T-13436

Drought temp

T-13436

Name Jonathan Unruh

Address 30180 Pickett Rd
Malin Oregon 97632

Change in POU
Date Filed 5/11/2020
Initial notice date 5/22/2020
DPD issued date —
PD issued date —
PD notice date —
Date of FO 6-18-2020 Vol 116 Page 993

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Well

Trib. of Lost River Basin

Use Supplemental Irrigation County Klamath
Quantity of water (CFS) No. of Acres
Name of ditch

| | | | | |
|---|---|---|---|---|
| App# G12808 | Per # G12430 | Cert # 91257 | PR Date | |
| App# | Per # | Cert # | PR Date | |
| App# | Per # | Cert # | PR Date | |
| App# | Per # | Cert # | PR Date | |
| App# | Per # | Cert # | PR Date | |

FEES PAID

| Date | Amount | Receipt # |
|---|---|---|
| 5-11-2020 | $200.00 | 132489 |

FEES REFUNDED

| Date | Amount | Receipt # |
|---|---|---|

Assignments:

Irrigation District

Agent

CWRE
CC's list

☐ - Oversized map – Location

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

June 18, 2020

JONATHAN UNRUH
30180 PICKETT RD
MALIN, OR 97632

REFERENCE: Temporary Drought Transfer Application T-13436

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

The temporary change shall be effective upon issuance of this final order. Please note, the use shall revert back to the original authorized place of use at the **end of the 2020 irrigation season** or the end of the Governor's declared drought, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Stacy H. Phillips

Stacy H. Phillips
Water Right Services Support
Transfers and Conservation Section

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

Enclosure

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

| | | |
|---|---|---|
| In the Matter of Transfer Application T-13436, Klamath County | ) ) ) | FINAL ORDER APPROVING AN EMERGENCY USE DROUGHT TEMPORARY CHANGE IN PLACE OF USE |

## Authority

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

## Applicant

JONATHAN UNRUH
30180 PICKETT RD
MALIN, OR 97632

## Findings of Fact

1. On May 11, 2020, JONATHAN UNRUH filed an application to temporarily change the place of use under Certificate 91257 for the remainder of the 2020 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13436.

2. Notice of the application for transfer was published on May 26, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

| | |
|---|---|
| **Certificate:** | 91257 in the name of LARRY HALOUSEK AND TY HALOUSEK DBA HALOUSEK BROTHERS (perfected under Permit G-12808) |
| **Use:** | SUPPLEMENTAL IRRIGATION of 38.2 ACRES |
| **Priority Date:** | MARCH 4, 1992 |
| **Rate:** | 0.48 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. |

This is a final 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.

**Source:** A WELL IN THE LOST RIVER BASIN

**Authorized Point of Appropriation:**

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|---|---|---|---|---|---|
| 41 S | 12 E | WM | 6 | NE NE | 898 FEET SOUTH AND 352 FEET WEST FROM THE NE CORNER OF SECTION 6 |

**Authorized Place of Use:**

| SUPPLEMENTAL IRRIGATION | | | | | |
|---|---|---|---|---|---|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 41 S | 12 E | WM | 6 | SE NE | 38.2 |

4. Temporary Transfer Application T-13436 proposes to temporarily change the place of use of the right to:

| SUPPLEMENTAL IRRIGATION | | | | | |
|---|---|---|---|---|---|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 41 S | 12 E | WM | 6 | NW NE | 25.7 |
| 41 S | 12 E | WM | 6 | NE NW | 12.5 |
| | | | | Total | 38.2 |

***Temporary Drought Transfer Review Criteria***

5. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available 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 are present.

7. The Governor issued an executive order on March 2, 2020, declaring a state of drought emergency in Klamath County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.

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

9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

**Conclusions of Law**

The temporary change in place of use proposed in Temporary Drought Transfer Application T-13436 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

**Now, therefore, it is ORDERED:**

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-13436 is approved.

2. The former place of use **shall not** be irrigated as part of this water right during the remainder of the 2020 irrigation season or until the end of the Governor's declared drought, whichever occurs first.

3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

4. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 91257. The use shall revert to the authorized place of use at the end of the 2020 irrigation season.

5. The proposed change in place of use shall revert to the authorized place of use at the end of the 2020 irrigation season or the end of the Governor's declared drought, whichever occurs first.

6. The use of the remaining water right described by Certificate 91257 shall continue to be in accordance with the terms and conditions of Certificate 91257.

7. 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.

Dated in Salem, Oregon on JUN 18 2020

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

*Mailing Date:* JUN 19 2020

## WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13436

Transfer Specialist: Corey

Transfer Type: Drought Transfer

| Applicant: | Agent: ☐ N/A |
|---|---|
| JONATHAN UNRUH<br>30180 PICKETT RD<br>MALIN, OR 97632<br>Email: Phone: | UNAVAILABLE<br>Email: Phone: |
| **Irrigation District**: ☐ N/A<br>Email: | **CWRE**: ☐ N/A<br>Email: |
| **Affected Local Gov'ts**: ☐ N/A<br>Email: | **Affected Tribal Gov't**: ☐ N/A<br>UNAVAILABLE<br>Email: |
| **Current Landowner if other than Applicant**: ☐ N/A<br>Email: | **Receiving Landowner**: ☐ N/A<br>Email: |

### Water Rights Affected

| File Marked | App. File # or Decree Name | Permit | Certificate | RR/CR Needed | RR/CR Nos. |
|---|---|---|---|---|---|
| ☐ | G-12808 | G-12430 | 91257 | ☐ Yes ☐ No | |
| ☐ | | | | ☐ Yes ☐ No | |
| ☐ | | | | ☐ Yes ☐ No | |

### Key Dates & Initial Actions:

| | | |
|---|---|---|
| Rec'd: May 19, 2020 | Proposed Action(s): PLACE OF USE | |
| Fees Pd: 200.00 | WM District: 22 | ODFW District: |
| Initial Public Notice: May 26, 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: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | CW Sent: _____ | N/A |
| PD | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____ | Date: _____ |
| FO | Date: 5/26/20<br>Initials: CC | Date: 6/11/20<br>Initials: Joan | Date: _____<br>Initials: _____ | Date: 6/11/20<br>Initials: PKS | Date: 6/11/20<br>Initials: CC | Date: 6/11/20 | Date: 6-18-2020 |

Special Issues: include a copy of the Exec order in the file

Special Order Volume: Vol. 111e Pages 993-995

## Part 3 of 5 – Fee Worksheet

| FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS | | | |
|---|---|---|---|
| 1 | Base Fee (includes temporary change to one water right for up to 1 cfs) | *1* | $810.00 |
| 2 | Number of water rights included in transfer: _____(2a)<br>Subtract 1 from the number in 3a above: _____(2b) *If only one water right this will be 0*<br>Multiply line 2b by $260.00 and enter » » » » » » » » » » » » | *2* | |
| 3 | Do you propose to change the place of use for a non-irrigation use?<br>☐ No: enter 0 on line 3 » » » » » » » » » » » » » » » » » »<br>☐ Yes: enter the cfs for the portions of the rights to be transferred: _____(3a)<br>Subtract 1.0 from the number in 3a above: _____(3b)<br>If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » »<br>If 3b is greater than 0, round up to the nearest whole number: _____(3c)<br>and multiply 4c by $200.00, then enter on line 3 | *3* | RECEIVED<br>MAY 11 2020<br>OWRD |
| 4 | Do you propose to change the place of use for an irrigation use?<br>☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » » »<br>☐ Yes: enter the number of acres for the portions of the rights to be transferred: _____(4a)<br>Multiply the number of acres in 4a above by $2.30 and enter on line 4 » » | *4* | |
| 5 | Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal: | *5* | |
| 6 | Is this transfer:<br>☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br>☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »<br>If no box is applicable, enter 0 on line 7» » » » » » » » » » » » | *6* | |
| 7 | Subtract line 6 from line 5 » » » » » » » » » » » » **Transfer Fee:** | ***7*** | |

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS | | | |
|---|---|---|---|
| 1 | Base Fee (includes drought application and recording fee for up to 1 cfs) | *1* | $200.00 |
| 2 | Enter the cfs for the portions of the rights to be transferred (see example below*): _____(2a)<br>Subtract 1.0 from the number in 2a above: _____(2b)<br>If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » » »<br>If 2b is greater than 0, round up to the nearest whole number: _____(2c)<br>and multiply 2c by $50, then enter on line 2 » » » » » » » » » | *2* | |
| 3 | Add entries on lines 1 through 2 above » » » » » » » » » » » **Transfer Fee:** | ***3*** | 200.00 |

*Example for Line 2a 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. 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)*.
2. 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)*
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).*

## Part 4 of 5 – Applicant Information and Signature

Michelle Angell assisted w/app

### Applicant Information

| APPLICANT/BUSINESS NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
|---|---|---|---|---|
| Jonathan Unruh | | | 541-891-2071 | |
| ADDRESS | | | | FAX NO. |
| 30180 Pickett Rd | | | | |
| CITY | STATE | ZIP | E-MAIL | |
| Malin | OR | 97632 | | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

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

| AGENT/BUSINESS NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
|---|---|---|---|---|
| | | | | |
| ADDRESS | | | | FAX NO. |
| | | | | |
| CITY | STATE | ZIP | E-MAIL | |
| | | | | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

Explain in your own words what you propose to accomplish with this transfer application and why:
TRANSFER FROM LAND THAT WILL NOT BE IRRIGATED TO LAND THAT WILL BE, USUALLY IN SHASTA VIEW IRRIGATION
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

| Applicant signature | Print Name (and Title if applicable) | Date |
|---|---|---|
| | Jonathan Unruh | 5-6-2020 |
| Applicant signature | Print Name (and Title if applicable) | Date |
| | | |

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

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

13436

☐ ***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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)***

| 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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

| ENTITY NAME | ADDRESS | |
|---|---|---|
| CITY | STATE | ZIP |

| ENTITY NAME | ADDRESS | |
|---|---|---|
| CITY | STATE | ZIP |

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## Part 5 of 5 – Water Right Information

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

Water Right Certificate # 91257

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**Description of Water Delivery System**

System capacity: 0.91 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. Main line, wheel line

**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) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | ☒ Authorized ☐ Proposed | KLAM 10478 | 41 | S | 12 | E | 6 | NE | NE | 100 | 898' So & 352' West of the NE CORNER of Sec. 6 |
| | ☐ Authorized ☐ Proposed | | | | | | | | | | |
| | ☐ Authorized ☐ Proposed | | | | | | | | | | |
| | ☐ Authorized ☐ Proposed | | | | | | | | | | |

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

- ☒ Place of Use (POU)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Additional Point of Diversion (APOD)

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

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

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

only transfer 40.0a

13436

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 91257**

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

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed. | | | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | | Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date |
| **EXAMPLE** | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **2** | **S** | **9** | **E** | **15** | **NE** | **NW** | **100** | | **15.0** | **Irrigation** | **POD #1 POD #2** | **1901** | **POU/POD** | **2** | **S** | **9** | **E** | **1** | **NW** | **NW** | **500** | **1** | **10.0** | | **POD #5** | **1901** |
| " | " | " | " | " | " | " | " | " | " | EXAMPLE | " | " | " | 2 | S | 9 | E | 2 | SW | NW | 500 | | 5.0 | | POD #6 | 1901 |
| ~~41~~ | S | ~~12~~ | E | ~~6~~ | ~~NE~~ | ~~NE~~ | 100 | | | Irrigation | | | POU | 41 | S | 12 | E | 6 | NE | NW | 300 | | ~~12.5~~ 13.4 | Irrigation | | |
| 41 | S | 12 | E | 6 | SE | NE | 100 | | ~~40.0~~ 38.2 | ↓ | | | POU | 41 | S | 12 | E | 6 | NW | NE | 300 | | ~~26.6~~ 25.7 | Irrigation | | |
| | | | | | | | | | | Spoke w/ Michelle Angell by phone 5/26/20 to confirm | | | | | | | | | | | | | | | | |
| TOTAL ACRES | | | | | | | | | ~~40.0~~ 38.2 | | | | | TOTAL ACRES | | | | | | | | 40.0 | | | |

Additional remarks:

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Map 1 of 2

REVISED 4-7-11

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 06 T.41S. R.12E. W.M.
KLAMATH COUNTY
1"=400'

41 12 06

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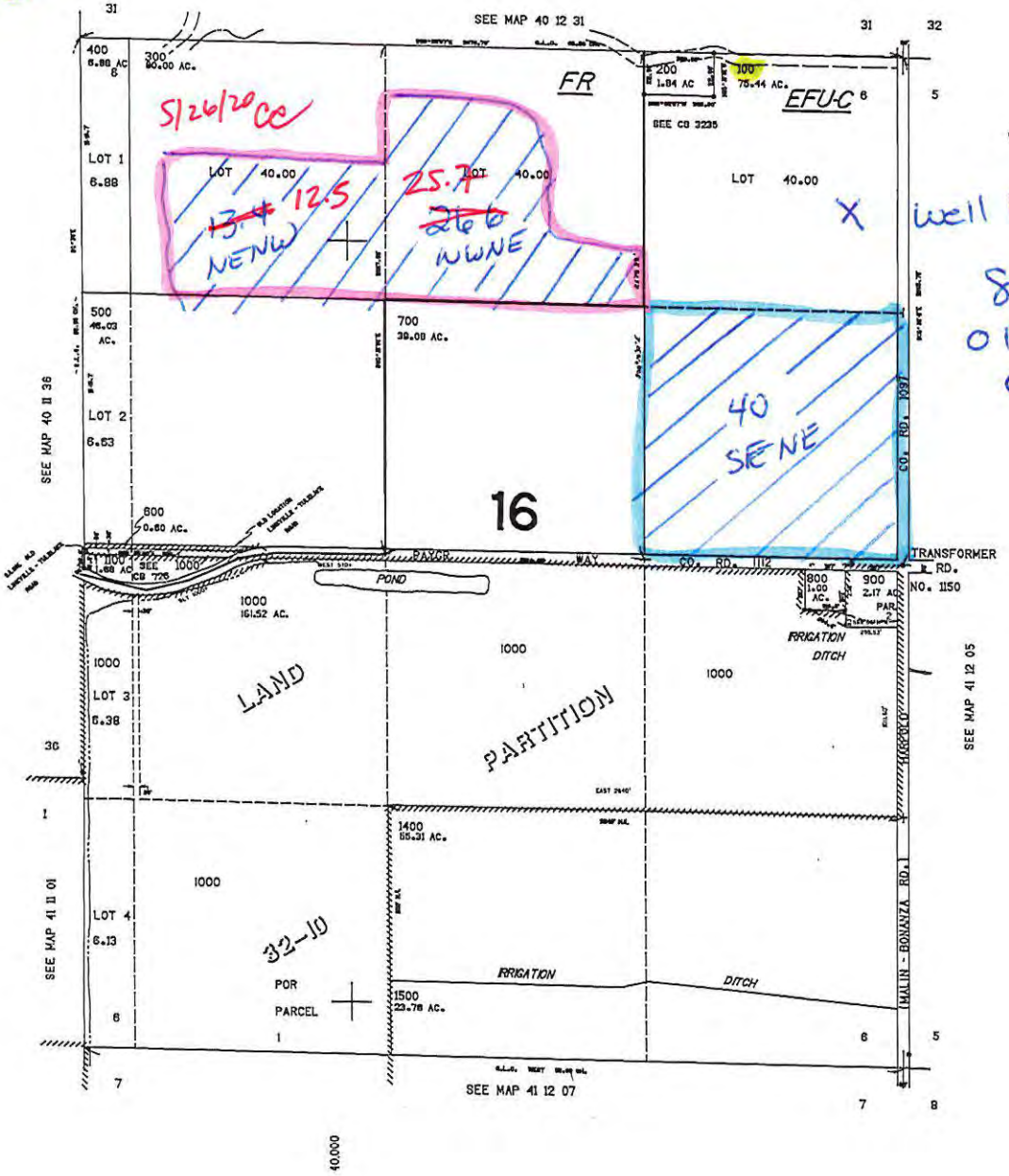
T41S R12E Sec 6

FROM LAND
Tax Lot 100

TO LAND
Tax lot 300

1
NORTH

Scale
1" - 880'




19436

41 12 06

Water Right Certificate # 91257

**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: Irrigation Shasta View District KA1000

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

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

☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip**: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

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STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LARRY HALOUSEK AND TY HALOUSEK
DBA HALOUSEK BROTHERS
P.O. BOX 258
MALIN, OR 97632

confirms the right to the use of water perfected under the terms of Permit G-12430. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-12808

SOURCE OF WATER: A WELL IN THE LOST RIVER BASIN

PURPOSE or USE: SUPPLEMENTAL IRRIGATION OF 73.0 ACRES

MAXIMUM RATE: 0.91 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: APRIL 15 THROUGH OCTOBER 15

DATE OF PRIORITY: MARCH 4, 1992

The well is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|---|---|---|---|---|---|
| 41 S | 12 E | WM | 6 | NE NE | 898 FEET SOUTH AND 352 FEET WEST OF THE NE CORNER OF SECTION 6 |

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|---|---|---|---|---|---|
| 41 S | 12 E | WM | 6 | NE NE | 34.8 |
| 41 S | 12 E | WM | 6 | SE NE | 38.2 |

38.2 ~ @ 1/80
= 0.4775
T= 0.48cfs

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually by April 15, or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

The water user shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the water right holder. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Goundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this right, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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

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

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

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

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

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

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

In the event that primary irrigation rights are not determined in the Klamath River Adjudication for lands identified as supplemental irrigation under the terms of this right, this right may be exercised as primary irrigation.

Issued APR 18 2016.

