

ASSIGNED

#: G 13175

TOM MAC KERNS
KERNS, JOYCE A
RT 1 BOX 10
HAINES, OR

45296 POCAHONTAS RD.
97833

Application No. G13175
Permit No. G12039
Certificate No. _____

Stream Index, Page No. 9

29-4063-2380

v Willow Cr

FEES PAID

Date	Amount	Receipt No.
11/9/92	1040.00	93911
2/17/05	250.00	59138 <i>MB</i>
8/29/14	85.00	13263
12/22/25	180.00	12265
	Cert. Fee	

transferred

FEES REFUNDED

Date	Amount	Check No.
<i>ML</i> 7-21-95	50.00	000015

Date filed _____

Priority _____

Action suspended until FPD COB

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning May 23 1996

Date for completion May 23 1996

Extended to OCT 1 1997

Date for application of water Oct 1 1998

Extended to 10-1-08

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>8/29/14</u>	Tom Mac Kerns AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC 4333 Edgewood Rd NE Cedar Rapids, IA 52499-5223			

REMARKS

Partial Assignment: 12-31-2026 Tracy Lehman and Adam Lehman 15468 Hunt Mountain Lane, Baker, OR 97814

**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 # **146608**

INVOICE # _____

RECEIVED FROM: Letman Chopping
BY: Inc

APPLICATION	G-13175
PERMIT	
TRANSFER	

CASH: CHECK:# 7196 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 180.00

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 4611

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

WATER RIGHTS:

EXAM FEE		RECORD FEE
\$ _____	0202	\$ _____
\$ _____	0204	\$ _____
\$ _____		

WELL CONSTRUCTION

EXAM FEE		LICENSE FEE
\$ _____	0219	\$ _____
	0220	\$ _____

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

0250 OTHER (IDENTIFY) Assignment \$ 180.00

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: **146608**

DATED: 12/12/25 BY: Ca D Mun

Lehman Chopping, Inc.

7196

12/15/2025

Oregon Water Resource Department

180.00

Received
DEC 22 2025
OWRD

Ireland Bank

180.00



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

December 31, 2025

Lehman Chopping, Inc.
Tracy Lehman
Adam Lehman
15468 Hunt Mountain Lane
Baker, OR 97814

Reference: Application G-13175, Permit G-12039

The partial assignment by proof from Tom Mac Kerns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC to Tracy Lehman and Adam Lehman has been recorded in the records of the Water Resources Department.

The Departments records will now show Tracy Lehman and Adam Lehman, Tom Mac Kerns, and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 146608 covering the recording fee is also enclosed.

A permit is not a perfected water right and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October 1, 2008, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE). As of this date, the claim of beneficial use has not been received by the Department. This places this permit at risk of cancelation proceedings being started.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #146608

cc: Paul Garvin, Garvin HydroGeo LLC, 1705 Main St. Ste. 101, Baker City, OR 97814
Data Center, OWRD (cover letter, request & map)
File

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Tracy Lehman, Adam Lehman
(Name of Party Requesting Assignment)
15468 Hunt Mountain Lane Baker City OR 97814 541-403-1600
(Mailing Address) (City) (State) (Zip) (Phone #)
lehmanchopping@gmail.com
(Email Address)

hereby request assignment of an entire application/permit/transfer order /limited license/groundwater statement

hereby request assignment of a portion of application/permit/transfer order/limited license/groundwater statement;
(You must include a map showing the portion of the application/permit/ transfer order /limited license/groundwater statement to be assigned.) Map attached

Application # G-13175 ; Permit # G-12039 ; Transfer Order # _____;

Limited License # _____ ; Groundwater Statement # _____

Tom Mac Kerns (deceased), AXA EQUITABLE LIFE INSURANCE CO.; AXA EQUITABLE AGRIFINANCE LLC (C/O)

(Name of Current Holder of Record)
4333 Edgewood Rd. NE Cedar Rapids IA 52499-5223 -
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) T.L. I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) T.L. I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) T.L. I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) T.L. I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 15 day of December, 2025.
(Day) (Month) (Year)

Signature of Party Requesting Assignment Tracy John Adam Lehman

Failure to provide any of the required information will result in the return of your application.

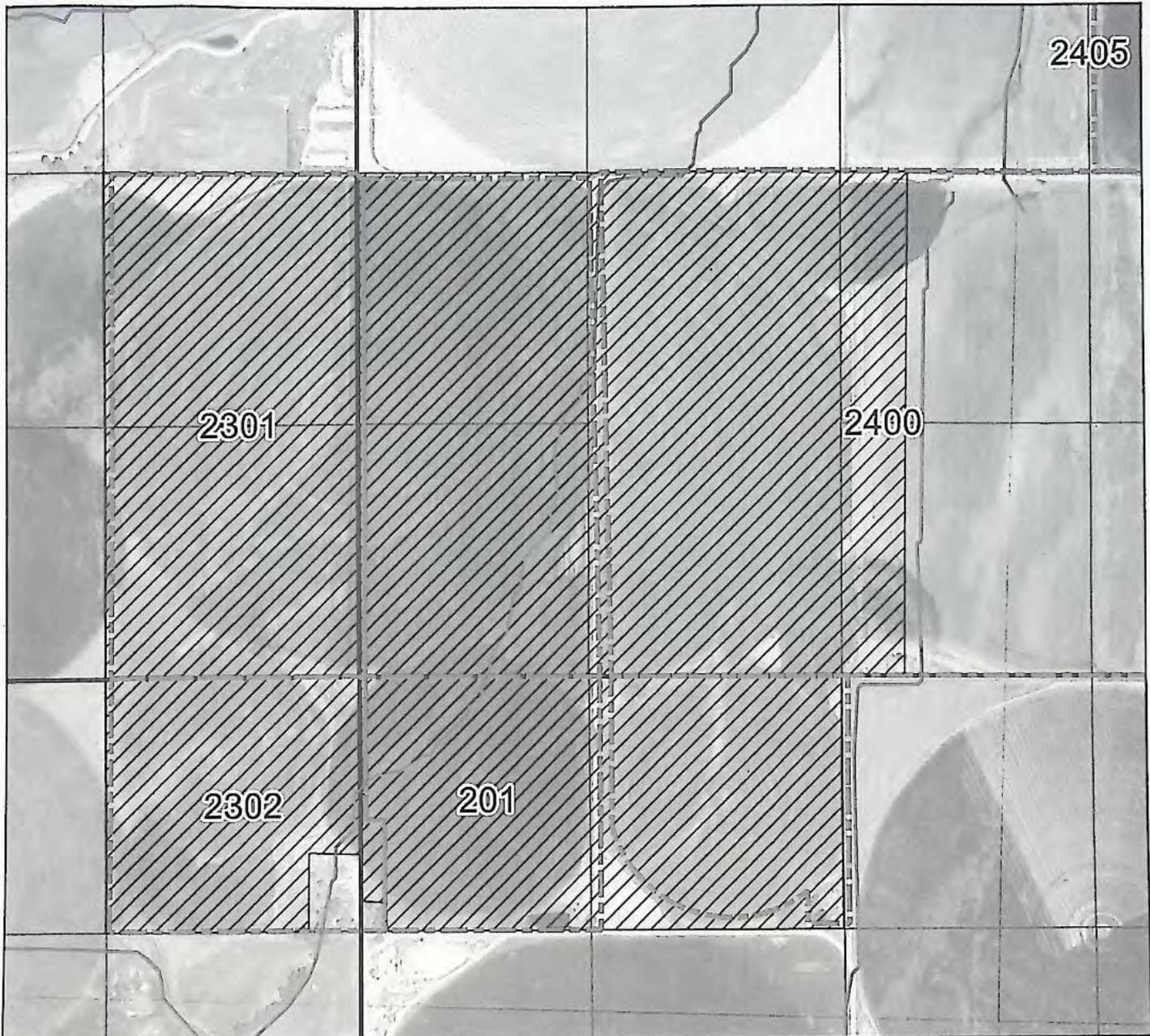
part assign by Proof-Approve
WFB 12-31-2025

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 146608
For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MFB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$180.

Received
DEC 22 2025

OWRD



Notes:

Taxlot 2302 is not to included in assigment.

Only 2301, 2400, and 201 are to be included.

