T-13479

Regular

T-13479

Name Agricultural Construction Inc.
ATTN: Adam Kerns
Address 13685 Willow Creek Ln.
Haines, OR 97833
agcontracting@hotmail.com

Change in POA
Date Filed 6-29-2020
Initial notice date 7-7-2020
DPD issued date
PD issued date
PD notice date
Date of FO 12/24/2020 Vol 118 Page 225-28

C-Date 10/a/2022 10/01/2027
COBU due date 10/a/2025 10/01/2033
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream James Kerns Well
Trib. of Willow Creek Basin
Use Supplemental Irrigation County Baker
Quantity of water (CFS) No. of Acres
Name of ditch
App# G-8224 Per # G-7629 Cert # 58970 PR Date 6/17/1977
App# Per # Cert # PR Date
App# Per # Cert # PR Date
App# Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
6-29-2020	$1,570.00	132920
10-7-2022	$780.00	139307

FEES REFUNDED

Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Paul Garvin - garvin.hydrogeo@gmail.com

CWRE
CC's list Baker County

☐ - Oversized map – Location

Oregon
Kate Brown, Governor

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

October 31, 2022

ADAM KERNS
13685 WILLOW CREEK LANE
HAINES, OR 97833

Reference: File T-13479

We have received your application for extension of the time limit to make complete application of water under T-13479. We also have your check in the amount of $780.00. A copy of receipt number 139307 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. **The time limit to make complete application of water is extended to October 1, 2024**. The order approving the extension was entered October 31, 2022, at Vol:127, Page:3.

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 may be lost.

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 extension final order, whichever occurs first.

If you have any questions, please contact the Ann Reece at 503-979-3214.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. #8 (via email)
Paul Garvin, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Application for Extension of Time for Transfer Application T-13479, Baker County	)))	FINAL ORDER APPROVING AN EXTENSION OF TIME FOR A PERMANENT TRANSFER

Applicant

Adam Kerns
Agricultural Construction Inc.
13685 Willow Creek Ln.
Haines, OR 97833
agcontracting@hotmail.com

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On October 7, 2022, the Department received an application for extension of time for Transfer Application T-13479.

2. On December 24, 2020, the Department signed an order, which was mailed on December 27, 2020, approving Transfer Application T-13479 to change a point of appropriation. The order was recorded in Special Order Volume 118, Pages 225-228. The order set a transfer completion date of October 1, 2022.

3. Since the approval of the transfer, the applicant started construction of the well in September 2022.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

4. To fully complete the change, the applicant needs to complete construction of the well and install a pump and motor. The well also needs to be connected to the water distribution system to make full beneficial use of the water.

5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2023. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2024.

Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-13479.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-13479 shall be extended to **October 1, 2024.**

Signed at Salem, Oregon on OCT 31 2022.

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

Mailing date: NOV 02 2022

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 # 139307 INVOICE # _____

RECEIVED FROM: ACI

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13479

CASH: ☐ CHECK:# ☒ 2520 OTHER: (IDENTIFY) ☐ _____ TOTAL REC'D $ 780.00

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

4/6110

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME	Transfer	$ 780.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 139307 DATED: 10.7.2022 BY: _____

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 97301-1271
(503) 986-0900

Application for Extension of Time *for* Transfer of Water Right

Transfer Number: T- 13479

A summary of review criteria and procedures that are generally applicable to these applications is available at https://www.oregon.gov/owrd/WRDFormsPDF/transfer_extension_criteriareview.pdf

Applicant = Transfer Holder of Record*			**Contact Name**	**Phone No.**
Adams Kerns/Agricultural Construction Inc.			Adams Kerns	541-523-2300
Address				**Fax No.**
13685 WILLOW CREEK LANE				
City	**State**	**Zip**	**E-Mail**	
HAINES	OR	97833	AGCONTRACTING@HOTMAIL.COM	
Report Prepared By	**Title**		**Contact Information**	

*The applicant must be the transfer holder of record. If the applicant is not the transfer holder of record, the applicant must request an assignment of interest prior to submitting the transfer extension application. Alternatively, the request for assignment may be submitted simultaneously with the extension application. Separate checks for the fees is helpful. Links to assignment forms: https://www.oregon.gov/owrd/WRDFormsPDF/assign.pdf, https://www.oregon.gov/owrd/WRDFormsPDF/Assign_by_proof.pdf
Contact information about assignments is available at
https://www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

To the WATER RESOURCES DIRECTOR OF OREGON:

1. **I/WE, THE TRANSFER HOLDER(S) OF RECORD**, do hereby make application for an extension of time within which to complete a change in (check all that apply):

   ◉ point(s) of diversion/appropriation
   ☐ place(s) of use
   ☐ character of use

   under the terms of a final order of the Water Resources Director entered on 12/24/2020 (month/day/year) for Transfer Number T-13479 .

RECEIVED
OCT 07 2022
OWRD

2. **THE FOLLOWING WORK HAS BEEN ACCOMPLISHED** toward completion of the change within the time allowed, which expired on (October 1, 2022):

   A licensed drilling contractor began drilling the well on 9/29/2022 (startcard # 1058715, well tag # L-145303). Drilling was delayed several times during summer 2022 due to drilling contractor unavailability and family emergencies.

3. **TO FULLY COMPLETE THE CHANGE,** it will be necessary to accomplish the following:

   Drilling and development of the well needs to finished, and the pump and motor need to be installed. The well will also need to be connected to the water distribution system. The water user is by trade an irrigation equipment contractor so they are confident that this remaining work can be accomplished before October 1, 2023.

4. **I/WE ARE REQUESTING THE TIME FOR COMPLETION** be extended to October 1, 2023 (year).

   Transfer extensions can be authorized for one (1) calendar year from October 1 to October 1 of each year, or up to five (5) years for transfers involving municipal or quasi-municipal uses, unless the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (3) and OAR 690-385-7200 (5).

5. **I/WE CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE** the information contained in this application is true and accurate.

9/28/2022 _____ _____

Date **Signature of Applicant(s), i.e., Transfer Holder(s) of Record**

6. **IN ORDER FOR AN APPLICATION TO BE COMPLETE,** it must be accompanied by the required fee. See the Department's fee schedule at https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf or call (503) 986-0900.

7. **MAIL THE COMPLETED APPLICATION AND FEE TO:**

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

RECEIVED
OCT 07 2022
OWRD

Checklist for Transfer Extension Requests

If a transfer applicant needs more time to complete changes approved in a Transfer Final Order, a request for more time may be made by submitting a one page application form as shown below. ***See OAR 690-380-6020 (regular transfers) or OAR 690-385-7200(district transfers)***

Transfer 13479

APPLICATION FOR EXTENSION OF TIME
FOR **TRANSFER** OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:
I/We, _____
(Name of Applicant)

☑ Has a final order approving the transfer application been issued (NOT a permit amendment)?

☑ **Have appropriate extension fees been submitted?**

☑ Is the Transfer Extension request filled out?

☑ Is the Transfer Extension request **signed by the transfer applicant of record (if not an assignment is needed)**?

☑ Pull file.

After receipting, route the file and extension request to support staff for entering into WRIS.

PHILLIPS Stacy H * WRD

From: OSBORN Marcy J * WRD
Sent: Tuesday, October 25, 2022 8:36 AM
To: PHILLIPS Stacy H * WRD
Subject: RE: Request for WM Comments for Transfer Extension (T-13479)

Categories: Extensions

Good morning, Stacy,

I looked over the transfer extension and everything looks fine. I don't have any issues with the extension.

Thanks,

Marcy J. Osborn
Watermaster Dist. 8
39155 Pocahontas Rd.
Baker City, OR 97814
541-519-6395
marcy.j.osborn@water.oregon.gov

From: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Sent: Tuesday, October 18, 2022 2:55 PM
To: OSBORN Marcy J * WRD <Marcy.J.OSBORN@water.oregon.gov>
Cc: REECE Ann L * WRD <Ann.L.REECE@water.oregon.gov>
Subject: Request for WM Comments for Transfer Extension (T-13479)
Importance: High

Hello Marcy,

Please look over the attached documents for me regarding an extension for this transfer.

Thanks,

Stacy H. Phillips
Restoration Program Technician
725 Summer Street NE, Suite A, Salem, OR 97301
Office: 503-986-0898 | Work Cell: 503-979-9948



OREGON
WATER
RESOURCES
DEPARTMENT

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

Oregon
Kate Brown, Governor

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

December 24, 2020

AGRICULTURAL CONSTRUCTION INC
ADAM KERNS
13685 WILLOW CREEK LN
HAINES, OR 97833

REFERENCE: Transfer Application T-13479

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, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Marcy J. Osborn, Watermaster Dist. #8 (via email)
Baker County
Paul Garvin, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13479, Baker County	)))	FINAL ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Authority

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

Applicant

ADAM KERNS
AGRICULTURAL CONSTRUCTION INC.
13685 WILLOW CREEK LN
HAINES, OR 97833

Findings of Fact

1. On June 29, 2020, ADAM KERNS/AGRICULTURAL CONSTRUCTION INC. filed an application to change the point of appropriation under Certificate 58970. The Department assigned the application number T-13479.

2. Notice of the application for transfer was published on July 7, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On September 4, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13479 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 5, 2020, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

4. On November 3, 2020, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13479 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on November 10, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

5. The right to be transferred is as follows:

Certificate: 58970 in the name of JAMES E. KERNS (perfected under Permit G-7629)
Use: SUPPLEMENTAL IRRIGATION of 97.9 ACRES
Priority Date: JUNE 17, 1977
Rate: 0.36 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.
Source: JAMES KERNS WELL in the WILLOW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	JAMES KERNS WELL - 30 FEET NORTH AND 1000 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	35	SW SW	39.2
8 S	38 E	WM	2	NE NW	29.2
8 S	38 E	WM	2	NW NW	29.5
				Total	97.9

6. Transfer Application T-13479 proposes to move the authorized point of appropriation approximately 380 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	WELL 2 - 30 FEET NORTH AND 620 FEET EAST FROM THE SW CORNER OF SECTION 35

Transfer Review Criteria (OAR 690-380-4010)

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

8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13479.

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

10. The proposed change would not result in injury to other water rights.

11. All other application requirements are met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13479 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-500.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-13479 is 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 58970 and any related decree.

3. Water right Certificate 58970 is cancelled.

4. The quantity of water diverted at the new point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (James Kerns Well).

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.

   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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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 change and full beneficial use of the water.

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

Dated in Salem, Oregon on DEC 24 2020

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: DEC 27 2020

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13479 Transfer Specialist: Scott

Transfer Type: Regular

Applicant:	Agent: ☐ N/A
ADAM KERNS 13685 WILLOW CREEK LN HAINES, OR 97833 Email: Phone:	PAUL GARVIN 2019 MAIN ST SUITE A BAKER CITY, OR 97814 Email: Phone:
Irrigation District: ☐ N/A Email:	**CWRE:** ☐ N/A Email:
Affected Local Gov'ts: ☐ N/A Baker County Email:	**Affected Tribal Gov't:** ☐ N/A UNAVAILABLE Email:
Current Landowner if other than Applicant: ☐ N/A Email:	**Receiving Landowner:** ☐ N/A Email:

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-8224	G-7629	58970	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: June 29, 2020	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1570.00	WM District: 8	ODFW District:
Initial Public Notice: July 7, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☒	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news $ sent:	News $ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 8/24/20 Initials: Scott	Date: 8-25-20 Initials: Joan	Date: _____ Initials: _____	Date: 8/28/20 Initials: PLS	Date: 9/4/20 Initials: Scott	CW Sent: 9/4/20	N/A
PD	Date: 10/13/20 Initials: Scott	Date: 10-14-20 Initials: Joan	Date: _____ Initials: _____	Date: 10/15/20 Initials: PLS	Date: 10/22/20 Initials: Scott	Date: 10/22/20	Date: 11/3/2020
FO	Date: 11-17-20 Initials: Scott	Date: 11-18-20 Initials: Joan	Date: _____ Initials: _____	Date: 11/23/20 Initials: PLS	Date: 12/15/20 Initials: Scott	Date: 12/15/20	Date: 12/24/2020

Special Issues: PROTEST DATE ENDS 12/10/2020

Special Order Volume: Vol. 118 Pages 225-228

Oregon
Kate Brown, Governor

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

November 3, 2020

Applicant

ADAM KERNS
AGRICULTURAL CONSTRUCTION INC.
13685 WILLOW CREEK LN
HAINES, OR 97833

SUBJECT: Water Right Transfer Application T-13479

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13479. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Sincerely,

Scott Grew

Transfer Specialist

cc: T-13479
Marcy J. Osborn, District 8 Watermaster *(via e-mail)*
Paul Garvin, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13479, Baker County	)	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN POINT OF APPROPRIATION

Authority

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

Applicant

ADAM KERNS
AGRICULTURAL CONSTRUCTION INC.
13685 WILLOW CREEK LN
HAINES, OR 97833

Findings of Fact

1. On June 29, 2020, ADAM KERNS/AGRICULTURAL CONSTRUCTION INC. filed an application to change the point of appropriation under Certificate 58970. The Department assigned the application number T-13479.

