points of appropriation, to change the point of appropriation, to change the place of use and to change the character of use under Certificate 90309. The Department assigned the application number T-12359.
2. Notice of the application for transfer was published on May 3, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 27, 2017, the agent for the applicant clarified which wells would replace the original well.
4. The portion of the right to be transferred is as follows:
Certificate: 90309 in the name of CHRISTOPHER AND DANIELLE GREGG;
RATTLESNAKE CREEK LAND & CATTLE COMPANY (perfected
under Permit G-13485)

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

Priority Date: NOVEMBER 24, 1997

Rate: MAXIMUM CUMULATIVE TOTAL OF 3.23 CUBIC FEET PER SECOND (CFS) BEING 0.08 CFS FOR IRRIGATION, 3.23 CFS FOR SUPPLEMENTAL IRRIGATION AND 2.04 CFS FOR INDUSTRIAL USE (GEOTHERMAL HEATING), or its equivalent in case of rotation measured at the well.

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

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

Source: WELL 2 within the WEST FORK SILVIES RIVER BASIN

Authorized Point of Appropriation:

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

Authorized Place of Use:

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

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

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

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years prior to the submittal of Transfer Application T-12359 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.
11. A pump, pipeline, and sprinkler 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-12359.
12. On January 4, 2017, the Department's Groundwater Section determined based on the information available that the proposed additional points of appropriation are located approximately 12 miles south of the currently authorized well. Consequently, groundwater withdrawals at this proposed location will result in an incremental increase in interference with groundwater rights near that location. Additionally, the proposed additional points of appropriation are located in the Weaver Springs area, an area within the Harney Basin that has well documented year-to-year water level declines.

The proposed additional points of appropriation are closer to Harney Lake than the currently authorized point of appropriation. This will result in a slight incremental increase in interference with this surface water source. Previous analyses indicate the increase in interference with this surface water source resulting from this will be minimal.

13. The proposed changes would interfere substantially with other existing groundwater rights, resulting in injury to those rights. The rights are listed as follows:

Permit / Certificate #	Name on Permit/Certificate	Priority Date
G 16305	3 S RANCHES	1/5/2007
G 16377	CHILDERS HAY RANCH INC.	5/23/2007
90726	CHILDERS HAY RANCH INC.	6/4/1980
G 15451	GOLDEN RULE FARMS INC.	4/5/2000
G 13639	GOLDEN RULE FARMS INC.	10/9/1998
G 17514	GOLDEN RULE FARMS INC.	10/9/1998
G 17098	JUNIPER BASIN RANCH LLC	7/18/2012
G 16975	JUNIPER BASIN RANCH LLC	1/25/2008
86618	NORTHWEST FARM CREDIT SERVICES FLCA	5/26/1983
G 17127	RATTLESNAKE CREEK LAND & CATTLE CO LLC	3/10/2011
G 16829	RATTLESNAKE CREEK LAND & CATTLE CO LLC	11/24/2008
G 16150	RATTLESNAKE CREEK LAND & CATTLE CO LLC	2/21/2006
G 16165	RATTLESNAKE CREEK LAND & CATTLE CO LLC	5/16/2005
82846	RATTLESNAKE CREEK LAND & CATTLE CO LLC	4/10/1981
82846	RATTLESNAKE CREEK LAND & CATTLE CO LLC	4/10/1981
G 16241	SUNNYSIDE DAIRY LLC	5/12/2006
91706	SUNNYSIDE DAIRY LLC	6/17/1993
G 12301	SUNNYSIDE DAIRY LLC	6/7/1991
G 8978	SUNNYSIDE DAIRY LLC	5/8/1980
62014	GLEN CHOWNING	5/26/1983
G 17441	HELEN DEN HOED	5/23/2007
G 17650	LOUANNA EGGERT	3/17/2009
G 16257	CHARLES EGGERT	1/13/2006
G 12760	CHARLES EGGERT	7/20/1995

92942	CLIFFORD FINE	10/21/1970
G 16777	KALE GIESBRECHT	11/20/2009
G 13773	KALE GIESBRECHT	1/25/1999
G 16968	MICHAEL JOSEPH GREGUSH	12/23/2011
76794	MARVIN MORGER	10/9/1956
G 17348	ANDY ROOT	6/7/2012
G 16461	ANDY ROOT	12/17/2007
G 12841	ANDY ROOT	7/20/1995
G 16217	TRAVIS SINGHOSE	4/14/2006
R 12908	TRAVIS SINGHOSE	7/29/1999
G 14055	TRAVIS SINGHOSE	3/4/1999
G 11242	TRAVIS SINGHOSE	1/23/1991
G 10106	WAYNE SINGHOSE	5/26/1983
91974	KELLY SINGHOSE	10/9/1956
72405	DOUGLAS STILLS	5/16/1991
89368	DOUGLAS STILLS	1/23/1991
65753	DOUGLAS STILLS	3/15/1968
72171	DOUGLAS STILLS	3/15/1968
65752	DOUGLAS STILLS	11/27/1959
72171	DOUGLAS STILLS	11/27/1959
65751	DOUGLAS STILLS	9/10/1951
72171	DOUGLAS STILLS	9/10/1951
91398	INEZ WILSON	5/8/1980

14. The proposed change would not result in enlargement of the right.

Determination and Proposed Action

The additional points of appropriation, change in point of appropriation, place of use, and character of use, appear **not** to be consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000. The above changes in Transfer Application T-12359 cannot be affected without injury to other rights. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

If Transfer Application T-12359 is approved, notwithstanding the Department's preliminary determination that the transfer will result in injury, the changes and subsequent use of water shall be subject to the following conditions:

- 1. The change in point of appropriation and additional points of appropriation and change in place of use and change in character of use proposed in Transfer Application T-12359 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 90309 and any related decree.*
- 3. Water right Certificate 90309 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer*

4. *The quantity of water diverted at the new and additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing)*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Given that the proposed transfer is within the Weaver Springs area, a set of measurement and decline conditions, would be necessary to address the issues identified above:*
 - 1) *Dedicated measuring tube condition: Wells with pumps shall be equipped with a minimum 3/4 –inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if the static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.*
 - 2) *Drawdown condition and static water level conditions: All groundwater pumping authorized by this permit shall be prohibited if March groundwater levels indicate 18 feet or more of decline has occurred, as measured in any authorized irrigation well, when compared to the first March measurement. Subsequent groundwater pumping may occur with Department approval during the year(s) a subsequent March groundwater level measurement indicates the groundwater level has recovered to less than 18 feet of decline when compared to the first March measurement.*
 - 3) *The Department requires the water user to obtain, from a qualified individual (see below), the annual static groundwater level measured in any authorized irrigation well. Reports shall be submitted to the Department within 30 days of measurement.*
 - 4) *The permittee shall report an initial March static groundwater-level measurement from any authorized irrigation well once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.*

- 5) *All measurement 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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurement shall be made with equipment that is accurate to at least 0.1 foot. Airlines are not acceptable methods of measurement. The Department requires the individual performing the measurement to accomplish the following:*
 - A. *Associate each measurement with an owner's well name or number and a Department well log ID; and*
 - B. *Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and*
 - C. *Specify the method of measurement; and*
 - D. *Certify the accuracy of all measurements and calculations reported to the Department.*
- 7) *Measurement devices, and recording/reporting of annual water use conditions:*
 - A. *Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.*
 - B. *The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.*
 - C. *The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.*
 - D. *The Director may provide an opportunity for the permittee to submit alternative measuring a reporting procedures for review and approval.*
- 8) *Well identification tag condition: Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.*
- 9) *All other standard conditions.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

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

Dated at Salem, Oregon this ____ day of _____ 2018.

D R A F T

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

This draft Preliminary Determination was prepared by Arla Heard. If you have questions about the information in this document, you may reach me at 503-986-0806 or Arla.L.Heard@oregon.gov

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		
23	S	30	E 26 NE SE	105		3.23 cfs	ID	#2 Monaco	1997		23	S	30	E 26 NE SE	105		1.19 cfs	ID	#2 Monaco	1997		
										POU/USE/ POA/APOA	25	S	30	E 32 SE SW	3500		32.3	IR	10,11,14- 18,21-23	1997		
										POU/USE/ POA/APOA	25	S	30	E 32 SW SE	3500		2.8	IR	10,11,14- 18,21-23	1997		
										POU/USE/ POA/APOA	26	S	30	E 5 NE NE	1300		17.2	IR	10,11,14- 18,21-23	1997		
										POU/USE/ POA/APOA	26	S	30	E 5 NW NE	1300		34.7	IR	10,11,14- 18,21-23	1997		
										POU/USE/ POA/APOA	26	S	30	E 5 SW NE	1300		36.7	IR	10,11,14- 18,21-23	1997		
										POU/USE/ POA/APOA	26	S	30	E 5 SE NE	1300		19.9	IR	10,11,14- 18,21-23	1997		
										POU/USE/ POA/APOA	26	S	30	E 5 NE NW	1300		19.3	IR	10,11,14- 18,21-23	1997		
TOTAL ACRES:						3.23 cfs					TOTAL ACRES:						1.19 CFS ID 162.9 IR					

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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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CERTIFICATE # 90309

Description of Water Delivery System

System capacity: 3.23 for industrial use cubic feet per second (cfs) OR gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Water is pumped from Well #2 & conveyed by closed conduit into a geothermal heating system for the large fabrication building.

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 2 Monaco	☒ Authorized ☐ Proposed	HARN 50176	23 S	30 E	26	SE NE	105	2544' north & 907' west from the SE cor, Sec 26
Well 10	☐ Authorized ☒ Proposed	HARN 51765	26 S	30 E	3	NW NW	800	6310' south & 415' east from the NW cor, Sec 34
Well 11	☐ Authorized ☒ Proposed	HARN 51760	26 S	30 E	3	NW NW	800	6340' south & 330' east from the NW cor, Sec 34
Well 13	☐ Authorized ☒ Proposed	HARN 51445	26 S	30 E	4	NE NW	900	6415' south & 2745' west from the NE cor, Sec 33
Well 14	☐ Authorized ☒ Proposed	HARN 51871	25 S	30 E	33	SE SE	3600	4314' south & 870' west from the NE cor, Sec 33
Well 15	☐ Authorized ☒ Proposed	HARN 51970	25 S	30 E	33	SE SE	3600	4314' south & 920' west from the NE cor, Sec 33
Well 16	☐ Authorized ☒ Proposed	HARN 52121	25 S	30 E	29	NE SE	2600	1200' north & 900' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 17	☐ Authorized ☒ Proposed	HARN 52154	26 S	30 E	3	NW NW	800	6300' south & 440' east from NW cor, Sec 34
Well 18	☐ Authorized ☒ Proposed	HARN 52170	25 S	30 E	29	NE SE	2600	1200' north & 850' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 21	☐ Authorized ☒ Proposed	HARN 52590	25 S	30 E	29	NE SE	2600	400' north & 800' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 22	☐ Authorized ☒ Proposed	HARN 52591	25 S	30 E	29	NE SE	2600	1300' north & 850' west from the South 1/16 th cor, Sec 28 & Sec 29
Well 23	☐ Authorized ☒ Proposed	HARN 52674	25 S	30 E	33	NE SW	2500	2690' south & 2870' west from the NE cor, Sec 33