Received
DEC 22 2025

OWRD



**Map to accompany request for
assignment
Permit G-12039
Baker County, OR**

Prepared on Behalf of Tracy Lehman
1 inch = 1,320 feet



LEGEND

-  Permit G-12039 place of use
-  Baker County Taxlot Boundary

8S 38E

2301

5-18

REF# 15983

Baker

Rev desc: FTLPO
PARTITION PLAT 2013-003
That por PAR 2 lyg in Sec 12, T8S R38E WM

PP 5/21/2013 B13 18
0065

79.98

Received
DEC 22 2025
OWRD

Received
DEC 22 2025
OWRD

PARCEL RECORD - Cartographic Unit

Page _____ of _____

Code Area	Township	Range	Section	1/4	1/8	Parcel Number	Type	Number						
5-24	B	3B				2301			Formerly part of <u>2300</u>					
Map Number			Tax Lot Number			Special Interest			History of Parcel					
History of Parcel Prior to Re-mapping			Previous Tax Lot Number			Previous Account Number			Exceptions/Additions		Date of Entry/ Acquisition	Deed Record		Acres Remaining
			15983									Volume Page		
									1. Kerns, Tom M & Joyce A		JV 53582	WD		
											9-4-92	92-23	081	120.00
									Exc: Parcel 2301		JV 55614			80.00
									Exc: Co Rd 635		11-24-93			79.98
													95-07-040	EAsement Private
									Revised desc:					
									Partition Plat 9993-023					
									That for Parcel 2 1/2 in T85 R38E W19					
		2-17-00	00-08-0003	SMD										
		2-17-00	00-08-0005	SMD										
		2-17-00	00-08-0007	SMD										
2. KERN BROTHERS PARTNERSHIP, A RANCH PARTNERSHIP CONSISTING OF, KERNS, TOM M, LORANCE BRENT & WESLEY A		JV69616	00-18-0007	SMD (RERECORD)										
3. KERN BROTHER RANCH, A PARTNERSHIP CONSISTING OF KERNS, TOM M & JOYCE A TRUSTEES OF THE KERNS FAMILY TRUST; KERNS, LORANCE BRENT & WESLEY A		04-27-00	00-18-0009	SMD										
Remarks														

92 23 081

WARRANTY DEED

FOR VALUE RECEIVED, IDAHO TIMBER CORPORATION OF OREGON, INC., the Grantor, does hereby grant, bargain, sell and convey unto TOM M. KERNS and JOYCE A. KERNS, husband and wife, the Grantees, the following described premises, to-wit:

SEE EXHIBIT "A" attached hereto and made a part hereof by reference as if set forth at length.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except current taxes and assessments, easements, restrictions and reservations of record and as may appear on the ground and as are further specifically identified in that certain Preliminary Title Report dated April 8, 1992, File No. T00005745A, issued by Elkhorn Title Company, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

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.

The true and actual consideration for this conveyance is \$270,000.00.

Until a change is requested, all tax statements are to be sent to Grantees at _____.

DATED this 2nd day of June, 1992.

IDAHO TIMBER CORPORATION OF OREGON, INC.

By Jack Adkins
Jack Adkins

EXHIBIT "A"

IN TOWNSHIP 8 SOUTH, RANGE 38 EAST of the Willamette Meridian, in the County of Baker and State of Oregon:

- Section 12: The East half of the Southeast quarter.
- Section 13: the Northeast quarter of the Northeast quarter.

~~Section 7: The East half of the Southeast quarter of the Southeast quarter, and the West half of the Southeast quarter, EXCEPT the Southeast quarter of the Southeast quarter.~~

~~Section 18: The North half of Lot 1 of the Northwest quarter (the Northeast quarter of the Northwest quarter); and the North half of Lot 2 of the Northwest quarter (the Northwest quarter of the Northwest quarter).~~

Section 28: AN UNDIVIDED 29/131 INTEREST in the Northwest quarter.

5745
07329 0524 839 2700; 07360 0524 839 6900; 08501 0524 839 18 200; 07394

Received
DEC 22 2025
OWRD



After recording return to:

Tracy Charles Lehman and Adam Charles Lehman
15468 Hunt Mt Lane
Baker City, OR 97814

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

Tracy Charles Lehman and Adam Charles Lehman
15468 Hunt Mt Lane
Baker City, OR 97814
File No. 546380AM

STATUTORY WARRANTY DEED

K-Diamond Ranch LLC, an Oregon Limited Liability Company ,

Grantor(s), hereby convey and warrant to

Tracy Charles Lehman and, an unmarried man and Adam Charles Lehman, a married man as his sole and separate property,

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

See Attached Exhibit 'A'

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

08S39 2400
08S39 2405
08S3918 204
08S3918 201

The consideration paid for the transfer is PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR.

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:

2022-2023 Real Property Taxes, a lien not yet due and payable

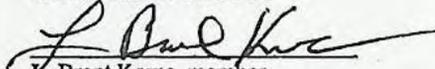
Received
DEC 22 2025
OWRD

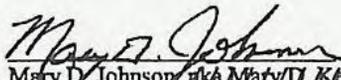
Page 2 Statutory Warranty Deed
Escrow No. 546380AM

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

Dated this 18 day of July, 2022

K-Diamond Ranch LLC

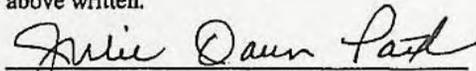

L. Brent Kerns, member

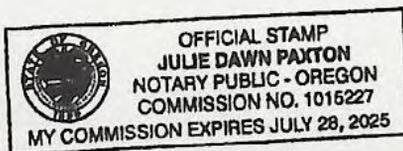

Mary D. Johnson, aka ~~Mary D. Kerns~~, member

State of OR } ss
County of Baker }

On this 18th day of July, 2022, before me, Julie Dawn Paxton a Notary Public in and for said state, personally appeared L. ~~Brent Kerns~~ ^{JP} and Mary D. ~~Kerns~~ ^{Johnson} known or identified to me to be the Managing Members in the Limited Liability Company known as K-Diamond Ranch, LLC who executed the foregoing instrument, and acknowledged to me that they executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of OR
Residing at: Baker City
Commission Expires: 7/28/25



Received
DEC 22 2025
OWRD

EXHIBIT 'A'

File No. 546380AM

PARCEL ONE:

The East half of the Southeast quarter, and the East 60 rods of the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a portion of the Northeast quarter of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at the East quarter corner of Section 7, said township and range; thence West 467 feet along the North line of the Northeast quarter of the Southeast quarter of said Section 7; thence South 467 feet along a line parallel to the East line of said Section 7; thence East 467 feet, more or less, along a line parallel to the North line of the Northeast quarter of the Southeast quarter of said Section 7 to the East line of said Section 7; thence North 467 feet, more or less, along the East line of said Section 7 to the POINT OF BEGINNING.

(Said land is shown as a portion of Parcel 2 of PARTITION PLAT NO. P2013-003, recorded May 3, 2013, in Book 13 18 0065, Baker County Deed Records.)

PARCEL TWO:

The East half of the Southeast quarter of Section 12, Township 8 South, Range 38 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO Government Lots 1 and 2 of the Southwest quarter (being the entire Southwest quarter) and the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM the East 60 rods of the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO the North half of Government Lot 1 of the Northwest quarter (being the Northeast quarter of the Northwest quarter) and the North half of Government Lot 2 of the Northwest quarter (being the Northwest quarter of the Northwest quarter) of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a portion of the Northwest quarter of the Northwest quarter of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

Received

DEC 22 2025

OWRD

Page 4 Statutory Warranty Deed
Escrow No. 546380AM

BEGINNING at the Southwest corner of the Northwest quarter of the Northwest quarter of Section 18, said township and range; thence East 100 feet along a line parallel to the North line of said Section 18; thence North 575 feet along a line parallel to the West line of said Section 18; thence West 100 feet along a line parallel to the North line of said Section 18; thence South 575 feet, more or less, along the West line of said Section 18 to the POINT OF BEGINNING.

EXCEPTING THEREFROM that portion of the South half of the Northeast quarter of the Northwest quarter of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as Parcel 3 of PARTITION PLAT NO. P2013-003, recorded May 3, 2013, in Book 13 18 0065, Records of Baker County, Oregon.

(Said land is shown as a portion of Parcel 2 of PARTITION PLAT NO. P2013-003, recorded May 3, 2013, in Book 13 18 0065, Baker County Deed Records.)

TRACT THREE:

The Southeast quarter of the Northeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO a portion of the Northeast quarter of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at the East quarter corner of Section 7, said township and range; thence West 467 feet along the North line of the Northeast quarter of the Southeast quarter of said Section 7; thence South 467 feet along a line parallel to the East line of said Section 7; thence East 467 feet, more or less, along a line parallel to the North line of the Northeast quarter of the Southeast quarter of said Section 7 to the East line of said Section 7; thence North 467 feet, more or less, along the East line of said Section 7 to the POINT OF BEGINNING.

(Said land is shown as a portion of Parcel 2 of PARTITION PLAT NO. P2013-003, recorded May 3, 2013, in Book 13 18 0065, Baker County Deed Records.)

TRACT FOUR:

That portion of the South half of the Northeast quarter of the Northwest quarter of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as Parcel 3 of PARTITION PLAT NO. P2013-003, recorded May 3, 2013, in Book 13 18 0065, Records of Baker County, Oregon.

Received
DEC 22 2025
OWRD

Received
DEC 22 2025
OWRD

STATE OF OREGON

County of Baker

} SS

I certify that this instrument was received and recorded in the book of records of said county.

Stefanie Kirby
Baker County Clerk

by: *Karen Phillips* Deputy.