2. Notice of the application for transfer was published on July 7, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On September 4, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13479 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 5, 2020 for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. The right to be transferred is as follows:

Certificate: 58970 in the name of JAMES E. KERNS (perfected under Permit G-7629)
Use: SUPPLEMENTAL IRRIGATION of 97.9 ACRES
Priority Date: JUNE 17, 1977
Rate: 0.36 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.
Source: JAMES KERNS WELL in the WILLOW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	JAMES KERNS WELL - 30 FEET NORTH AND 1000 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	35	SW SW	39.2
8 S	38 E	WM	2	NE NW	29.2
8 S	38 E	WM	2	NW NW	29.5
				Total	97.9

5. Transfer Application T-13479 proposes to move the authorized point of appropriation approximately 380 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	WELL 2 - 30 FEET NORTH AND 620 FEET EAST FROM THE SW CORNER OF SECTION 35

Transfer Review Criteria (OAR 690-380-4010)

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

7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13479.

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

9. The proposed change would not result in injury to other water rights.

10. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-13479 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-500. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13479 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-13479 is 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 58970 and any related decree.*

3. *Water right Certificate 58970 is cancelled.*

4. *The quantity of water diverted at the new point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (James Kerns Well).*

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.*
   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. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before* ***October 1, 2022****. 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 change and full beneficial use of the water.*

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

Dated in Salem, Oregon on NOV 03 2020

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@oregon.gov or 503-986-0890.

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil. The Oregon Military Department does not have a toll free number.

GREW Scott A * WRD

From:	Paul Garvin <garvin.hydrogeo@gmail.com>
Sent:	Tuesday, October 6, 2020 11:45 AM
To:	GREW Scott A * WRD
Cc:	OSBORN Marcy J * WRD; Adam Kerns
Subject:	Re: T-13479 - Issuance of Draft Preliminary Determination - Action Required!
Attachments:	T-13479_Title_report_Kerns.pdf

Hello Scott,
I have reviewed the DPD for T-13479, and have no comments regarding the proposed actions and conditions. Please proceed with finalizing.

See the attached title report dated September 28, 2020. There was a delay in obtaining this title report prior to October 4th.

Let me know if you need anything else from me.

Thank you,

On Fri, Sep 4, 2020 at 2:23 PM GREW Scott A * WRD <Scott.A.Grew@oregon.gov> wrote:

> September 4, 2020
>
> **Applicant**
>
> ADAM KERNS
>
> AGRICULTURAL CONSTRUCTION INC.
>
> 13685 WILLOW CREEK LN
>
> HAINES, OR 97833
>
> Reference: Water Right Transfer Application T-13479
>
> Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13479. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.

2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is 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 the ownership report was generated or prepared; and

ii) List of owners at that time; and

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.

Conditions to your water right...

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

Please note the proposed date by which all conditions must be met: October 1, 2021. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

AmeriTitle
2245 Main St., Baker City, OR 97814
PHONE (541)523-3663 FAX (541)523-2290

LOT BOOK REPORT

September 28, 2020
Title Number: 408329AM
Title Officer: Ginger Pedroza
Fee: $150.00

We have searched our Tract Indices as to the following described property:

Subject Property Address: 13856 Willow Creek Lane, Haines, OR 97833

Legal Description:

See attached Exhibit 'A'

And dated as of: September 14, 2020, at 7:30 a.m.

We find that the last deed of record runs to:

James E. Kerns and Marjorie H. Kerns, husband and wife

We also find the following apparent monetary encumbrances within ten years prior to the effective date hereof and the following unpaid taxes and city liens:

Tax Information:

Taxes assessed under Code No. 518 Account No. 7323 Map No. 08S3803A 100
NOTE: The 2019-2020 Taxes: $1,101.51, are Paid

1. The 2020-2021 Taxes: A lien not yet due or payable.
2. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

NONE

Received by OWRD
OCT 09 2020
Salem, OR

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: This Lot Book Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation or entity of any kind should use this report as a basis to produce a title insurance product, it should be understood that it is clearly outside of Oregon law. Any liability hereunder is limited to the amount paid for said report.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

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OCT 09 2020

Salem, OR

EXHIBIT 'A'

File No. 408329AM

TOWNSHIP 8 SOUTH, RANGE 38, E.W.M., Baker County, Oregon, as follows:

Section 3: East Half of the East Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter

TOGETHER WITH the following:

Land located in the Northeast Quarter of Section 3, Township 8 South, Range 38, East of the Willamette Meridian, Baker County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of the parcel described in Baker County Deed #74 25 044; thence South 0°11'59" East, 433.96 feet; thence North 27°38'59" West, 22.46 feet; thence North 0°09'05" West, 414.04 feet to the North line of said Northeast Quarter; thence North 89°52'18" East, along said North line, 10.00 feet to the Point of Beginning.

EXCEPTING THEREFROM the following:

Land located in the Northeast Quarter of Section 3, Township 8 South, Range 38 East of the Willamette Meridian, Baker County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the parcel described in Baker County Deed #74 25 044; thence North 0°11'59" West, 231.21 feet; thence South 27°38'59" East, 241.41 feet; thence South 88°10'02" East, 54.28 feet; thence South 0°12'10" East, 15.16 feet; thence South 89°50'12" West, 165.53 feet to the Point of Beginning.

TOGETHER WITH the following parcel:

Land located in the Northwest Quarter of Section 2, Township 8 South, Range 38, East of the Willamette Meridian, Baker County, Oregon, more particularly described as follow:

Beginning at the Northwest corner of said Northwest Quarter; thence North 89°52'18" East, along the North line of said Northwest Quarter, 85.41 feet; thence South 0°35'53" East, 441.92 feet; thence South 18°44'09" West, 220.42 feet; thence North 88°10'02" West, 16.93 feet; thence North 0°12'10" West, 649.91 feet to the Point of Beginning.

Received by OWRD

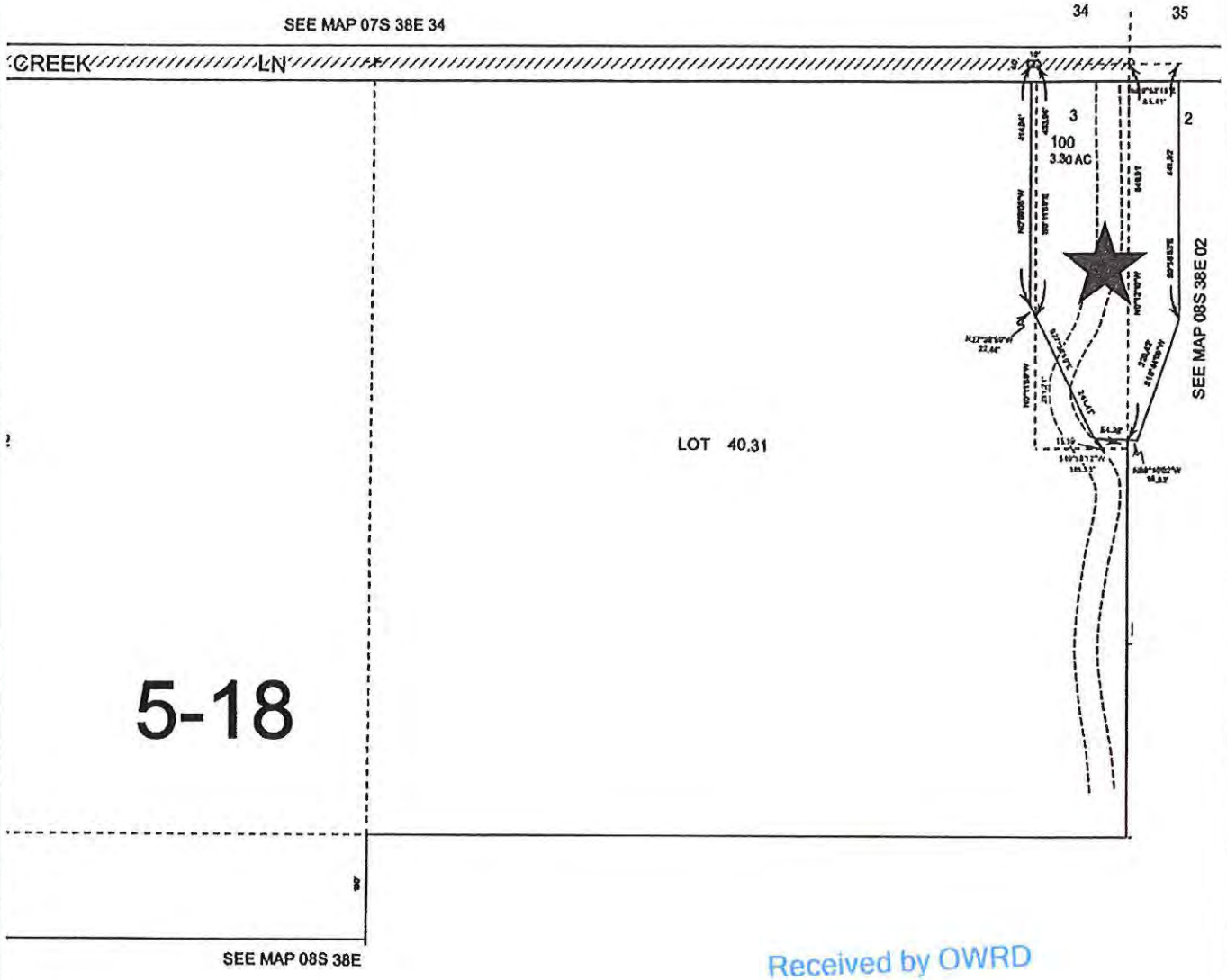
OCT 09 2020

Salem, OR

N.E.1/4 SEC.3 T.8S. R.38E. W.M.
BAKER COUNTY

1" = 200'

08S



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OCT 09 2020

Salem, OR

AmeriTitle

13856 Willow Creek Lane
Haines, OR 97833

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF

AmeriTitle
2245 Main St., Baker City, OR 97814
PHONE (541)523-3663 FAX (541)523-2290

To: FSBO

Date: September 28, 2020
Order No. 408329AM
Reference: 13856 Willow Creek Lane
Haines, OR 97833

We have enclosed our Preliminary Title Report pertaining to order number 408329AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Ginger Pedroza, Ginger.Pedroza@ameritite.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.

Received by OWRD
OCT 09 2020
Salem, OR

AmeriTitle
2245 Main St., Baker City, OR 97814
PHONE (541)523-3663 FAX (541)523-2290

LOT BOOK REPORT

October 9, 2020
Title Number: 408329AM - amended
Title Officer: Ginger Pedroza
Fee: $150.00

We have searched our Tract Indices as to the following described property:

Subject Property Address: 13856 Willow Creek Lane, Haines, OR 97833

Legal Description:

See attached Exhibit 'A'

And dated as of: September 14, 2020, at 7:30 a.m.

We find that the last deed of record runs to:

James E. Kerns and Marjorie H. Kerns, husband and wife

We also find the following apparent monetary encumbrances within ten years prior to the effective date hereof and the following unpaid taxes and city liens:

Tax Information:

Taxes assessed under Code No. 518 Account No. [redacted] Map No. 08S3803A 100
NOTE: The 2019-2020 Taxes: $1,101.51, are Paid

Taxes assessed under Code No. 518 Account No. [redacted] Map No. 08S3802 200
NOTE: The 2019-2020 Taxes: $100.21, are Paid

Taxes assessed under Code No. 815 Account No. [redacted] Map No. 08S3802 200
NOTE: The 2019-2020 Taxes: $338.76, are Paid

1. The 2020-2021 Taxes: A lien not yet due or payable.
2. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.

Received by OWRD
OCT 09 2020
Salem, OR

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

NONE

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: This Lot Book Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation or entity of any kind should use this report as a basis to produce a title insurance product, it should be understood that it is clearly outside of Oregon law. Any liability hereunder is limited to the amount paid for said report.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

Received by OWRD
OCT 09 2020
Salem, OR

EXHIBIT 'A'

File No. 408329AM

Parcel 1:

TOWNSHIP 8 SOUTH, RANGE 38, E.W.M., Baker County, Oregon, as follows:

Section 3: East Half of the East Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter

TOGETHER WITH the following:

Land located in the Northeast Quarter of Section 3, Township 8 South, Range 38, East of the Willamette Meridian, Baker County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of the parcel described in Baker County Deed #74 25 044; thence South 0°11'59" East, 433.96 feet; thence North 27°38'59" West, 22.46 feet; thence North 0°09'05" West, 414.04 feet to the North line of said Northeast Quarter; thence North 89°52'18" East, along said North line, 10.00 feet to the Point of Beginning.

EXCEPTING THEREFROM the following:

Land located in the Northeast Quarter of Section 3, Township 8 South, Range 38 East of the Willamette Meridian, Baker County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the parcel described in Baker County Deed #74 25 044; thence North 0°11'59" West, 231.21 feet; thence South 27°38'59" East, 241.41 feet; thence South 88°10'02" East, 54.28 feet; thence South 0°12'10" East, 15.16 feet; thence South 89°50'12" West, 165.53 feet to the Point of Beginning.

TOGETHER WITH the following parcel:

Land located in the Northwest Quarter of Section 2, Township 8 South, Range 38, East of the Willamette Meridian, Baker County, Oregon, more particularly described as follow:

Beginning at the Northwest corner of said Northwest Quarter; thence North 89°52'18" East, along the North line of said Northwest Quarter, 85.41 feet; thence South 0°35'53" East, 441.92 feet; thence South 18°44'09" West, 220.42 feet; thence North 88°10'02" West, 16.93 feet; thence North 0°12'10" West, 649.91 feet to the Point of Beginning.