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Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before June 02, 2016. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

Transfer	<u>T 12359</u>
Water Right	Cert:90309
County/Basin	Harney / Malheur Lake(12)
Applicant Name	ROOT, ANDY J. RATTLESNAKE CREEK LAND & CATTLE CO LLC 524 HWY 20 N HINES, OR 97738
Proposed Change	POA, ADDITIONAL POINT OF APPROPRIATION,PLACE OF USE,USE
Sources/TRSQ40Q160	A WELL > WEST FORK SILVIES RIVER / 23.00S 30.00E 26 NESE
Use/Quantity	INDUSTRIAL/MANUFACTURING USES / 3.230 CFS
Priority Date	11/24/1997

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 HARNEY)

I, ANDY ROOT, in my capacity as PERMIT HOLDER,

mailing address 524 HWY 20 N, HINES, OR 97738

telephone number (541)573-3645, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

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SALEM, OR

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	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

☒ Confirming Certificate # 90309 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)

T 12359

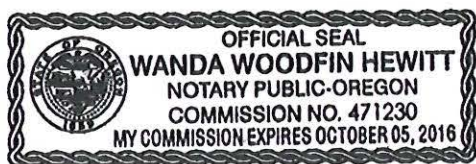
3. The water right was used for: (e.g., crops, pasture, etc.): _____

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 of Affiant

Date

Signed and sworn to (or affirmed) before me this 19th day of April, 2016.



Wanda Woodfin Hewitt
Notary Public for Oregon

My Commission Expires: October 5, 2016

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

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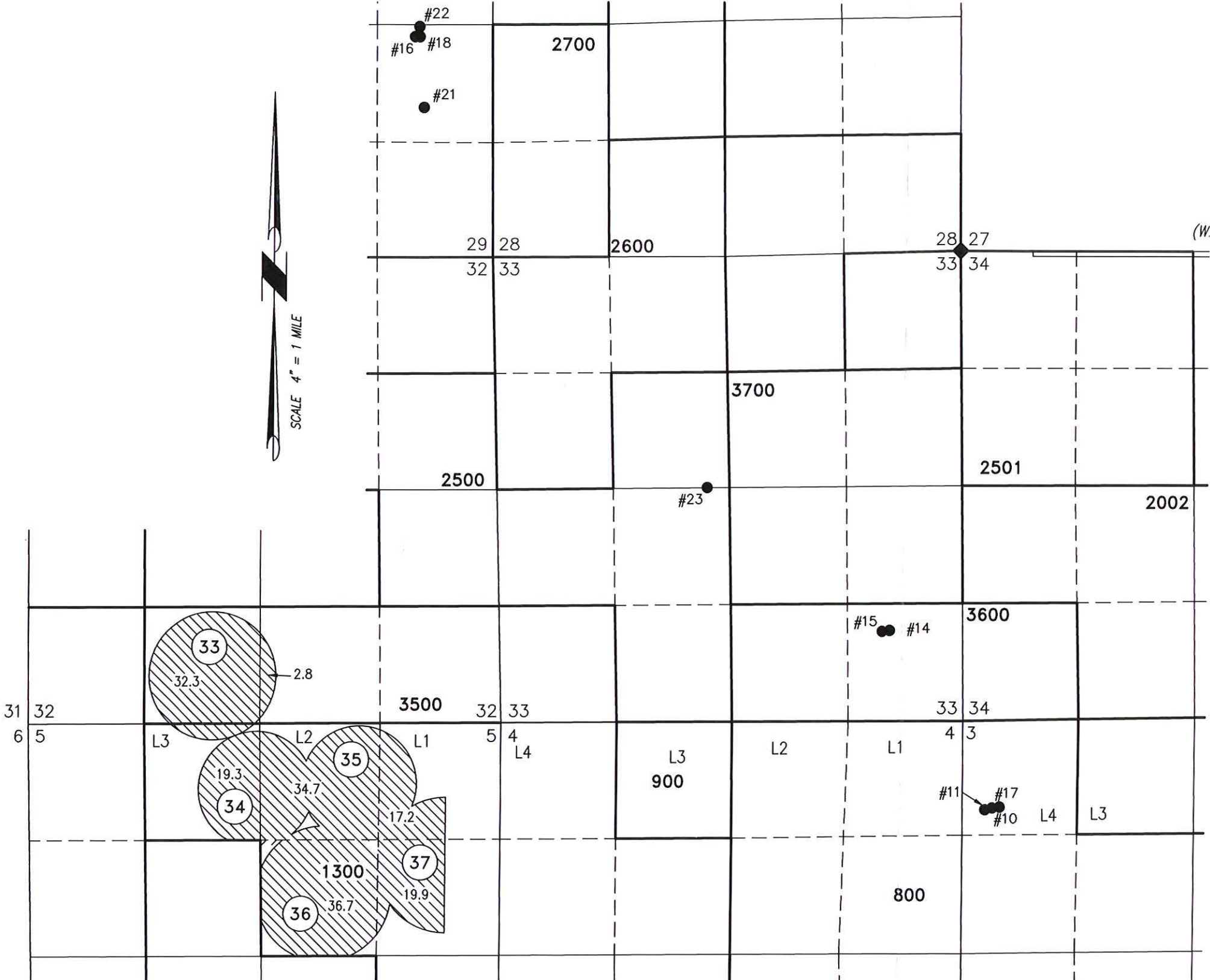
SALEM, OR

1 12359

TRANSFER MAP TO ACCOMPANY
APPLICATION TO ADD POINTS OF
APPROPRIATION FOR
RATTLESNAKE LAND & CATTLE

TAX LOTS 2002, 2500, 2600, 3500, & 3600
IN SECTIONS 29, 32, 33, & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, & 1300
IN SECTIONS 3, 4, & 5, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON

SCALE 4" = 1 MILE



- #10
WELL #10 (HARN 51765) PROPOSED
6310' SOUTH & 415' EAST FROM THE
NW CORNER SECTION 34.
- #11
WELL #11 (HARN 51760) PROPOSED
6340' SOUTH & 330' EAST FROM THE
NW CORNER SECTION 34.
- #14
WELL #14 (HARN 51871) PROPOSED
4314' SOUTH & 870' WEST FROM THE
NE CORNER SECTION 33.
- #15
WELL #15 (HARN 51970) PROPOSED
4314' SOUTH & 920' WEST FROM THE
NE CORNER SECTION 33.
- #16
WELL #16 (HARN 52121) PROPOSED
1200' NORTH & 900' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #17
WELL #17 (HARN 52154) PROPOSED
6300' SOUTH & 440' EAST FROM THE
NW CORNER SECTION 34.
- #18
WELL #18 (HARN 52170) PROPOSED
1200' NORTH & 850' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #21
WELL #21 (HARN 52590) PROPOSED
400' NORTH & 800' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #22
WELL #22 (HARN 52591) PROPOSED
1300' NORTH & 850' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #23
WELL #23 (HARN 52674) PROPOSED
2690' SOUTH & 2870' WEST FROM THE
NE CORNER SECTION 33.

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

162.9 ACRES PRIMARY IRRIGATION
FROM C#90309
TO BE USED FROM 4/1 TO 10/1.

1 OWNER'S PIVOT NUMBER

PROJECT No. 16-050

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

ALL POINTS ENGINEERING
& SURVEYING, INC.

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

Certified Water Right Examiner
#51324 WRE
Scott D. Montgomery
May 21, 2001
STATE OF OREGON

RENEWAL DATE: 12/31/2018

TRANSFER MAP TO ACCOMPANY
APPLICATION TO ADD POINTS OF
APPROPRIATION FOR
RATTLESNAKE LAND & CATTLE

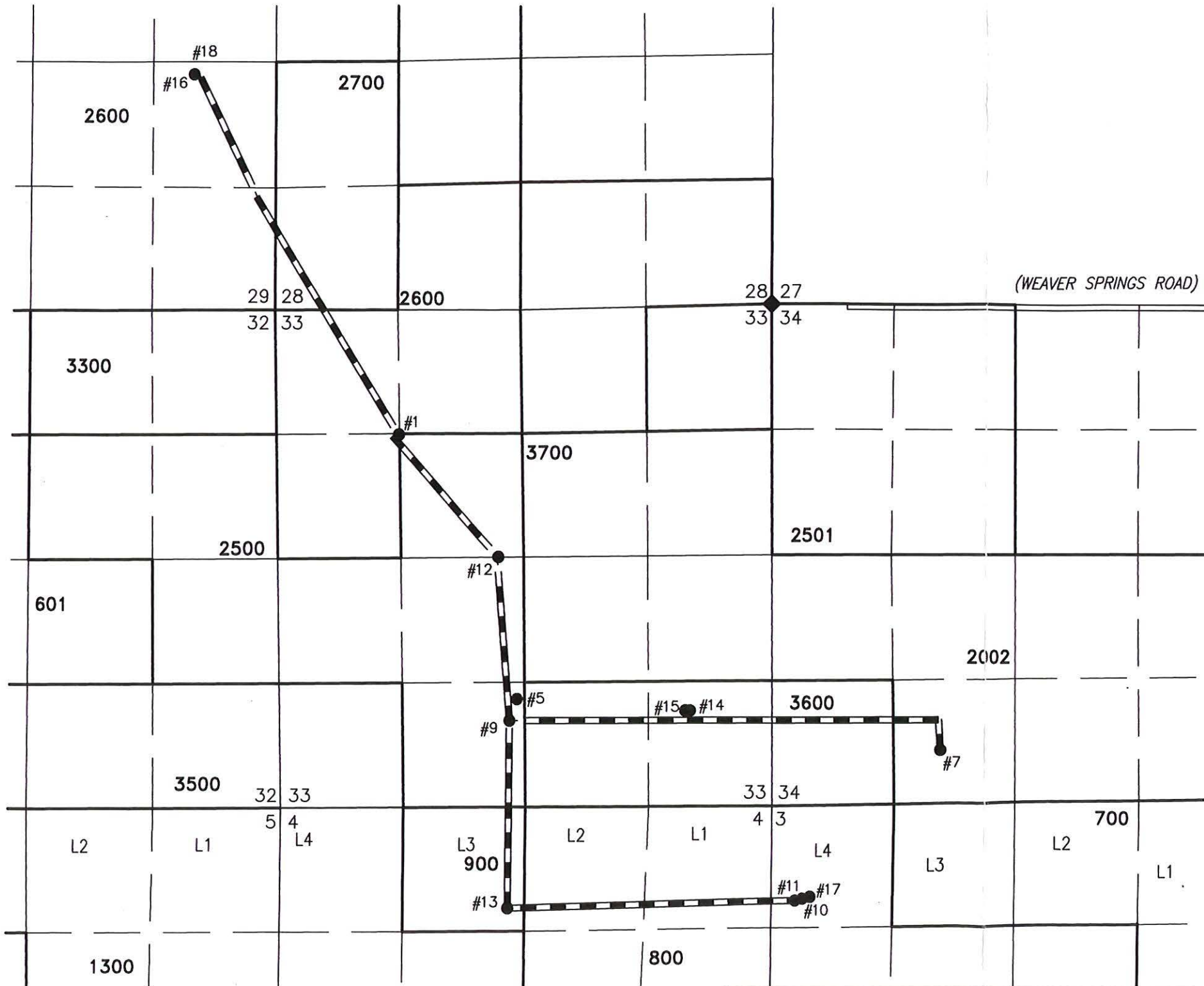
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SALEM, OR

TAX LOTS 2002, 2500, 2600, & 3600
IN SECTIONS 29, 33, & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M. &
TAX LOTS 800 & 900
IN SECTIONS 3 & 4, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON

SUPERSEDED



- #1
WELL #1 (HARN 1094) PROPOSED
1317' SOUTH & 1355' EAST FROM THE
NW CORNER SECTION 33.
- #5
WELL #5 (HARN 51146) PROPOSED
4195' SOUTH & 2672' WEST FROM THE
NE CORNER SECTION 33.
- #7
WELL #7 (HARN 51272) AUTHORIZED
4725' SOUTH & 1877' EAST FROM THE
NW CORNER SECTION 34.
- #9
WELL #9 (HARN 51448) AUTHORIZED
4423' SOUTH & 2750' WEST FROM THE
NE CORNER SECTION 33.
- #10
WELL #10 (HARN 51765) PROPOSED
6310' SOUTH & 415' EAST FROM THE
NW CORNER SECTION 34.
- #11
WELL #11 (HARN 51760) PROPOSED
6340' SOUTH & 330' EAST FROM THE
NW CORNER SECTION 34.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 28900' WEST FROM THE
NE CORNER SECTION 33.
- #13
WELL #13 (HARN 51445) AUTHORIZED
6415' SOUTH & 2745' WEST FROM THE
NE CORNER SECTION 33.
- #14
WELL #14 (HARN 51871) PROPOSED
4314' SOUTH & 870' WEST FROM THE
NE CORNER SECTION 33.
- #15
WELL #15 (HARN 51970) PROPOSED
4314' SOUTH & 920' WEST FROM THE
NE CORNER SECTION 33.
- #16
WELL #16 (HARN 52121) PROPOSED
1200' NORTH & 900' WEST FROM THE
SE CORNER SECTION 29.
- #17
WELL #17 (HARN 52154) PROPOSED
6300' SOUTH & 440' EAST FROM THE
NW CORNER SECTION 34.
- #18
WELL #18 (HARN 52170) PROPOSED
1200' NORTH & 850' WEST FROM THE
SE CORNER SECTION 29.

BURIED 6 OR 8 INCH STEEL PIPE

PROJECT No. 16-050

PREPARED AT THE REQUEST OF:
ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

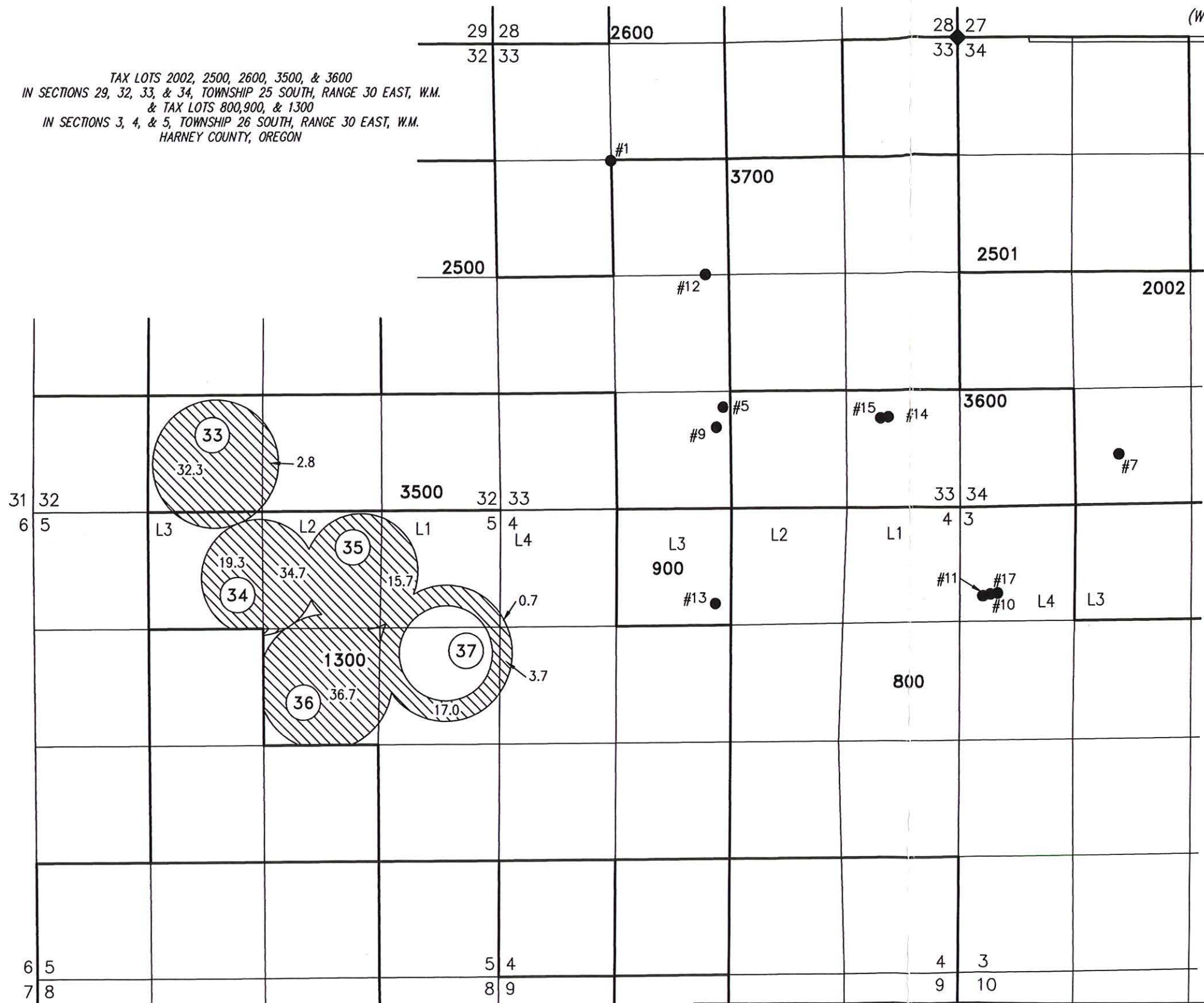
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P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com