DOCH#: B22290258

106.00

7/20/2022 11:56 AM

REFUND: .00



6300 C Street SW
Cedar Rapids, IA 52499
T: 319-355 3932
F: 319-355 6836

August 11, 2022

State of Oregon Department of Water Resources
725 Summer St NE, Suite A
Salem, OR 97301

RE: Our Loan No. 60714199
Mortgagor: K-Diamon, Inc. and Tom Mac Kearns

Dear Sir or Madam:

The above-referenced loan has been paid in full. In reference to the following Water Rights Application G-12355, Permit G-11300, Application G-17689, Application S-83516, Permit S-53908, and Application G-13175, Permit G-12039. Please note that the Deed of Trust securing our interests in the Water Rights is in the name of AXA Equitable Life Insurance Company, which is now known as Equitable Financial Life Insurance Company.

We would like to release our security interests in the above-referenced Water Rights since the loan has been paid in full.

Please send a letter of acknowledgement of releases to my attention:

AEGON USA Realty Advisors, LLC
Attn: Homa Sidhu
6300 C Street SW, MS 3B-CR
Cedar Rapids, IA 52499

If you have any questions, please do not hesitate to contact me at (319) 355-8699 or at

Very truly yours,

AEGON USA REALTY ADVISORS, LLC, as servicer for
EQUITABLE FINANCIAL LIFE INSURANCE COMPANY
EQUITABLE AGRIFINANCE, LLC

Homa Sidhu
Mortgage Loan Servicing

Enclosures

CC: K-Diamon, Inc. and Tom Mac Kearns

Records have been redacted or withheld pursuant to the exemption for vital records specified in ORS 432.350.

From: [Paul Garvin](#)
To: [BJORK Mary F * WRD](#)
Subject: Re: Assigns (G-12355 & G-13175)
Date: Thursday, September 25, 2025 2:50:35 PM

Hi Mary,

I appreciate that you took time to assemble all of this detailed information. I will start reviewing and will shoot to have them revised and resubmitted within the next couple of weeks.

Thank you,

On Thu, Sep 25, 2025 at 11:35 AM BJORK Mary F * WRD
<Mary.F.BJORK@water.oregon.gov> wrote:

Hi Paul,

Thanks for discussing Tracy's requests for assignment (attached) on two permits. As mentioned, one form lists the water right as [Application G-12355, Permit G-11300](#), and the other form doesn't list a water right. Correspondence on file seems to indicate that it is for [Application G-13175, Permit G-12039](#). As mentioned, there are multiple deficiencies with the submittals. Please let me know if you have any questions on the items below. I'm unable to accept the assignments or related fees until the deficiencies are overcome.

Both permits are in the names of AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC and Tom Mac Kerns, but the forms only list Tom Mac Kerns. Please update the forms to include Tom Mac Kerns (**deceased**) and **AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC**. Previous attempts at assignment included the attached death certificate for Tom Kerns and may be accepted as proof for Tom's interest in the permits. Additionally, previous attempts also included the attached letter from Equitable AgriFinance and may be accepted as proof for AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC's interest.

The attached deed was previously submitted as proof of land ownership. It is in the names of Tracy Charles Lehman and Adam Charles Lehman. Tracy has indicated that the requests include Adam Charles Lehman. The revision will also require Adam's signature and initials. The attached deed describes all the property covered by Application G-12355, Permit G-11300, but only a portion of the property of Application G-13175, Permit G-12039 (see attached map). The deed appears to be missing a page (see the bottom of the 2nd page of the deed pdf). It doesn't describe that portion of the permit on tax lot 2301 (appears to be owned by Lehman's) nor tax lot 2302 (appears to be owned by Cobb's).

Partial assignments require the correct action box be checked on the assignment form, and a map indicating the portion to be assigned.

Please note that a previous assignment was process on Application S-83516, Permit S-53908.

Best regards,

Mary F. Bjork

Water Right Services Program Analyst

Oregon Water Resources Department

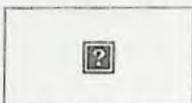
725 Summer Street NE, Suite A Salem, OR 97301

Phone 503-979-9895 (work cell)

mary.f.bjork@water.oregon.gov

--

Paul Garvin



503-347-7188

1705 Main St. Ste. 101

Baker City, OR 97814

GarvinHydroGeo.com



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

October 30, 2025

Lehman Chopping
Tracy Charles Lehman
15468 Hunt Mountain Lane
Baker, OR 97814

Paul Garvin
Garvin HydroGeo LLC
1705 Main St. Ste. 101
Baker City, OR 97814

Reference: Application G-12355, Permit G-11300
Reference: No Water Right Listed

The requested assignments by proof from Tom Mac Kerns to Tracy Charles Lehman cannot be performed at this time due to multiple deficiencies communicated to agent Paul Garvin on September 25, 2025.

The submitted fees are being returned to Lehman Chopping, Tracy Charles Lehman, and the submitted assignments are being returned to Paul Garvin, Garvin HydroGeo LLC.

Should you have any questions, please contact me at 503-979-9895 or mary.f.bjork@water.oregon.gov.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosures: Original Requests (Paul Garvin, Garvin HydroGeo LLC) and Fee (Lehman Chopping, Tracy Charles Lehman)

cc: File

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Tracy Charles Lehman
(Name of Party Requesting Assignment)
15468 Hunt Mountain Lane Baker City OR 97814 541-403-1600
(Mailing Address) (City) (State) (Zip) (Phone #)
lehmanchopping@gmail.com
(Email Address)

- hereby request assignment of an entire application/permit/transfer order /limited license/groundwater statement
- hereby request assignment of a portion of application/permit/transfer order/limited license/groundwater statement;
(You must include a map showing the portion of the application/permit/ transfer order /limited license/groundwater statement to be assigned.)

Application # _____; Permit # _____; Transfer Order # _____;
Limited License # _____; Groundwater Statement # _____

Tom Mac Kerns
(Name of Current Holder of Record)
4333 Edgewood Rd. NE Cedar Rapids IA 52499-5223 -
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) T.L. I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) T.L. I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) T.L. I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) T.L. I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 9~~th~~ 5th day of September, 20 25.
(Day) (Month) (Year)

Signature of Party Requesting Assignment Tracy Lehman

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$180.

Received
SEP 19 2025

OWRD
WR

MONEY SLIP

DATE: <u>9-19-25</u>	RECEIPT #: <u>146069</u>
----------------------	--------------------------

RECEIVED FROM: <u>Lehman Chopping</u>	APPLICATION
	PERMIT
	TRANSFER

CASH <input type="checkbox"/>	CHECK # <u>7078</u> <input checked="" type="checkbox"/>	OTHER (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>180.00</u>
-------------------------------	---	---	------------------------------

1083 TREASURY	4170 MISC CASH ACCT.
---------------	----------------------

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

0243 Instream Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

1083 TREASURY	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

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

WELL CONSTRUCTION

	EXAM FEE		RECORD FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY) _____			

0607 TREASURY	0467 HYDROELECTRIC
---------------	--------------------

0233 POWER LICENSE FEE (FWWRD)		LIC NUMBER	
0231 HYDRO LICENSE FEE (FWWRD)			\$

HYDRO APPLICATION	\$
-------------------	----

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT -- LETTER ATTACHED

PORTLAND OR RPDC 972

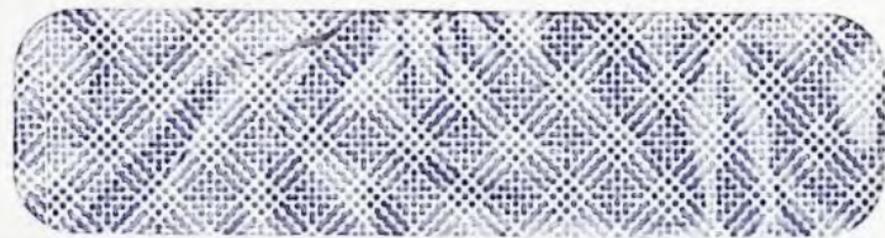
17 SEP 2025 PM 5 L



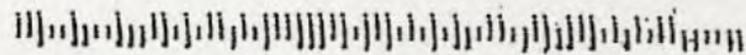
1775



5



97301-126677



BJORK Mary F * WRD

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Wednesday, October 22, 2025 8:22 AM
To: BJORK Mary F * WRD
Subject: Re: Assigns (G-12355 & G-13175)

Hi Mary,

Apologies for the delay, it is hunting season out here and it is remarkable how many people tend to drop off the radar for a few weeks.

On Mon, Oct 20, 2025 at 8:13 AM BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov> wrote:

Hi Paul,

Have you had a chance to address the revisions on the assignments for Tracy Lehman? I'm unable to accept the assignments or related fees until the deficiencies are overcome and the checks were received 9/19/2025. Unfortunately I can't hold on to the fees much longer but wanted to follow up with you before I send the submittals back.