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Salem, OR

Parcel 2:

The North half of Government Lot 2 of the Northwest quarter (the North half of the North half of the Northwest quarter), and the North half of the South half of Government Lot 2 of the Northwest quarter (the North half of the South half of the North half of the Northwest quarter) of Section 2, Township 8 South, Range 38 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM the following parcel:

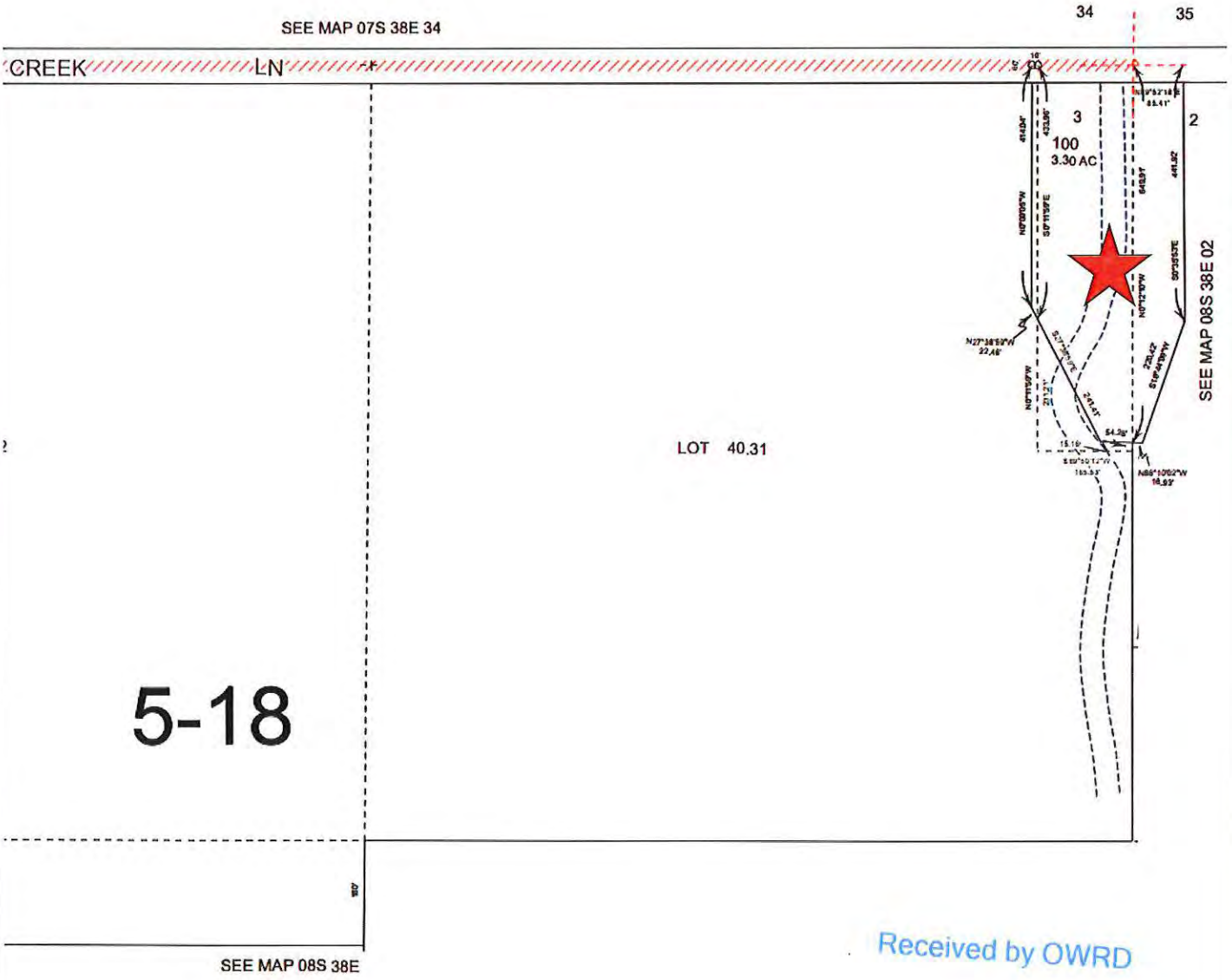
Land located in the Northwest Quarter of Section 2, Township 8 South, Range 38, East of the Willamette Meridian, Baker County, Oregon, more particularly described as follow:

Beginning at the Northwest corner of said Northwest Quarter; thence North 89°52'18" East, along the North line of said Northwest Quarter, 85.41 feet; thence South 0°35'53" East, 441.92 feet; thence South 18°44'09" West, 220.42 feet; thence North 88°10'02" West, 16.93 feet; thence North 0°12'10" West, 649.91 feet to the Point of Beginning.

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OCT 09 2020
Salem, OR

N.E.1/4 SEC.3 T.8S. R.38E. W.M.
BAKER COUNTY
1" = 200'

08S



Received by OWRD

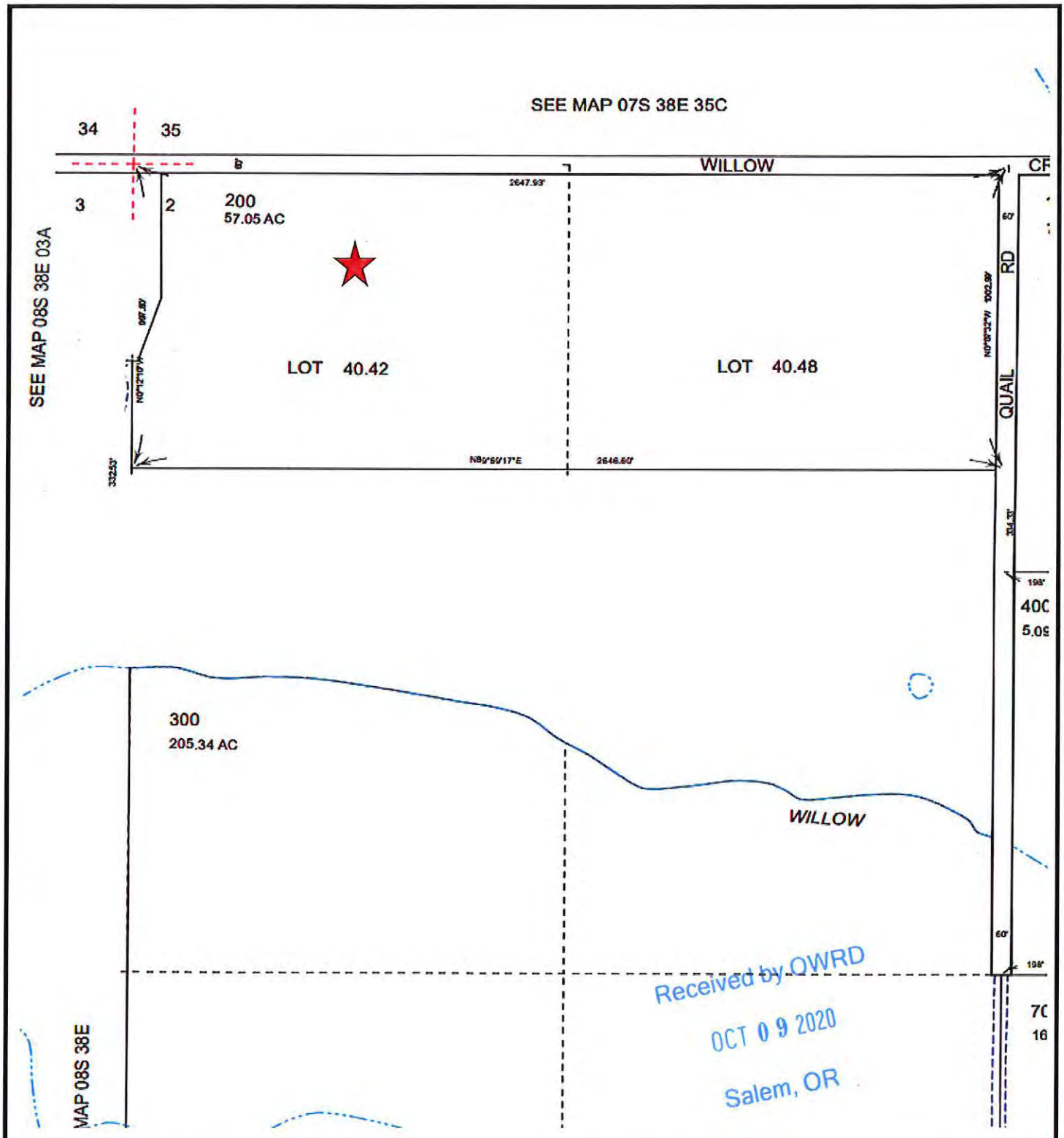
OCT 09 2020

Salem, OR

AmeriTitle

13856 Willow Creek Lane
Haines, OR 97833

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF



AmeriTitle

08S3802
Haines, OR 97833

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AmeriTitle
2245 Main St., Baker City, OR 97814
PHONE (541)523-3663 FAX (541)523-2290

To: FSBO

Date: September 28, 2020
Order No. 408320AM
Reference: 13865 Willow Creek Lane
Haines, OR 97833

We have enclosed our Preliminary Title Report pertaining to order number 408320AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Ginger Pedroza, Ginger.Pedroza@amerititle.com
Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.

Received by OWRD
OCT 09 2020
Salem, OR

AmeriTitle
2245 Main St., Baker City, OR 97814
PHONE (541)523-3663 FAX (541)523-2290

LOT BOOK REPORT

September 28, 2020
Title Number: 408320AM
Title Officer: Ginger Pedroza

Fee: $150.00

We have searched our Tract Indices as to the following described property:

Subject Property Address: 13865 Willow Creek Lane, Haines, OR 97833

Legal Description:

TOWNSHIP 7 SOUTH, RANGE 38, East of the Willamette Meridian, County of Baker and State of Oregon:

Section 35: The Southwest Quarter of the Southwest Quarter.

And dated as of: September 14, 2020, at 7:30 a.m.

We find that the last deed of record runs to:

Adam C. Kerns and Ori A. Kerns, husband and wife, as tenants by the entirety

We also find the following apparent monetary encumbrances within ten years prior to the effective date hereof and the following unpaid taxes and city liens:

Tax Information:

Taxes assessed under Code No. 518 Account No. [redacted] Map No. 07S3835C 400
NOTE: The 2019-2020 Taxes: $2,827.02, are Paid

1. The 2020-2021 Taxes: A lien not yet due or payable.
2. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.

Received by OWRD
OCT 09 2020
Salem, OR

3. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
   Amount: $202,000.00
   Trustor/Grantor: Adam C. Kerns and Ori A. Kerns
   Trustee: Elkhorn Title
   Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Northwest Mortgage Group, Inc.
   Dated: March 25, 2014
   Recorded: March 31, 2014
   Instrument No.: 14130086

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

NONE

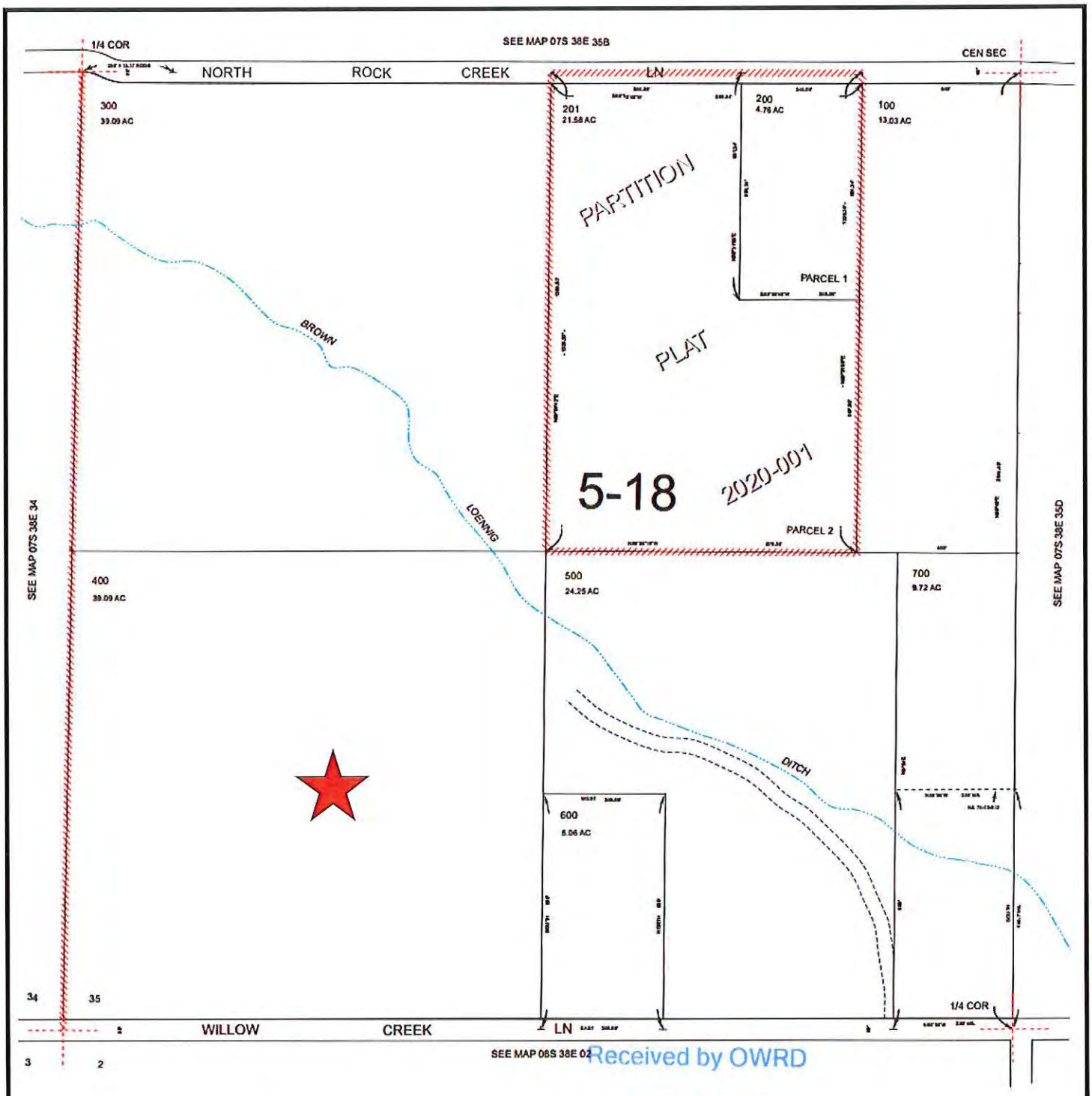
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NOTE: This Lot Book Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation or entity of any kind should use this report as a basis to produce a title insurance product, it should be understood that it is clearly outside of Oregon law. Any liability hereunder is limited to the amount paid for said report.

