

Application for a Permit to Use Groundwater



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Garrick & Katherine Waalkes		PHONE (HM)	
PHONE (WK)	CELL 503-550-4799		FAX
ADDRESS 13549 Fields Denio Rd			
CITY Fields	STATE OR	ZIP 97710	E-MAIL* kgwaalkes@gmail.com

Organization

NAME Running G Farm		PHONE		FAX
ADDRESS same			CELL	
CITY	STATE	ZIP	E-MAIL*	

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

AGENT / BUSINESS NAME		PHONE		FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL*	

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



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

Applicant Signature

Applicant Signature

Garrick Waalkes
Print Name and Title if applicable
Katherine Waalkes
Print Name and Title if applicable

11-9-23
Date
11-9-23
Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

None

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

Twp 41S Rng 35E Sec 16
 SE NE SE SE NW SE
 NE SE SW NE SW SE

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
4	Van Horn Creek		

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10' north & 1571.25' east of SW corner section 16	<input type="checkbox"/>	16"					gravel/sand	400'	785.4	1.75
3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10' north & 1257' east of SW corner section 16	<input type="checkbox"/>	16"	20'	100'-460'	39'	38' - 2016	gravel/sand	460'	785.4	1.75
1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	50' north & 50' east of SW corner section 16	<input type="checkbox"/>	16"	20'	90'-286'		38' - 2016	gravel/sand	296'	785.4	1.75
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* Licensed drillers are required to attach a Department-supplied WellTag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsq_features/

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

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Yes No

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If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing

recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, you will be required to provide the following information, if applicable.

Yes No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

We will be using a pivot with a nozzle package for a set flow of water.

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Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
irrigation	April 1st - Sept 30, annually	420

For irrigation use only:

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary: 140 Acres Supplemental: Acres Nursery Use: Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 420

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **(Exempt Uses: Please note that 15,000 gallons per day for single or group domestic purposes and 5,000 gallons per day for a single industrial or commercial purpose are exempt from permitting requirements.)**
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and type): 100 hp electric pump
 Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

B. Application Method

Buried mainline

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Pivot

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The amount of water right requested is needed for growing alfalfa hay. We will prevent waste by burying the mainline to prevent leaks and use a pivot for application.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: **February, 2025**
- Date construction will be completed: **April, 2025**
- Date beneficial water use will begin: **April, 2025**

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: **The closest waterway is too far away to be affected. There will be none.**

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation:

There will be no excavation or clearing of banks of any waterways.

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:

List:

SECTION 9: WITHIN A DISTRICT

Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

The irrigated ground for this water right is proposed at this time. Once the water right is granted, we will begin installation of proposed well #4 and proposed pivot. We have had successful production on our farm with current water rights and we feel that more of the ground we own could be great production ground with irrigation.

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STATE OF OREGON MAR 14 2003

WATER SUPPLY WELL REPORTS DEPT. SALEM, OREGON

WELL I.D. # L 37269 NOV 15 2023 START CARD # W 127205

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number Name Leo R. Barclay Running G Ranch Address 13549 Fields-Denio Rd. City Fields State OR Zip 97710

(2) TYPE OF WORK [X] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD: [] Rotary Air [] Rotary Mud [] Cable [] Auger [X] Other Reverse Rotary

(4) PROPOSED USE: [] Domestic [] Community [] Industrial [X] Irrigation [] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval Yes [X] No Depth of Completed Well 460 ft. Explosives used [] Yes [X] No Type Amount

Table with columns: HOLE Diameter, From, To, SEAL Material, From, To, Sacks or pounds. Row 1: 36, 0, 39, Cement, 0, 39, 5 Yds. Row 2: 24, 39, 460

How was seal placed: Method [] A [] B [] C [] D [] E [X] Other Pumped

Backfill placed from 1 ft. to 460 ft. Material Gravel placed from 1 ft. to 460 ft. Size of gravel 1/8 x 1/4

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing: 30", 0, 39, .250, [X], [], [X], []. Liner: 16", +2, 100, .250, [X], [], [X], []

Drive Shoe used [] Inside [] Outside [X] None Final location of shoe(s) Bull Nose on Bottom

(7) PERFORATIONS/SCREENS: [X] Perforations Method N/A [] Screens Type Mill Slot Material Steel. Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Row 1: 100, 260, .90, Dbl Row, 16", [X], []. Row 2: 260, 380, .90, Quad, 16", [X], []. Row 3: 380, 460, .90, Dbl Row, 16", [X], []

(8) WELL TESTS: Minimum testing time is 1 hour [X] Pump [] Bailer [] Air [] Artesian. Yield gal/min 3000 Drawdown ID 92 Pumping Level 130 Drill stem at 11 Hrs. Time 1 hr.