Thanks for letting me know,

Mary

Mary F. Bjork

Water Right Services Program Analyst

Oregon Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301

Phone 503-979-9895 (work cell)

mary.f.bjork@water.oregon.gov

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Thursday, September 25, 2025 2:50 PM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: Re: Assigns (G-12355 & G-13175)

Hi Mary,

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, October 20, 2025 8:14 AM
To: Paul Garvin
Cc: BJORK Mary F * WRD
Subject: RE: Assigns (G-12355 & G-13175)

Hi Paul,

Have you had a chance to address the revisions on the assignments for Tracy Lehman? I'm unable to accept the assignments or related fees until the deficiencies are overcome and the checks were received 9/19/2025. Unfortunately I can't hold on to the fees much longer but wanted to follow up with you before I send the submittals back.

Thanks for letting me know,

Mary

Mary F. Bjork

Water Right Services Program Analyst
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301
Phone 503-979-9895 (work cell)
mary.f.bjork@water.oregon.gov

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Thursday, September 25, 2025 2:50 PM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: Re: Assigns (G-12355 & G-13175)

Hi Mary,

I appreciate that you took time to assemble all of this detailed information. I will start reviewing and will shoot to have them revised and resubmitted within the next couple of weeks.

Thank you,

On Thu, Sep 25, 2025 at 11:35 AM BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov> wrote:

Hi Paul,

Thanks for discussing Tracy's requests for assignment (attached) on two permits. As mentioned, one form lists the water right as Application G-12355, Permit G-11300, and the other form doesn't list a water right. Correspondence on file seems to indicate that it is for Application G-13175, Permit G-12039. As mentioned, there are multiple deficiencies with the submittals. Please let me know if you

have any questions on the items below. I'm unable to accept the assignments or related fees until the deficiencies are overcome.

Both permits are in the names of AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC and Tom Mac Kerns, but the forms only list Tom Mac Kerns. Please update the forms to include Tom Mac Kerns (**deceased**) and **AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC**. Previous attempts at assignment included the attached death certificate for Tom Kerns and may be accepted as proof for Tom's interest in the permits. Additionally, previous attempts also included the attached letter from Equitable AgriFinance and may be accepted as proof for AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC's interest.

The attached deed was previously submitted as proof of land ownership. It is in the names of Tracy Charles Lehman and Adam Charles Lehman. Tracy has indicated that the requests include Adam Charles Lehman. The revision will also require Adam's signature and initials. The attached deed describes all the property covered by Application G-12355, Permit G-11300, but only a portion of the property of Application G-13175, Permit G-12039 (see attached map). The deed appears to be missing a page (see the bottom of the 2nd page of the deed pdf). It doesn't describe that portion of the permit on tax lot 2301 (appears to be owned by Lehman's) nor tax lot 2302 (appears to be owned by Cobb's).

Partial assignments require the correct action box be checked on the assignment form, and a map indicating the portion to be assigned.

Please note that a previous assignment was process on [Application S-83516, Permit S-53908](#).

Best regards,

Mary F. Bjork

Water Right Services Program Analyst

Oregon Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301

Phone 503-979-9895 (work cell)

mary.f.bjork@water.oregon.gov

--
Paul Garvin



503-347-7188

1705 Main St. Ste. 101

Baker City, OR 97814

GarvinHydroGeo.com

BJORK Mary F * WRD

From: Paul Garvin <garvin.hydrogeo@gmail.com>
Sent: Thursday, September 25, 2025 2:50 PM
To: BJORK Mary F * WRD
Subject: Re: Assigns (G-12355 & G-13175)

Hi Mary,

I appreciate that you took time to assemble all of this detailed information. I will start reviewing and will shoot to have them revised and resubmitted within the next couple of weeks.

Thank you,

On Thu, Sep 25, 2025 at 11:35 AM BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov> wrote:

Hi Paul,

Thanks for discussing Tracy's requests for assignment (attached) on two permits. As mentioned, one form lists the water right as Application G-12355, Permit G-11300, and the other form doesn't list a water right. Correspondence on file seems to indicate that it is for Application G-13175, Permit G-12039. As mentioned, there are multiple deficiencies with the submittals. Please let me know if you have any questions on the items below. I'm unable to accept the assignments or related fees until the deficiencies are overcome.

Both permits are in the names of AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC and Tom Mac Kerns, but the forms only list Tom Mac Kerns. Please update the forms to include Tom Mac Kerns (**deceased**) and **AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC**. Previous attempts at assignment included the attached death certificate for Tom Kerns and may be accepted as proof for Tom's interest in the permits. Additionally, previous attempts also included the attached letter from Equitable AgriFinance and may be accepted as proof for AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance LLC's interest.

The attached deed was previously submitted as proof of land ownership. It is in the names of Tracy Charles Lehman and Adam Charles Lehman. Tracy has indicated that the requests include Adam Charles Lehman. The revision will also require Adam's signature and initials. The attached deed describes all the property covered by Application G-12355, Permit G-11300, but only a portion of the property of Application G-13175, Permit G-12039 (see attached map). The deed appears to be missing a page (see the bottom of the 2nd page of the deed pdf). It doesn't describe that portion of the permit on tax lot 2301 (appears to be owned by Lehman's) nor tax lot 2302 (appears to be owned by Cobb's).

Partial assignments require the correct action box be checked on the assignment form, and a map indicating the portion to be assigned.

Please note that a previous assignment was process on Application S-83516, Permit S-53908.

Best regards,

Mary F. Bjork

Water Right Services Program Analyst

Oregon Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301

Phone 503-979-9895 (work cell)

mary.f.bjork@water.oregon.gov

--

Paul Garvin



503-347-7188

1705 Main St. Ste. 101

Baker City, OR 97814

GarvinHydroGeo.com

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Tracy Charles Lehman
(Name of Party Requesting Assignment)
15468 Hunt Mountain Lane Baker City OR 97814 541-403-1600
(Mailing Address) (City) (State) (Zip) (Phone #)
lehmanchopping@gmail.com
(Email Address)

- hereby request assignment of an entire application/permit/transfer order /limited license/groundwater statement
- hereby request assignment of a portion of application/permit/transfer order/limited license/groundwater statement;
(You must include a map showing the portion of the application/permit/ transfer order /limited license/groundwater statement to be assigned.)

Application # G-12355 ; Permit # G-11300 ; Transfer Order # _____ ;
Limited License # _____ ; Groundwater Statement # _____

Tom Mac Kerns
(Name of Current Holder of Record)
4333 Edgewood Rd. NE Cedar Rapids IA 52499-5223 -
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) T.L. I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) T.L. I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) T.L. I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) T.L. I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 5th day of September, 2025.
(Day) (Month) (Year)

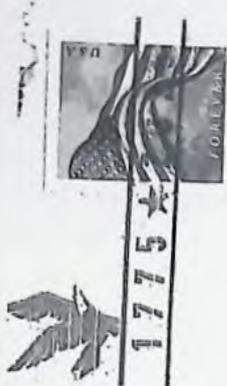
Signature of Party Requesting Assignment Tracy Lehman
Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$180.

Received
SEP 19 2025



PORTLAND OR RPDC 972
17 SEP 2025 PM 5 L

MONEY SLIP

DATE: 9-19-25 RECEIPT #: 146068

RECEIVED FROM: Lehman Chopping

APPLICATION	
PERMIT	
TRANSFER	

CASH CHECK # 7077 OTHER (IDENTIFY)

TOTAL REC'D \$ 180.00

1083 TREASURY 4170 MISC CASH ACCT.

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 Instream Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

1083 TREASURY 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	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		\$

