

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE O	<u>F TRANSFER APPLICAT</u>	TION
Pleas	se check one	
Permanent Transfer Temporary Transfer (1 to 5 yrs.) total number of years: (begin year:) (end year:)	☐ Instream Transfer ☐ Permanent ☐ Time-Limited ☐ Drought Transfer ☐ Other	Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No
2. APP	LICANT INFORMATION	<u> </u>
Name: Keno Water Company c/o G	ene Cox	
Address: P.O. Box 771		
City: <u>Keno</u> State: <u>OR</u>	Zip: <u>97627</u>	
Home Phone: Work P	hone: Other	Phone: <u>541-273-3836</u>
Fax: E-Mail add	lress:	
(The agent listed is authorized to represen	GENT INFORMATION on the applicant in all matters rela	ting to this transfer application)
Name: Adkins Consulting Engineers, 1	•	
	me.	RECEIVED
Address: 2950 Shasta Way		SEP 1 6 2009
City: Klamath Falls State: Ol	<u>R</u> Zip: <u>97603</u>	WATER RESOURCES DEPT SALEM, OREGON
Home Phone: Work P.	hone: <u>541-884-4666</u>	Other Phone:
Fax: <u>541-884-5335</u> E-I	Mail address: <u>adkins@adkin</u>	sengineering.com
■ If an agent is listed above, please of ☑ Please send all correspondence to ☐ Please send all correspondence to	Agent. Send copies of corresp	·

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

List <u>all</u> water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (Attach additional pages as necessary.)

	Application / Decree	Permit / Previous Transfer	Certificate		
1.	G-6302	G-5924	85625		
2.		-			
3.		-			
4.		-			
5.		-			
6.		-			

Attach a separate Supplemental Form A (Description of Proposed Change(s) to a Water Right)
for <u>each</u> water right listed above.

ı	Check <u>all</u> proposed change(s) included in this transfer application:
	Place of Use Point of Diversion (POD) Additional Point of Diversion
	☐ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA
	☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
	☐ Substitution of Supplemental Groundwater right for Primary Surface water right
	☐ Historic POD change ☐ Other

Reason(s) for change(s): <u>Currently the certificate is for domestic use only, within the confines of the 5th Addition of Klamath River Acres. Keno Water Company would like to expand its service area to include the Keno Rural Community Boundary, (Exhibit A).</u>

Keno Water Company would like to change its character of use from Domestic Use to Quasi-Municipal use, to include Residential, Commercial and Industrial uses.

Keno Water Company is requesting an Additional Point of Appropriation for a new well.

Existing well No. 1 has concentrations of manganese, iron and sediments, and will be shut down and sealed once the new well, well #3, is approved by OWRD. Both wells, 1 and 3 will be utilized in the production of water. Should one of the pumps break down or require maintenance, the other well will be required to produce the total amount of water approved under the Certificate.

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5. WATER DELIVERY SYSTEM

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Describe the *current* water delivery system <u>or</u> the system that *was in place* at some time <u>within the last 5 years</u>. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

This water system provides domestic water throughout the Fifth Addition of Klamath River Acres development and is supplied by 2 wells, see Exhibit B. Well #1 – Water is pumped from the well by a 10 horsepower, submersible turbine pump. Well #2 – Water is pumped

from the well by a 7 ½ horsepower, submersible turbine pump. From Well #1 water is conveyed through a 4" mainline from the well house 270' to T-1. From T-1 water is conveyed through 4" mainlines installed in both southeast and southwest directions. The southeast 4" main conveys water through 562' of pvc pipe to T-2, which is located at the intersection of White Goose Drive and Sprig Court. From T-2 a 4" main conveys water in a westerly direction into Sprig Court for a distance of 214' supplying homes before terminating. From T-2 water is also conveyed in a southerly direction through a 4" main 550' to T-3, which is located at the intersection of Cackler Court and White Goose Drive. From T-3 one 4" main conveys water in a southerly direction 1,191' and connects with well #2. This main conveys water to residents along White Goose Drive. From T-3 a 4" main conveys water in a westerly direction 667' servicing homes along Cackler Court to T-4, which is located along Keno -Worden County Road. From T-1, a 4" water main conveys water in a westerly then southwesterly direction 1330' before tying into T-4. From T-4, a 4" main conveys water in a southwesterly direction 600' to an upright 150,000 gallon storage reservoir. From the reservoir a 6" main conveys water approximately 30' to a pump house where the pressure is boosted by two 5 h.p. pumps before reducing to a 4" main. Water is then conveyed from the pump house in a westerly direction through a 4" main 351' to T-5. From T-5 water is conveyed through a 2" main continuing in a westerly direction along Whispering Pine Drive 281' distributing water to homes before terminating. From T-5 a 4" main conveys water in a northerly direction 710' to T-6. From T-6 a 4" main conveys water a total distance of 2,270', first north then northwesterly on Red Wing Loop Road, then south to Green Wing Loop, then east and northeast on Green Wing Loop Road and tying back into T-6. This system delivers water to residences on both Loop Roads. The entire water distribution system is constructed of 4" pvc pipe, except as noted above, with current connections to 96 homes located within the Fifth Addition of Klamath River Acres. A new homesite is under construction at this time and will represent the 97th home that utilizes this system. The water distribution system has been completely installed, with service lines that extend to all 115 lots within the subdivision.