Temperature of water 62 Depth Artesian Flow Found N/A Was a water analysis done? [] Yes By whom N/A Did any strata contain water not suitable for intended use? [] Too little [] Salty [] Muddy [] Odor [] Colored [] Other N/A Depth of strata: NA

(9) LOCATION OF WELL by legal description: County Harney Latitude Longitude Township 41S N or S Range 35E E or W. WM. Section 16 SE 1/4 SW 1/4 Tax Lot 400 Lot Block Subdivision Street Address of Well (or nearest address) 13549 Fields-Denio Rd.

(10) STATIC WATER LEVEL: 38 ft. below land surface. Date 2/2/03 Artesian pressure lb. per square inch Date

(11) WATER BEARING ZONES: 38' Depth at which water was first found

Table with columns: From, To, Estimated Flow Rate, SWL. Contains 'RECEIVED' stamps and dates FEB 14 2003 and MAR 24 2003.

(12) WELL LOG: SALEM, OREGON Ground Elevation

Table with columns: Material, From, To, SWL. Lists soil layers: Surface Clay, Sand & Gravel, Clay, Sand & Gravel, Sand w/clay, Gravel, Sand w/clay, Gravel & Sand, Sand w/clay, Gravel, Sand & Clay, Gravel, Sand w/clay, Sand & Gravel, Sand w/clay, Sand & Gravel, Sand & Clay, Sand & Gravel, Sand w/clay.

Date started 1/31/03 Completed 2/1/03

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

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief. WWC Number 1598 Signed Date 2-11-03

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

Applicant(s): Garrick + Katherine Waalkes

Mailing Address: 13549 Fields Denio Rd

City: Fields

State: OR

Zip Code: 97710

Daytime Phone: 503-550-4799

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>41S</u>	<u>35E</u>	<u>16</u>	<u>SENE</u>	<u>400</u>	<u>EF2U-1</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm irrigation</u>
<u>41S</u>	<u>35E</u>	<u>16</u>	<u>NESE</u>	<u>400</u>	<u>2</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm irrigation</u>
<u>41S</u>	<u>35E</u>	<u>16</u>	<u>SESE</u>	<u>400</u>	<u>2</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm irrigation</u>
<u>41S</u>	<u>35E</u>	<u>16</u>	<u>SWSE</u>	<u>400</u>	<u>2</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farm irrigation</u>

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

Harney 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: 3 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:

Requesting additional water rights in order to develop more ground for farming.

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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. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Hc20 3.010 (EFLU-1)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> 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.

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Name: Broaden McMullan Title: Planning Director
 Signature: [Signature] Phone: (911) 573-6655 Date: 9/15/23
 Government Entity: Harvey County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____




After recording return to: AmeriTitle
 70 SW 3rd Avenue, Ontario, OR 97914
 Garrick Waalkes and Katherine Waalkes
 13549 Fields Denio Road
 Fields, OR 97710

Until a change is requested all tax statements shall be sent to the following address:
 Garrick Waalkes and Katherine Waalkes
 13549 Fields Denio Road
 Fields, OR 97710
 File No. 221027AM

THIS SPACE R

HARNEY COUNTY, OR	2018-0402
DEED-WD	04/02/2018 01:13:01 PM
Pgs= 2	\$46.00
I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Co. Clerk's records.	
<i>Derrin Robinson</i>	
Derrin E. Robinson, Harney County Clerk	



STATUTORY WARRANTY DEED

Leo R. Barclay,

Grantor(s), hereby convey and warrant to

Garrick Waalkes and Katherine Waalkes, husband and wife,

Grantee(s), the following described real property in the County of Harney and State of Oregon free of encumbrances except as specifically set forth herein:

Two parcels of land located in Sec. 16, Twp. 41 S., R. 35 E., W.M., Harney County, Oregon, more particularly described as follows:

Parcels No 1 and 2 of Partition Plat No. 08-05-225, recorded May 28, 2008, Instrument No. 20080895, Harney County Records.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

41S 35E 00 400
 41S 35E 00 401

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The true and actual consideration for this conveyance is \$0.00.
 The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any: