

Drought

Name Hoefler Brothers LLCAddress 13000 SW Foothill drive
Portland Oregon 97225Change in POD POADate Filed 5/15/2020Initial notice date 5/26/2020

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 6/30/2020 Vol 116 Page 1085-1089

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Hollie Cannon - water right solutions

CWRE _____

CC's list Klamath County

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Hoefler well, wellTrib. of lost river, Burk creek, Johnny lakeUse irrigationCounty Klamath

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# 614Per # 6179Cert # 27209PR Date 11/26/1952App# U-310Per # U-290Cert # 22851PR Date 7/12/1949App# U-311Per # U-314Cert # 20707PR Date 2/15/1948

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

FEES PAID

Date

Amount

Receipt #

5-15-2020\$ 300.00132525

FEES REFUNDED

Amount

Receipt #



Oregon
Kate Brown, Governor

Water Resources Department

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

June 30, 2020

HOEFLER BROTHERS LLC
13000 SW FOOTHILL DRIVE
PORTLAND, OR 97225

REFERENCE: Temporary Transfer Application T-13441

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2020 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@oregon.gov.

Sincerely,

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

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

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13441, Klamath County	)	EMERGENCY USE DROUGHT
	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND CHANGE IN POINT OF
	)	APPROPRIATION

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

HOEFLER BROTHERS LLC
13000 SW FOOTHILL DRIVE
PORTLAND, OR 97225

Findings of Fact

1. On May 15, 2020, HOEFLER BROTHERS LLC., filed an application to temporarily change the place of use for Certificates 20707, 22851, and 27209 and change the point of appropriation under Certificate 20707 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-13441.
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 first right to be temporarily transferred is as follows:

Certificate: 20707 in the name of J LUTHER, NELLIE L, LAVERNE, AND NORMA LEE, HASKINS; AS HASKINS & CO. (perfected under Permit U-314)
Use: IRRIGATION of 30.28 ACRES
Priority Date: DECEMBER 15, 1949
Rate: 0.38 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for

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.

each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the JOHNNY LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	24	SE SW	POA #2- APPROXIMATELY 600 FEET NORTH AND 1280 FEET WEST FROM THE S1/4 CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	24	NE SW	6.83
38 S	11.5 E	WM	24	SE SW	6.83
38 S	11.5 E	WM	24	NW SE	6.33
38 S	11.5 E	WM	24	SW SE	6.83
38 S	11.5 E	WM	25	NW NE	1.43
38 S	11.5 E	WM	25	SW NE	1.43
38 S	11.5 E	WM	25	NE NW	0.60
TOTAL					30.28

4. Temporary Transfer Application T-13441 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	25	NE NW	20.08
38 S	11.5 E	WM	25	NW NW	10.01
38 S	11.5 E	WM	25	SW NW	0.05
38 S	11.5 E	WM	25	SE NW	0.14
TOTAL					30.28

5. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13441 proposes to move the authorized point of appropriation approximately 0.7 mile West to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	25	NW SW	POA #1- 36 CHAINS NORTH AND 3.8 CHAINS EAST FROM THE SW CORNER OF SECTION 25

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

Certificate: 22851 in the name of RICHARD HOEFLER (perfected under Permit U-290)

Use: IRRIGATION of 111.96 ACRES

Priority Date: JULY 12, 1949

Rate: 1.26 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each

acres irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall be further limited to a diversion not to exceed 1.50 cubic foot per second.

Source: A WELL within the BUCK CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	25	NW SW	Not described

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	25	NE SW	23.70
38 S	11.5 E	WM	25	NW SW	37.25
38 S	11.5 E	WM	25	SW SW	32.60
38 S	11.5 E	WM	25	SE SW	18.41
TOTAL					111.96

7. Temporary Transfer Application T-13441 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	25	NE NW	7.27
38 S	11.5 E	WM	25	NW NW	12.41
38 S	11.5 E	WM	25	SW NW	29.96
38 S	11.5 E	WM	25	SE NW	14.26
38 S	11.5 E	WM	25	NE SE	10.71
38 S	11.5 E	WM	25	NW SE	27.42
38 S	11.5 E	WM	25	NW SE	2.87
38 S	11.5 E	WM	25	SW SE	7.06
TOTAL					111.96

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

Certificate: 27209 in the name of RICHARD HOEFLER (perfected under Permit G-179)

Use: IRRIGATION of 30.7 ACRES

Priority Date: NOVEMBER 26, 1952

Rate: 0.38 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of the stipulation recorded on page 1038, Vol. 3, Miscellaneous Records of the State Engineer and by reference made a part hereof,

Source: HOEFLER WELL within the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	25	NW SW	POA #1- 35 CHAINS NORTH AND 3.8 CHAINS EAST FROM THE SW CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	25	SE SE	9.10
38 S	11.5 E	WM	36	NE NE	21.60
TOTAL					30.70

9. Temporary Transfer Application T-13441 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	25	NE SE	8.68
38 S	11.5 E	WM	25	SW SE	19.43
38 S	11.5 E	WM	25	SW SE	1.38
38 S	11.5 E	WM	25	SE SE	1.21
TOTAL					30.70

Temporary Drought Transfer Review Criteria

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
12. 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.
13. The proposed changes would not result in enlargement of the rights.
14. 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

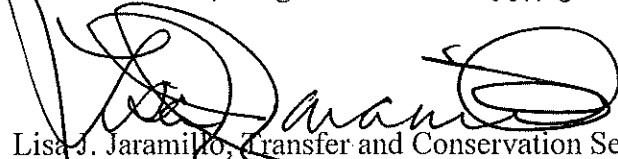
The temporary change in places of use, point of appropriation proposed in Temporary Drought Transfer Application T-13441 are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

Now, therefore, it is ORDERED:

1. The temporary change in places of use and point of appropriation proposed in Temporary Drought Transfer Application T-13441 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights 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 changes cause injury to any existing water right.
4. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 20707, 22851, and 27209. The use shall revert to the authorized place of use at the end of the 2020 irrigation season.
5. The temporary change in point of appropriation authorized by this transfer shall be in accordance with the terms and conditions of Certificate 20707. The point of appropriation shall revert to the authorized point of appropriation at the end of the 2020 irrigation season.
6. The proposed change in point of appropriation shall revert to the authorized point appropriation at the end of the 2020 irrigation season or the end of the Governor's declared drought, whichever occurs first.
7. The use of the remaining water rights described by Certificates 20707, 22851, and 27209 shall continue to be in accordance with the terms and conditions of Certificates 20707, 22851, and 27209.

Dated in Salem, Oregon on

JUN 30 2020



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

Mailing Date:

JUL 01 2020

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13441

Transfer Type: Drought Transfer

Transfer Specialist:

Joan

Applicant: HOEFLER BROTHERS LLC 13000 SW FOOTHILL DRIVE PORTLAND, OR 97225 Email: _____ Phone: _____		Agent: ☐ N/A HOLLIE CANNON 409 PINE STREET SUITE 311 KLAMATH FALLS, OR 97601 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Klamath County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-14	G-179	27209	☐ Yes ☐ No	
☐	U-316	U-290	22851	☐ Yes ☐ No	
☐	U-341	U-314	20707	☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: May 15, 2020	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 300.00	WM District: 17	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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: 6-11-20 Initials: <i>Joan</i>	Date: 6-11-20 Initials: <i>Scott</i>	Date: 6-11-20 Initials: <i>Joan</i>	Date: 6-11-20 Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: _____	Date: _____

mailed 7/1

Special Issues: _____

Special Order Volume: Vol. 1110 Pages 1085-1089

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13441 (temporary drought)

GW Reviewer Michael Thoma Date Review Completed: 05/27/2020

Summary of Enlargement (Same Source) Review:

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

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source.

Summary of Similarity Review:

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

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



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

Ground Water Review Form:

- ☒ Water Right Transfer (temporary)
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13441 (temporary drought)

Applicant Name: Hoefer Brothers LLC

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

Reviewer(s): Michael Thoma

Date of Review: 05/27/2020

Date Reviewed by GW Mgr. and Returned to WRSD: _____

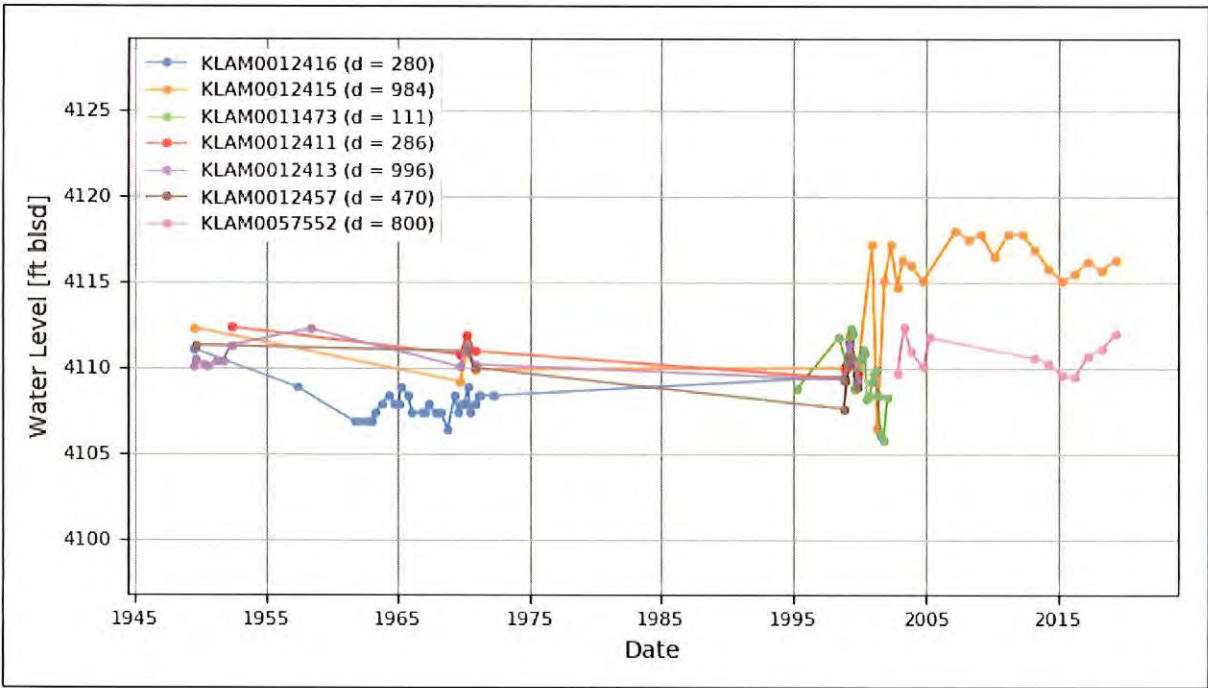
The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

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

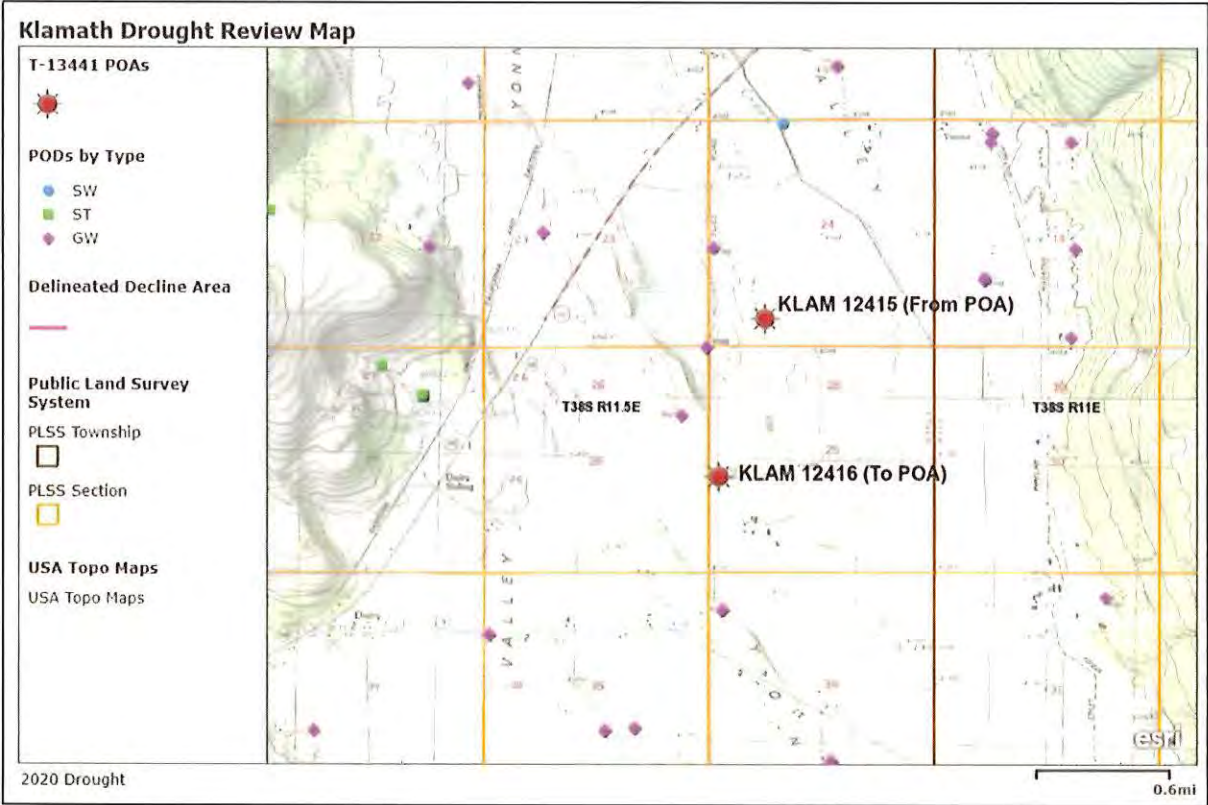
-
1. Basic description of the changes proposed in this transfer: The applicant proposes to change the POU on three certificates (Cert. 27209, Cert. 22851, and Cert. 20707) and change the POA on Cert. 20707 for use on 30.28 acres from KLAM 12415 to KLAM 12416. Cert. 20707 authorizes use on 222.7 acres at a max rate of 2.79 cfs. The proposed change in POA would transfer approximately 0.38 cfs from KLAM 12415 to KLAM 12416. The distance between KLAM 12415 and KLAM 12416 is approximately 0.75 miles.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Despite the difference in completed total depth between the two wells, they report similar static water levels. Both wells also report similar static water levels with surrounding wells completed to various depths between 100 and 1000 ft, suggesting a vertically-continuous aquifer system.
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another groundwater right**?
☒ Yes ☐ No Comments: The proposed POA would be closer to existing POAs on other water rights.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: Many of the irrigation wells in the area yield large amounts of water (over 1000 gpm as reported on well reports) due to the high transmissivity of the aquifer system, and so the additional interference brought about by this proposed transfer will not likely result in injury to existing water rights.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: The proposed change would move the POA farther from the nearest surface water source (Buck Creek) and not significantly closer to any other surface water source.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: _____ ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: _____
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: _____
7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
8. Any additional comments: _____

Hydrograph for wells in the area of the proposed and authorized POAs showing hydraulic continuity between sites.



Transfer Review Map



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-13441

Review Due Date: 06/20/2020

Applicant Name: Hoefler Brothers LLC

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

Reviewer(s): Michelle Angell for Watermaster Date of Review: 05/26/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13441



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Danette Watspm

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 21, 2020

HOEFLER BROTHERS LLC
13000 SW FOOTHILL DRIVE
PORTLAND, OR 97225

Reference: Application T- 13441

On May 15, 2020, we received your water right Transfer application. The application was accompanied by \$300.00. Our receipt number 132525 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 or from the new point of diversion/appropriation 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. #17 (via email)
Klamath County
Hollie Cannon, Agent

Enclosure

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # 132525

INVOICE # _____

RECEIVED FROM: Boruma Family LLC

APPLICATION	
PERMIT	
TRANSFER	<u>F-13441</u>

BY: _____

CASH: ☐ CHECK # 7082 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$
WATER RIGHTS:		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$ <u>300.00</u>
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
	OTHER (IDENTIFY)	

EXAM FEE
\$
\$
\$ <u>300.00</u>
EXAM FEE
\$

RECORD FEE
\$
\$

LICENSE FEE
\$
\$

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: 132525

DATED: 5-15-2020 BY: [Signature]

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
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.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

OWRD

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? 3 List them here: Certificate 27209, 22851, 20707**
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: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

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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°).

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) Subtract 1 from the number in 3a above: _____ (2b) If only one water right this will be 0 Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » »	2			
3	Do you propose to change the place of use for a non-irrigation use? ☐ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3	3	RECEIVED MAY 15 OWEB		
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☐ Yes: enter the number of acres for the portions of the rights to be transferred: _____ (4a) 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: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » »	6			
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7			

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FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>2.16 (2a)</u> Subtract 1.0 from the number in 2a above: <u>1.16 (2b)</u> If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: <u>2 (2c)</u> and multiply 2c by \$50, then enter on line 2 » » » » » » » » »		
2		2	100.00
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	\$300.00

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
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

Applicant Information

APPLICANT/BUSINESS NAME Hoefler Brothers LLC			PHONE NO. 503-830-8864	ADDITIONAL CONTACT NO.
ADDRESS 13000 SW Foothill Drive			FAX NO.	
CITY Portland	STATE OR	ZIP 97225	E-MAIL 3paynes@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Hollie Cannon / Water Right Solutions, LLC			PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer Street			FAX NO.	
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
This application proposes to move the water right from flood irrigated pasture to pivot irrigated alfalfa hay. This transfer will make more efficient use of the water on a crop with better economics.

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

Roxanne Payne, Managing Partner
 Print Name (and Title if applicable)

5/9/2020
 Date

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 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.

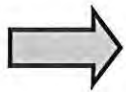
13441 -

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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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 # **27209**

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Description of Water Delivery SystemSystem capacity: **4.46** cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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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. There is 30 horsepower electric motor on the well pumping water into a 12 inch PVC mainline to both pivots. There is booster pump at each pivot to boost the water to the pressure necessary for the pivot operation.

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)
POA #1	☒ Authorized ☐ Proposed	KLAM 12416	38 S	11.5 E	25	NW SW	300	Well is located 35 chs North & 3.8 chs East from SW Cor. Sec. 25, T38S, R 11.5 E

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

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

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

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Point of Appropriation/Well (POA) |
| ☐ Character of Use (USE) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Point of Diversion (POD) | ☐ 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 # 27209

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				
38	S	11.5	E	25	SE	SE	400		9.1	IR	POA #1	11/26/1952	POU	38	S	11.5	E	25	NE	SE	400		8.68		POA #1	11/26/1952
38	S	11.5	E	36	NE	NE	100		21.6	IR	POA #1	11/26/1952	POU	38	S	11.5	E	25	SW	SE	600		19.43		POA #1	11/26/1952
													POU	38	S	11.5	E	25	SW	SE	400		1.38		POA #1	11/26/1952
													POU	38	S	11.5	E	25	SE	SE	400		1.21		POA #1	11/26/1952
TOTAL ACRES							30.7						TOTAL ACRES							30.7						

Additional remarks: The OWRD WRIS map incorrectly represents the area with water right for the NESE of Sec 25. WRIS shows approximately 20 acres when it should be 9.4 acres.

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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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 # 22851

Description of Water Delivery System

System capacity: 4.46 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. There is 30 horsepower electric motor on the well pumping water into a 12 inch PVC mainline to both pivots. There is booster pump at each pivot to boost the water to the pressure necessary for the pivot operation.

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)
POA #1	☒ Authorized ☐ Proposed	KLAM 12416	38 S	11.5 E	25	NW SW	300	Well is located 35 chs North & 3.8 chs East from SW Cor. Sec. 25, T38S, R 11.5 E

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

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

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

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Point of Appropriation/Well (POA) |
| ☐ Character of Use (USE) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Point of Diversion (POD) | ☐ 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 # 22851

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			
38 S	11.5 E	25	NE	SW	500		23.7	IR	POA #1	11/26/1952	POU	38 S	11.5 E	25	NE	NW	300		7.27		POA #1	11/26/1952			
38 S	11.5 E	25	NW	SW	300		37.25	IR	POA #1	11/26/1952	POU	38 S	11.5 E	25	NW	NW	300		12.41		POA #1	11/26/1952			
38 S	11.5 E	25	SW	SW	300		32.6	IR	POA #1	11/26/1952	POU	38 S	11.5 E	25	SW	NW	300		29.96		POA #1	11/26/1952			
38 S	1105 E	25	SE	SW	300		18.41	IR	POA #1	11/26/1952	POU	38 S	11.5 E	25	SE	NW	300		14.26		POA #1	11/26/1952			
												38 S	11.5 E	25	NE	SE	400		10.71		POA #1	11/26/1952			
												38 S	11.5 E	25	NW	SE	400		27.42		POA #1	11/26/1952			
												38 S	11.5 E	25	NW	SE	600		2.87		POA #1	11/26/1952			
												38 S	11.5 E	25	SW	SE	600		7.06		POA #1	11/26/1952			
TOTAL ACRES							111.96						TOTAL ACRES							111.96					

Additional remarks: _____

13441-1
Revised 5/13/2019

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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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 # 20707

Description of Water Delivery System

System capacity: 6.68 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. There is a 100 horsepower electric motor on the well that pumps water through a 15 inch PVC pipe to two pivots (these are different pivots from those listed above). Handline is used to irrigate the pivot corners.

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)
POA #2	☒ Authorized ☐ Proposed	KLAM 12415	38 S	11.5 E	24	SE SW	400	Well is located 600 ft North & 1280 ft West from S1/4 Cor. Sec. 24, T38S, R 11.5 E
POA #1	☐ Authorized ☒ Proposed	KLAM 12416	38 S	11.5 E	25	NW SW	300	Well is located 36 chs. North & 3.8 chs East from the SW Cor. Sec. 25, T 38 S, R 11.5 E

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

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

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

- | | |
|--|---|
| ☒ Place of Use (POU) | ☒ Point of Appropriation/Well (POA) |
| ☐ Character of Use (USE) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Point of Diversion (POD) | ☐ 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 # 20707

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
38 S	11.5 E	24	NE SW	400		6.83	IR	POA #2	12/15/1949	POU	38 S	11.5 E	25	NE NW	300		20.08		POA #1	11/26/1952
38 S	11.5 E	24	SE SW	400		6.83	IR	POA #2	12/15/1949	POU	38 S	11.5 E	25	NW NW	300		10.01		POA #1	11/26/1952
38 S	11.5 E	24	NW SE	400		6.33	IR	POA #2	12/15/1949	POU	38 S	11.5 E	25	SW NW	300		0.05		POA #1	11/26/1952
38 S	11.5 E	24	SW SE	400		6.83	IR	POA #2	12/15/1949	POU	38 S	11.5 E	25	SE NW	300		0.14		POA #1	11/26/1952
38 S	11.5 E	25	NW NE	100		1.43	IR	POA #2	12/15/1949											
38 S	11.5 E	25	SW NE	100		1.43	IR	POA #2	12/15/1949											
38 S	11.5 E	25	NE NW	200		0.6	IR	POA #2	12/15/1949											
TOTAL ACRES						30.28					TOTAL ACRES						30.28			

Additional remarks: _____

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
POA #2	See well KLAM 12416									

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OWRD

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, HOEFER BROTHERS LLC, in my capacity as OWNER,

mailing address BONANZA, OR 97623

telephone number (503)830-8864, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 27209 AND 22851; **OR**

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

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

OR

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

(continues on reverse side)

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MAY 15 2020 13441 -

OWRD

FS

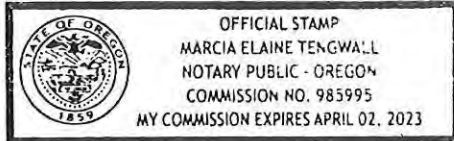
3. The water right was used for: (e.g., crops, pasture, etc.): ALFALFA AND PASTURE

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

R. Russell Page
Signature of Affiant

5/12/2020
Date

Signed and sworn to (or affirmed) before me this 15th day of May, 2020.



Marcia E. Tengwall
Notary Public for Oregon

My Commission Expires: April 02, 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 • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13441
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MAY 15 2020

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, JEFF BOERSMA, in my capacity as OWNER,

mailing address 1550 HASKINS RD, BONANZA, OR 97623

telephone number (541)891-7199, 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 # 20707; **OR**

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

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

OR

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

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

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

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

(continues on reverse side)

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

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]
Signature of Affiant

5/6/20
Date

Signed and sworn to (or affirmed) before me this 6 day of May, 2020.



Micah E.L. Caldwell
Notary Public for Oregon

My Commission Expires: 3-18-2024

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

MT039108388
After recording return to:

American Exchange Services, Inc.
320 Church Street NE
Salem, OR 97320

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

Boersma Family, LLC
1550 Haskins Road
Bonanza, OR 97623

2007-000544
Klamath County, Oregon



01/11/2007 11:40:38 AM

Fee: \$26.00

**STATUTORY
BARGAIN AND SALE DEED**

BOERSMA EXCHANGE W051223, LLC, an Oregon limited liability company, Grantor, conveys to
BOERSMA FAMILY, LLC, an Oregon limited liability company, Grantee,
the following described real property situated in Klamath County, Oregon, to-wit:

See Exhibit A attached hereto and made a part hereof.

RECEIVED

MAY 15 2020

OWRD

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT
DOES 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, TO
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN
ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,
UNDER CHAPTER 1, UNDER ORS 197.352.

The true consideration for this conveyance is SPURSUANT TO AN IRC SECTION 1031 EXCHANGE. (Here comply with the
requirements of ORS 93.030)

Subject to that certain Deed of Trust dated December 21, 2005 recorded on December 27, 2005 as Instrument No. M05-
71820 in the Deed Records of Klamath County, State of Oregon, and the Note secured thereby, dated December 21, 2005
which Grantee herein agrees to assume and pay.

Dated January 10, 2007.

BOERSMA EXCHANGE W051223, LLC
AMERICAN EXCHANGE SERVICES, INC.
Sole Member

Paula M. Frey
By Paula M. Frey, Assistant Secretary

AMERITITLE has recorded this
Instrument by request as an accommodation only,
and has not examined it for regularity and sufficiency
or as to its effect upon the title to any real property
that may be described therein.

STATE OF OREGON } ss
County of Marion

This instrument was acknowledged before me on January 10, 2007

by PAULA M. FREY

as ASSISTANT SECRETARY

of AMERICAN EXCHANGE SERVICES, INC.



Teri Due
Notary Public for Oregon

13441 - ORSTBID

240⁰⁰

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

Township 38 South, Range 11 East of the Willamette Meridian

Section 19: SW 1/4

Parcel 1 of Land Partition 37-04, situated in the NW 1/4 of Section 30, T. 38 S. R. 11 E. W.M. and NE 1/4 of Section 25, T. 38 S. R. 11 1/2 E.W.M.

Also the following described parcel situated in the NE 1/4 NW 1/4 of Section 30, Township 38 South, Range 11 E.W.M. more particularly described as follows: Beginning at a point on the West right of way line of County Road, 30 feet West from the North quarter corner of said section 30 and running thence South along the West right of way line of the County Road a distance of 635.7 feet to a point; thence West at right angles a distance of 291.2 feet to the center line of the Horsefly Irrigation Ditch; thence Northwesterly following the center line of the Horsefly Irrigation Ditch to its intersection with the North line of Section 30; thence East along the Section line a distance of 476 feet, more or less, to the point of beginning.

Section 30: SW 1/4

Section 31: NW 1/4

Township 38 South, Range 11 1/2 East of the Willamette Meridian

Section 24: E 1/2 SW 1/4: W 1/2 SE 1/4

Section 25: A parcel in the Northeast corner of the NW 1/4 described as follows: Beginning at the Northeast corner of said NW 1/4 and running thence South along the quarter line 400 feet; thence Northwesterly to a point 140 feet West along the section line from the point of beginning; thence East along the section line 140 feet to the point of beginning.

Tax Parcel Number: R484817 and R484283 and R484274 and R455787 and R891314 and R456054 and R456045 and R456134 and R890758

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43717

MTC 42042-MS
WARRANTY DEED

NANCY J. HASKINS,

Grantor(s) hereby grant, bargain, sell and convey to:

J. BRUCE WELLS and LORI F. WELLS, husband and wife,

Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Klamath and State of Oregon, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

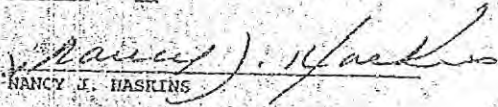
SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any:

and the 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.

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 true and actual consideration for this conveyance is \$ 160,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 2600 HASKINS ROAD, BONANZA, OR. 97623

Dated this Aug 13 day of 1997

NANCY J. HASKINS
STATE OF Oregon

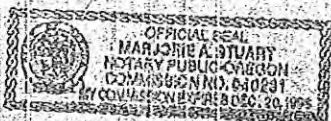
SS.

August 1319 97COUNTY OF Klamath

Personally appeared the above named

Nancy J. Haskinsand acknowledged the foregoing instrument to be her voluntary act.

Before me:


Notary Public for Oregon
My commission expires 12-20-98

ESCROW NO. MT42042-MS

Return to:

J. BRUCE WELLS
2600 HASKINS ROAD
BONANZA, OR 97623

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MAY 15 2020

OWRD

13441 -

27014

EXHIBIT "A"
LEGAL DESCRIPTION

A portion of the SE1/4 SE1/4 NW1/4 of Section 30, Township 38 South, Range 11 East of the Willamette Meridian, more particularly described as follows: Beginning at a point which is the center of said Section 30; thence North on Haskins Road 284 feet; thence West 161 feet to the true point of beginning, thence West 246 feet to a point; thence North 266 feet to a point; thence East 246 feet to a point, thence South 266 feet, more or less, to the true point of beginning.

Together with a perpetual easement 30 feet in width for ingress and egress over and across an existing roadway running from the southeasterly corner of the above described parcel in a southeasterly direction approximately 200 feet to the westerly right-of-way line of Haskins Road.

STATE OF OREGON, COUNTY OF KLAMATH

Filed for record at request of _____ AmeriTitle _____ the 15th day
of August A.D. 19 97 at 3:33 o'clock P. M., and duly recorded in Vol. 197
of _____ Deeds _____ on Page 27013

FEE \$35.00

Bernetha G. Letsch, County Clerk
By Kathleen Reas

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MAY 15 2020

OWRD

13441 -

MT139108388
After recording return to:

American Exchange Services, Inc.
320 Church Street NE
Salem, OR 97320

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

Boersma Family, LLC
1550 Haskins Road
Bonanza, OR 97623

2007-000544

Klamath County, Oregon



00012712200700005440020021

01/11/2007 11:40:38 AM

Fee: \$26.00

**STATUTORY
BARGAIN AND SALE DEED**

BOERSMA EXCHANGE W051223, LLC, an Oregon limited liability company, Grantor, conveys to
BOERSMA FAMILY, LLC, an Oregon limited liability company, Grantee,
the following described real property situated in Klamath County, Oregon, to-wit:

See Exhibit A attached hereto and made a part hereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT
DOES 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, TO
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN
ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,
UNDER CHAPTER 1, UNDER ORS 197.352.

The true consideration for this conveyance is SPURSUANT TO AN IRC SECTION 1031 EXCHANGE. (Here comply with the
requirements of ORS 93.030)

Subject to that certain Deed of Trust dated December 21, 2005 recorded on December 27, 2005 as Instrument No. M05-
71820 in the Deed Records of Klamath County, State of Oregon, and the Note secured thereby, dated December 21, 2005
which Grantee herein agrees to assume and pay.

Dated January 10, 2007.

BOERSMA EXCHANGE W051223, LLC
AMERICAN EXCHANGE SERVICES, INC.
Sole Member

Paula M. Frey
By Paula M. Frey, Assistant Secretary

AMERITITLE has recorded this
Instrument by request as an accommodation only,
and has not examined it for regularity and sufficiency
or as to its effect upon the title to any real property
that may be described therein.

STATE OF OREGON } ss
County of Marion

This instrument was acknowledged before me on January 10, 2007

by PAULA M. FREY

as ASSISTANT SECRETARY

of AMERICAN EXCHANGE SERVICES, INC.



Teri Due
Notary Public for Oregon

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13441 - ORSTBSP

240⁰⁰

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

Township 38 South, Range 11 East of the Willamette Meridian

Section 19: SW 1/4

Parcel 1 of Land Partition 37-04, situated in the NW 1/4 of Section 30, T. 38 S. R. 11 E. W.M. and NE 1/4 of Section 25, T. 38 S. R. 11 1/2 E.W.M.

Also the following described parcel situated in the NE 1/4 NW 1/4 of Section 30, Township 38 South, Range 11 E.W.M. more particularly described as follows: Beginning at a point on the West right of way line of County Road, 30 feet West from the North quarter corner of said section 30 and running thence South along the West right of way line of the County Road a distance of 635.7 feet to a point; thence West at right angles a distance of 291.2 feet to the center line of the Horsefly Irrigation Ditch; thence Northwesterly following the center line of the Horsefly Irrigation Ditch to its intersection with the North line of Section 30; thence East along the Section line a distance of 476 feet, more or less, to the point of beginning.

Section 30: SW 1/4

Section 31: NW 1/4

Township 38 South, Range 11 1/2 East of the Willamette Meridian

Section 24: E 1/2 SW 1/4: W 1/2 SE 1/4

Section 25: A parcel in the Northeast corner of the NW 1/4 described as follows: Beginning at the Northeast corner of said NW 1/4 and running thence South along the quarter line 400 feet; thence Northwesterly to a point 140 feet West along the section line from the point of beginning; thence East along the section line 140 feet to the point of beginning.