• System capacity: <u>0.38</u> cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more Evidence of Use Affidavits (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) must include supporting documentation such as the following:
 - Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has <u>not</u> been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

•	Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? \square Yes \boxtimes No
•	Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? \square Yes \boxtimes No
•	Is 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? \square Yes \boxtimes No
	If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:
	8. LOCAL GOVERNMENTS

 List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Klamath County - 305 Main Street, Klamath Falls 97601

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9. LAND OWNERSHIP Does the applicant own the lands where the portion of water right proposed for transfer is currently located? \(\sum \) Yes \(\sum \) No If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)): Names of Current Landowner(s): N/A Keno Water Company owns the community water system which pro vides domestic water to the lots within the development. Address: _____ Does the applicant own the lands **TO** which the right is being transferred? ☐ Yes ⊠ No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS *If "No", provide the following information:* Names of Receiving Landowner(s): N/A This is a Quasi-municipal water system. See service boundary on Exhibit A. Address:

10. Other Remarks (optional)

correspondence should continue to be sent to the applicant and applicant's agent.

The applicant will remain responsible for completion of changes. Notices and

□ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

State:__ Zip:

Certificate 85625 is for lands that are currently under individual ownership within a subdivision with domestic water use. The applicant proposes to change the use from Domestic to Quasi-Municipal use, within which all lands will be under seperate ownership.

Both wells 1 & 3 will be used to produce the Certificated amount of water. Should one well have to be shut down for any reason, the remaining well will be required to produce the Certificated amount of water to the system.

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City: ____

Check *one* of the following:

11. ATTACHMENTS

Check each of the following attachments included with this application.

The application will be returned if all required attachments are not included.

Supplemental Form A – Description of Proposed Change(s) to a	Land Use Information For Proposed Changes: For Instream Transfers:
Water Right ✓ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.	Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (For instream
Supplemental Form B – Evidence of Use Affidavit(s)	transfers a Land Use Information Form is not required.)
At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and The Evidence of Use Affidavit must be accompanied by supporting documentation.	For All Other Transfers: Land Use Information Form is enclosed; or All of the following criteria are met, therefore a Land Use Information Form is not required: In EFU zone or irrigation district, Change in place of use only, No structural changes needed, including
Map	diversion works, delivery facilities, other structures, <i>and</i>
Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.	 ♣ Irrigation only. Fees: ★ Amount enclosed: \$\$2,600 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.
Temporary Transfer or Historical POD Change A map meeting the requirements of OAR 690- 380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.	Instream Water Right Transfers, also include: Supplemental Form C − Instream Water Right Transfer □ Complete this form to describe the desired nature
Water Well Report(s)/Well Log(s):	and attributes for the proposed instream wateRECEIVED right.
The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.	Temporary Transfers, also include: Recorded Deed: SEP 1 6 2009 WATER RESOURCES DEPT SALEM, OREGON
Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.	 ☐ The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved. Affidavit of Consent: ☐ If the applicant is NOT the owner of record for
N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)	the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for <u>all</u> named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES				
Check <u>one</u> of the following, as appropriate, and sign the application in the signature box below:				
In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:				
(a) A report of ownership and lien information that has been prepared by a title company within				
the last three months; (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and				
(c) If the landowner identified in the report of ownership and lien information is <u>not</u> the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.				
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.				
I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.				
I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.				
I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.				
I (we) affirm that the information contained in this application is true and accurate.				
anily MICHAEL NEVMAN, CHAIRMAN 9-109				
Applicant signature Name and title if applicable (print) Date				
Applicant signature Name and title if applicable (print) RECEIVED Date				

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Water Right Transfer Supplemental Form A <u>DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT</u>

List only <u>one</u> water right per page. A <u>separate Supplemental Form A</u> must be completed for <u>each</u> certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

•	Certificate Number or other identifying number: 85625
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1. TYPE OF CHANGE(S) PROPOSED

(Check all that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
	☐ All of the right will be exercised at a different location than currently authorized (Use of water at	Proposed new use:
affected by the transfer.) ✓ Additional (Both the old and new points of diversion or appropriation will be used	the current location will be discontinued.) Only a portion of the right will be exercised at	☐ Municipal☑ Quasi-municipal☐ Commercial
for the portion of the water right affected by the transfer.) Historic Point of Diversion or	a different location than currently authorized (Use of water at the current location will be discontinued.)	☐ Industrial ☐ Instream (complete and attach Supplemental Form C)
Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)	discontinued.)	□ Domestic (indicate number of households)
■ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.)		Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) RECEIVED
Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		SEP 1 6 2009 WATER RESOURCES DE SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

\boxtimes	Certificated Right	85625	G-5924			
		Certificate Number	Permit Number or Decree Name			
	Adjudicated,					
	Non-certificated Right	Name of Decree	Page Number			
	Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted			
	Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted			
	Name on Permit, Certificate, o County: Klamath County	or Decree: <u>Keno Water (</u>	Company			
•	Authorized Use(s) to be Affect	ted by Transfer: Domes	tic Use			
•	Priority Date(s): <u>9/19/73</u>					
	provided on pages 3 through 6 associated with each of the autappropriation and places of us Source(s) of Water to be Affect	pints of diversion or				
	Tributary to: N/A					
	If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.					
	For applications proposing a Change in Place of Use or Character of Use:					
	Are there Other Water Rights , Permits or Ground Water Registrations associated with this land?					
	□ Yes ⊠ No □ N	/A – No Change in Place o	of Use or Character of Use			
	If " Yes ", what are the Permit,	Registration or Certifica	te Numbers?			
	Pursuant to ORS 540.510, <u>any</u> a primary right proposed for th	<u>ransfe</u> r <mark>must be include</mark> d	in the transfer or be			
	cancelled, except as provided i	in OAR 690-380-2240(5)	RECEIVE			

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tificate Number or other identifying number: 85625
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The following information **must be provided** <u>only</u> for those points of diversion or appropriation that **are involved in the transfer (i.e.,** <u>list only the portion of the water right you propose to transfer.)</u> Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L)	Source and Priority Date	Township	Range	Mer	Sec	N.V.	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
KLAM 13722	Well 1 9/19/73	408	8E	W	6	NENW	Lot 4	S76° 05' 07" E 1511' from the NW corner Section 6
KLAM 13719	Well 2 9/19/73	40S	8E	W M	6	SENW	Lot 5	S41° 54' 24" E 3392' from The NW corner Section 6

 Does the water right being tra 	nsferred involve a gr	round water source(s)?
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If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for <u>each</u> point of appropriation that is **clearly** labeled and associated with the corresponding well in the table above and on the accompanying application map. (<u>NOTE</u>: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

<u>or</u>

B. If a well log is <u>not</u> available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if <u>no</u> well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
 Certificate 	e Number	or other id	entifying	number: 85	625				

Will the ENTIRE water right be affected by this transfer?

Yes

No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information must be provided only for those places of use that are involved in the transfer (i.e., <u>list only the portion of the water right to be affected by the change.</u>) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	V4 V4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)	
Checkling (Period Villa)			[5] (BES (154) (C.	100/S1 100		A THE WASHINGTON TO SERVICE TO SERVICE THE PERSON OF THE P	2000年2月1日 - 1985年 - 1	
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Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Contificate N	(maken en -41	:4:6		1	95(35		7.2
Certificate N	B. PROPOSI					R RIGHT	
ribe proposed c ev coordinates c							nd/or appropri ts shown on the

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) N/A − Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
WELL 3	40S	08E	W M	6	SE NW	Lot 5	2,088' S, 1,420' E from the NW corner of Section 6

•	If there are proposed point(s)	of appropriation	on (wells) l	listed in the	table above,	are the
	well(s) already constructed?	⊠ Yes	□ No	□ N/A - 1	No proposed	well(s)
	listed above.					

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

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Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
						_				

Certificate Number or other identifying number: 85625

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) \square N/A – Instream Water Right Transfer (NOTE: Complete this table **only** if a <u>Change in Place of Use</u> is being proposed.)

SEE ATTACHED MAP, EXHIBIT A

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Source	Township	Range	Mer	Sec	ИИ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
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		_					
							_

Remarks:				
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