WELL CONSTRUCTION

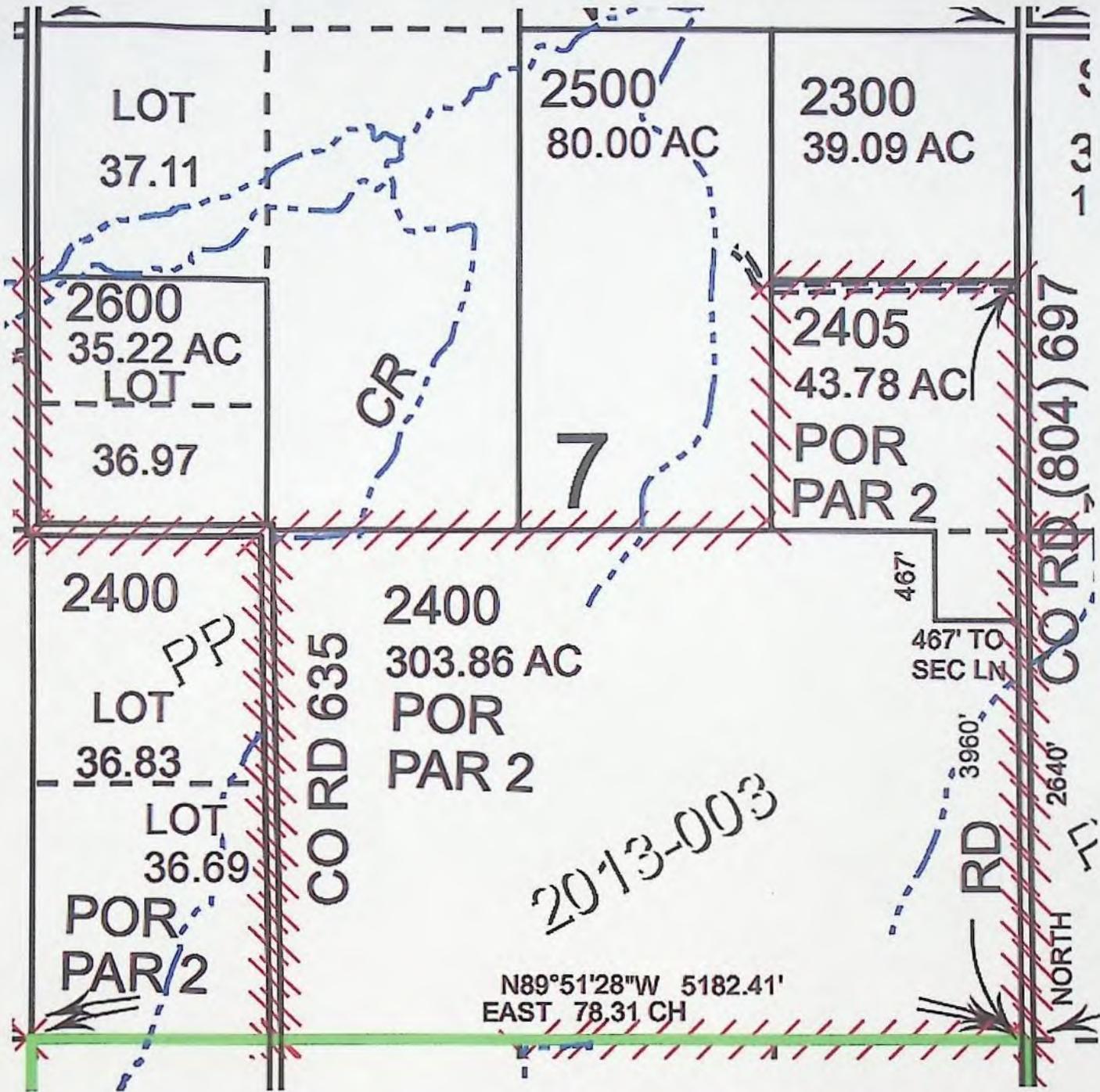
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	RECORD FEE
LANDOWNER'S PERMIT	\$	0220	\$
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDROELECTRIC

0233 POWER LICENSE FEE (FW/WRD) LIC NUMBER \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT -- LETTER ATTACHED



LOT
37.11

2500
80.00 AC

2300
39.09 AC

2600
35.22 AC
LOT
36.97

CR

7

2405
43.78 AC
POR
PAR 2

2400
LOT
36.83
LOT
36.69

PP

CORD 635

2400
303.86 AC
POR
PAR 2

467'
467' TO
SEC LN

2013-003

POR
PAR 2

RD
3960'

CORD (804) 697

N89°51'28"W 5182.41'
EAST 78.31 CH

NORTH

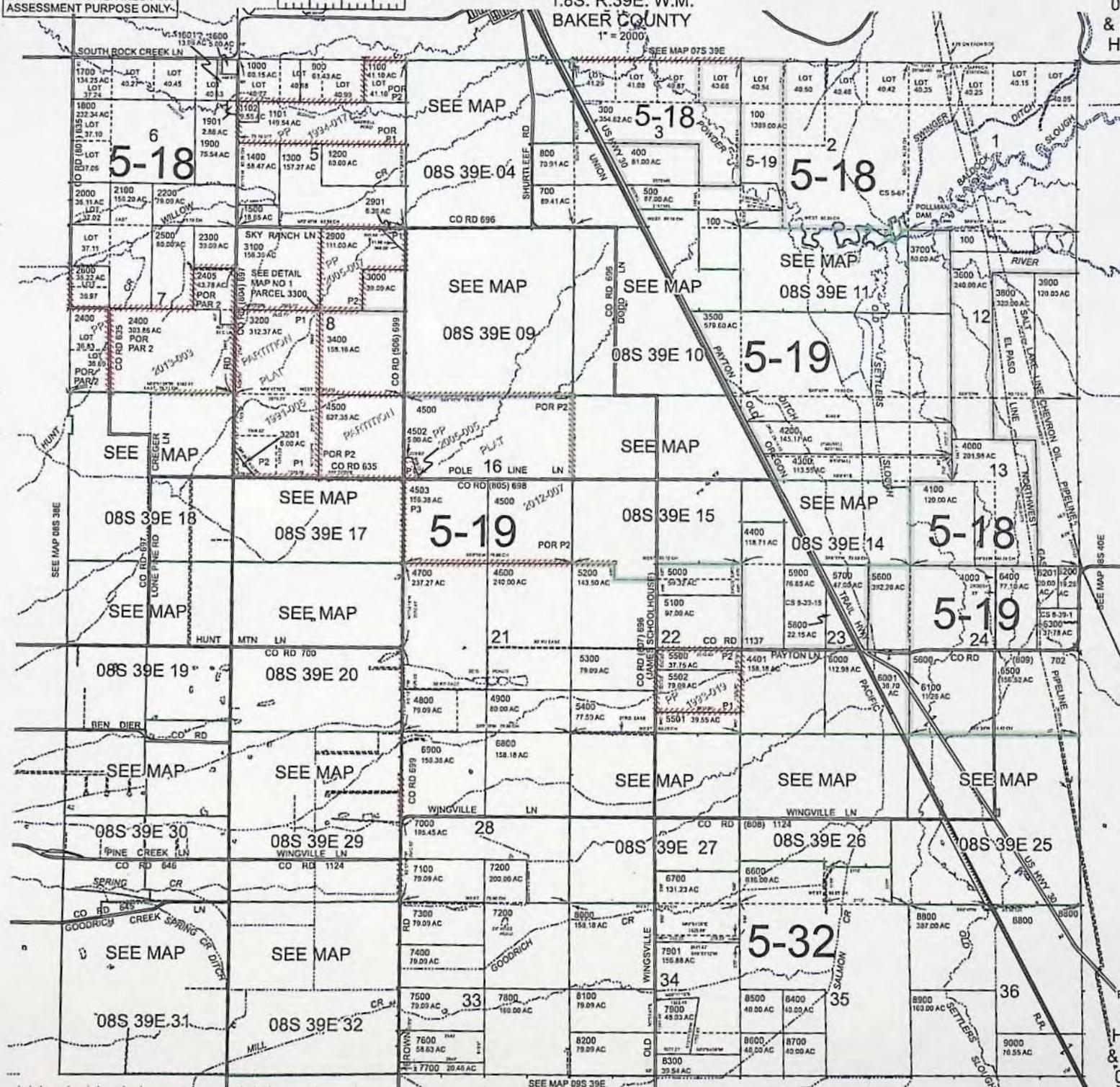
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

0 1,000 2,000 3,000 4,000 Feet

T.8S. R.39E. W.M. BAKER COUNTY

1" = 2000'

08S39E & INDEX HAINES



Cancelled
 100
 200
 600
 2401
 2402
 2403
 2404
 2601
 2700
 2800
 4501

Revised: MA 01/13/2022

HAINES & INDEX 08S39E

SEE MAP 08S 39E



After recording return to:

Tracy Charles Lehman and Adam Charles Lehman
15468 Hunt Mt Lane
Baker City, OR 97814

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

Tracy Charles Lehman and Adam Charles Lehman
15468 Hunt Mt Lane
Baker City, OR 97814
File No. 546380AM

STATUTORY WARRANTY DEED

K-Diamond Ranch LLC, an Oregon Limited Liability Company ,

Grantor(s), hereby convey and warrant to

Tracy Charles Lehman and, an unmarried man and Adam Charles Lehman, a married man as his sole and separate property,

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

See Attached Exhibit 'A'

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

- 08S39 2400
- 08S39 2405
- 08S3918 204
- 08S3918 201

The consideration paid for the transfer is PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR.

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:

2022-2023 Real Property Taxes, a lien not yet due and payable

EXHIBIT 'A'

File No. 546380AM

PARCEL ONE:

The East half of the Southeast quarter, and the East 60 rods of the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a portion of the Northeast quarter of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at the East quarter corner of Section 7, said township and range; thence West 467 feet along the North line of the Northeast quarter of the Southeast quarter of said Section 7; thence South 467 feet along a line parallel to the East line of said Section 7; thence East 467 feet, more or less, along a line parallel to the North line of the Northeast quarter of the Southeast quarter of said Section 7 to the East line of said Section 7; thence North 467 feet, more or less, along the East line of said Section 7 to the POINT OF BEGINNING.