Tax Parcel Number: R484817 and R484283 and R484274 and R455787 and R891314 and R456054 and R456045 and R456134 and R890758

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2012-005548
Klamath County, Oregon



00118598201200055480040048

05/22/2012 10:40:14 AM

Fee: \$52.00

GRANTOR NAME AND ADDRESS
Paul H. Hoefler, Individually
and surviving partner in that
certain partnership known as
Hoefler Bros. OR Hoefler Brothers
407 Bliss Road
Bonanza, OR 97623

GRANTEE NAME AND ADDRESS
Hoefler Brothers, LLC
407 Bliss Road
Bonanza, OR 97623

AFTER RECORDING RETURN TO
Neal G. Buchanan, Attorney
435 Oak Avenue
Klamath Falls, OR 97601

SEND TAX STATEMENTS TO
Grantee

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BARGAIN AND SALE DEED - STATUTORY FORM

Paul H. Hoefler, individually and as Trustee, surviving partner in that certain partnership known as HOEFLER BROS. or HOEFLER BROTHERS, GRANTOR, conveys to Hoefler Brothers, LLC, GRANTEE, the following described real property situated in Klamath County, Oregon, to-wit:

SEE EXHIBIT A

SUBJECT TO contracts and/or liens for irrigation and/or drainage, reservations, easements, restrictions and rights of way of record and those apparent on the land.

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 and sections 2 to 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER

13441 -

Returned to County

ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS, 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS, 2010."

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-, however, the true and actual consideration consists of or includes other property or value given or promised which is the whole consideration

DATED this 22 day of May, 2012.

Paul H. Hoefler
Paul H. HOEFLER individually and
as trustee, Surviving
Partner in HOEFLER BROS. or
HOEFLER BROTHERS

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STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on
May 22, 2012 by Paul H. Hoefler, Surviving Partner in
HOEFLER BROS. or HOEFLER BROTHERS

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Margaret John
NOTARY PUBLIC FOR OREGON
My Commission Expires: 9-12-14

EXHIBIT A

PARCEL I:

All that portion of the SW $\frac{1}{4}$ of Sec. 23 lying Southeasterly of the right of way of the Klamath Falls-Lakeview Highway;

A tract of land located in SE $\frac{1}{4}$ of Sec. 23, more particularly described as follows:

Beginning at an iron pin set on the East-West section line common to Sections 23 and 26, said point being North 88°33' West a distance of 1052.0 feet from an iron pin set on the West boundary of the county road right of way, said pin being 30 feet West of the center line of said road, and the Section corner common to

Sections 23, 24, 25 and 26, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.; thence North 41 degrees 13' West a distance of 821.0 feet; thence North 35 degrees 18' West a distance of 877.6 feet to the intersection with the East-West fence line; thence North 87 degrees 48' West a distance of 416.5 feet along said fence line to the fence corner; thence South 3 degrees 47' West a distance of 1303.3 feet to the quarter section corner common to Sections 23 and 26, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.; thence South 88 degrees 33' East a distance of 1558.0 feet, more or less, along the Section line common to Sections 23 and 26 to the point of beginning.

The East half of Section 26, excepting the following described portion thereof: A tract of land located in the NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M., more particularly described as follows: Beginning at an iron pin set on the West boundary of the County road right of way, said point being 30 feet West of the centerline of said road and the Section corner common to Sections 23, 24, 25 and 26, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.; thence South along the West boundary of the County Road a distance of 1553.0 feet to a fence corner; thence North 81 degrees 50' West along said fence a distance of 102.3 feet; thence North 24 degrees 23' West a distance of 1095.0 feet; thence North 41 degrees 13' West a distance of 751.7 feet to an iron pin set on the East-West section line common to Sections 23 and 26, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.; thence South 88 degrees 33' East a distance of 1052.0 feet, more or less, along said Section line, to the point of beginning, containing 17.3 acres, more or less.

All that portion of the NW $\frac{1}{4}$ of Section 26, lying Southeasterly of the right of way of the Klamath Falls-Lakeview Highway.

The N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 26.

The NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

ALL in Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.

SAVING AND EXCEPTING therefrom right of way conveyed to R. H. Hovey and rights of ways for roadways.

PARCEL II: NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.; portion of SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying North of Highway, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 13, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.

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PARCEL III: Lot 3, less 38.7 acres described in deed Vol. 232, page 340; Lot 4, less 8.5 acres described in deed Vol. 151 at page 480, less property described in deed Vol. 232, page 340; the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 31, Township 38 South, Range 11 E.W.M., said property also being described as: All that portion of the SW $\frac{1}{4}$ of Section 31, lying Easterly of the Buck Creek Channel and Northeasterly of the right of way of the Dairy-Bonanza Highway, all in Township 38 South, Range 11 E.W.M., less portion conveyed to the State of Oregon by instrument recorded in Vol. 107, page 288, of Klamath County, Oregon Deed records.

PARCEL IV: The SE $\frac{1}{4}$ of Section 25, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M., except the following portion thereof: Commencing at the Southwest corner of the SE $\frac{1}{4}$; running thence East along the South line of said Section 74 rods; thence North on a line parallel with the line of said SE $\frac{1}{4}$ 86 $\frac{1}{2}$ rods; thence West on a line parallel to the South line of the SE $\frac{1}{4}$ 74 rods to the West line of said SE $\frac{1}{4}$; thence South on the West line of

The E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.

The W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 25, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.

The E $\frac{1}{2}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.

Also the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M.

Also the North one-half of Lots 1 and 2 in Section 3, Township 39 South, Range 11 $\frac{1}{2}$ E.W.M., saving and excepting all that portion of the North half of said Lot 2 lying Westerly of the County Road as located across said Lot 2 on April 6, 1957.

Also that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, lying Northeasterly of the Dairy-Bonanza Highway.

LESS AND EXCEPTING from the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, the following described parcel: Beginning at the Northeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South along the center Section line 400 feet; thence Northwesterly to a point on the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ which is West 140 feet from the Northeast corner thereof; thence East 140 feet to the point of beginning.

PARCEL V:

All that portion of the West half of the Southeast quarter of Section 25, Township 38 South, Range 11 $\frac{1}{2}$ E.W.M., described as follows, to-wit: Commencing at the Southwest corner of the Southeast quarter of said Section 25; thence East along the South line of said Section, 74 rods; thence North on a line parallel with the West line of said Southeast quarter 86 $\frac{1}{2}$ rods; thence West on a line parallel with the South line of said Southeast quarter 74 rods to the West line of said quarter; thence South on said West line of said quarter 86 $\frac{1}{2}$ rods to the point of beginning

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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

State of Oregon)
)ss
County of Klamath)

I Jeff Boersma in my/our capacity as Owner,
mailing address 1550 Haskins Rd, Bonanza, OR 97623,
telephone number 541-891-7199, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 20707
described in a Transfer Application (T-_____) submitted by Hoefler Brothers LLC,
(transfer number, if known)
on the property in tax lot number(s) 100, 200, 300, 400, Section 24 & 25, Township 38
South, Range 11.5 East, W.M., located at 1550 Haskins Rd., Bonanza, OR 97623.
(site address)

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Signature of Affiant

5/6/20
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 6 day of May, 2020.




Notary Public for Oregon

My commission expires 3/16/2024

STATE ENGINEER
Salem, Oregon

KLAM
12416

OBSERVATION WELL
Well Record

STATE WELL NO. 38/11 $\frac{1}{2}$ -25(1)
COUNTY Klamath
APPLICATION NO. U 318

OWNER: Richard Hoefler

MAILING

ADDRESS:

CITY AND

STATE:

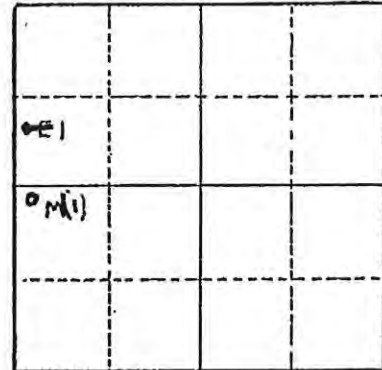
LOCATION OF WELL: Owner's No.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25 T. 38 N. S. R. 11 $\frac{1}{2}$ E. W.M.

Bearing and distance from section or subdivision

corner N 7° E - 2291' from

SW Corner Section 25



Section 25

Altitude at well 4,149

TYPE OF WELL: Drilled Date Constructed 1949

Depth drilled 276 280 Depth cased

CASING RECORD:

18 inch

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FINISH:

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AQUIFERS: Lava rock from 194 ft. to 276 ft.

WATER LEVEL: 33.80 feet below land surface, July 19, 1949

PUMPING EQUIPMENT: Type Turbine (Johnston) H.P. 30
Capacity 1,600 G.P.M.

WELL TESTS:

Drawdown 4.2 ft. after 2500 hours G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION USGS

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

Driller reports 194 ft. of "chalk" over aquifer.

25 E (1) in USGS Report

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State Well No. 38/11½-25M(1)
County Klamath
Application No. U-316

Well Log

Owner: Richard Hoefler Owner's No.

Driller: Bill Hartley Date Drilled 1949

[illegible]

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STATE ENGINEER
Salem, Oregon

KLAM
12415

Well Record

POA # 2

STATE WELL NO. 38/11 $\frac{1}{2}$ -24P(1)
COUNTY Klamath
APPLICATION NO. 15341

OWNER: Haskins & Company

MAILING
ADDRESS:

LOCATION OF WELL: Owner's No. 1

CITY AND
STATE:

Bonanza Oregon

SE SW 24 T. 38 N. 11 $\frac{1}{2}$ E.
1/4 1/4 Sec. S. R. W.M.

Bearing and distance from section or subdivision

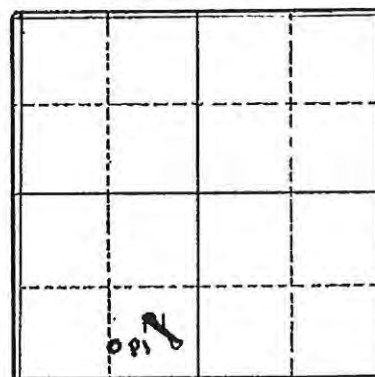
corner N 62° 55' W - 1437' from

SW corner Section 24

Altitude at well 4,150

TYPE OF WELL: Drilled Date Constructed 1949

Depth drilled 984 Depth cased 40 ft.



Section 24

CASING RECORD: 18 inches, 40 ft.

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FINISH:

OWRD

AQUIFERS: Broken burnt lava rock from 984 ft. to 995 ft.

WATER LEVEL: 37.67 feet below land surface, July 19, 1949

PUMPING EQUIPMENT: Type Turbine H.P. 6.0
Capacity G.P.M.

WELL TESTS:
Drawdown 42 ft. after 2100 hours 9 gpm G.P.M.
Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION USGS

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS: Test pumped 2,100 gpm with 42 ft. of drawdown. Hardness 75ppm chloride 7ppm

State Well No. 38-111-24F(1)
County Klamath
Application No. 0341

Driller: W. Hartley Date Drilled 1949

[illegible]

13441

STATE OF OREGON
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. LUTHER, NEKELLE L., LA VERNE AND
NORMA LEE HASKINS, AS HASKINS & CO.

of Bonanza, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a well, for the purpose of
irrigation
under Permit No. U-314, of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from December 15, 1949

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

Well or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 38 South, Range 11 $\frac{1}{2}$
East, W. M., being approximately 600 ft. N. and 1280 ft. W. of the S $\frac{1}{4}$ corner of
said Section 24,

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

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

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

40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
39.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 24
4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
34.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
24.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.6 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$
222.7 Section 25
Township 38 South, Range 11 $\frac{1}{2}$ East, W.M.

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

WITNESS the signature of the State Engineer, affixed

this 29th day of April, 1955.

LEWIS A. STANLEY

State Engineer

STATE OF OREGON
COUNTY OF KIAMATH
CERTIFICATE OF WATER RIGHT

This Is to Certify, That RICHARD HOEFLER

of Bonanza, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well for the purpose of irrigation under permit No. U-290 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 12, 1949

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.50 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 38 South, Range 11 $\frac{1}{2}$ East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to a diversion of not to exceed 1.50 cfs,

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

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

32.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
19.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
30.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
25.6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
17.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
133 0 Section 25
Township 38 South, Range 11 $\frac{1}{2}$ East, W. M.

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

WITNESS the signature of the State Engineer, affixed

this 12th day of July, 1949

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates. Volume 16, page 22851.

13441

STATE OF OREGON
COUNTY OF Klamath
CERTIFICATE OF WATER RIGHT

This Is to Certify, That RICHARD HOEFLER

of Bonanza, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Hoefler Well, a tributary of Lost River, for the purpose of irrigation of 72 acres,

under Permit No. G-179 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 26, 1952

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.90 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 38 South, Range 11 $\frac{1}{2}$ East, W.M.; 35 chs. N. & 3.8 chs. E. from the SW corner of Section 25.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre foot per acre for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of the stipulation recorded on page 1038, Vol. 3, Miscellaneous Records of the State Engineer and by reference made a part hereof,

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

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

9.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
2.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
39.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25

21.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 36
Township 38 South, Range 11 $\frac{1}{2}$ East, W.M.

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

WITNESS the signature of the State Engineer, affixed

this date. July 11, 1960

.....LEWIS A. STANLEY.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27209

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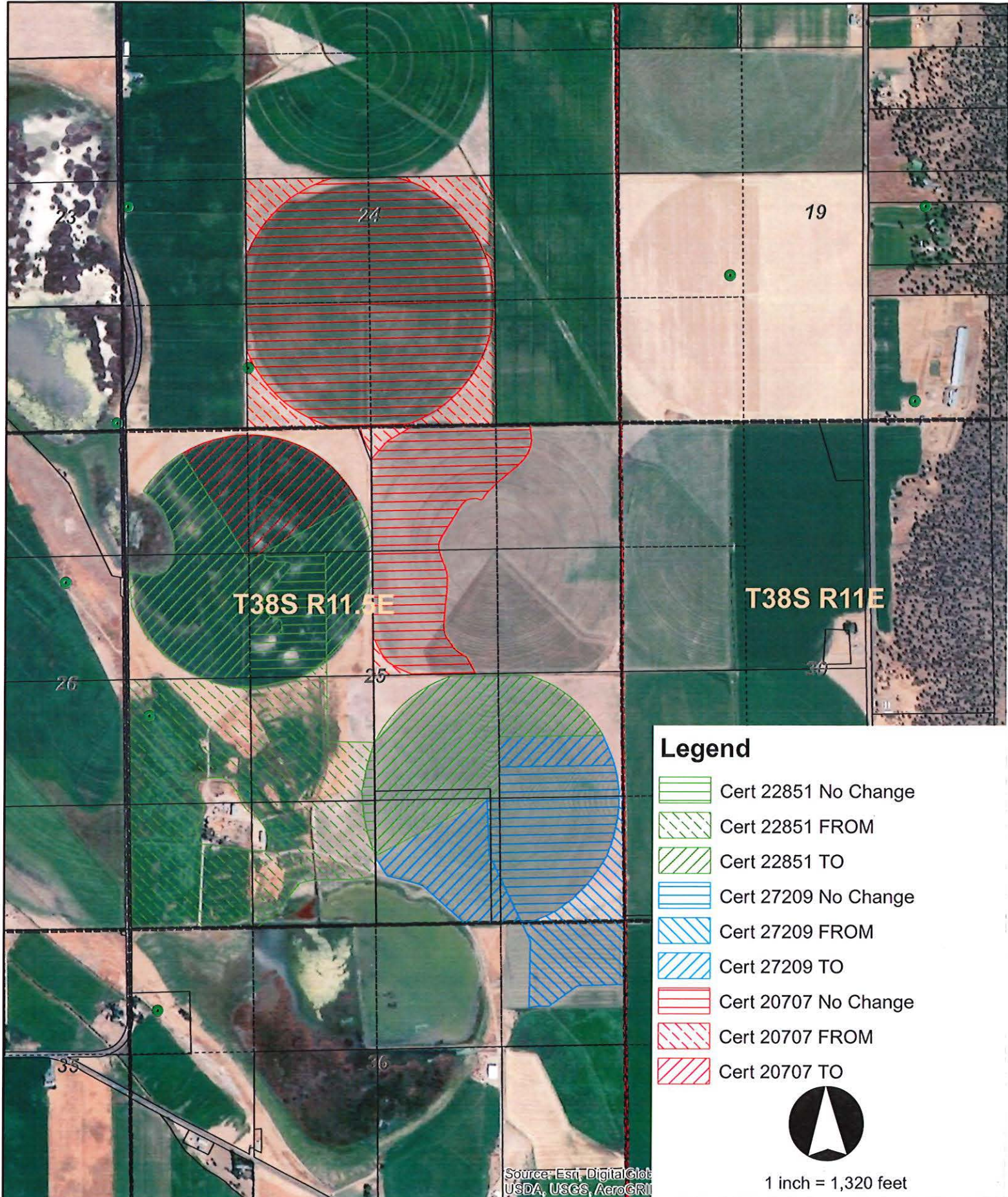
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Drought Transfer
Cert 20707, 22851 & 27209
Proof of Use