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

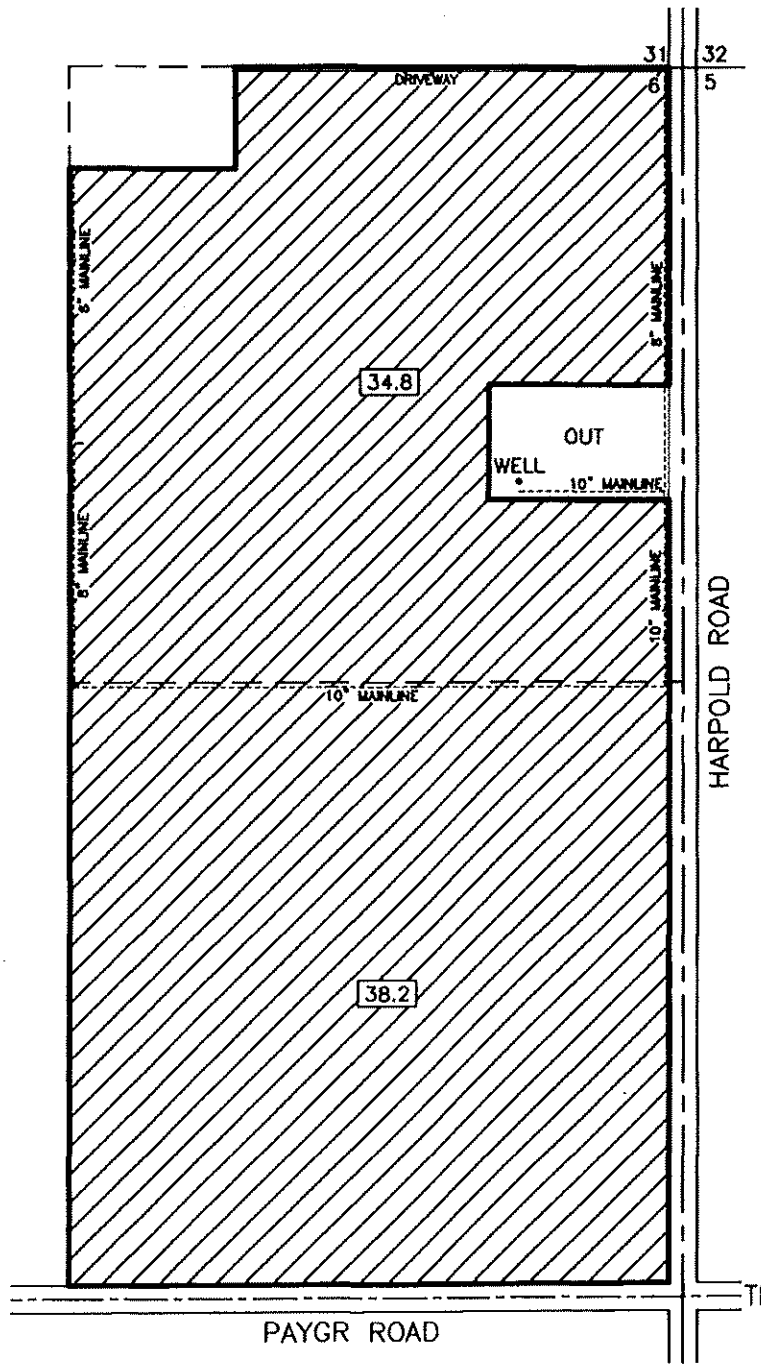
# FINAL PROOF SURVEY

SITUATED IN THE E1/2 NE1/4 OF SECTION 5, T41S, R12EWM,
KLAMATH COUNTY, OREGON
JUNE, 2011

MAP PREPARED FOR
LARRY & TY HALOUSEK
(DBA HALOUSEK BROTHERS)

NOTES:

1. MAP PREPARED FROM: ASSESSORS MAP, AERIAL PHOTOGRAPH AND FIELD SURVEY.
2. WELL IS 898 FEET SOUTH AND 352 FEET WEST OF THE NORTHEAST CORNER OF SECTION 6.
3. TOTAL AREA THIS APPLICATION: 73.0 ACRES
4. APPLICATION # G-12808
5. PERMIT # G-12430
6. TAX LOT #: R-4112-06-100.
7. FLOWMETER IS 14' SOUTH OF WELL




XXXX LANDS SUPPLEMENTAL TO SHASTA VIEW IRRIGATION DISTRICT

Certified Water Right Examiner
#271
Dennis A. Ensor
May 30, 1991
STATE OF OREGON

EXPIRES 12-31-2011

RECEIVED

N

SCALE
1" = 400'

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT APPLICATION. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.


TRU SURVEYING INC. LINE
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603

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

| | | |
|---|---|---|
| In the Matter of Transfer Application T-13436, Klamath County | ) ) ) | FINAL ORDER APPROVING AN EMERGENCY USE DROUGHT TEMPORARY CHANGE IN PLACE OF USE |

## Authority

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

## Applicant

JONATHAN UNRUH
30180 PICKETT RD
MALIN, OR 97632

## Findings of Fact

1. On May 11, 2020, JONATHAN UNRUH filed an application to temporarily change the place of use under Certificate 91257 for the remainder of the 2020 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13436.

2. Notice of the application for transfer was published on May 26, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

| | |
|---|---|
| **Certificate:** | 91257 in the name of LARRY HALOUSEK AND TY HALOUSEK DBA HALOUSEK BROTHERS (perfected under Permit G-12808) |
| **Use:** | SUPPLEMENTAL IRRIGATION of 38.2 ACRES |
| **Priority Date:** | MARCH 4, 1992 |
| **Rate:** | 0.48 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. |

This is a final 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.

**Source:** A WELL IN THE LOST RIVER BASIN

**Authorized Point of Appropriation:**

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|---|---|---|---|---|---|
| 41 S | 12 E | WM | 6 | NE NE | 898 FEET SOUTH AND 352 FEET WEST FROM THE NE CORNER OF SECTION 6 |

**Authorized Place of Use:**

| SUPPLEMENTAL IRRIGATION | | | | | |
|---|---|---|---|---|---|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 41 S | 12 E | WM | 6 | SE NE | 38.2 |

4. Temporary Transfer Application T-13436 proposes to temporarily change the place of use of the right to:

| SUPPLEMENTAL IRRIGATION | | | | | |
|---|---|---|---|---|---|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 41 S | 12 E | WM | 6 | NW NE | 25.7 |
| 41 S | 12 E | WM | 6 | NE NW | 12.5 |
| | | | | Total | 38.2 |

***Temporary Drought Transfer Review Criteria***

5. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available 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 are present.

7. The Governor issued an executive order on March 2, 2020, declaring a state of drought emergency in Klamath County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.

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

9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

**Conclusions of Law**

The temporary change in place of use proposed in Temporary Drought Transfer Application T-13436 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

**Now, therefore, it is ORDERED:**

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-13436 is approved.

2. The former place of use **shall not** be irrigated as part of this water right during the remainder of the 2020 irrigation season or until the end of the Governor's declared drought, whichever occurs first.

3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

4. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 91257. The use shall revert to the authorized place of use at the end of the 2020 irrigation season.

5. The proposed change in place of use shall revert to the authorized place of use at the end of the 2020 irrigation season or the end of the Governor's declared drought, whichever occurs first.

6. The use of the remaining water right described by Certificate 91257 shall continue to be in accordance with the terms and conditions of Certificate 91257.

Dated in Salem, Oregon on

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

*Mailing Date:*

# 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-13436

Review Due Date:

Applicant Name: Jonathan Unruh

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

Reviewer(s): Michelle Angell for Watermaster Date of Review: 06/08/2020

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 ☐ 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- 13436

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

District: #17

Address: 305 Main St

City/State/Zip: Klamath Falls, OR 97601

Phone: 541-883-4182

Email: Danette.M.Watson@oregon.gov

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

**********

### Approval of an Alternate Measurement Device T-

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

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

_____

_____

_____ _____

Watermaster signature District Date

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

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

Oregon
Kate Brown, Governor

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

May 19, 2020

JONATHAN UNRUH
30180 PICKETT RD
MALIN, OR 97632

Reference: Application T- 13436

On May 19, 2020, we received your water right Transfer application. The application was accompanied by $200.00. Our receipt number 132489 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.

Except as provided under ORS 540.510(3) for municipalities, you may not ***temporarily*** use water at the new place of use until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be temporarily transferred and the land **to** which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #22 (via email)

Enclosure

STATE OF OREGON

# WATER RESOURCES DEPARTMENT

RECEIPT # 132489

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

INVOICE # _____

RECEIVED FROM: Jonathan Unruh
BY: Jessica Unruh

| | |
|---|---|
| APPLICATION | |
| PERMIT | |
| TRANSFER | T-13436 |

CASH: ☐ CHECK:# ☒ 747 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 200.00

## 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

4611 2

**MISCELLANEOUS**

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

**WATER RIGHTS:**

| | | EXAM FEE | | RECORD FEE |
|---|---|---|---|---|
| 0201 | SURFACE WATER | $ | 0202 | $ |
| 0203 | GROUND WATER | $ | 0204 | $ |
| 0205 | TRANSFER | $ 200.00 | | |

**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: 132489 DATED: 5-11-2020 BY: _____

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

# Application for Water Right
# Temporary or Drought Temporary 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 temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**
For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED
MAY 11 2020
OWRD

### FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

☐ Part 1 – Completed Minimum Requirements Checklist.

☐ Part 2 – Completed Temporary 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 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 Transferred Water Rights: **How many water rights are to be transferred? _____ List them here:_____**

Please include a separate Part 5 for each water right. (See instructions on page 6)

☐ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: ____ End Year: ____.**

☐ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

☑ Completed Temporary Transfer Application Map.

☑ Completed Evidence of Use Affidavit and supporting documentation.

☐ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.

☑ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)

☐ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the 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 (if necessary to convey water to the proposed place of use).

**(For Staff Use Only)**

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

___ Application fee not enclosed/or is insufficient ___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete
___ Additional signature(s) required ___ Part _____ is incomplete
Other/Explanation _____
Staff: _____503-986-0___ Date: ____/____/____

RECEIVED
MAY 1 1 2020
OWRD

## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- ☐ ☐ 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 temporary 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) to convey water to the new temporary place of use, 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 TEMPORARY (not drought) TRANSFERS | | | |
|---|---|---|---|
| 1 | Base Fee (includes temporary change to one water right for up to 1 cfs) | *1* | $810.00 |
| 2 | Number of water rights included in transfer: _____(2a)<br>Subtract 1 from the number in 3a above: _____(2b) *If only one water right this will be 0*<br>Multiply line 2b by $260.00 and enter » » » » » » » » » » » » | *2* | |
| 3 | Do you propose to change the place of use for a non-irrigation use?<br>☐ No: enter 0 on line 3 » » » » » » » » » » » » » » » » » »<br>☐ Yes: enter the cfs for the portions of the rights to be transferred: _____(3a)<br>Subtract 1.0 from the number in 3a above: _____(3b)<br>If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » »<br>If 3b is greater than 0, round up to the nearest whole number: _____(3c)<br>and multiply 4c by $200.00, then enter on line 3 | *3* | |
| 4 | Do you propose to change the place of use for an irrigation use?<br>☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » » »<br>☐ Yes: enter the number of acres for the portions of the rights to be transferred: _____(4a)<br>Multiply the number of acres in 4a above by $2.30 and enter on line 4 » » | *4* | |
| 5 | Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal: | *5* | |
| 6 | Is this transfer:<br>☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br>☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »<br>If no box is applicable, enter 0 on line 7» » » » » » » » » » » » | *6* | |
| 7 | Subtract line 6 from line 5 » » » » » » » » » » » **Transfer Fee:** | ***7*** | |

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS | | | |
|---|---|---|---|
| 1 | Base Fee (includes drought application and recording fee for up to 1 cfs) | *1* | $200.00 |
| 2 | Enter the cfs for the portions of the rights to be transferred (see example below*): _____(2a)<br>Subtract 1.0 from the number in 2a above: _____(2b)<br>If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » »<br>If 2b is greater than 0, round up to the nearest whole number: _____(2c)<br>and multiply 2c by $50, then enter on line 2 » » » » » » » » | *2* | |
| 3 | Add entries on lines 1 through 2 above » » » » » » » » » » **Transfer Fee:** | ***3*** | 200.00 |

*Example for Line 2a 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. 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)*.
2. 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)*
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).*

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## Part 4 of 5 – Applicant Information and Signature

Michelle Angell assisted w/app

### Applicant Information

| APPLICANT/BUSINESS NAME | | PHONE NO. | ADDITIONAL CONTACT NO. |
|---|---|---|---|
| Jonathan Unruh | | 541-891-2071 | |
| ADDRESS | | | FAX NO. |
| 30180 Pickett Rd | | | |
| CITY | STATE / ZIP | E-MAIL | |
| Malin | OR 97632 | | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | |

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

| AGENT/BUSINESS NAME | | PHONE NO. | ADDITIONAL CONTACT NO. |
|---|---|---|---|
| | | | |
| ADDRESS | | | FAX NO. |
| | | | |
| CITY | STATE / ZIP | E-MAIL | |
| | | | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | |

Explain in your own words what you propose to accomplish with this transfer application and why:
TRANSFER FROM LAND THAT WILL NOT BE IRRIGATED TO LAND THAT WILL BE, USUALLY IN SHASTA VIEW IRRIGATION
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

| Applicant signature | Print Name (and Title if applicable) | Date |
|---|---|---|
| | Jonathan Unruh | 5-6-2020 |
| | | |
| Applicant signature | Print Name (and Title if applicable) | Date |
| | | |

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

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

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☐ ***Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)***

| 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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

| ENTITY NAME | ADDRESS | |
|---|---|---|
| CITY | STATE | ZIP |

| ENTITY NAME | ADDRESS | |
|---|---|---|
| CITY | STATE | ZIP |

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## Part 5 of 5 – Water Right Information

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

**Water Right Certificate #** 91257

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**Description of Water Delivery System**

System capacity: 0.91 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. Main line, wheel line

**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) |
|---|---|---|---|---|---|---|---|---|
| 1 | ☒ Authorized ☐ Proposed | KLAM 10478 | 41 S | 12 E | 6 | NE NE | 100 | 898' So & 352' West of the NE CORNER of Sec. 6 |
| | ☐ Authorized ☐ Proposed | | | | | | | |
| | ☐ Authorized ☐ Proposed | | | | | | | |
| | ☐ Authorized ☐ Proposed | | | | | | | |

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

- ☒ Place of Use (POU)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Additional Point of Diversion (APOD)

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

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

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

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate #** 91257

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

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed. | | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | | Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date |
| **EXAMPLE** | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **2** | **S** | **9** | **E** | **15** | **NE** | **NW** | **100** | | **15.0** | **Irrigation** | **POD #1 POD #2** | **1901** | **POU/POD** | **2** | **S** | **9** | **E** | **1** | **NW** | **NW** | **500** | **1** | **10.0** | | **POD #5** | **1901** |
| " | " | " | " | " | " | " | " | " | " | EXAMPLE | " | " | " | 2 | S | 9 | E | 2 | SW | NW | 500 | | 5.0 | | POD #6 | 1901 |
| ~~4~~ 41 | S | 12 | E | 6 | ~~NE~~ | ~~NE~~ | 100 | | | Irrigation | | | POU | 41 | S | 12 | E | 6 | NE | NW | 300 | | 13.4 | Irrigation | | |
| 41 | S | 12 | E | 6 | SE | NE | 100 | | 40.0 | ↓ | | | POU | 41 | S | 12 | E | 6 | NW | NE | 300 | | 26.6 | Irrigation | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL ACRES | | | | | | | | | 40.0 | | | | | TOTAL ACRES | | | | | | | | | 40.0 | | | |

Additional remarks:_____

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Water Right Certificate # 91257

**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: Irrigation Shasta View District KA1000

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

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

☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip**: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well, OWRD Well ID Tag No. L-___ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |
| | | | | | | | | | | |
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Map 1 of 2

REVISED 4-7-11

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 06 T.41S. R.12E. W.M.
KLAMATH COUNTY
1"=400'

41 12 06

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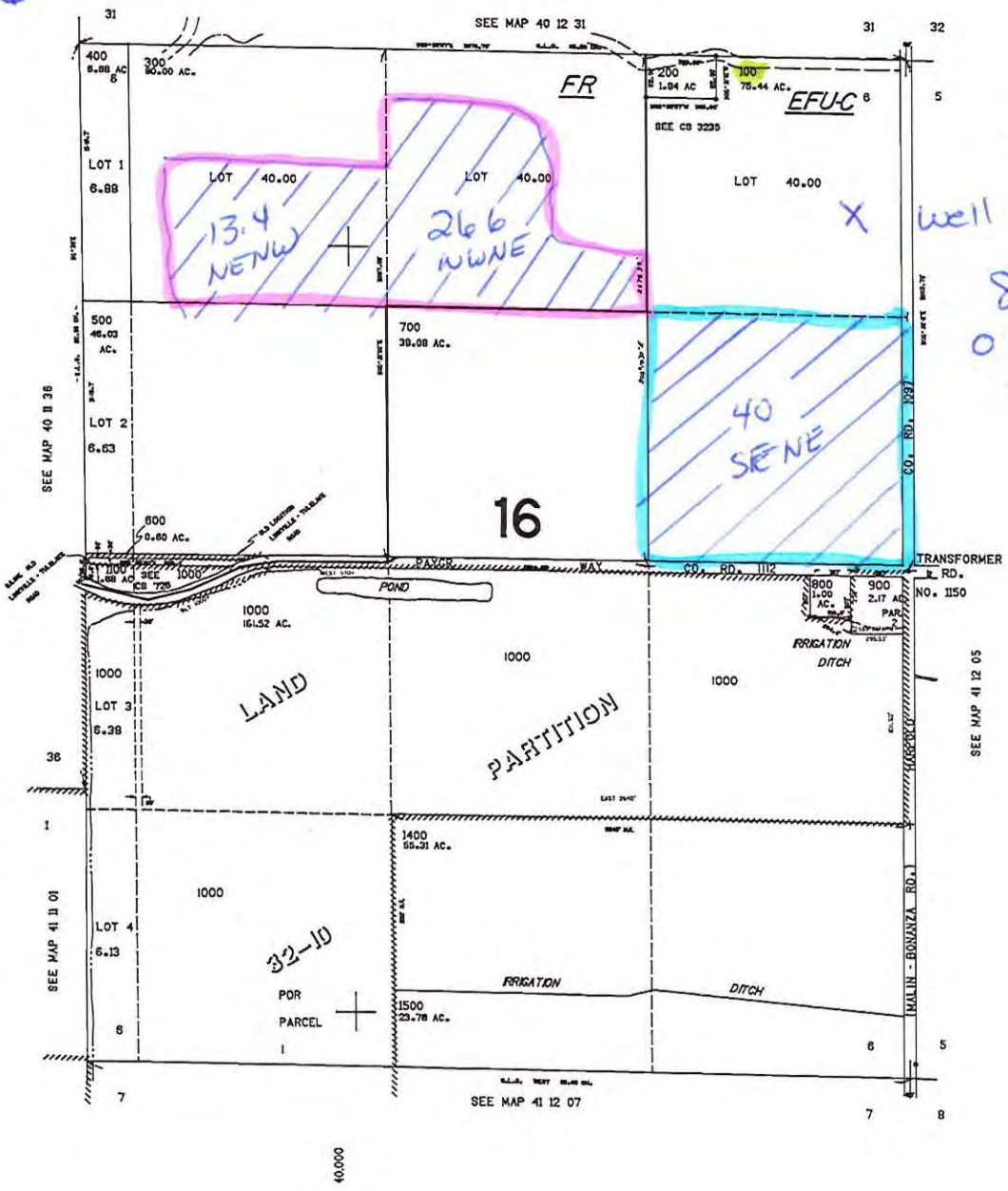
T41S R12E Sec 6

FROM LAND
Tax Lot 100

TO LAND
Tax lot 300

NORTH

Scale
1" = 880'




41 12 06

STATE OF OREGON
# WATER WELL REPORT
(as required by ORS 537.765)

KLAM 10478

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WATER RESOURCES DEPT.
SALEM, OREGON

4/5/12E/6dc

(START CARD) # 34483

**(1) OWNER:** Well Number
Name Halousek Bros.
Address P.O. Box 258
City Malin, State OR Zip 97632

**(2) TYPE OF WORK:**
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

**(3) DRILL METHOD:**
☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

**(4) PROPOSED USE:**
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

**(5) BORE HOLE CONSTRUCTION:**
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 425 ft.
Explosives used ☐ Yes ☒ No Type Amount

| HOLE Diameter | From | To | SEAL Material | From | To | Amount sacks or pounds |
|---|---|---|---|---|---|---|
| 16 | 0 | 30½ | cement | 0 | 30½ | 37 |
| 12 | 30½ | 222 | | | | |
| 8 | 222 | 425 | | | | |

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

**(6) CASING/LINER:**

| | Diameter | From | To | Gauge | Steel | Plastic | Welded | Threaded |
|---|---|---|---|---|---|---|---|---|
| Casing: | 12 | +1½ | 30½ | .250 | ☒ | ☐ | ☒ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| Liner: | | | | | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |

Final location of shoe(s) 30½

**(7) PERFORATIONS/SCREENS:**
☐ Perforations Method
☐ Screens Type Material

| From | To | Slot size | Number | Diameter | Tele/pipe size | Casing | Liner |
|---|---|---|---|---|---|---|---|
| | | | | | | ☐ | ☐ |
| | | | | | | ☐ | ☐ |
| | | | | | | ☐ | ☐ |
| | | | | | | ☐ | ☐ |
| | | | | | | ☐ | ☐ |

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

| Yield gal/min | Drawdown | Drill stem at | Time |
|---|---|---|---|
| 1400 | 14' | | 1 hr. |
| | | | |
| | | | |

Temperature of Water 62 Depth Artesian Flow Found
Was a water analysis done? ☐ Yes By whom
Did any strata contain water not suitable for intended use? no ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other
Depth of strata:

**(9) LOCATION OF WELL by legal description:**
County Klamath Latitude Longitude
Township 41S N or S. Range 12E E or W. WM.
Section 6 NE ¼ NE ¼
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) 19624 Harpold Rd., Malin, OR 97632

**(10) STATIC WATER LEVEL:**
95 ft. below land surface. Date 7/22/92
Artesian pressure lb. per square inch. Date

**(11) WATER BEARING ZONES:**
Depth at which water was first found 220'

| From | To | Estimated Flow Rate | SWL |
|---|---|---|---|
| 220 | 425 | 1400 | 95 |
| | | | |
| | | | |
| | | | |

**(12) WELL LOG:**
Ground elevation

| Material | From | To | SWL |
|---|---|---|---|
| Sandy loam | 0 | 1 | |
| Brn decompose lava & clay | 1 | 18 | |
| Brn lava | 18 | 25 | |
| Green clay | 25 | 35 | |
| Brn & gray lava | 35 | 425 | 95 |

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Date started 6/25/92 Completed 7/22/92

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

WWC Number
Signed Date

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

WWC Number 1228
Signed Larry A. Delpain Date 7/26/92

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C 10/91

13436

# Application for Water Right
# Transfer
## Evidence of Use Affidavit

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

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

State of Oregon )
) ss
County of KLAMATH)

I, JONATHAN UNRUH, in my capacity as OWNER,

mailing address 30180 PICKETT, MALIN, OR 97632

telephone number (541)891-2071, being first duly sworn depose and say:

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

☒ Personal observation ☒ Professional expertise

**2.** I attest that:

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

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

| Certificate # | Township | | Range | | Mer | Sec | ¼ ¼ | | Gov't Lot or DLC | Acres (if applicable) |
|---|---|---|---|---|---|---|---|---|---|---|
| ~~91257~~ | 41 | S | 12 | E | | 06 | NE | NE | | 35.44 |
| 91257 | 41 | S | 12 | E | | 06 | SE | NE | | 40.0 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

NOT MK IN TRANSFER

**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)**

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

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

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Signature of Affiant

5-6-2020
Date

Signed and sworn to (or affirmed) before me this 06 day of May, 2020.

OFFICIAL STAMP
MICHELLE ANN ANGELL
NOTARY PUBLIC-OREGON
COMMISSION NO. 981077
MY COMMISSION EXPIRES AUGUST 26, 2023

Michelle A Angell
Notary Public for Oregon

My Commission Expires: 08/26/2023

| 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<br>• Fertilizer or seed bills related to irrigated crops<br>• 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<br>• Crop reports submitted under a federal loan agreement<br>• Beneficial use reports from district<br>• IRS Farm Usage Deduction Report<br>• Agricultural Stabilization Plan<br>• 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.<br>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.<br><br>Sources for aerial photos:<br>OSU –www.oregonexplorer.info/imagery<br>OWRD – www.wrd.state.or.us<br>Google Earth – earth.google.com<br>TerraServer – www.terraserver.com |
| ☐ Approved Lease establishing beneficial use within the last 5 years | Copy of instream lease or lease number |

# Application for Water Right
# Transfer
## Consent by Deeded Landowner

**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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**State of Oregon** )
)ss
**County of** Klamath )

I Ty Halousek in my/our capacity as owner,

mailing address PO Box 258, Malin, OR 97632,

telephone number 541-891-3402, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 91257

described in a Transfer Application (T-_____) submitted by _____,
*(transfer number, if known)*

on the property in tax lot number(s) 100, Section 06, Township 41

South, Range 12 East, W.M., located at 19624 Harpold Rd, Malin OR .
*(site address)*

Ty J. Halousek
Signature of Affiant

5-6-20
Date

_____
Signature of Affiant

_____
Date

Subscribed and Sworn to before me this 06 day of May, 2020.

OFFICIAL STAMP
MICHELLE ANN ANGELL
NOTARY PUBLIC-OREGON
COMMISSION NO. 991077
MY COMMISSION EXPIRES AUGUST 26, 2023

Michelle A Angell
Notary Public for Oregon

My commission expires 08/26/2023

13436

Revised 9/2/10

'93 JAN 4 PM 2 08

FORM No. 633—WARRANTY DEED (Individual or Corporate). STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR. 97204

1-1-74

55958

WARRANTY DEED

Vol. m93 Page 67

*KNOW ALL MEN BY THESE PRESENTS, That* FRED C. POPE and GEORGIA POPE,

*hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by* LARRY R. HALOUSEK and TY J. HALOUSEK, copartners doing business as HALOUSEK BROTHERS, *hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of* Klamath *and State of Oregon, described as follows, to-wit:*

E½NE¼ Section 6, Township 41 South, Range 12 East of the Willamette Meridian.

SUBJECT To easements and rights of way of record and those apparent on the land; contracts and/or liens for irrigation and/or drainage; reservations in Federal Patents.

SUBJECT ALSO To Farm Use Taxation and change in assessment if such use may hereafter be changed.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

*To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.*

*And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances* except as hereinabove set forth; *and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.*

*The true and actual consideration paid for this transfer, stated in terms of dollars, is* $ 108,149.00 ~~*(However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which))*~~ (The sentence between the symbols ① if not applicable, should be deleted. See ORS 93.030.)

*In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.*

*In Witness Whereof, the grantor has executed this instrument this* 25 *day of* May, *19* 77; *if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.*

Fred C. Pope

Georgia Pope

(If executed by a corporation, affix corporate seal)

*STATE OF OREGON,* County of Klamath } ss.

May 25, *19* 77

*Personally appeared the above named* FRED C. POPE and GEORGIA POPE,

and *acknowledged the foregoing instrument to be* THEIR *voluntary act and deed.*

*Before me:*

(OFFICIAL SEAL)

*Notary Public for Oregon*

*My commission expires:* 1/11/79.

*STATE OF OREGON, County of* ) ss.

, *19*

*Personally appeared* and

*who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of* , *a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.*

*Before me:*

(OFFICIAL SEAL)

*Notary Public for Oregon*

*My commission expires:*

FRED C. POPE and GEORGIA POPE
Star Route, Box 70
Malin, OR 97632
GRANTOR'S NAME AND ADDRESS

LARRY R. HALOUSEK and TY J. HALOUSEK
dba HALOUSEK BROTHERS, P.O. Box 258
Malin, OR 97632
GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.
LARRY R. HALOUSEK and TY J. HALOUSEK
dba HALOUSEK BROTHERS, P.O. Box 258
Malin, OR 97632
NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

*STATE OF OREGON,* County of Klamath } ss.

*I certify that the within instrument was received for record on the* 4th *day of* Jan., *19* 93, *at* 2:08 o'clock P.M., *and recorded in book* M93 *on page* 67 *or as file/reel number* 55958, *Record of Deeds of said county.*

*Witness my hand and seal of County affixed.*

Evelyn Biehn, County Clerk
*Recording Officer*

*By* Darlene Mullaney *Deputy*

Fee $30.00

13436

CW. 30.00

2517 07-07-95P03:13 RCVD Vol M95 Page 17644

**After recording return to:**

Michael C. Arola
Hershner, Hunter, Moulton,
Andrews & Neill
P.O. Box 1475
Eugene, OR 97440

**Until a change is requested, mail all tax statements to:**
U.S. National Bank of Oregon
c/o Keith Dow
Special Assets Group T-8
P.O. Box 4412
Portland, OR 97208

DEED IN LIEU OF FORECLOSURE

K-46714

Johnson Stock Co., Grantor, conveys and warrants to United States National Bank of Oregon, Grantee, the real property described on the attached Exhibit A, free of encumbrances except as set forth on the attached Exhibit A (hereinafter the Property).

Grantor covenants that:

1. This deed is absolute in effect and conveys fee simple title to the Property to the Grantee and does not operate as a mortgage, trust conveyance or security of any kind.

2. Grantor is the owner of the Property free of all encumbrances except as set forth on the attached Exhibit A.

3. Grantor hereby waives, surrenders, conveys and relinquishes any equity of redemption and any statutory rights of redemption concerning the Property and the mortgage set forth on the attached Exhibit A.

4. Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence or misrepresentation of Grantee, Grantee's agents or attorneys, or any other person.

This deed does not effect a merger of the fee simple ownership and the lien of the mortgage described on the attached Exhibit A. The fee and the lien of such mortgage shall hereafter remain separate and distinct.

Subject to the complete performance by Grantor and related parties under a Settlement Agreement dated June 15, 1995, Grantee covenants and agrees that it shall forever forbear taking any action whatsoever to collect against Grantor on the promissory notes and other obligations secured by the mortgage described on the attached Exhibit A, other than by foreclosure of such mortgage, and that in any proceeding to foreclose such mortgage, Grantee shall not seek, obtain or permit a deficiency judgment against Grantor, Grantor's heirs or assigns, such remedies and rights being hereby waived.

The true consideration for this conveyance is Grantee's covenants described in the foregoing paragraph with respect to



10

collection of indebtedness secured by the mortgage described on the attached Exhibit A.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

Dated this 15 day of June, 1995.

JOHNSON STOCK CO.

By: Peter Vogt Johnson
Name: Peter Vogt Johnson
Title: Pres

STATE OF OREGON )
) ss.
COUNTY OF Klamath )

The foregoing instrument was acknowledged before me this 15 day of June, 1995, by Peter Vogt Johnson as Pres on behalf of Johnson Stock Co.

Notary Public for Oregon
My Commission Expires: 4-17-99

OFFICIAL SEAL
ROBERT L. MASON
NOTARY PUBLIC-OREGON
COMMISSION NO. 042520
MY COMMISSION EXPIRES APRIL 17, 1999

DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

PARCEL 1:

TOWNSHIP 40 SOUTH, RANGE 14½ EAST OF THE WILLAMETTE MERIDIAN

Section 27: W½SW¼
Section 28: SW¼SW¼, N½SW¼, N½SE¼
Section 29: SE¼SE¼
Section 32: E½NE¼, NE¼SE¼
Section 33: NW¼, S½NE¼, NE¼NE¼, SE¼, N½SW¼, SE¼SW¼
Section 34: W½NW¼, W½SW¼

PARCEL 2:

Section 36: S½NW¼, That portion of the SW¼ lying Westerly of the fence constructed and existing across the E½SW¼.

ALSO ALL that portion of said section lying and being Southeasterly from a line parallel with and 225 feet distant Northwesterly from the Northerly line of Bear Flat-Deer Spring Road which runs Northeasterly across said quarter section.

PARCEL 3:

TOWNSHIP 40 SOUTH, RANGE 15 EAST OF THE WILLAMETTE MERIDIAN

Section 21: S½, SAVING AND EXCEPTING the SW¼SW¼
Section 28: NE¼, NE¼NW¼, S½NW¼NW¼, S½NW¼, NW¼SW¼, N½NE¼SW¼, N½N½SE¼

PARCEL 4:

TOWNSHIP 40 SOUTH, RANGE 15, EAST OF THE WILLAMETTE MERIDIAN

Section 35: S½SW¼, SW¼SE¼, LESS AND EXCEPTING any portion lying within reservoir as shown on county map.

TOWNSHIP 41 SOUTH, RANGE 15, EAST OF THE WILLAMETTE MERIDIAN

Section 2: Lot 3, LESS AND EXCEPT any portion lying within reservoir as shown on county map.

PARCEL 5:

TOWNSHIP 41 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN

Section 1: The Southerly 15 feet of the N½NE¼NE¼, S½NE¼NE¼ and all that part of the SE¼NE¼ lying North of Adams Canal.

EXCEPTING THEREFROM the Westerly 15 feet conveyed to Rudolph Paygr, et ux., by deed recorded November 12, 1957, in Volume 295 page 451, Deed Records of Klamath County, Oregon.

EXHIBIT A
Page 1 of 7

K-46897/96296 J

13436

TOWNSHIP 41 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN

Section 6: SW¼NE¼, NE¼SW¼ and Lot 3. EXCEPTING portions thereof lying Northerly of the Southerly right-of-way line of Paygr Road;

SE¼SW¼ AND Lot 4; N½SE¼. EXCEPT the following: Beginning at a point on the South line of Paygr Road which bears South 30 feet and West 297 feet from the East ¼ corner of said Section 6; thence continuing West along said South line a distance of 210.5 feet; thence South a distance of 207 feet; thence East a distance of 210.5 feet; thence North a distance of 207 feet to the point of beginning.

Section 7: All that portion of the NE¼NW¼ and Lot 1, which lies North of the U.S.B.R. "D" Canal.

PARCEL 8:

TOWNSHIP 41 SOUTH, RANGE 14 EAST OF THE WILLAMETTE MERIDIAN

Section 4: That portion of the NW¼SW¼, S½SW¼ and SW¼SE¼ lying Southerly of the County Road.

Section 5: The South 150 feet of the S½SW¼ and W½SW¼SE¼; The E½SW¼SE¼; the SE¼SE¼; that portion of the E½NW¼SE¼ lying Southerly of the center line of the Old Grohs Ranch Road.

K-46897/96296J

Section 6: E½E½W¼; W½E¼; Lot 1; SE¼NE¼ and NE¼SE¼

A strip of land 150 feet in width lying along and immediately adjacent to the Southerly boundary of the SE¼SE¼ of Section 6. SAVING AND EXCEPTING a strip of land 30 feet wide along the North line of Lots 1, 2 and E½ Lot 3 deeded to Klamath County in Volume 258 page 1, Deed Records of Klamath County, Oregon.

Section 7: W½E½ and S½SE¼SE¼; E½W¼,

LESS a strip of land 125 feet in width described as follows: Commencing at the Northwest corner of NE¼SW¼ of Section 7 and running thence North 125 feet; thence East 125 feet; thence South 1570 feet parallel with the West line of said section; thence Westerly 125 feet; thence Northerly 1445 feet to the point of beginning, being the Westerly 125 feet of the NE¼SW¼ and a parcel of land 125 feet square in the Southwest corner of the SE¼NW¼ and a parcel of land 125 feet square in the Northwest corner of the SE¼SW¼ of said Section 7.

LESS AND EXCEPT a piece or parcel of land in the SE¼SW¼ of Section 7, Township 41 South, Range 14 East of the Willamette Meridian, more particularly described as follows: Beginning at the Northwesterly corner of said SE¼SW¼ of said Section 7, Township 41 South, Range 14 E.W.M., and running thence Easterly along the Northerly boundary thereof 34.8 feet; thence South 5°27' East 1326.0 feet, more or less, to a point in the Southerly boundary thereof, thence Westerly along the said Southerly boundary thereof 160.7 feet, more or less, thence Northerly along the Westerly boundary thereof 1320 feet, more or less, to the said point of beginning.

ALSO SAVING AND EXCEPTING that portion in deed from Johnson Stock Co. to W. D. Campbell in Volume 257 page 91, Deed Records of Klamath County, Oregon.

Section 8: NE¼NE¼, S½SW¼SW¼, SE¼SW¼, SW¼SE¼; LESS AND EXCEPTING any portion lying within the East Langell Valley Road.

Section 9: N½NW¼, that portion of the N½NE¼ lying Southerly of the county road.

Section 10: SE¼NW¼; and that portion of the NW¼NW¼ lying Southerly of the county road.

EXCEPTING THEREFROM that portion lying within the boundaries of the Willow Valley Road (State Line Road).