TAX LOTS 2002, 2500, 2600, 3500, & 3600
IN SECTIONS 29, 32, 33, & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, & 1300
IN SECTIONS 3, 4, & 5, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON



TRANSFER MAP TO ACCOMPANY APPLICATION TO ADD POINTS OF APPROPRIATION FOR RATTLESNAKE LAND & CATTLE

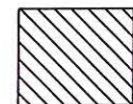
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APR 28 2016

SALEM, OR

- #1
WELL #1 (HARN 1094) PERMIT: G-12841
1317' SOUTH & 1355' EAST FROM THE
NW CORNER SECTION 33
- #5
WELL #5 (HARN 51146) PROPOSED
4195' SOUTH & 2672' WEST FROM THE
NE CORNER SECTION 33.
- #7
WELL #7 (HARN 51272) PROPOSED
4725' SOUTH & 1877' EAST FROM THE
NW CORNER SECTION 34.
- #9
WELL #9 (HARN 51448) PROPOSED
4423' SOUTH & 2750' WEST FROM THE
NE CORNER SECTION 33.
- #10
WELL #10 (HARN 51765) PROPOSED
6310' SOUTH & 415' EAST FROM THE
NW CORNER SECTION 34.
- #11
WELL #11 (HARN 51760) PROPOSED
6340' SOUTH & 330' EAST FROM THE
NW CORNER SECTION 34.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 2890' WEST FROM THE
NE CORNER SECTION 33.
- #13
WELL #13 (HARN 51445) PROPOSED
6415' SOUTH & 2745' WEST FROM THE
NE CORNER SECTION 33.
- #14
WELL #14 (HARN 51871) PROPOSED
4314' SOUTH & 870' WEST FROM THE
NE CORNER SECTION 33.
- #15
WELL #15 (HARN 51970) PROPOSED
4314' SOUTH & 920' WEST FROM THE
NE CORNER SECTION 33.
- #16
WELL #16 (HARN 52121) PROPOSED
1200' NORTH & 900' WEST FROM THE
SE CORNER SECTION 29.
- #17
WELL #17 (HARN 52154) PROPOSED
6300' SOUTH & 440' EAST FROM THE
NW CORNER SECTION 34.
- #18
WELL #18 (HARN 52170) PROPOSED
1200' NORTH & 850' WEST FROM THE
SE CORNER SECTION 29.

SUPERCEDED



162.9 ACRES PRIMARY IRRIGATION
FROM C#90309
TO BE USED FROM 4/1 TO 10/1.

1 OWNER'S PIVOT NUMBER

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

PROJECT No. 16-050

PREPARED AT THE REQUEST OF:

RATTLESNAKE LAND & CATTLE
524 HIGHWAY 20 N
HINES, OR 97738

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



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



RENEWAL DATE: 12/31/2016

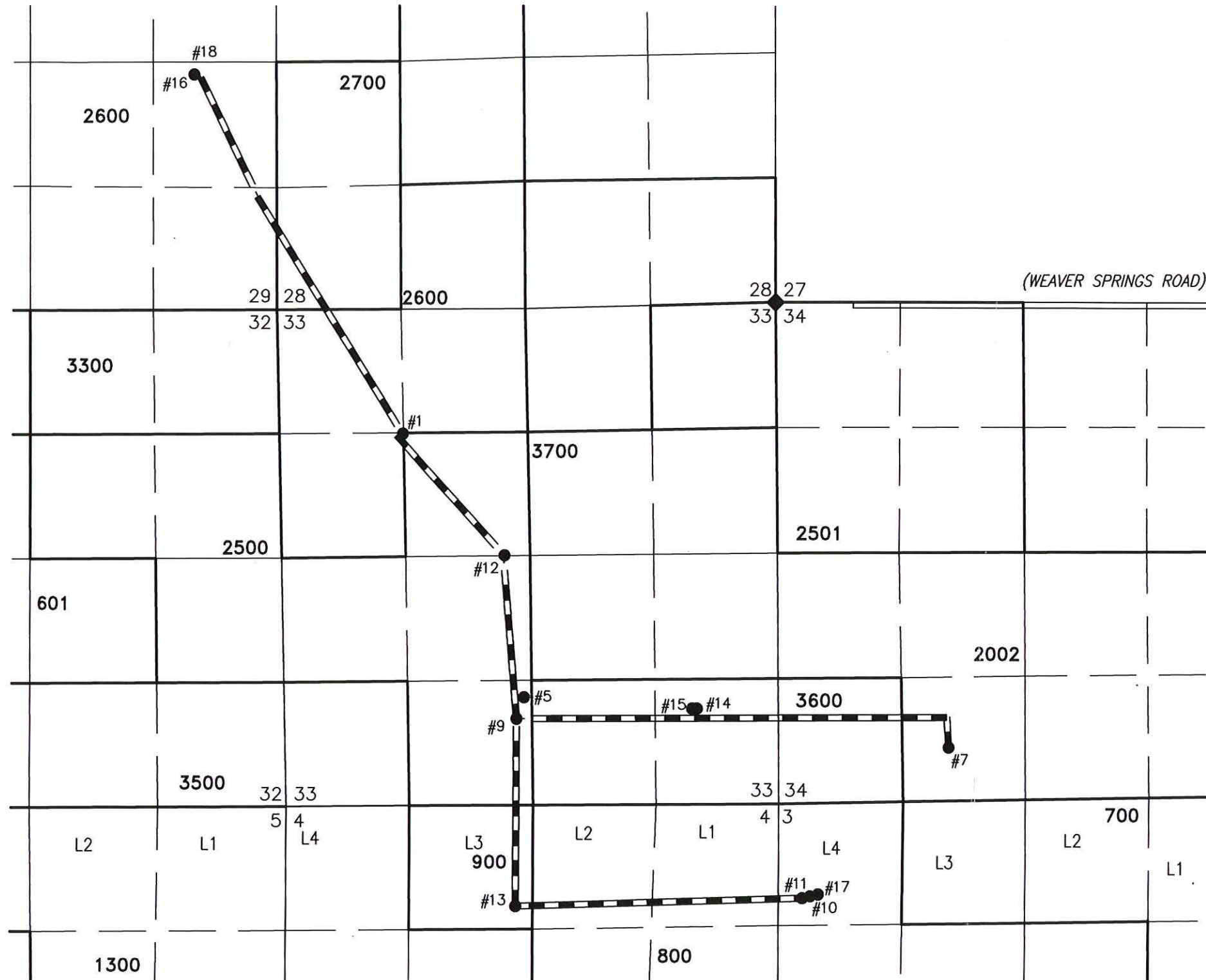
TRANSFER MAP TO ACCOMPANY APPLICATION TO ADD POINTS OF APPROPRIATION FOR RATTLESNAKE LAND & CATTLE

TAX LOTS 2002, 2500, 2600, & 3600
IN SECTIONS 29, 33, & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M. &
TAX LOTS 800 & 900
IN SECTIONS 3 & 4, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON

RECEIVED BY OWRD

JUN 09 2016

SALEM, OR



- #1
WELL #1 (HARN 1094) PROPOSED
1317' SOUTH & 1355' EAST FROM THE
NW CORNER SECTION 33.
- #5
WELL #5 (HARN 51146) PROPOSED
4195' SOUTH & 2672' WEST FROM THE
NE CORNER SECTION 33.
- #7
WELL #7 (HARN 51272) AUTHORIZED
4725' SOUTH & 1877' EAST FROM THE
NE CORNER SECTION 34.
- #9
WELL #9 (HARN 51448) AUTHORIZED
4423' SOUTH & 2750' WEST FROM THE
NE CORNER SECTION 33.
- #10
WELL #10 (HARN 51765) PROPOSED
6310' SOUTH & 415' EAST FROM THE
NW CORNER SECTION 34.
- #11
WELL #11 (HARN 51760) PROPOSED
6340' SOUTH & 330' EAST FROM THE
NW CORNER SECTION 34.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 28900' WEST FROM THE
NE CORNER SECTION 33.

- #13
WELL #13 (HARN 51445) AUTHORIZED
6415' SOUTH & 2745' WEST FROM THE
NE CORNER SECTION 33.
- #14
WELL #14 (HARN 51871) PROPOSED
4314' SOUTH & 870' WEST FROM THE
NE CORNER SECTION 33.
- #15
WELL #15 (HARN 51970) PROPOSED
4314' SOUTH & 920' WEST FROM THE
NE CORNER SECTION 33.
- #16
WELL #16 (HARN 52121) PROPOSED
1200' NORTH & 900' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #17
WELL #17 (HARN 52154) PROPOSED
6300' SOUTH & 440' EAST FROM THE
NW CORNER SECTION 34.
- #18
WELL #18 (HARN 52170) PROPOSED
1200' NORTH & 850' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.

PROJECT No. 12-053

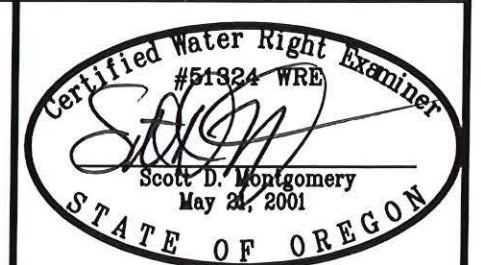
PREPARED AT THE REQUEST OF:

ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

ALL POINTS ENGINEERING
& SURVEYING, INC.