(Said land is shown as a portion of Parcel 2 of PARTITION PLAT NO. P2013-003, recorded May 3, 2013, in Book 13 18 0065, Baker County Deed Records.)

PARCEL TWO:

The East half of the Southeast quarter of Section 12, Township 8 South, Range 38 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO Government Lots 1 and 2 of the Southwest quarter (being the entire Southwest quarter) and the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM the East 60 rods of the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO the North half of Government Lot 1 of the Northwest quarter (being the Northeast quarter of the Northwest quarter) and the North half of Government Lot 2 of the Northwest quarter (being the Northwest quarter of the Northwest quarter) of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a portion of the Northwest quarter of the Northwest quarter of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Tracy Charles Lehman
(Name of Party Requesting Assignment)
15468 Hunt Mountain Lane Baker City OR 97814 541-403-1600
(Mailing Address) (City) (State) (Zip) (Phone #)
lehmanchopping@gmail.com
(Email Address)

- hereby request assignment of an entire application/permit/transfer order /limited license/groundwater statement
- hereby request assignment of a portion of application/permit/transfer order/limited license/groundwater statement;
(You must include a map showing the portion of the application/permit/ transfer order /limited license/groundwater statement to be assigned.)
- Application # _____; Permit # _____; Transfer Order # _____;
Limited License # _____; Groundwater Statement # _____

Tom Mac Kerns
(Name of Current Holder of Record)
4333 Edgewood Rd. NE Cedar Rapids IA 52499-5223 -
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

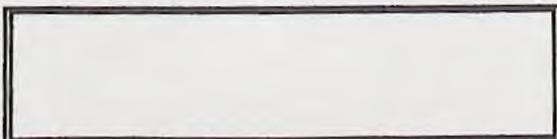
- T.C.L. I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- T.C.L. I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- T.C.L. I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- T.C.L. I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 9~~th~~ 5th day of September, 2025.
(Day) (Month) (Year)

Signature of Party Requesting Assignment Tracy Lehman

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$180.

Received
SEP 19 2025

OWRD
WR

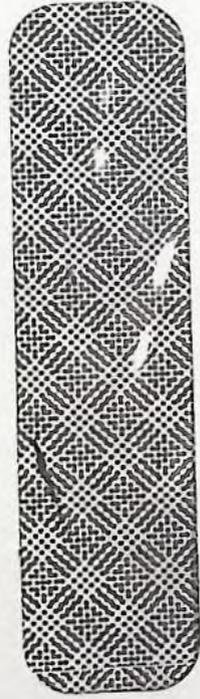


5

1775

PORTLAND OR RPDC 972

17 SEP 2025 PM 5 L



MONEY SLIP

DATE: 9-19-25 RECEIPT #: 146069

RECEIVED FROM: Lehman Chopping APPLICATION PERMIT TRANSFER

CASH CHECK # 7078 OTHER (IDENTIFY) TOTAL REC'D \$ 180.00

1083 TREASURY 4170 MISC CASH ACCT.

0407 COPIES \$ OTHER: (IDENTIFY) \$

0243 Instream Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

1083 TREASURY 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 EXAM FEE RECORD FEE
0203 GROUND WATER \$ 0202 \$
0205 TRANSFER \$ 0204 \$

WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR EXAM FEE RECORD FEE
LANDOWNER'S PERMIT \$ 0219 \$
OTHER (IDENTIFY) 0220 \$

0607 TREASURY 0467 HYDROELECTRIC

0233 POWER LICENSE FEE (FWWRD) LIC NUMBER \$
0231 HYDRO LICENSE FEE (FWWRD) \$
HYDRO APPLICATION \$

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT -- LETTER ATTACHED



6300 C Street SW
Cedar Rapids, IA 52499
T: 319-355 3932
F: 319-355 6836

August 11, 2022

State of Oregon Department of Water Resources
725 Summer St NE, Suite A
Salem, OR 97301

RE: Our Loan No. 60714199
Mortgagor: K-Diamon, Inc. and Tom Mac Kearns

Dear Sir or Madam:

The above-referenced loan has been paid in full. In reference to the following Water Rights Application G-12355, Permit G-11300, Application G-17689, Application S-83516, Permit S-53908, and Application G-13175, Permit G-12039. Please note that the Deed of Trust securing our interests in the Water Rights is in the name of AXA Equitable Life Insurance Company, which is now known as Equitable Financial Life Insurance Company.

We would like to release our security interests in the above-referenced Water Rights since the loan has been paid in full.

Please send a letter of acknowledgement of releases to my attention:

AEGON USA Realty Advisors, LLC
Attn: Homa Sidhu
6300 C Street SW, MS 3B-CR
Cedar Rapids, IA 52499

If you have any questions, please do not hesitate to contact me at (319) 355-8699 or at

Very truly yours,

AEGON USA REALTY ADVISORS, LLC, as servicer for
EQUITABLE FINANCIAL LIFE INSURANCE COMPANY
EQUITABLE AGRIFINANCE, LLC

Homa Sidhu
Mortgage Loan Servicing

Enclosures

CC: K-Diamon, Inc. and Tom Mac Kearns

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Friday, February 23, 2024 11:48 AM
To: Tracy Lehman
Cc: BJORK Mary F * WRD
Subject: RE: Water Documents
Attachments: Water Documents.pdf; Assignments & Ownership Updates

Hi Tracy,

I'm attaching a copy of my 1/31/2024 guidance email (Assignments & Ownership Updates) because it addresses outstanding items regarding your attachment. I've also copied it below and highlighted the items that still need to be addressed.

Per our discussion I've attached a copy of the 2022 return letter to assist you in resubmitting assignments and ownership update forms. As mentioned, because both Tom Mac Kerns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC are permit holders of record, you'll need to address both. You may use the attached Assignment Request Form to list both names and the contact information, listing "deceased" in parentheses next to Tom's name. This will be a type of hybrid assignment where you'll need to provide the two items of proof for Tom's interest, described on the Assignment Request by Proof Form. Basically the death certificate that you mentioned and the deed to the land.

Additionally, you'll need to have a representative of AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC sign the form to assign off their interest.

So, basically, the deficient items in your attachment are as follows:

The request forms only lists AXA at the top of the forms. They need to list both AXA and Tom Mac Kerns.

The forms are missing a dated signature for AXA at the bottom of the form.

The forms are missing a copy of the deed to the land, necessary along with the death certificate as the second item of proof.

Once you're ready to submit the completed forms and proof, they will need to be submitted with the required fee of \$120 per assignment.

Hope this helps,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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

From: Tracy Lehman <lehmanchopping@gmail.com>
Sent: Tuesday, February 20, 2024 9:27 AM
To: BJORK Mary F * WRD <mary.f.bjork@water.oregon.gov>
Subject: Water Documents

You don't often get email from lehmanchopping@gmail.com. [Learn why this is important](#)

Good morning Mary. Attached are documents that we have so far regarding the water rights. Please let me know what else you need. Thank you!

Lehman Chopping
Tracy Lehman (541) 403-1600

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, January 31, 2024 10:15 AM
To: lehmanchopping@gmail.com
Cc: BJORK Mary F * WRD
Subject: Assignments & Ownership Updates
Attachments: 13175-assign-return.pdf; Assignment Request Form.pdf; Assignment Request by Proof Form.pdf

Hi Tracy,

Per our discussion I've attached a copy of the 2022 return letter to assist you in resubmitting assignments and ownership update forms. As mentioned, because both Tom Mac Kerns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC are permit holders of record, you'll need to address both. You may use the attached Assignment Request Form to list both names and the contact information, listing "deceased" in parentheses next to Tom's name. This will be a type of hybrid assignment where you'll need to provide the two items of proof for Tom's interest, described on the Assignment Request by Proof Form. Basically the death certificate that you mentioned and the deed to the land.

Additionally, you'll need to have a representative of AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC sign the form to assign off their interest.

I'm happy to review a pdf of the completed forms by email if you'd like, or please feel free to reach out with questions.

Best regards,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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

Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

1. AXA Equitable Life Insurance Company, now known as Equitable Financial
 (Name of Current Holder of Record) Life Insurance Company
12300 C Street SW Cedar Rapids IA 52499 319-355-8699
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # G-13175; Permit # G-12039; Transfer Order # _____;
 Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

TRACY LEHMAN and ADAM LEHMAN
 (Name of New Owner)
15468 HUNT MTN LN. Baker City, OR 97314 541-403-1600
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

_____ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this _____ day of _____, 20____.
 (Day) (Month) (Year)

Signature of Current Holder of Record _____

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.



6300 C Street SW
Cedar Rapids, IA 52499
T: 319-355 3932
F: 319-355 6836

August 11, 2022

State of Oregon Department of Water Resources
725 Summer St NE, Suite A
Salem, OR 97301

RE: Our Loan No. 60714199
Mortgagor: K-Diamon, Inc. and Tom Mac Kearns

Dear Sir or Madam:

The above-referenced loan has been paid in full. In reference to the following Water Rights Application G-12355, Permit G-11300, Application G-17689, Application S-83516, Permit S-53908, and Application G-13175, Permit G-12039. Please note that the Deed of Trust securing our interests in the Water Rights is in the name of AXA Equitable Life Insurance Company, which is now known as Equitable Financial Life Insurance Company.