Section 17: NW¼NW¼, NE¼NW¼ and the NW¼NE¼. LESS AND EXCEPT any portion lying within the East Langell Valley Road.

Section 18: A piece or parcel of land in the NE¼NW¼ of Section 18, Township 41 South, Range 14 East of the Willamette Meridian, more particularly described as follows: Beginning at the Northeasterly corner of the said NE¼NW¼ of Section 18, Township 41 South, Range 14 East of the Willamette Meridian, and running thence Westerly along the Northerly boundary thereof 1159.3 feet; thence South 5°27' East 63.0 feet; thence South 86°02' East 1156.1 feet, more or less, to a point in the Easterly boundary thereof; thence Northerly along the said Easterly boundary thereof 142.7 feet to the point of beginning.

The N½NE¼, SE¼NE¼ and SW¼NE¼,
LESS AND EXCEPT the West 440 feet.

The W½SE¼, LESS AND EXCEPT the West 440 feet.
ALSO LESS AND EXCEPT any portion lying with the Malone Lateral and East Langell Valley Road.

Section 19: NW¼NE¼, SE¼NE¼, SW¼NE¼ and SE¼NW¼

Subject to the following liens, easements and other encumbrances:

Unpaid real property taxes.

Regulations, contracts, easements, water and irrigation rights in connection therewith of the:

(a) Klamath Project and Klamath Irrigation District;

(b) Klamath Project and Shasta View Irrigation District;

(c) Klamath Project and Langell Valley Irrigation District; and

(d) Klamath Project and Malin Irrigation District.

Rights of the federal Government, the State of Oregon and the general public in any portion of the herein described premises lying below the high water line of Lost River.

Right of Way and Easement, including the terms and provisions thereof, from Robert L. Malone and Eva Malone, husband and wife, to United States, dated December 6, 1915, recorded January 4, 1916, in Volume 45 on page 295, Deed Records of Klamath County, Oregon, to overflow all that portion of said premises, which may be flooded by the backwater from the Malone Dam to the Klamath Project. (Sec. 19/41/14)

Reservations and restrictions in deed from United States of America to Emma Fredenburg, recorded in Volume 50 page 519, Deed Records of Klamath County, Oregon. In addition to the standard patent exceptions, the following reservation was made: "Reserving, also, to the United States all minerals in the land so granted, together with the right to prospect for, mine and remove the same as authorized by the provisions of said Section 8 as amended as aforesaid." (Sec. 21/41/13)

Easement, including the terms and provisions thereof given by Dewey D. Horn, dated April 28, 1934, recorded July 24, 1934, in Volume 103 on page 308, Deed Records of Klamath County, Oregon. (Sec. 6/41/14)

Reservations and restrictions in deed from Klamath Lake Land & Livestock to G. L. Hembree et ux., dated November 12, 1936, recorded December 4, 1936, in Volume 107 on page 533, Deed Records of Klamath County, Oregon. (Sec. 14/41/12)

Reservations and restrictions in deed from The Klamath Lake Land and Livestock Co. to Chas. Henry Johnson and Gertrude A. Johnson, dated March 25, 1937, recorded June 12, 1937, in Volume 110 page 137, Deed Records of Klamath County, Oregon. (Sec. 14/41/12)

Right of Way, including the terms and provisions thereof, given by Rudolph Cacka to The California Oregon Power Co., dated July 16, 1941, recorded July 26, 1941, in Volume 140 on page 13, Deed Records of Klamath County, Oregon. (SE¼SW¼ Sec. 6/41/12)

Agreement for Easement and Right of Way, including the terms and provisions thereof, given by John S. Horn to United States of America, recorded March 13, 1943, in Volume 153 page 507, Deed Records of Klamath County, Oregon. (Sec. 27/40/14¼)

Right of Way, including the terms and provisions thereof, given by Frank Paygr, Jr. et al to The California Oregon Power Co., dated July 18, 1945, recorded July 25, 1945, in Volume 178 on page 257, Deed Records of Klamath County, Oregon. (N½NE¼NE¼ Sec. 1/41/11)

Reservations and restrictions in deed from W. D. Campbell and Mildred Campbell to Johnson Stock Co., dated September 19, 1952, recorded September 30, 1952, in Volume 257 page 91, Deed Records of Klamath County, Oregon. (Secs. 6 & 7/41/14)

Reservations and restrictions in deed from W. D. Campbell and Mildred Campbell to Johnson Stock Co., dated September 19, 1952, recorded October 7, 1952, in Volume 257 on page 167, Deed Records of Klamath County, Oregon, regarding installation of pipes. (Secs. 5 & 6/41/14).

Grant of Right of Way, including the terms and provisions thereof, given by J. E. Benbow and Mabel C. Benbow, husband and wife, to The California Oregon Power Company, a California Corporation, dated June 29, 1953, recorded July 7, 1953, in Volume 261 on page 560, Deed Records of Klamath County, Oregon. (NE¼SE¼ Sec.6/41/12)

Reservations and restrictions in patent from United States of America to Lloyd Gift, et ux, recorded April 1, 1955, in Volume 273 on page 384, Deed Records of Klamath County, Oregon. In Addition to the standard patent exceptions, the following reservation was made: "Also excepting from this conveyance that certain range improvement project No. ccc-2-Yokum Valley Truck Trail and all appurtenances thereto, constructed by the U.S. its officials, agents or employees to maintain, operate, repair or improve the same so long as needed or used for or by the U.S." (Por. of Secs. 3, 4, 5 and 10/41/14)

Water Use Agreement, including the terms and provisions thereof, given by and between Johnson Stock Co. and charles Kilgore, et al, dated August 20, 1959, recorded Janaury 29, 1960, in Volume 318 page 544, Deed Records of Klamath County, Oregon. (40/14¼)

Easements granted to Charles Kilgore, et al, by Johnson Stock Co., in deed recorded January 29, 1960, in Volume 318 page 554, Deed Records of Klamath County, Oregon. (40/14¼)

Reservtions and restrictions in deed from Lewis E. Bay and Clara E. Bay, to Johnson Stock Co., dated May 21, 1962, recorded May 25, 1962, in Volume 337 page 596, Deed Records of Klamath County, Oregon. (Sec. 14/41/12)

Reservations and restrictions in Patent from United States of America to Lloyd Gift, recorded June 21, 1962, in Volume 338 page 328, Deed Records of Klamath County, Oregon, as follows: In addition to the standard patent exceptions, the following reservation was made: "Excepting and reserving, also, to the United States all the oil and gas in the lands so patented and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the act of July 17, 1914." (Secs. 4 & 9/41/14)

Reservations reserved in Patent from United States of America to Johnson Stock Company, dated May 24, 1964, recorded July 20, 1965, in Volume M-65 page 136, Deed Records of Klamath County, Oregon, as follows: In addition to the standard patent exceptions, the following reservation was made: "Reserving, also to the United States all minerals in the land so granted, together with the right to prospect for, mine and remove the same as authorized by the provisions of said Section 8 as amended as aforesaid." (Parcel 8)

EXHIBIT A
Page 2 of 7

Easement, including the terms and provisions thereof, for Access Road from Johnson Stock Co., an Oregon corporation, to United States of America, dated March 4, 1969, recorded May 23, 1969, in Volume M-69 on page 3872, Deed Records of Klamath County, Oregon. (Affects Parcel 7)

Contract and Grant of Easement, including the terms and provisions thereof, between Shasta View Irrigation District, and Johnson Stock Co., dated June 20, 1973, recorded August 8, 1973, in Volume M-73 on page 10360, Deed Records of Klamath County, Oregon. (SW¼NW¼ of Sec. 6/41/12)

Reservations and restrictions in deed from H. A. Searles and Delos E. Robbins, to Johnson Stock Co., dated October 21, 1976, recorded February 18, 1977, in Volume M-77 on page 2979, Deed Records of Klamath County, Oregon, for an easement and right of way for ditch. (Secs. 4, 9 and 10/41/14)

Mortgage, including the terms and provisions thereof, executed by Johnson Stock Co., an Oregon corporation, Stanley Johnson, Peter Van Johnson and Leith Throne, to The Federal Land Bank of Spokane, a corporation, in Spokane, Washington, dated October 11, 1979, on page 24441, Mortgage Records of Klamath County, Oregon, to secure the payment of $280,000.00. (Parcels 3, 4, 7 and 8)

Mortgage, including the terms and provisions thereof, executed by Johnson Stock Co., also known as Johnson Stock Company, an Oregon corporation, to United States National Bank of Oregon, dated october 29, 1987, recorded November 6, 1987, in Volume M-87 on page 29123, Mortgage Records of Klamath County, Oregon, to secure the payment of $2,060,278.21.

Partial Release of Mortgage dated July 5, 1988 and recorded July 15, 1988, in Volume M-88 on page 11261, Mortgage Records of Klamath County, Oregon, wherein Parcels 6 and 7 were released.

Mortgage, including the terms and provisions thereof, executed by Johnson Stock Co., also known as Johnson Stock Company, an Oregon Corporation, to United States National Bank of Oregon, dated October 29, 1987, recorded November 6, 1987, in Volume M-87 on page 20144, Mortgage Records of Klamath County, Oregon, to secure the payment of $1,077,418.90 includes equipment and personal property.

Partial Release of Mortgage, dated July 5, 1988, recorded July 15, 1988, in Volume M-88 on page 11264, Mortgage Records of Klamath County, ORegon, wherein Parcels 1, 2, 3, 4, 5, and 8 were released.

Financing Statement, indicating a security agreement given by T & J Packing Co., an Oregon corporation, as debtor to United States National Bank of Oregon, as secured party, recorded November 6, 1987, page 21086, Mortgage Records of Klamath County, Oregon. (All)

Continuation, recorded June 12, 1992, in Volume M-92 on page 12828, Mortgage Records Klamath County, Oregon.

Financing Statement, indicating a security agreement, given by Johnson Stock Co., an Oregon corporation, also known as Johnson Stock Company, as debtor to United States National Bank of Oregon, as secured party, recorded November 6, 1987, in Volume M-87 on page 20193, Mortgage Records of Klamath County, Oregon. (All)

Continuation, recorded June 12, 1992, in Volume M-92 on page 12825, Mortgage records Of Klamath County, Oregon.

K-46897/96296J

EXHIBIT A

Page 1 of 1

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Company the 7th day of July A.D., 19 95 at 3:13 o'clock PM., and duly recorded in Vol. M95, of Deeds on Page 17644.

Bernetha G. Letsch County Clerk

By [signature]

FEE $70.00

16376

# KLAMATH COUNTY TITLE COMPANY

Vol. m96 Page 10348

K-48968-D

## STATUTORY WARRANTY DEED
(Individual or Corporation)

United States National Bank of Oregon

, Grantor,

conveys and warrants to Larry R. Halousek and Ty J. Halousek, Co-Partners, doing business as Halousek Brothers

, Grantee,

the following described real property in the County of Klamath and State of Oregon.

The SW¼NE¼ of Section 6, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

96 APR 12 P3:06

This property is free of liens and encumbrances, EXCEPT: SUBJECT TO: Reservations and restrictions of record, rights of way, and easements of record and those apparent upon the land, contracts and/or liens for irrigation and/or drainage.

The true consideration for this conveyance is $ 42,000.00 (Here comply with the requirements of ORS 93.030*).

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 27th day of March 1996. If a corporate grantor, it has caused its name to be signed by resolution of its board of directors.

United States National Bank of Oregon

BY: _____ V.P.

STATE OF OREGON, County of Multnomah )ss.

The foregoing instrument was acknowledged before me this 27th day of March 1996 by Dale Watkins as Vice President of United States National Bank of Oregon

Margaret A. Mitchell
Notary Public for Oregon
My commission expires: 1-30-98

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of _____ )ss.

The foregoing instrument was acknowledged before me this _____ day of _____ 19 _____ by _____ and by _____ of _____ a corporation, on behalf of the corporation.

_____
Notary Public for Oregon
My commission expires:

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Halousek Brothers
P.O. Box 258
Malin, Oregon 97632

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:

Same As Listed Above

NAME, ADDRESS, ZIP

OFFICIAL SEAL
MARGARET A MITCHELL
NOTARY PUBLIC-OREGON
COMMISSION NO. 031448
MY COMMISSION EXPIRES JAN. 30, 1998

13436

10349

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Klamath County Title Company the 12th day of April A.D., 19 96 at 3:06 o'clock PM., and duly recorded in Vol. M96, of Deeds on Page 10348.

FEE $35.00

Bernetha G. Letsch, County Clerk

By

## SMITH Joan M * WRD

**From:** niklas@watershednet.com
**Sent:** Friday, May 15, 2020 11:33 AM
**To:** district-transfers@wrd.state.or.us
**Subject:** district transfer - swap Primary and Supplemental

Hi –

I see OWRD has a process to transfer a primary right to a supplemental right, but can we completely swap them. We'd like our existing primary to become the supplemental, and the existing supplemental to become the primary.

This is for Middle Fork Irrigation District in Parkdale.

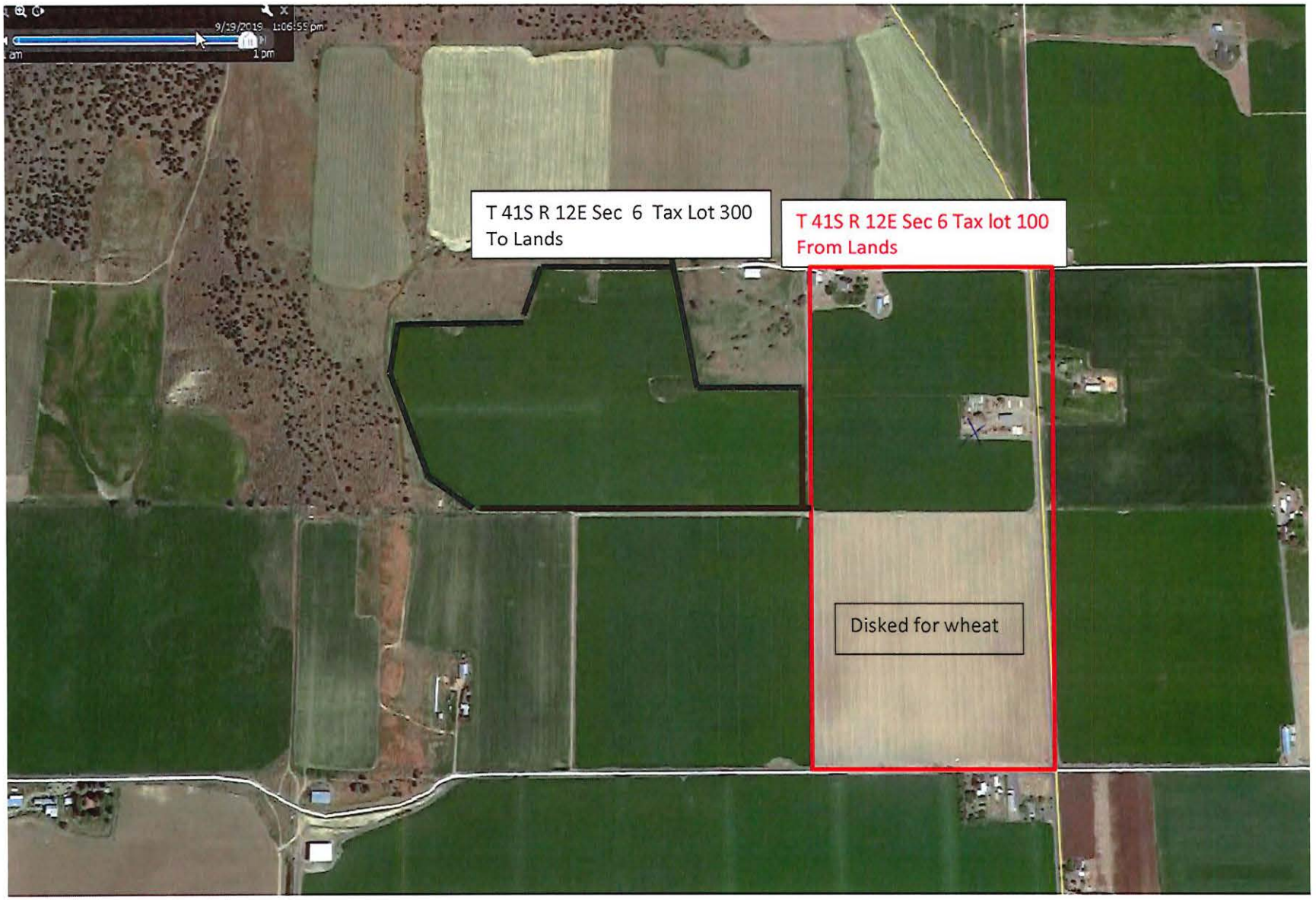
Thanks- N

Niklas Christensen, PE, CWRE
Watershed Professionals Network LLC
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# Land Use Information Form

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

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Applicant: Jonathan (First) Unruh (Last)

Mailing Address: 30180 Pickett Rd

Malin (City) OR (State) 97632 (Zip) Daytime Phone: 541-891-2071

## 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: |
|---|---|---|---|---|---|---|---|
| 41S | 12E | 6 | NENE | 100 | | ☐ Diverted ☐ Conveyed ☐ Used | Crop |
| 41S | 12E | 6 | SENE | 100 | 30A | ☐ Diverted ☐ Conveyed ☐ Used | ↓ |
| 41S | 12E | 6 | NENW | 300 | | ☐ Diverted ☐ Conveyed ☐ Used | |
| 41S | 12E | 6 | NWNE | 300 | | ☐ Diverted ☐ Conveyed ☐ Used | |

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

Klamath

## B. Description of Proposed Use

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

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

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

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

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

Briefly describe:

Drought Transfer.

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

**See bottom of Page 3. →**

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# 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): Art 54

☐ 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: Erik Nobel Title: Planning Director

Signature: [signature] Phone: 541-851-3648 Date: 5-6-2020

Government Entity: Klamath County

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

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## Receipt for Request for Land Use Information

Applicant name: Jonathan Unruh

City or County: Klamath Staff contact: Michelle Angel

Signature: [signature] Phone: 541-891-2071 Date: 5-6-2020



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# Regular Temporary Water Right Transfer Application Checklist

Checked by Joan Date 5-14-20

T-13436

**A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.**

**A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.**

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

☑ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? ~~need~~ ~~deed~~ ✓ got ✓

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

☑ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____.

☑ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, 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.