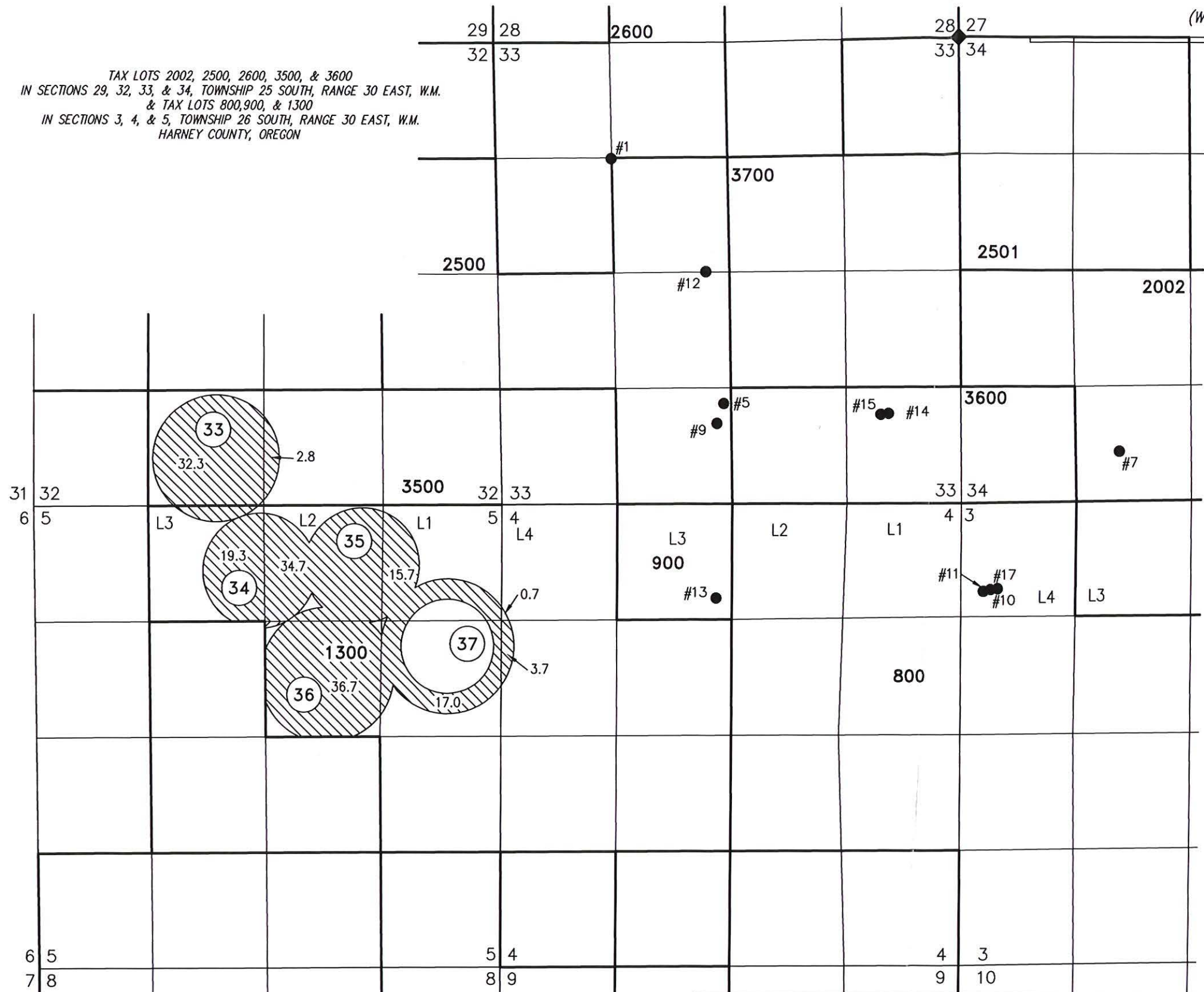
P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com



RENEWAL DATE: 12/31/2016

T-12359

TAX LOTS 2002, 2500, 2600, 3500, & 3600
IN SECTIONS 29, 32, 33, & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, & 1300
IN SECTIONS 3, 4, & 5, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON



TRANSFER MAP TO ACCOMPANY APPLICATION TO ADD POINTS OF APPROPRIATION FOR RATTLESNAKE LAND & CATTLE

- #1
WELL #1 (HARN 1094) PERMIT: G-12841
1317' SOUTH & 1355' EAST FROM THE
NW CORNER SECTION 33
- #5
WELL #5 (HARN 51146) PROPOSED
4195' SOUTH & 2672' WEST FROM THE
NE CORNER SECTION 33.
- #7
WELL #7 (HARN 51272) PROPOSED
4725' SOUTH & 1877' EAST FROM THE
NW CORNER SECTION 34.
- #9
WELL #9 (HARN 51448) PROPOSED
4423' SOUTH & 2750' WEST FROM THE
NE CORNER SECTION 33.
- #10
WELL #10 (HARN 51765) PROPOSED
6310' SOUTH & 415' EAST FROM THE
NW CORNER SECTION 34.
- #11
WELL #11 (HARN 51760) PROPOSED
6340' SOUTH & 330' EAST FROM THE
NW CORNER SECTION 34.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 2890' WEST FROM THE
NE CORNER SECTION 33.
- #13
WELL #13 (HARN 51445) PROPOSED
6415' SOUTH & 2745' WEST FROM THE
NE CORNER SECTION 33.
- #14
WELL #14 (HARN 51871) PROPOSED
4314' SOUTH & 870' WEST FROM THE
NE CORNER SECTION 33.
- #15
WELL #15 (HARN 51970) PROPOSED
4314' SOUTH & 920' WEST FROM THE
NE CORNER SECTION 33.
- #16
WELL #16 (HARN 52121) PROPOSED
1200' NORTH & 900' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.
- #17
WELL #17 (HARN 52154) PROPOSED
6300' SOUTH & 440' EAST FROM THE
NW CORNER SECTION 34.
- #18
WELL #18 (HARN 52170) PROPOSED
1200' NORTH & 850' WEST FROM THE S
1/16 CORNER OF SECTIONS 28 & 29.

SCALE 4" = 1 MILE

RECEIVED BY OWRD

JUN 09 2016

SALEM, OR

1 OWNER'S PIVOT NUMBER

162.9 ACRES PRIMARY IRRIGATION
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SALEM, OR

PROJECT No. 16-050

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T-12359