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"Superior Service with Commitment and Respect for Customers and Employees"

Received by OWRD
OCT 09 2020
Salem, OR



Received by OWRD

OCT 09 2020

Salem, OR

AmeriTitle

13865 Willow Creek Lane
Haines, OR 97833

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Oregon
Kate Brown, Governor

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

SEPTEMBER 19, 2020

PAUL GARVIN AND LAUREL STRATTON
2019 MAIN ST. STE. A
BAKER CITY, OR 97814

Regarding your Reimbursement Authority (RA) Application for Transfer T-13479 received September 8, 2020:

The reason for this return is as follows:

The application is already in process. The case worker is Scott Grew. There is no need to pay for expedition at this stage of the process.

We are hereby returning the RA application and the fee payment.

Please do not hesitate to contact me, at tamera.l.smith@oregon.gov or (503) 986-0864, if I may be of assistance.

Kindest regards,

Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

Cc: OWRD Fiscal
Scott Grew, caseworker

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES E. KERNS
ROUTE 1, BOX 28
HAINES, OREGON 97833

confirms the right to use the waters of JAMES KERNS WELL in the WILLOW CREEK BASIN for the purpose of SUPPLEMENTAL IRRIGATION OF 97.9 ACRES.

The right has been perfected under Permit G-7629. The date of priority is JUNE 17, 1977. The right is limited to not more than 0.36 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SW 1/4, SECTION 35, T 7 S, R 38 E, W.M.; 30 FEET NORTH & 1000 FEET EAST FROM SW CORNER SECTION 35.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.

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

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

SW 1/4 SW 1/4 39.2 ACRES
SECTION 35
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 NW 1/4 29.2 ACRES
NW 1/4 NW 1/4 29.5 ACRES
SECTION 2
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

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

WITNESS the signature of the Water Resources Director, affixed this date DECEMBER 29, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58970

G-8224

Oregon
Kate Brown, Governor

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

September 4, 2020

Applicant

ADAM KERNS
AGRICULTURAL CONSTRUCTION INC.
13685 WILLOW CREEK LN
HAINES, OR 97833

Reference: Water Right Transfer Application T-13479

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13479. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing…

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is 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 the ownership report was generated or prepared; and
      ii) List of owners at that time; and
      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.

Conditions to your water right...

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

Please note the proposed date by which all conditions must be met: October 1, 2021. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by October 4, 2020, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13479
Marcy J. Osborn, District 8 Watermaster *(via e-mail)*
Paul Garvin, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13479, Baker County	)	D R A F T
	)	PRELIMINARY DETERMINATION
	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION

Authority

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

Applicant

ADAM KERNS
AGRICULTURAL CONSTRUCTION INC.
13685 WILLOW CREEK LN
HAINES, OR 97833

Findings of Fact

1. On June 29, 2020, ADAM KERNS/AGRICULTURAL CONSTRUCTION INC. filed an application to change the point of appropriation under Certificate 58970. The Department assigned the application number T-13479.

2. Notice of the application for transfer was published on July 7, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. The right to be transferred is as follows:

Certificate:	58970 in the name of JAMES E. KERNS (perfected under Permit G-7629)
Use:	SUPPLEMENTAL IRRIGATION of 97.9 ACRES
Priority Date:	JUNE 17, 1977
Rate:	0.36 CUBIC FOOT PER SECOND
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT

FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.

Source: JAMES KERNS WELL in the WILLOW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	JAMES KERNS WELL - 30 FEET NORTH AND 1000 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	35	SW SW	39.2
8 S	38 E	WM	2	NE NW	29.2
8 S	38 E	WM	2	NW NW	29.5
				Total	97.9

4. Transfer Application T-13479 proposes to move the authorized point of appropriation approximately 380 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	35	SW SW	WELL 2 - 30 FEET NORTH AND 620 FEET EAST FROM THE SW CORNER OF SECTION 35

Transfer Review Criteria (OAR 690-380-4010)

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

6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13479.

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

8. The proposed change would not result in injury to other water rights.

9. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-13479 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-500. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13479 is approved, the final order will include the following:

1. The change in point of appropriation proposed in Transfer Application T-13479 is 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 58970 and any related decree.*

3. *Water right Certificate 58970 is cancelled.*

4. *The quantity of water diverted at the new point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (James Kerns Well).*

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.*

   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. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before* ***October 1, 2021****. 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 change and full beneficial use of the water.*

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

Dated in Salem, Oregon on

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@oregon.gov or 503-986-0890.

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13479

☑ In order to avoid enlargement of the right or injury to other rights, a 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: MARCY OSBORN

District: 8

Address: 1995 3RD ST.

City/State/Zip: BAKER CITY, OR 97814

Phone: 541-523-8224

Email: marcy.j.osborn@oregon.gov

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

****

Approval of an Alternate Measurement Device T-

(to be filled out after consultation with the applicant, or after a site visit)

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

_____

_____

_____ _____

Watermaster signature District Date

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

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

Notice of Preliminary Determination for
Water Right Transfer T-13479

T-13479 filed by Adam Kerns/Agricultural Construction Inc., 13685 Willow Creek Ln, Haines, OR 97833, proposes a change of point of appropriation under Certificate 58970. The right allows the use of 0.36 cubic foot per second from the James Kerns Well in Sec. 35, T7S, R38E, WM for supplemental irrigation in Sec. 35, T7S, R38E, WM and Sec. 2, T8S, R38E, WM. The applicant proposes to move the point of appropriation in Sec. 35, T7S, R38E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an $810 protest fee for non-applicant, or $410 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Watermaster Review Form: Water Right Transfer

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

Transfer Application: T-13479 Review Due Date: 8/5/2020

Applicant Name: ADAM KERNS AGRICULTURAL CONSTRUCTION INC

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

Reviewer(s): MARCY OSBORN Date of Review: 7/15/2020

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

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

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

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

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

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

☑ N/A

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

☑ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:
☑ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

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

10. For POU or USE changes: ☑ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?
☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☑ N/A
    a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?
    ☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☑ No If "Yes", answer the following:

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☑ No If "Yes", explain:

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

☐ Yes ☑ No If "Yes", explain:

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

☐ Yes ☑ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ___
☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13479

☑ In order to avoid enlargement of the right or injury to other rights, a 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: MARCY OSBORN

District: 8

Address: 1995 3RD ST.

City/State/Zip: BAKER CITY, OR 97814

Phone: 541-523-8224

Email: marcy.j.osborn@oregon.gov

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

****

Approval of an Alternate Measurement Device T-

(to be filled out after consultation with the applicant, or after a site visit)

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

_____

_____

_____ _____

Watermaster signature District Date

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13479

GW Reviewer Phil Marcy **Date Review Completed:** 07/15/2020

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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

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

Ground Water Review Form:

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

Application: T-13479 Applicant Name: Adam Kerns

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

Reviewer(s): Phillip I. Marcy Date of Review: 07/15/2020

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 7/15/2020

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: The applicant proposes to construct a new POA well to replace the existing authorized POA on Certificate 58970.The authorized POA (BAKE 258) is reported to be damaged beyond repair.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
   ☒ Yes ☐ No Comments: The proposed construction of the replacement POA well is similar to the total depth of the existing authorized POA, likely producing from fractured granite and granitic sediments that appear to be hydraulically connected to overlying Holocene alluvial sequence.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
   ☐ Yes ☒ No The authorized POA produces from fractured granite.

   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.): NA

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 authorized POA for Certificate 58976 is 3,850 feet to the west of existing well BAKE 258. The proposed location for the new POA is 380' further west of this authorized location, placing it at a distance of 3,470 feet from the closest groundwater right. This change in distance is not expected to measurably increase interference with Certificate 58976.

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: NA

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 location is not significantly closer to any surface water source, and proposes a somewhat deeper production interval. Therefore, no additional impacts to surface water are anticipated.

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: NA ☐ Minimal ☐ Significant

Stream: NA ☐ Minimal ☐ Significant

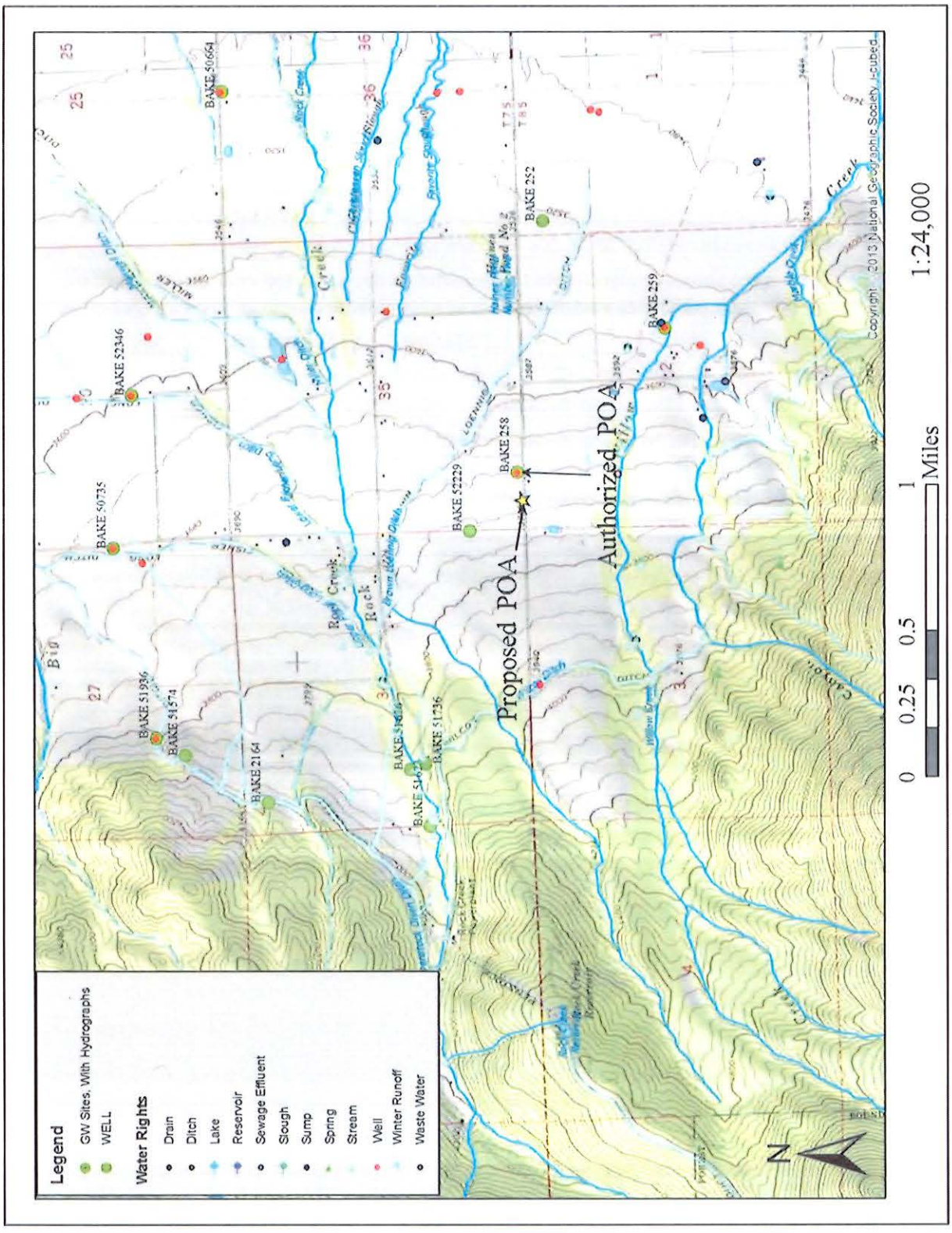
Provide context for minimal/significant impact: No increase in interference is expected.