T 38 & 39 S, R 11.5 E
Section 25, 36 & 1
Photo Date: Sep 1, 2018



Legend

- Cert 22851 No Change
- Cert 22851 FROM
- Cert 22851 TO
- Cert 27209 No Change
- Cert 27209 FROM
- Cert 27209 TO
- Cert 20707 No Change
- Cert 20707 FROM
- Cert 20707 TO



1 inch = 1,320 feet

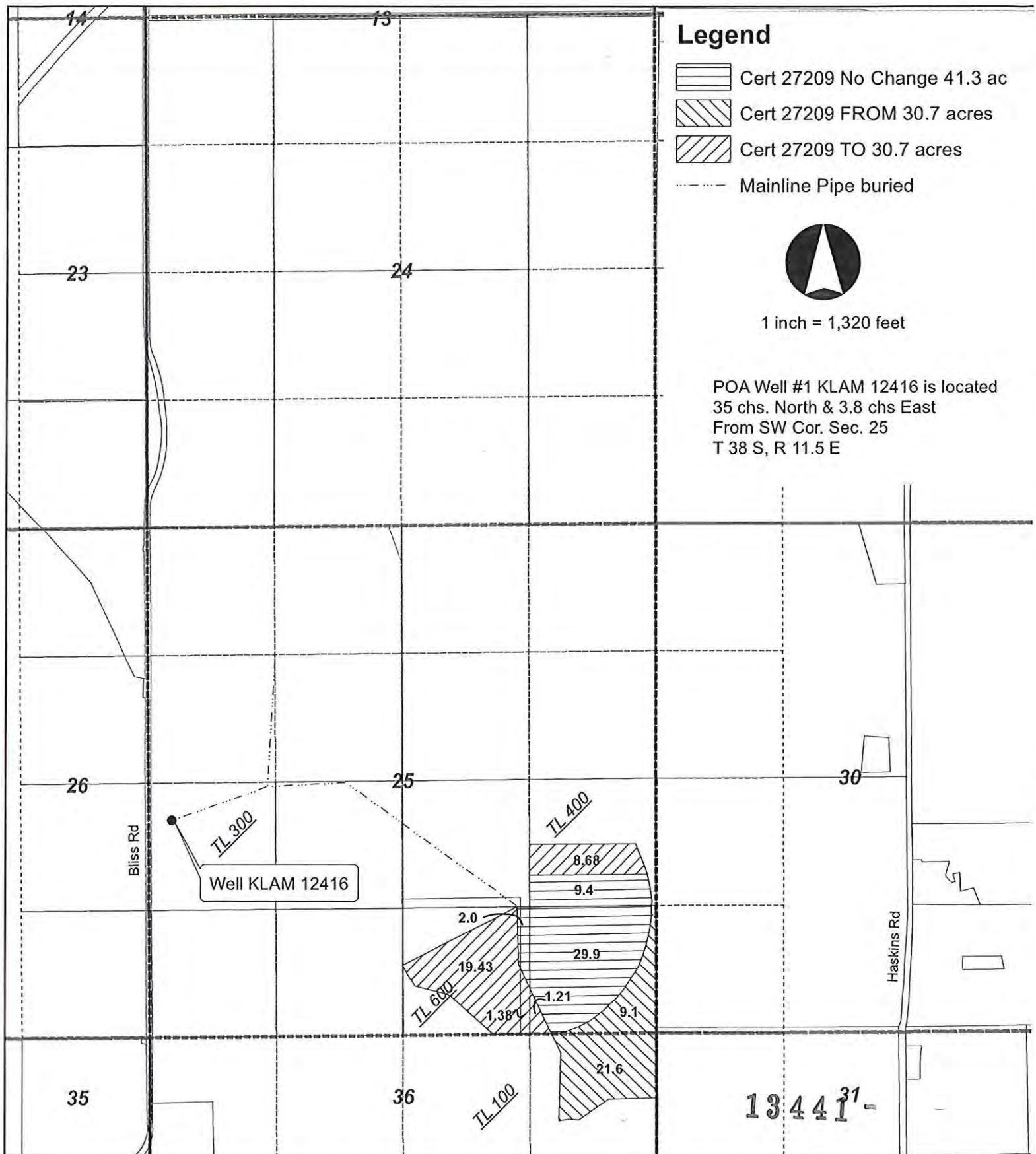
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Hoefler Brothers LLC
Map of 2020 Drought Transfer
Certificate 27209

T 38 S, R 11.5 E
Sec 25 & 36
Map 2 of 2



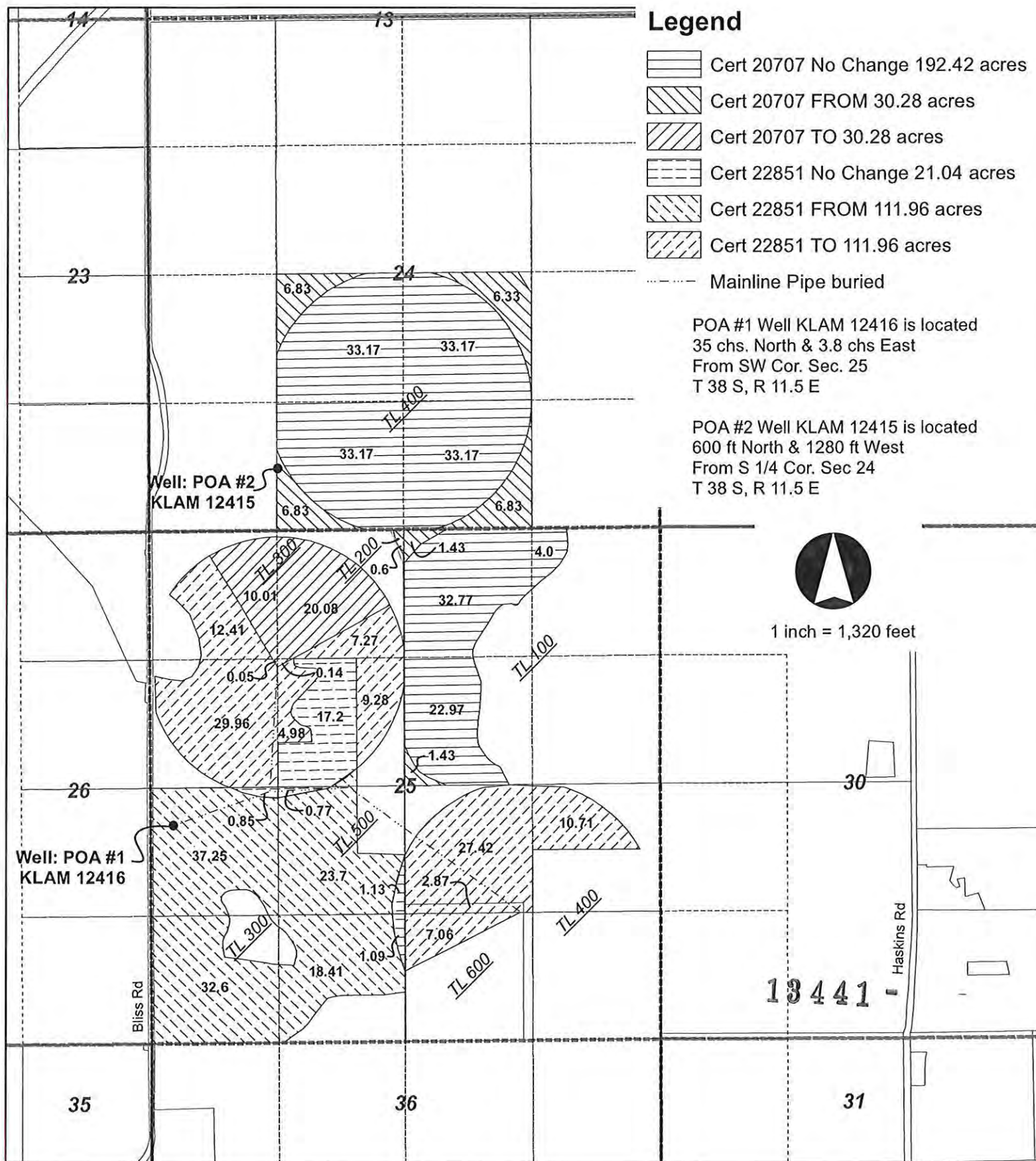
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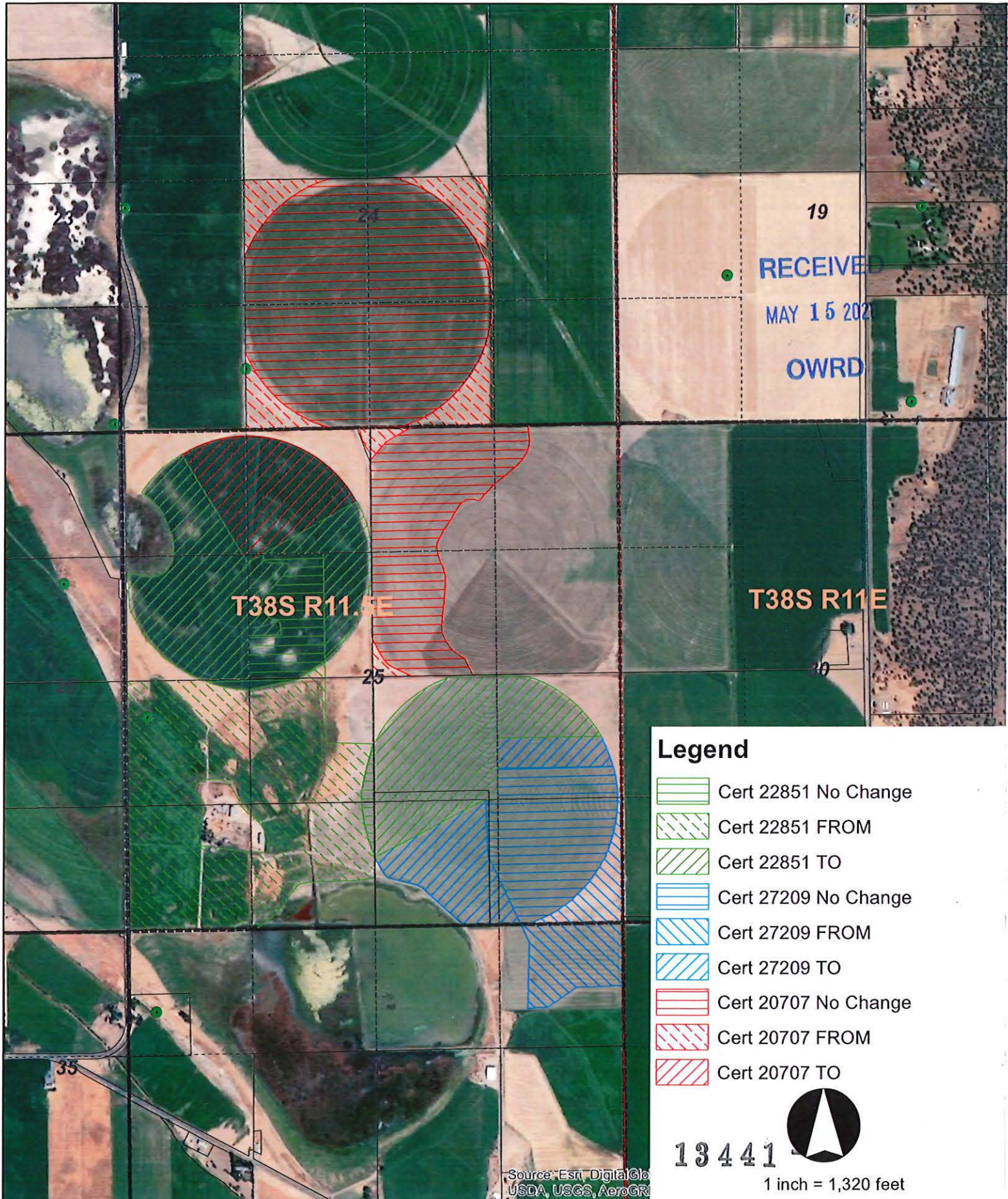
Hoefler Brothers LLC Map of 2020 Drought Transfer Certificate 20707 & 22851