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

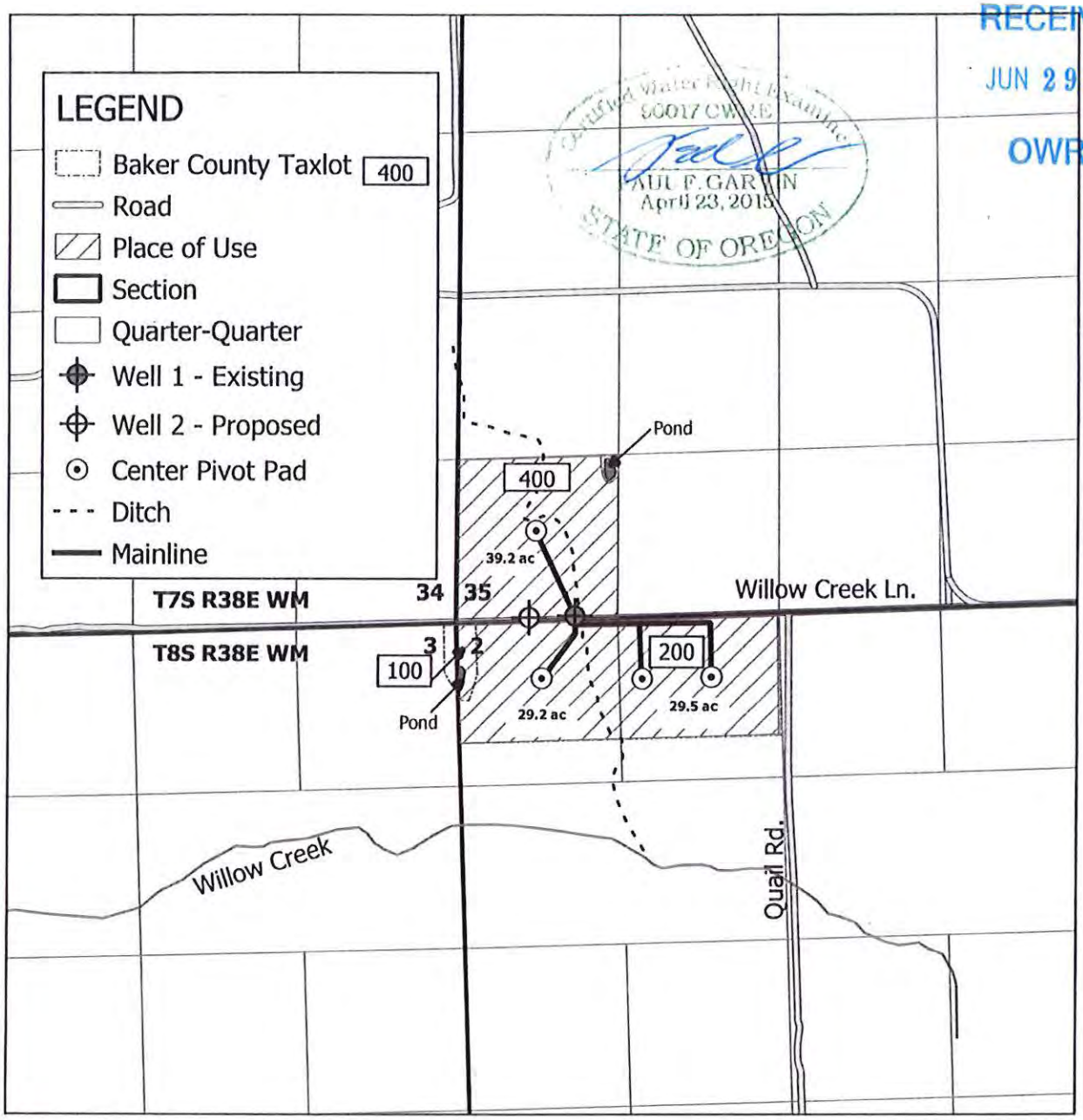
☐ Yes ☐ No Comments: NA

7. What conditions or other changes in the application are necessary to address any potential issues identified above: NA

8. Any additional comments:NA


Legend
GW Sites, With Hydrographs
WELL
Water Rights
Drain
Ditch
Lake
Reservoir
Sewage Effluent
Slough
Sump
Spring
Stream
Well
Winter Runoff
Waste Water
Proposed POA
Authorized POA
BAKE 50664
BAKE 52346
BAKE 50735
BAKE 51986
BAKE 51574
BAKE 2164
BAKE 51736
BAKE 252
BAKE 259
BAKE 258
BAKE 52229
Rock Creek
Big
Willow Creek
Canyon
0 0.25 0.5 1 Miles
1:24,000
N

RECEIVED
JUN 29 2020
OWRD



Garvin Hydrogeo LLC

Drawn by: Paul F. Garvin, R.G. C.W.R.E.
Date: 6/11/20

Permanent Water Right Transfer Map
Application G-8224, Permit G-7629,
Certificate #58970
13865 Willow Crk. Ln.
Haines, OR 97833

Prepared on behalf of Adam Kerns
1 inch = 1,320 feet

N

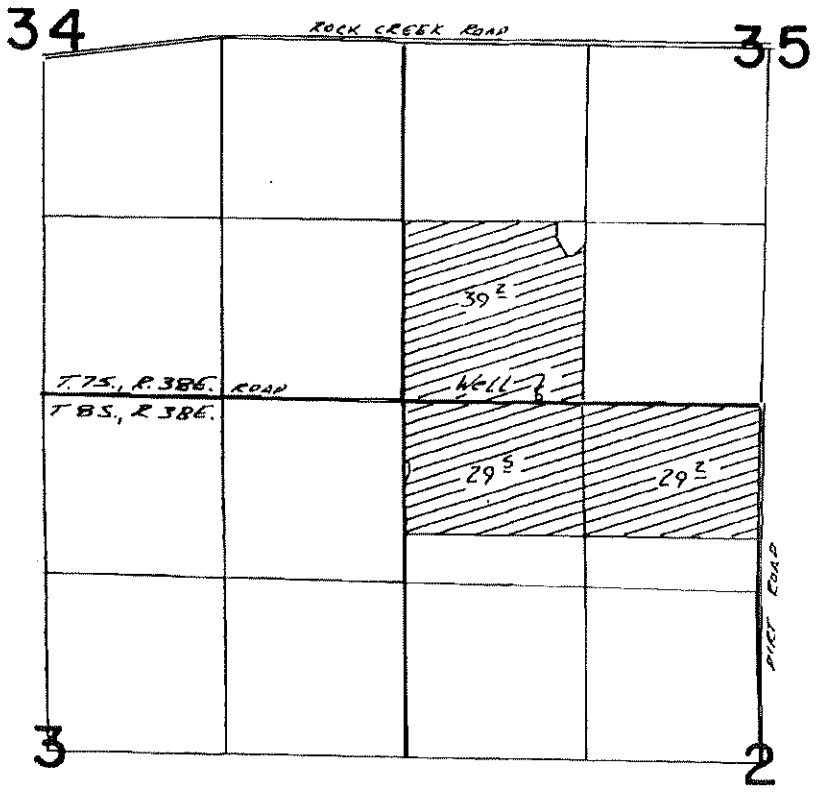
Notes:
Well 1 Location: 30 ft N and 1,000 ft E from SW Corner of Sestion 35

Well 2 Location (proposed): 30 ft N and 620 ft E from SW Corner of Sestion 35

This map is not intended to provide legal dimensions or locations of property ownership lines.

13479

T. 7&8S., R. 38E., W.M.



Well located 30'N & 1,000'E. from SW Cor. Sec 35
T 7S., R 38E.

FINAL PROOF SURVEY

UNDER

Application No. G-8224 Permit No. G-7629

IN NAME OF

JAMES E. KERNS

Surveyed April 13, 19 82, by Vernon A. Church

13479

279-R

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES E. KERNS
ROUTE 1, BOX 28
HAINES, OREGON 97833

confirms the right to use the waters of JAMES KERNS WELL in the WILLOW CREEK BASIN for the purpose of SUPPLEMENTAL IRRIGATION OF 97.9 ACRES.

The right has been perfected under Permit G-7629. The date of priority is JUNE 17, 1977. The right is limited to not more than 0.36 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SW 1/4, SECTION 35, T 7 S, R 38 E, W.M.; 30 FEET NORTH & 1000 FEET EAST FROM SW CORNER SECTION 35.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.

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

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

SW 1/4 SW 1/4 39.2 ACRES
SECTION 35
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 NW 1/4 29.2 ACRES
NW 1/4 NW 1/4 29.5 ACRES
SECTION 2
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

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

WITNESS the signature of the Water Resources Director, affixed this date DECEMBER 29, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58970

G-8224

13479

Oregon Water Resources Department
Water Rights Platcard Report

Main Help
Return Contact Us

Search Criteria

Meridian: Willamette Township: 7 South Range: 38 East Section: 35 Records per Page: 100 Search

Platcards Maps!
Learn about * View Map

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	**Cert:4367 OR CN** Additional Info: C E MORRIS Decree: POWDER RIVER Cert: 4367	T3503		IRRIGATION	**CN**													~~40~~	~~40~~						
Select	**Cert:45020 (T 3503 RR) CN** Additional Info: C MORRIS Decree: POWDER RIVER Cert: 45020	T3000	12/31/1879	IRRIGATION	**CN**													~~10~~	~~40~~						
Select	**Cert:57606 CF *** Additional Info: JAMES E KERNS Decree: POWDER RIVER Cert: 57606		12/31/1879	IRRIGATION															40						
Select	**Cert:58970 OR *** Additional Info: JAMES E KERNS App: G8224 Permit: G7629 Cert: 58970	T13479	6/17/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)															39.2						
Select	**Cert:82514 OR *** Additional Info: JAMES E KERNS App: S58096 Permit: S44276 Cert: 82514		11/15/1978	SUPPLEMENTAL IRRIGATION (Suppl'mtl)															20						
Select	**App: P 74363 *** Additional Info: FRANCIS ZIMMERMAN App: P74363		7/14/1994	LIVESTOCK																					*
Select	**App: P 74948 *** Additional Info: KENNETH A BARDIZIAN App: P74948		11/15/1994	LIVESTOCK																					*

Select	**App: P 75117 *** Additional Info: KENNETH A BARDIZIAN App: P75117	11/10/1994	LIVESTOCK																		*
Select	**Permit: S 42716 CN** Additional Info: FRANCIS B. ZIMMERMAN App: S56498 Permit: S42716	8/26/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**CN**										~~10~~							
Select	**Cert:4044 OR CN** Additional Info: JOHN M BURNSIDE Decree: POWDER RIVER Cert: 4044	5/1/1889	IRRIGATION	**CN**	~~40~~																
Select	**Cert:4057 OR CN** Additional Info: F W CASTOR Decree: POWDER RIVER Cert: 4057		IRRIGATION	**CN**							~~23~~	~~28~~									
Select	**Cert:4060 OR *** Additional Info: C N CHAMBERS Decree: POWDER RIVER, CONSOLIDATED Cert: 4060	12/31/1897	IRRIGATION												40						
Select	**Cert:4060 OR *** Additional Info: C N CHAMBERS Decree: POWDER RIVER, CONSOLIDATED Cert: 4060	12/31/1880	IRRIGATION															40			
Select	**Cert:4061 OR *** Additional Info: WM N CHAMBERS Decree: POWDER RIVER Cert: 4061	12/31/1898	IRRIGATION														40				
Select	**Cert:4076 OR *** Additional Info: WM COLES Decree: POWDER RIVER Cert: 4076	12/31/1894	IRRIGATION				32														
Select	**Cert:4076 OR *** Additional Info: WM COLES Decree: POWDER RIVER Cert: 4076	12/31/1908	IRRIGATION				3														

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Search Criteria

Meridian: Willamette Township: 8 South Range: 38 East Section: 2 Records per Page: 100 Search

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	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	**Cert:4429 OR CN** Additional Info: JOHN RICHMOND Decree: POWDER RIVER, CONSOLIDATED Cert: 4429			IRRIGATION	CN								~~40~~	~~40~~	~~3.5~~	~~18~~									
Select	**Cert:7562 OR *** Additional Info: JOHN/SARAH RICHMOND App: S11532 Permit: S7990 Cert: 7562		6/6/1927	IRRIGATION									40	10	4	10									
Select	**Inchoate: M 2 RR (REG) CN** Additional Info: JOHN RICHMOND Decree: POWDER RIVER, CONSOLIDATED			IRRIGATION	CN								~~(40)~~	~~(2.5)~~	~~(3.5)~~	~~(18)~~									
Select	**Cert:86696 CF *** Additional Info: JAMES KERNS Decree: POWDER RIVER, CONSOLIDATED Cert: 86696		12/31/1882	IRRIGATION									30												
Select	**Cert:58970 OR *** Additional Info: JAMES E KERNS App: G8224 Permit: G7629 Cert: 58970	T13479	6/17/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									29.2	29.5											
Select	**Cert:66529 OR *** Additional Info: FRED B SCHREECK App: S56084 Permit: S42339 Cert: 66529		6/17/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									8.1	2.5	2	10.8									
Select	**Cert:74033 (T 7155 RR) *** Additional Info: FRED SCREECK Decree: POWDER RIVER Cert: 74033		12/31/1882	IRRIGATION									2.5	10	3.5	18									

Select	**Cert:7562 OR** *		6/6/1927	LIVESTOCK						*	*	*	*												
	Additional Info: JOHN/SARAH RICHMOND App: S11532 Permit: S7990 Cert: 7562																								
Select	**Cert:7562 OR** *		6/6/1927	DOMESTIC						*	*	*	*												
	Additional Info: JOHN/SARAH RICHMOND App: S11532 Permit: S7990 Cert: 7562																								
Select	**Permit: G 13855 CN**		5/13/1999	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**CN**	~~12~~	~~5~~											~~1.7~~	~~5~~		~~10~~					
	Additional Info: KERNS RAINBOW RANCH INC. App: G14984 Permit: G13855																								
Select	**Cert:3998 OR CN**	T8206	12/31/1868	IRRIGATION	**CN**	~~22~~	~~8~~																		
	Additional Info: CLARK BENSON Decree: POWDER RIVER, CONSOLIDATED Cert: 3998																								
Select	**Cert:3998 OR CN**	T8206	12/31/1898	IRRIGATION	**CN**	~~18~~	~~32~~																		
	Additional Info: CLARK BENSON Decree: POWDER RIVER, CONSOLIDATED Cert: 3998																								
Select	**Cert:4029 OR CN**	T3868		IRRIGATION	**CN**			~~40~~	~~40~~									~~26~~	~~28~~	~~20~~	~~12~~				
	Additional Info: ASA BROWN Decree: POWDER RIVER, CONSOLIDATED Cert: 4029																								
Select	**Cert:4183 OR CN**		4/15/1891	IRRIGATION	**CN**							~~19~~	~~15.6~~	~~31~~	~~8~~		~~3.4~~								
	Additional Info: W A GREEN Decree: POWDER RIVER Cert: 4183																								
Select	**Cert:5052 CR CN**			IRRIGATION	**CN**							~~19~~	~~15.6~~	~~31~~	~~8~~		~~3.4~~								
	Additional Info: W A GREEN Decree: POWDER RIVER Cert: 5052																								
Select	**Cert:7795 OR** *		11/20/1924	IRRIGATION											15	35	10								
	Additional Info: W.A. GREEN App: S9933 Permit: S6678 Cert: 7795																								
Select	**Cert:34507 (T 6495 RR) CN**	T6495		IRRIGATION	**CN**							~~19~~	~~15.6~~	~~31~~	~~8~~		~~3.4~~								
	Additional Info: W A GREEN Decree: POWDER RIVER Cert: 34507																								
Select	**Cert:45847 (T 3868 RR) CN**	T6186		IRRIGATION	**CN**			~~40~~	~~40~~									~~26~~	~~28~~	~~20~~	~~12~~				
	Additional Info:																								

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	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	**Cert:4429 OR CN** Additional Info: JOHN RICHMOND Decree: POWDER RIVER, CONSOLIDATED Cert: 4429			IRRIGATION	CN								~~40~~	~~40~~	~~3.5~~	~~18~~									
Select	**Cert:58970 OR *** Additional Info: JAMES E KERNS App: G8224 Permit: G7629 Cert: 58970	T13479	6/17/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									29.2	29.5											
Select	**Cert:60009 CF CN** Additional Info: JAMES E KERNS Decree: POWDER RIVER, CONSOLIDATED Cert: 60009		12/31/1868	IRRIGATION	CN									~~20~~											
Select	**Cert:86698 CF *** Additional Info: JAMES KERNS Decree: POWDER RIVER, CONSOLIDATED Cert: 86698		12/31/1868	IRRIGATION										20											
Select	**Cert:7562 OR *** Additional Info: JOHN/SARAH RICHMOND App: S11532 Permit: S7990 Cert: 7562		6/6/1927	IRRIGATION									40	10	4	10									
Select	**Cert:60008 CF CN** Additional Info: JAMES E KERNS Decree: POWDER RIVER, CONSOLIDATED Cert: 60008		12/31/1868	IRRIGATION	CN									~~10~~											
Select	**Cert:74033 (T 7155 RR) *** Additional Info: FRED SCREECK Decree: POWDER RIVER Cert: 74033		12/31/1882	IRRIGATION									2.5	10	3.5	18									
Select	**Cert:86697 CF *** Additional Info: JAMES KERNS Decree: POWDER RIVER, CONSOLIDATED Cert: 86697		12/31/1868	IRRIGATION										10											

Select	**Cert:66529 OR *** Additional Info: FRED B SCHREECK App: S56084 Permit: S42339 Cert: 66529		6/17/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						8.1	2.5	2	10.8												
Select	**Inchoate: M 2 RR (REG) CN** Additional Info: JOHN RICHMOND Decree: POWDER RIVER, CONSOLIDATED			IRRIGATION	**CN**					~~(40)~~	~~(2.5)~~	~~(3.5)~~	~~(18)~~												
Select	**Cert:7562 OR *** Additional Info: JOHN/SARAH RICHMOND App: S11532 Permit: S7990 Cert: 7562		6/6/1927	DOMESTIC						*	*	*	*												
Select	**Cert:7562 OR *** Additional Info: JOHN/SARAH RICHMOND App: S11532 Permit: S7990 Cert: 7562		6/6/1927	LIVESTOCK						*	*	*	*												
Select	**Permit: G 13855 CN** Additional Info: KERNS RAINBOW RANCH INC. App: G14984 Permit: G13855		5/13/1999	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**CN**	~~12~~	~~5~~											~~1.7~~	~~5~~		~~10~~				
Select	**Cert:3998 OR CN**	T8206	12/31/1868	IRRIGATION	**CN**	~~22~~	~~8~~																		
	Additional Info: CLARK BENSON Decree: POWDER RIVER, CONSOLIDATED Cert: 3998																								
Select	**Cert:3998 OR CN**	T8206	12/31/1898	IRRIGATION	**CN**	~~18~~	~~32~~																		
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Select	**Cert:4029 OR CN**	T3868		IRRIGATION	**CN**			~~40~~	~~40~~									~~26~~	~~28~~	~~20~~	~~12~~				
	Additional Info: ASA BROWN Decree: POWDER RIVER, CONSOLIDATED Cert: 4029																								
Select	**Cert:4183 OR CN** Additional Info: W A GREEN Decree: POWDER RIVER Cert: 4183		4/15/1891	IRRIGATION	**CN**							~~19~~	~~15.6~~	~~31~~	~~8~~		~~3.4~~								
Select	**Cert:5052 CR CN** Additional Info: W A GREEN Decree: POWDER RIVER Cert: 5052			IRRIGATION	**CN**							~~19~~	~~15.6~~	~~31~~	~~8~~		~~3.4~~								
Select	**Cert:7795 OR *** Additional Info: W.A. GREEN		11/20/1924	IRRIGATION											15	35	10								

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

July 6, 2020

AGRICULTURAL CONSTRUCTION INC
ADAM KERNS
13685 WILLOW CREEK LN
HAINES, OR 97833

Reference: Application T-13479

On June 29, 2020, we received your water right Transfer application. The application was accompanied by $1570.00. Our receipt number 132920 is enclosed.

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

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

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #8 *(via email)*
Paul Garvin, Agent
Baker County

Enclosure

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 132920

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Reinke; ACI

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13479

CASH: ☐ CHECK:# ☒ 8219 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 1,570.00

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

4611D

MISCELLANEOUS

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

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 1,570.00		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 132920 DATED: 6-29-2010 BY: _____

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

This transfer application will be returned if Parts 1 through 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)

☒ 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: Cert. 58970**
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 Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

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

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Part 2 of 5 – Transfer Application Map

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

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

☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.

☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.

☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	*1*	$1,160
2	Types of change proposed: ☐ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = 1 (2a) Subtract 1 from the number in line 2a = 0 (2b) *If only one change, this will be 0* Multiply line 2b by $930 and enter » » » » » » » » » » » » » »	*2*	0
3	Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) *If only one water right this will be 0* Multiply line 3b by $520 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 $410 »	*4*	410
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*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by $350, then enter on line 5 » » » » » » »	*5*	0
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	*6*	1,570
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***	**1,570**

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*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*	$840.00
2	Number of wells included in substitution 1 (2a) Subtract 1 from the number in 2a above: 0 (2b) *If only one well this will be 0* Multiply line 2b by $410 and enter » » » » » » » » » » » » »	*2*	0
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			PHONE NO.	ADDITIONAL CONTACT NO.
Adam Kerns/Agricultural Construction Inc.			541-523-2300	
ADDRESS				FAX NO.
13685 Willow Creek Ln.				
CITY	STATE	ZIP	E-MAIL	
Haines	OR	~~97814~~ 97833	agcontracting@hotmail.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.				

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Paul Garvin/ Garvin Hydrogeo LLC			503-347-7188	
ADDRESS				FAX NO.
~~13685 Willow Creek Ln.~~ 2019 Main St. Ste. A				
CITY	STATE	ZIP	E-MAIL	
Baker City	OR	97814	garvin.hydrogeo@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
The original irrigation well on the property (BAKE 258) is damaged beyond repair. The water user seeks to abandon BAKE 258 and drill a replacement irrigation well approxmatey 380 feet west of BAKE 258.

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

Check One Box

☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**

☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**

☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

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

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

Applicant signature	Print Name (and Title if applicable)	Date
Adam Kerns	Adam Kerns (Property owner)	6/12/20

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*

Check the following boxes that apply:

☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

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

☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

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

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

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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	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME **Baker County**	ADDRESS **1995 3rd St**	
CITY **Baker City**	STATE **OR**	ZIP **97814**

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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.

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CERTIFICATE # 58970

Description of Water Delivery System

System capacity: **0.36** 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 conveyed from Well 1 to the north center-pivot via a pipeline. Water is also conveyed south from Well 1 via a mainline that runs south under Willow Creek Ln. then braches south to the wsouthwestern pivot or east along Willow Creek Lane to the easternmost two center pivots.**

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	**N/A**	**7**	**S**	**38**	**E**	**35**	**SW**	**SW**	**0400**	**30 ft N and 1,000 ft E from SW Corner of S 35**
Well 2	☐ Authorized ☒ Proposed	**N/A**	**7**	**S**	**38**	**E**	**35**	**SW**	**SW**	**0400**	**30 ft N and ft 620 ft E from SW Corner of S 35**
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

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

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

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

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

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

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

Table 2. Description of Changes to Water Right Certificate # 58970

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
EXAMPLE																									
2	**S**	**9**	**E**	**15**	**NE**	**NW**	**100**		**15.0**	**Irrigation**	**POD #1 POD #2**	**1901**	**POU/POD**	**2**	**S**	**9**	**E**	**1**	**NW**	**NW**	**500**	**1**	**10.0**		**POD #5**	**1901**
														2	**S**	**9**	**E**	**2**	**SW**	**NW**	**500**		**5.0**		**POD #6**	**1901**
													POA	**7**	**S**	**38**	**E**	**35**	**SW**	**SW**	**400**		39.2		Well 2	6/17/77
													POA	**8**	**S**	**38**	**E**	**2**	**NE**	**NW**	**200**		29.2		Well 2	6/17/77
													POA	**8**	**S**	**38**	**E**	**2**	**NW**	**NW**	**200**		29.5		Well 2	6/17/77
TOTAL ACRES:														TOTAL ACRES:								97.9			

Additional remarks:_____.

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TACS 13479

For Place of Use or Character of Use Changes

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

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

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

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

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

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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
Well 2	**No**		**~700 ft**	**16", 12" liner**	**+2 - 180**	**0'-180'**	**~200-400**	**~44 ft**	**Granite**	

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.

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State of Oregon)
) ss
County of BAKER)

I, ADAM KERNS, in my capacity as PROPERTY OWNER/IRRIGATOR,

mailing address 13865 WILLOW CREEK LN. HAINES, OR 97833

telephone number (541)523-2300, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 58970; **OR**

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

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

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

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

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

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Signature of Affiant

6-18-2020
Date

Signed and sworn to (or affirmed) before me this 18th day of June, 2020.

OFFICIAL STAMP
JENNY MAY MORRISSEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 986960
MY COMMISSION EXPIRES NOVEMBER 01, 2021

Notary Public for Oregon

My Commission Expires: November 01, 2021

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.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

RECEIVED JUL 25 1977 WATER RESOURCES DEPT SALEM, OREGON

WATER WELL REPORT
STATE OF OREGON

RECEIVED AUG 11 1977 WATER RESOURCES DEPT

(Please type or print) (Do not write above this line)

Baker 758

Date Well No. 785/38E-3 bA

State Permit No. .....

RECEIVED JUN 29 2020 OWRD

(1) OWNER:
Name James Kerns
Address Haines, Oregon

(2) TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary [X] Driven [ ]
Cable [ ] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):
Domestic [ ] Industrial [ ] Municipal [ ]
Irrigation [X] Test Well [ ] Other [ ]

CASING INSTALLED: Threaded [ ] Welded [X]
6 " Diam. from 0 ft. to 320 ft. Gage .250
..... " Diam. from ..... ft. to ..... ft. Gage .....
..... " Diam. from ..... ft. to ..... ft. Gage .....

PERFORATIONS: Perforated? [X] Yes [ ] No
Type of perforator used Top 100' Torch Bottom Mills Knife
Size of perforations 1/4 in. by 6 in.
524 perforations from 40 ft. to 140 ft.
1/6 1480 perforations from 140 ft. to 316 ft.
..... perforations from ..... ft. to ..... ft.

(7) SCREENS: Well screen installed? [ ] Yes [X] No
Manufacturer's Name .....
Type ..... Model No. .....
Diam. ..... Slot size ..... Set from ..... ft. to ..... ft.
Diam. ..... Slot size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? [ ] Yes [X] No If yes, by whom?
'd: 85 gal./min. with 166 ft. drawdown after 2 hrs.
Compressor Test " "
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
iperature of water 46 Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:
Well seal—Material used Cement
Well sealed from land surface to 21 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 10 sacks
How was cement grout placed?
It Was Pumped IN
Was a drive shoe used? [ ] Yes [X] No Plugs ..... Size: location ..... ft.
Did any strata contain unusable water? [ ] Yes [ ] No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? [X] Yes [ ] No Size of gravel: 3/4 Minus
Gravel placed from 21 ft. to 98 ft.

(10) LOCATION OF WELL:
County Baker Driller's well number
NE 1/4 NW 1/4 Section 3 T. 18S R. 38E W.M.
Bearing and distance from section or subdivision corner
NE 1/4 NW 1/4 Sec. 3 T 18S R 38E
(Correction 8-10-77 BJ)

(11) WATER LEVEL: Completed well.
Depth at which water was first found 38 Trace ft.
Static level 24 ft. below land surface. Date 4-29-77
Artesian pressure lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing 6
Depth drilled 700 ft. Depth of completed well 320 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top Soil	0	4½	
Clay Bk Boulders Medium	4½	6	
Weathered Rock	6	45	
Granite Layer	45	47	
Decomposed Granite	47	164	24
Weathered Granite Red Grey	164	390	
Hard Streak Granite	390	403	24
Decomposed Granite Fine	403	475	
" " Granite Course	475	506	
Decomposed Granit with Very Hard Streaks Course	506	657	
Decomposed Granite Course & Fine Streaks	657	700	
App. 14 yds 3/4 Minus Gravel put in Hole			

Work started 4-12 1977 Completed 4-29 1977
Date well drilling machine moved off of well 4-29 1977

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Ernest Johnson (Drilling Machine Operator) Date 7-9, 1977
Drilling Machine Operator's License No. 604

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name Northwest Drilling (Person, firm or corporation) (Type or print)
Address Prairie City, Oregon
[Signed] Bud Johe (Water Well Contractor)
Contractor's License No. 582 Date 7-20, 1977

(USE ADDITIONAL SHEETS IF NECESSARY) 13479

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

BAKE 52229

WELL LABEL # L 109674
START CARD # 206303
ORIGINAL LOG #

(1) LANDOWNER Owner Well I.D.
First Name James Last Name Kerns
Company
Address 13856 Willow Cr. Ln.
City Haines State OR. Zip 97833

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth ft.
Seal Material
Casing Type: ☐ Steel ☐ Plastic ☐ Other
Casing Gauge Casing Diameter

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 245 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	Material	SEAL From	To	Amount	Sacks/lbs
12	0	18	Bent.	0	18		14
6	18	245					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other 3/8 poured dry
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: sacks/lbs
Actual Amount Used: sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
☒		6		2	158	.250	☒		☒	
	☒	4.5		145	240	SDR.26		☒		

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 158'
Temporary casing ☐ Yes Diameter From To

(7) PERFORATIONS/SCREENS
Perforations Method Slotted Pipe
Screens Type Material P.V.C

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size
☒			☒		230	245	1/4	6	24	4.5

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
30	216	245	2

Temperature 50 °F Lab analysis ☐ Yes By
Water quality concerns? ☐ Yes (describe below) TDS ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Baker Twp 7 N or ☐ S Range 38 ☐ E or W W.M.
Sec 35c SW 1/4 of the SW 1/4 Tax Lot 400
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
Street Address of Well (or nearest address) one mile west on Willow Cr. Rd. right hand side ½ mile by power

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration				
Completed Well	7-10-12			29

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found 200

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
7-9-12	200	245	30			29

(11) WELL LOG Ground Elevation

Material	From	To
Tan clay decomposed	0	
granite Sand		180
decomposed granite	180	
sand Light tan Clay		245

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Date Started 7-6-12 Completed 7-10-12

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

License Number Date

Signed

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

License Number 1816 Date 7-16-12
Signed
Contact Info. (optional)
541-519-0618

RECEIVED BY OWRD
SEP 12 2012
SALEM, OR

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK 01/02/2009

13479

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES E. KERNS
ROUTE 1, BOX 28
HAINES, OREGON 97833

confirms the right to use the waters of JAMES KERNS WELL in the WILLOW CREEK BASIN for the purpose of SUPPLEMENTAL IRRIGATION OF 97.9 ACRES.

The right has been perfected under Permit G-7629. The date of priority is JUNE 17, 1977. The right is limited to not more than 0.36 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SW 1/4, SECTION 35, T 7 S, R 38 E, W.M.; 30 FEET NORTH & 1000 FEET EAST FROM SW CORNER SECTION 35.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.

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

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

SW 1/4 SW 1/4 39.2 ACRES
SECTION 35
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 NW 1/4 29.2 ACRES
NW 1/4 NW 1/4 29.5 ACRES
SECTION 2
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

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

WITNESS the signature of the Water Resources Director, affixed this date DECEMBER 29, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58970

G-8224

13479

Land Use Information Form

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

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Applicant(s): Adam Kerns

Mailing Address: 13865 Willow Creek Ln.

City: Haines State: OR Zip Code: 97833 Daytime Phone: 541-523-2300

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
7S	38E	35	SWSW	400	EFU	☒ Diverted	☒ Conveyed	☒ Used	Agricultural
8S	38E	2	NENW	200	EFU	☐ Diverted	☒ Conveyed	☒ Used	Agricultural
8S	38E	2	NWNW	100, 200	EFU	☐ Diverted	☒ Conveyed	☒ Used	Agricultural
____	____	____	____	____	____	☐ Diverted	☒ Conveyed	☒ Used	____

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

Baker County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.36 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

The water user seeks to drill a replacement irrigation well approximately 380 feet west of the existing irrigation well

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. →

13479

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JUN 29 2020

OWRD

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☑ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCZO chapter 410

☐ 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: Kevin Berryman Title: Planner

Signature: [signature] Phone: 541-523-8220 Date: 6/17/2020

Government Entity: Baker County Planning

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

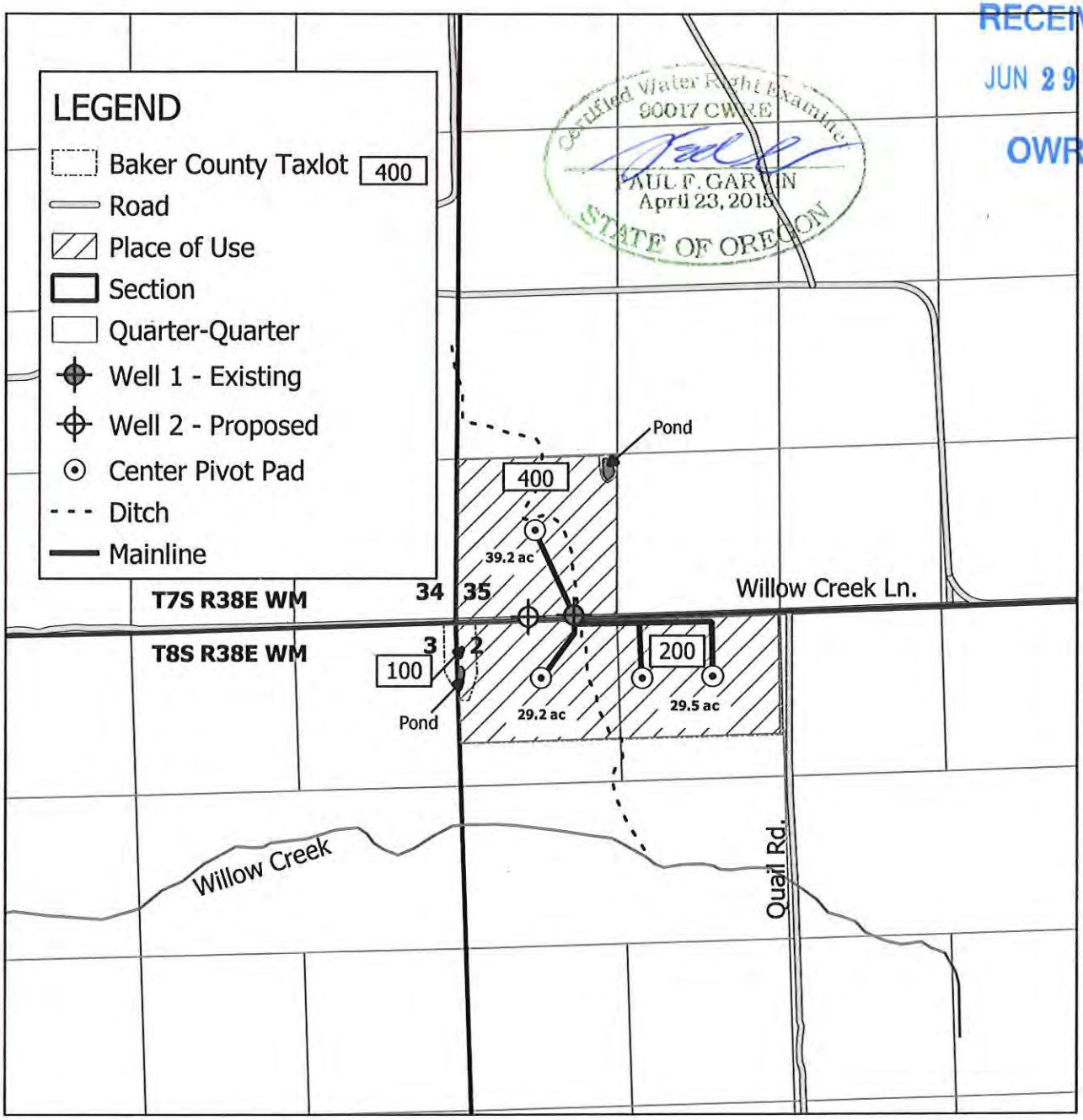
Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Garvin Hydrogeo LLC

Drawn by: Paul F. Garvin, R.G. C.W.R.E.
Date: 6/11/20

Permanent Water Right Transfer Map
Application G-8224, Permit G-7629,
Certificate #58970
13865 Willow Crk. Ln.
Haines, OR 97833

Prepared on behalf of Adam Kerns
1 inch = 1,320 feet

N

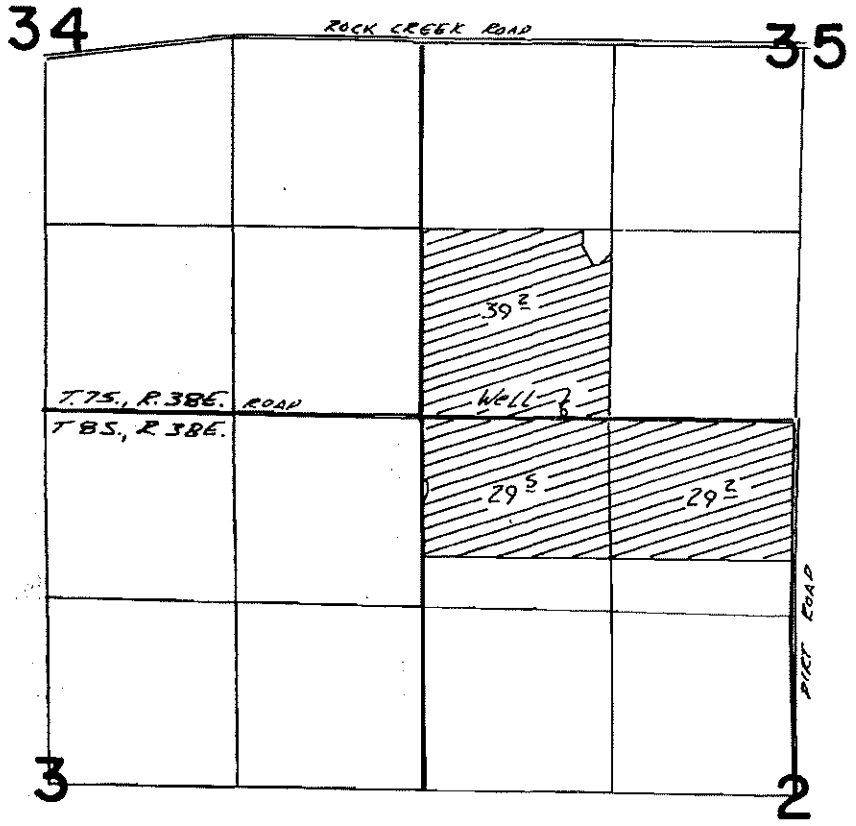
Notes:
Well 1 Location: 30 ft N and 1,000 ft E from SW Corner of Sestion 35

Well 2 Location (proposed): 30 ft N and 620 ft E from SW Corner of Sestion 35

This map is not intended to provide legal dimensions or locations of property ownership lines.

13479

T. 7&8S., R. 38E., W.M.



Well located 30'N & 1,000'E. From SW Cor. Sec 35
T.7S., R.38E.

FINAL PROOF SURVEY

UNDER

Application No. G-8224 Permit No. G-7629

IN NAME OF

JAMES E. KERNS

Surveyed April 13, 1982, by Vernon L. Church

13479

279-R

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JUN 29 2020
OWRD

Garvin Hydrogeo, LLC
2019 Main Street Suite A
Baker City, OR 97814
Garvin.hydrogeo@gmail.com
(503) 347-7188

June 15, 2020

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

Hello,

On behalf of Adam Kerns, regarding Certificate # 58970, please see the enclosed Request for Assignment, Reimbursement Authority Estimate Application, and Application for Permanent Water Right Transfer – Point of Appropriation. Adam Kerns seeks to abandon the existing irrigation well due to damage and install a new irrigation well approximately 380 feet west of the existing irrigation well. Well logs are included for the two wells at the Kerns' property, the existing irrigation well (BAKE 258) and domestic well (BAKE 52229).

Sincerely,

Paul F. Garvin, R.G., C.W.R.E

Enclosed:

-Request for Assignment & $100 fee check
-Reimbursement Authority Estimate Application & $125 fee check
-Application for Permanent Water Right Transfer & $1,570 fee check
-Permanent Water Right Transfer Map
-Evidence of use affidavit and supporting documentation
-Well logs BAKE 258 and BAKE 52229

13479

Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

Main Help
Return Contact Us

Today's Date: Wednesday, July 1, 2020	Fee Calculation
Base Fee (includes one type of change to one water right for up to 1 cfs)	$1,160.00
Fill in information below-- Check each box that applies.	
Types of Change Proposed:	
☐ Place of Use	
☑ Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD	
☐ Character of Use	$0.00
Enter total number of water rights included in transfer. 1	$0.00
☑ Check this box if you propose to add or change a well, or change from a surface water POD to a well.	$410.00
☐ Check this box if you propose to change the place of use or character of use for a NON-irrigation right.	
☐ Check this box if you propose to change the place of use or character of use for an irrigation right.	
Total Transfer CFS(rounded up to the next whole cfs):	
Subtotal:	$1,570.00
Check each box that applies.	
☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	
Transfer Fee:	**$1,570.00**

Return to Edit | Clear

COURCHANE Corey A * WRD

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Thursday, July 09, 2020 2:40 PM
To: COURCHANE Corey A * WRD
Subject: Transfer Application T-13479 - Outstanding supporting documentation
Attachments: KERNS, ORI 1.pdf; KERNS, ORI 2.pdf; KERNS, ORI 4.pdf; KERNS, ORI 3.pdf; KERNS, ORI 5.pdf

Hi Corey,
OWRD recently confirmed receipt of transfer application T-13479 that was prepared on behalf of Adma Kerns.

Included in the Transfer package is the Evidence of Use Affidavit, unfortunately I failed to send the supporting documentation as required by the Evidence of Use Affidavit form. The supporting documentation consists of 5 years of electrical bills associated with the existing well - see attached.

Please let me know if this email works for the department, I can always mail hard copies if needed.

Thank you,

--
Paul Garvin, R.G, C.W.R.E.
Garvin Hydrogeo, LLC
garvin.hydrogeo@gmail.com
cell: 503-347-7188

CA | Consumer Accounting System | CC | Capital Credits System | GA

Account History Help | Inquiry | Search | View | Bill Calculation

Mbr Sep: Search Display: Custom Customize

Rate	Bill Date	Read Date	Days	Arrears	Bill Amount	Net	Due Date	Paid Amt	Paid Date	Meter Read	Del
30	06/25/20	06/23/20	35	.00	60.46	60.46	07/15/20	.00		4242	
30	05/21/20	05/19/20	28	.00	67.32	.00	06/10/20	-67.32	06/08/20	3642	
30	04/23/20	04/21/20	28	.00	50.62	.00	05/13/20	-50.62	05/11/20	3015	
30	03/26/20	03/24/20	32	.00	35.47	.00	04/15/20	-35.47	04/13/20	2712	
30	02/25/20	02/21/20	31	.00	35.00	.00	03/16/20	-35.00	03/16/20	2703	
30	01/23/20	01/21/20	28	.00	35.00	.00	02/12/20	-35.00	02/10/20	2703	
30	12/26/19	12/24/19	32	.00	35.47	.00	01/15/20	-35.47	01/15/20	2703	
30	11/26/19	11/22/19	30	.00	44.02	.00	12/16/19	-44.02	12/17/19	2694	
30	10/24/19	10/23/19	30	.00	42.48	.00	11/13/19	-42.48	11/12/19	2519	
30	09/26/19	09/23/19	35	.00	36.50	.00	10/16/19	-36.50	10/14/19	2313	
30	08/27/19	08/19/19	28	.00	28.57	.00	09/16/19	-28.57	09/16/19	2218	
30	07/25/19	07/22/19	31	.00	69.64	.00	08/14/19	-69.64	08/12/19	2135	
30	06/25/19	06/21/19	31	.00	62.90	.00	07/15/19	-62.90	07/15/19	1303	

KERNS ORIA

Mbr Sep: [redacted]
Status: Active Electric

Location: [redacted] Dist: 11
Meter: 63970322 Rate: 30

Payments(0) **Adjustments(0)** **Misc**

Read Date: 06/23/20 Read Type: 2 Days of Service: 35
Bill Date: 06/25/20 Bill Type: 0 Average Temp: 0.0

Energy:
Fuel:
Lgt Charge:
Tax:

Received by OWRD
JUL 09 2020
Salem, OR

CA | Consumer Accounting System | CC | Capital Credits System | GA

Account History Help | Inquiry | Search | View | Bill Calculation

Mbr Sep: [ ] Search Display: Custom Customize

Rate	Bill Date	Read Date	Days	Arrears	Bill Amount	Net	Due Date	Paid Amt	Paid Date	Meter Read	Der
30	04/24/18	04/20/18	31	.00	35.70	.00	05/14/18	-35.70	05/09/18	54086	
30	03/22/18	03/20/18	28	.00	33.19	.00	04/11/18	-33.19	04/09/18	54018	
30	02/22/18	02/20/18	32	.00	33.31	.00	03/14/18	-33.31	03/02/18	53996	
30	01/25/18	01/19/18	32	.00	33.36	.00	02/14/18	-33.36	02/14/18	53972	
30	12/21/17	12/18/17	29	.00	33.19	.00	01/10/18	-33.19	01/08/18	53947	
30	11/22/17	11/19/17	31	.00	34.02	.00	12/12/17	-34.02	12/11/17	53925	
32	10/24/17	10/19/17	31	.00	208.36	.00	11/13/17	-208.36	11/06/17	53888	
32	09/21/17	09/18/17	29	.00	129.77	.00	10/11/17	-129.77	10/02/17	51930	
32	08/24/17	08/20/17	31	.00	281.61	.00	09/13/17	-281.61	09/07/17	51206	
30	07/25/17	07/20/17	31	.00	76.89	.00	08/14/17	-76.89	08/15/17	47423	
30	06/22/17	06/19/17	30	.00	59.55	.00	07/12/17	-59.55	07/17/17	46305	
30	05/25/17	05/20/17	30	.00	33.95	.00	06/14/17	-33.95	06/12/17	45702	
30	04/25/17	04/20/17	31	.00	32.42	.00	05/15/17	-32.42	05/17/17	45660	

KERNS ORIA

Mbr Sep: [redacted]
Status: Active Electric

Location: [redacted] Dist: 11
Meter: 63970322 Rate: 30

Payments(0) | Adjustments(0) | Misc

Read Date: 06/23/20 Read Type: 2 Days of Service: 35
Bill Date: 06/25/20 Bill Type: 0 Average Temp: 0.0

Energy:
Fuel:
Lgt Charge:
Tax:

Received by OWRD
JUL 09 2020
Salem, OR

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Account History Help | Inquiry | Search | View | Bill Calculation

Mbr Sep: Search Display: Custom Customize

Rate	Bill Date	Read Date	Days	Arrears	Bill Amount	Net	Due Date	Paid Amt	Paid Date	Meter Read	Det
30	05/23/19	05/21/19	29	.00	50.91	.00	06/12/19	-50.91	06/10/19	659	
30	04/25/19	04/22/19	31	.00	32.00	.00	05/15/19	-32.00	05/13/19	311	
30	03/26/19	03/22/19	30	.00	32.00	.00	04/15/19	-32.00	04/15/19	311	
30	02/26/19	02/20/19	31	.00	32.00	.00	03/18/19	-32.00	03/18/19	311	
30	01/24/19	01/20/19	31	.00	32.00	.00	02/13/19	-32.00	02/11/19	311	
30	12/26/18	12/20/18	31	.00	32.00	.00	01/14/19	-32.00	01/14/19	311	
30	11/21/18	11/19/18	28	.00	40.26	.00	12/11/18	-40.26	12/10/18	311	
30	10/25/18	10/22/18	32	.00	41.33	.00	11/14/18	-41.33	11/13/18	159	
30	09/25/18	09/20/18	31	.00	32.63	.00	10/15/18	-32.63	10/10/18	55744	
30	08/23/18	08/20/18	31	.00	34.88	.00	09/12/18	-34.88	09/10/18	55710	
30	07/24/18	07/20/18	31	.00	68.14	.00	08/13/18	-68.14	08/08/18	55536	
30	06/21/18	06/19/18	29	.00	45.03	.00	07/11/18	-45.03	07/09/18	54818	
30	05/24/18	05/21/18	31	.00	55.10	.00	06/13/18	-55.10	06/13/18	54511	

KERNS ORIA

Mbr Sep: [redacted]
Status: Active Electric

Location: [redacted] Dist: 11
Meter: 63970322 Rate: 30

Payments(0) **Adjustments(0)** **Misc**

Read Date: 06/23/20 Read Type: 2 Days of Service: 35
Bill Date: 06/25/20 Bill Type: 0 Average Temp: 0.0

Energy:
Fuel:
Lgt Charge:
Tax:

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Account History Help | Inquiry | Search | View | Bill Calculation

Mbr Sep: [ ] Search | Display: Custom | Customize

Rate	Bill Date	Read Date	Days	Arrears	Bill Amount	Net	Due Date	Paid Amt	Paid Date	Meter Read	Der
30	02/25/16	02/19/16	30	.00	32.00	.00	03/16/16	-32.00	03/04/16	25068	
30	01/25/16	01/20/16	33	.00	32.00	.00	02/14/16	-32.00	02/08/16	25068	
30	12/23/15	12/18/15	29	.00	32.51	.00	01/12/16	-32.51	01/11/16	25068	
32	11/24/15	11/19/15	31	.00	180.29	.00	12/14/15	-180.29	12/14/15	25057	
32	10/22/15	10/19/15	29	.00	152.36	.00	11/11/15	-152.36	11/02/15	23739	
32	09/24/15	09/20/15	31	.00	126.22	.00	10/14/15	-126.22	10/15/15	23060	
32	08/25/15	08/20/15	32	.00	158.68	.00	09/14/15	-158.68	09/14/15	22536	
32	07/23/15	07/19/15	29	.00	199.71	.00	08/12/15	-199.71	08/03/15	21061	

KERNS ORIA

Mbr Sep: [redacted]
Status: Active Electric

Location: [redacted] Dist: 11
Meter: 63970322 Rate: 30

Payments(0) | **Adjustments(0)** | **Misc**

Read Date: 06/23/20 Read Type: 2 Days of Service: 35
Bill Date: 06/25/20 Bill Type: 0 Average Temp: 0.0

Energy:
Fuel:
Lgt Charge:
Tax:

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CA | Consumer Accounting System | CC | Capital Credits System | GA

Account History Help | Inquiry | Search | View | Bill Calculation

Mbr Sep: Search Display: Custom Customize

Rate	Bill Date	Read Date	Days	Arrears	Bill Amount	Net	Due Date	Paid Amt	Paid Date	Meter Read	Del
30	03/23/17	03/20/17	29	.00	32.00	.00	04/12/17	-32.00	04/21/17	45651	
30	02/23/17	02/19/17	31	.00	32.00	.00	03/15/17	-32.00	03/13/17	45651	
30	01/24/17	01/19/17	31	.00	32.00	.00	02/13/17	-32.00	02/13/17	45651	
30	12/22/16	12/19/16	30	139.55	34.09	.00	01/11/17	-173.64	01/13/17	45651	
32	11/28/16	11/19/16	31	.00	139.55	139.55	12/18/16	.00		45651	
32	10/25/16	10/19/16	31	.00	179.99	.00	11/14/16	-179.99	11/07/16	45098	
32	09/22/16	09/18/16	31	.00	123.35	.00	10/12/16	-123.35	10/11/16	43647	
32	08/25/16	08/18/16	31	.00	349.96	.00	09/14/16	-349.96	09/21/16	42473	
32	07/21/16	07/18/16	29	.00	388.29	.00	08/10/16	-388.29	08/01/16	35616	
32	06/23/16	06/19/16	31	.00	186.77	.00	07/13/16	-186.77	06/30/16	29390	
32	05/24/16	05/19/16	30	.00	246.39	.00	06/13/16	-246.39	06/10/16	27805	
30	04/21/16	04/19/16	29	.00	32.05	.00	05/11/16	-32.05	05/02/16	25069	
30	03/24/16	03/21/16	31	.00	32.00	.00	04/13/16	-32.00	04/08/16	25068	

KERNS ORIA

Mbr Sep: [redacted]
Status: Active Electric

Location: [redacted] Dist: 11
Meter: 63970322 Rate: 30

Payments(0) **Adjustments(0)** **Misc**

Read Date: 06/23/20 Read Type: 2 Days of Service: 35
Bill Date: 06/25/20 Bill Type: 0 Average Temp: 0.0

Energy:
Fuel:
Lgt Charge:
Tax:

Received by OWRD
JUL 09 2020
Salem, OR

Regular Permanent Water Right Transfer Application Checklist

Checked by Josh **Date** 7/1/20

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

Certs & acres involved:
Changes:
cfs involved:
Source:

☑ 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: 1570.00 ✓
If not, the correct fee would be: _____, so the amount missing is: _____

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

*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. 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.

T-13479