T 38 S, R 11.5 E
Sec 24 & 25
Map 1 of 2



Drought Transfer
Cert 20707, 22851 & 27209
Proof of Use

T 38 & 39 S, R 11.5 E
Section 25, 36 & 1
Photo Date: Sep 1, 2018



Land Use Information Form



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

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Applicant(s): Hoefer Brothers LLC

Mailing Address: 407 Bliss Road

City: Bonanza

State: OR

Zip Code: 97623

Daytime Phone: 503-830-8864

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>38 S</u>	<u>11.5 E</u>	<u>24</u>	<u>SE SW</u>	<u>400</u>	_____	☒ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>24</u>	<u>NE SW</u>	<u>400</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>24</u>	<u>NW SW</u>	<u>400</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>24</u>	<u>SW SW</u>	<u>400</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NW NE</u>	<u>100</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SW NE</u>	<u>100</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NE NW</u>	<u>200</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NE NW</u>	<u>300</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NW NW</u>	<u>300</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SW NW</u>	<u>300</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SE NW</u>	<u>300</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NE SW</u>	<u>500</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NW SW</u>	<u>300</u>	_____	☒ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SW SW</u>	<u>300</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SE SW</u>	<u>300</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NE SE</u>	<u>400</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NW SE</u>	<u>400</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>NW SE</u>	<u>600</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SW SE</u>	<u>400</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SW SE</u>	<u>600</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>25</u>	<u>SE SE</u>	<u>400</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>
<u>38 S</u>	<u>11.5 E</u>	<u>36</u>	<u>NE NE</u>	<u>100</u>	_____	☐ Diverted	☒ Conveyed	☒ Used	<u>irrigated farming</u>

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

Klamath County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 518.82 ☐ 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 application

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. →

RECEIVED

MAY 15 2020

OWRD

MAY 15 2020

For Local Government Use Only

OWRD

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

Please check the appropriate box below and provide the requested information

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

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ 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: Lobby Gallagher Title: Planner 2
 Signature: Lobby Gallagher Phone: 521-051-3664 Date: 5-4-2020
 Government Entity: Elkhart County Planning Dept

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Regular Temporary Water Right Transfer Application Checklist

Checked by Jean

Date 5-19-20

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.

+13441

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? _____
- ☒ 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.



Oregon Water Resources Department Fee Calculation for Drought Temporary Transfer

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Today's Date: Tuesday, May 19, 2020

Fee Calculation

Base Fee (includes application and recording fee for up to 1 cfs)

\$200.00

Fill in information below-- Check each box that applies.

☐ Check this box if you propose to change one or more NON-irrigation rights.

☒ Check this box if you propose to change one or more irrigation rights.

Enter the following for the primary certificates on the land included in the transfer.

(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
27209	72	30.7	0.9		0.38375
22851	133	111.96	1.5		1.262707
20707	222.7	30.28	2.79		0.37935

Total Transfer CFS: 3.00

\$100.00

Drought Temporary Transfer Fee:

\$300.00

[Return to Edit](#)
[Clear](#)



EXECUTIVE ORDER NO. 20-02

**DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN
KLAMATH COUNTY DUE TO LOW SNOWPACK, PRECIPITATION,
AND STREAMFLOW, AND WARMING TEMPERATURES**

Pursuant to ORS 536.740, I find that extremely low water supply conditions have caused natural and economic disaster conditions in Klamath County, resulting in a severe, continuing drought emergency in that county during 2020.

Drought conditions arrived early and have persisted, including reduced snowpack, precipitation, and minimal streamflow. The long-term forecast for the region continues for warmer than normal temperatures and lower than normal precipitation. These conditions have had significant economic impact on the agriculture and livestock industries in Klamath County.

Conditions continue to be monitored by the state's natural resource and public safety agencies, including the Oregon Water Resources Department and the Oregon Office of Emergency Management.

Preparation and resiliency to drought are vital to the health and safety of persons, property, and the economic security of the citizens and businesses of Klamath County. I therefore declare that a severe, continuing drought emergency exists in Klamath County.

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

- I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources to mitigate drought conditions and to assist in agricultural recovery in Klamath County.
- II. The Oregon Water Resources Department and the Water Resources Commission are directed to coordinate and provide assistance to water users in Klamath County as the Department and Commission determine is necessary and appropriate in accordance with ORS 536.700 to 536.780.





EXECUTIVE ORDER NO. 20-02

PAGE TWO

- III. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Klamath County.
- IV. All other state agencies are directed to coordinate with the above agencies and to provide appropriate state resources as needed to assist affected political subdivisions and water users in Klamath County.
- V. This Executive Order expires on December 31, 2020.

Done at Salem, Oregon, this 2nd day of March, 2020.

A handwritten signature in black ink that reads "Kate Brown".

Kate Brown
GOVERNOR



ATTEST:

A handwritten signature in blue ink that reads "Bev Clarno".

Bev Clarno
SECRETARY OF STATE