We would like to release our security interests in the above-referenced Water Rights since the loan has been paid in full.

Please send a letter of acknowledgement of releases to my attention:

AEGON USA Realty Advisors, LLC
Attn: Homa Sidhu
6300 C Street SW, MS 3B-CR
Cedar Rapids, IA 52499

If you have any questions, please do not hesitate to contact me at (319) 355-8699 or at

Very truly yours,

AEGON USA REALTY ADVISORS, LLC, as servicer for
EQUITABLE FINANCIAL LIFE INSURANCE COMPANY
EQUITABLE AGRIFINANCE, LLC

Homa Sidhu
Mortgage Loan Servicing

Enclosures

CC: K-Diamon, Inc. and Tom Mac Kearns

7207 1207 0500 7000 E200 0242

U.S. Postal Service
CERTIFIED MAIL[®] RETURN RECEIPT[®]
FIRST CLASS MAIL PERMIT NO. 1000
BOSTON, MA 02111

For delivery information, visit our website at www.usps.com.

Certified Mail Fee

Each Service & \$ add (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postmark
Here

Postage

Total Postage and Fees

Sent To

Street, Apt., No., or PO Box No.

City, State, ZIP+4[®]

For more information, visit our website at www.usps.com.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: center;">EUBEN 8-15-02</p>												
<p>1. Article Addressed to:</p> <p style="font-family: cursive;">State of Oregon Department New Mail Office Building 725 Sumner St NE, Suite Calem, OR 97301</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="font-family: cursive;">Water Resource</p>												
<p>2. Article Number (Transfer from service label)</p> <p>7021 0350 0001 0023 7423</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<input type="checkbox"/> Collect on Delivery Restricted Delivery													



9590 9402 6898 1104 6146 71

Records have been redacted or withheld pursuant to the exemption for vital records specified in ORS 432.350.

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Thursday, December 5, 2024 9:56 AM
To: lehmanchopping@gmail.com
Cc: SKAUG Jonnine L * WRD; BJORK Mary F * WRD
Subject: App S-83516, Permit S-53908 Assign by Proof Guidance
Attachments: Assignment Request by Proof Form.pdf; App S-83516 Permit S-53908.pdf

Hi Tracy,

Thanks for taking my call and discussing the assignment for App S-83516, Permit S-53908. As mentioned, the process requires signatures of permit holders of record. Because of the situation you described in trying to obtain a signature from AXA Equitable Life Insurance Co.; AXA Equitable Agrifinance LLC (c/o), I am willing to review a completed request for assignment by proof of ownership.

I have attached the Request for Assignment by Proof of Ownership (If Water Right Holder is Not Available) Form to this email and am providing the following step-by-step instructions to assist.

- As the top of the form list the names that you want the permit in. Previous attempts listed Tracy Lehman and Adam Lehman. If this is still your intent, please note that both Tracy and Adam need to sign the bottom of the form and initial items numbered 1 through 4.
- Check the appropriate action box for the request. Previous attempts checked a box for assigning the entire permit.
- In the next area on the form, you'll need to capture the names and contact information on file for the current permit holders of record. Here you can write AXA Equitable Life Insurance Co.; AXA Equitable Agrifinance LLC (c/o) and their contact information. You will also need to write Tom Mac Kerns. Instead of including contact information for Tom, you may write, "(deceased)", next to his name.
- You will need to sign the form as instructed above, include a check or money order for the required fee of \$120, and provide the required proof.

I have included a scan of proof provided previously. You are welcome to print that proof to include with your new submittal. Please note that the Deed provided covers the lands being requested for assignment under App S-83516, Permit S-53908.

Please let me know if you have any questions. I'm happy to review a draft of your submittal before you send it by post.

Best regards,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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



After recording return to:

Tracy Charles Lehman and Adam Charles Lehman
15468 Hunt Mt Lane
Baker City, OR 97814

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

Tracy Charles Lehman and Adam Charles Lehman
15468 Hunt Mt Lane
Baker City, OR 97814
File No. 546380AM

STATUTORY WARRANTY DEED

K-Diamond Ranch LLC, an Oregon Limited Liability Company ,

Grantor(s), hereby convey and warrant to

Tracy Charles Lehman and, an unmarried man and Adam Charles Lehman, a married man as his sole and separate property,

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

See Attached Exhibit 'A'

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

08S39 2400
08S39 2405
08S3918 204
08S3918 201

The consideration paid for the transfer is PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR.

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:

2022-2023 Real Property Taxes, a lien not yet due and payable

EXHIBIT 'A'

File No. 546380AM

PARCEL ONE:

The East half of the Southeast quarter, and the East 60 rods of the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a portion of the Northeast quarter of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at the East quarter corner of Section 7, said township and range; thence West 467 feet along the North line of the Northeast quarter of the Southeast quarter of said Section 7; thence South 467 feet along a line parallel to the East line of said Section 7; thence East 467 feet, more or less, along a line parallel to the North line of the Northeast quarter of the Southeast quarter of said Section 7 to the East line of said Section 7; thence North 467 feet, more or less, along the East line of said Section 7 to the POINT OF BEGINNING.

(Said land is shown as a portion of Parcel 2 of PARTITION PLAT NO. P2013-003, recorded May 3, 2013, in Book 13 18 0065, Baker County Deed Records.)

PARCEL TWO:

The East half of the Southeast quarter of Section 12, Township 8 South, Range 38 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO Government Lots 1 and 2 of the Southwest quarter (being the entire Southwest quarter) and the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM the East 60 rods of the West half of the Southeast quarter of Section 7, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

ALSO the North half of Government Lot 1 of the Northwest quarter (being the Northeast quarter of the Northwest quarter) and the North half of Government Lot 2 of the Northwest quarter (being the Northwest quarter of the Northwest quarter) of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM a portion of the Northwest quarter of the Northwest quarter of Section 18, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon, more particularly described as follows:

STATE OF OREGON

County of Baker

} SS

I certify that this instrument was received and recorded in the book of records of said county.

Stefanie Kirby
Baker County Clerk

by: *Karen Phillips* Deputy.

DOC#: B22290258
106.00
7/20/2022 11:56 AM
REFUND: .00



6300 C Street SW
Cedar Rapids, IA 52499
T: 319-355 3932
F: 319-355 6836

August 11, 2022

State of Oregon Department of Water Resources
725 Summer St NE, Suite A
Salem, OR 97301

RE: Our Loan No. 60714199
Mortgagor: K-Diamon, Inc. and Tom Mac Kearns

Dear Sir or Madam:

The above-referenced loan has been paid in full. In reference to the following Water Rights Application G-12355, Permit G-11300, Application G-17689, Application S-83516, Permit S-53908, and Application G-13175, Permit G-12039. Please note that the Deed of Trust securing our interests in the Water Rights is in the name of AXA Equitable Life Insurance Company, which is now known as Equitable Financial Life Insurance Company.

We would like to release our security interests in the above-referenced Water Rights since the loan has been paid in full.

Please send a letter of acknowledgement of releases to my attention:

AEGON USA Realty Advisors, LLC
Attn: Homa Sidhu
6300 C Street SW, MS 3B-CR
Cedar Rapids, IA 52499

If you have any questions, please do not hesitate to contact me at (319) 355-8699 or at

Very truly yours,

AEGON USA REALTY ADVISORS, LLC, as servicer for
EQUITABLE FINANCIAL LIFE INSURANCE COMPANY
EQUITABLE AGRIFINANCE, LLC

Homa Sidhu
Mortgage Loan Servicing

Enclosures

CC: K-Diamon, Inc. and Tom Mac Kearns

Records have been redacted or withheld pursuant to the exemption for vital records specified in ORS 432.350.

BJORK Mary F * WRD

From: SKAUG Jonnine L * WRD
Sent: Thursday, December 5, 2024 7:55 AM
To: Tracy Lehman
Cc: BJORK Mary F * WRD
Subject: FW: 546380AM: Various 08S38 and 08S39, Haines, OR 97833: recorded deed
Attachments: WD_2_Recorded.pdf

Good morning,

I am not sure where you are at in the assignment process, but I am forwarding your email to Mary Bjork (cc'd her in this email), so that she may help you.

Please let me know if you have any other questions.

Thank you,
Jonnine Skaug

From: Tracy Lehman <lehmanchopping@gmail.com>
Sent: Thursday, December 5, 2024 7:48 AM
To: SKAUG Jonnine L * WRD <jonnine.l.skaug@water.oregon.gov>
Subject: Fwd: 546380AM: Various 08S38 and 08S39, Haines, OR 97833: recorded deed

Hi Jonnine. Here is a copy of the deed. Does this help with what we are needing for the water rights?

----- Forwarded message -----

From: Julie Paxton <Julie.Paxton@amerititle.com>
Date: Wed, Dec 4, 2024 at 2:56 PM
Subject: 546380AM: Various 08S38 and 08S39, Haines, OR 97833: recorded deed
To: Tracy Lehman <lehmanchopping@gmail.com>

per your request

Julie Paxton | Branch Manager | AmeriTitle, LLC
2245 Main St. | Baker City, OR | 97814
Phone (541) 523-3663 | Fax (541) 523-2290

*****CONSUMER PROTECTION ALERT: Please call our branch and verify wire transfer instructions verbally with your escrow officer prior to wiring funds.*****



Oregon

Kate Brown, Governor

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

August 10, 2022

Tracy Lehman
Adam Lehman
15468 Hunt Mountain Lane
Baker City, OR 97814

Reference: Application S-83516, Permit S-53908
Reference: Application G-12355, Permit G-11300
Reference: Application G-13175, Permit G-12039
Reference: Application G-5551, Permit G-4970, Certificate 72613
Reference: Decree: North Powder River Certificate 72619

The requested assignments cannot be processed at this time and are being returned to you. The associated fees were submitted by AmeriTitle and are being returned to them separately.

None of the requests list the associated water right numbers on the request for assignment forms. The referenced water right numbers are understood to be those associated with the submitted water right documents. If you are interested in resubmitting the requests, the water right numbers need to be listed on the forms.

Regarding Application S-83516, Permit S-53908, Application S-83516, Permit S-53908 and Application G-13175, Permit G-12039, the permits are in the names of Tom Mac Kerns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC, per the enclosed assignment confirmation dated September 4, 2014. The requests are missing signatures for both Tom Mac Kerns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC. Requests for Assignment must be signed by the permit holder(s) of record or proof of ownership and proof that you are unable to contact the permit holder(s) of record must be provided. These items of proof are described further in the attached Request for Assignment by Proof of Ownership Form (If Water Right Holder is Not Available).

The requested assignments on Certificates 72613 and 72619, cannot be made as these are perfected rights as evidenced by the issuance of Certificates of Water Right. Under Oregon Water Law, a perfected right is considered a land right and goes with the land. Therefore, if you own land that has a perfected right you own the right as well. There is no provision in Oregon Water Law for changing the name on a perfected right.

The Department does request that an ownership update be filed for perfected rights when a change in ownership occurs. I have included Ownership Update Forms with this correspondence. Additional forms may be accessed online.

Please return the requests with the required items and fees so that the Department may process them in a timely manner.

Page 1 of 2



Should you have any questions, please contact me at 503-979-9895 or mary.f.bjork@water.oregon.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary F. Bjork", with a horizontal line extending to the right.

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosures: Original Requests & Ownership Update Forms

cc: File

AmeriTitle – 2245 Main St., Baker City, OR 97814



Oregon

John A. Kitzhaber, MD, Governor

September 4, 2014

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

Elkhorn Title Company
1725 Main Street
Baker City, Oregon 97814

Reference: Application G-12355, Permit G-11300 – Application G-17689
Application S-83516, Permit S-53908 – Application G-13175, Permit G-12039

Regarding Application G-17689, the partial assignment from K-Diamond, Inc. to K. Diamond, Inc. and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show K. Diamond, Inc. and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC as the application holders of record.

Regarding Application G-12355, Permit G-11300 – Application S-83516, Permit S-53908 and Application G-13175, Permit G-12039, the partial assignment from Tom Mac Kearns to Tom Mac Kearns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC.

The Departments records will now show Tom Mac Kearns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 113263 covering the recording fees is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 113263

cc: Watermaster 8
K-Diamond, Inc.
Tom Mac Kearns
Data Center, OWRD (cover letter & request)
Hydrographics
Files



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

August 10, 2022

AmeriTitle
2245 Main St
Baker City, OR 97814

Reference: Application S-83516, Permit S-53908
Reference: Application G-12355, Permit G-11300
Reference: Application G-13175, Permit G-12039
Reference: Application G-5551, Permit G-4970, Certificate 72613
Reference: Decree: North Powder River, Certificate 72619

Per discussion with your office on August 9, 2022, the requested assignments on the referenced water rights cannot be processed as submitted and have been returned to the requesting party. The associated fees submitted by AmeriTitle and received by the Department on August 5, 2022, are enclosed.

Should you have any questions, please contact me at 503-979-9895 or marv.f.bjork@water.oregon.gov.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosures: Fees & Letter (Lehman)

cc: File



BJORK Mary F * WRD

From: ZIELINSKI Vicki J * WRD
Sent: Tuesday, August 9, 2022 1:00 PM
To: BJORK Mary F * WRD; WRD_DL_ASD Support
Subject: RE: Pink Slip Receipt 138848 Info Request

Hi Mary,

Here you go:

AmeriTitle
2245 Main St.
Baker City, OR 97814

Phone (541)523-3663

Vicki J Zielinski

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Tuesday, August 9, 2022 12:00 PM
To: WRD_DL_ASD Support <WRD_DL_ASDSupport@water.oregon.gov>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: Pink Slip Receipt 138848 Info Request

Greetings,

Another one this morning. Please forward the address, phone number and any other notes on the check from AmeriTitle for Receipt # 138848. I need this information because the submittal will be a RTS.

Thanks!

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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

Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Tom Mac Kerns and Joyce A. Kerns
(Name of Current Holder of Record)
Route 1 Box 10 Harves, OR 97833
(Mailing Address) (City) (State) (Zip) (Phone #)

hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)

hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; *(You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)*

hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

RECEIVED
 AUG 05 2022
 OWRD

Application # _____; Permit # _____; Transfer Order # _____;
 Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

Tracy Lehman and Adam Lehman
(Name of New Owner)
15468 Hunt Mountain Lane Baker City OR 97814 541-403-1600
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 18 day of July, 2022
(Day) (Month) (Year)

Signature of Current Holder of Record J. Beck for Tom Mac Kerns and Joyce A. Kerns

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Additional Water Right Owner:

Permit G 12039

AXA Equitable Life Insurance Co
4333 Edgewood Road NE
Cedar Rapids, IA 52499-5223

RECEIVED

AUG 05 2022

OWSD

Oregon Water Resources Department
Water Rights Information Query

Permit: G 12039 *

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

Contact Information (Click to Collapse...)

Contact information

OWNER:
 ▶ TOM MAC KERNS
 4333 EDGEWOOD RD NE
 CEDAR RAPIDS, IA 52499-5223

OWNER:
 ▶ AXA EQUITABLE LIFE INSURANCE CO.; AXA EQL
 4333 EDGEWOOD RD NE
 CEDAR RAPIDS, IA 52499-5223

Prior Contact information

OWNER:
 ▶ TOM MAC KERNS
 44962 SCHOOLHOUSE RD
 HAINES, OR 97833

OWNER:
 ▶ JOYCE KERNS
 44962 SCHOOLHOUSE RD
 HAINES, OR 97833

Water Right Information (Click to Collapse...)

Status: Non-Cancelled
 County: Baker
 File Folder Location: Salem
 Watermaster District: 8

Scanned Documents (Click to Expand...)

Point(s) of Diversion (Click to Collapse...)

- ▶ [POD 1 - WELL 1 > WILLOW CREEK](#) (View Groundwater Site [BAKE0001951](#))
- ▶ [POD 2 - WELL 2 > WILLOW CREEK](#)
- ▶ [POD 3 - WELL 3 > WILLOW CREEK](#) (View Groundwater Site [BAKE0002143](#))

Place(s) of Use (Click to Collapse...)

Processing History (Click to Collapse...)

- ▶ Application: G-13175
- ▶ Permit: G 12039 [document](#), [paper map](#)

▶ Signature: 5/23/1995

Process Step	Date Completed	Result	Completed By
Final Proof	5/22/1995		
Completion Date [C Date]	10/1/1998		
Extension Application Received	2/7/2005		
▶ Extension Comment Period Ends	2/15/2005		
Extension PFO 315 Issued	4/5/2005	Propose to Approve	LISA JARAMILLO
Extension FO Issued	5/31/2005		LISA JARAMILLO
Pump Test Reviewed	9/29/2008	Approved	WILLAMETTE REGION GW REVIEWER
Extended Completion Date [Extension C Date]	10/1/2008		ANN REECE

- ▶ [View right with Web Mapping](#)
- ▶ [View Places of Use from Water Rights in the Same Area](#)
- ▶ [View Reported Water Use](#)

OWRD
 AUG 05 2022
 RECEIVED

Add TRS grouping

6/8/22, 1:16 PM

Permit: G 12039 *

Use - SUPPLEMENTAL IRRIGATION
(Supplemental) - 354.9 acres; Priority Date: 11/9/1992

Water Right Genealogy (Click to Collapse...)

No genealogy records available for this water right, try the family link below instead.



[View Water Rights in same Family](#)

[Report Errors with Water Right Data](#)

RECEIVED
AUG 05 2022
OWRD

STATE OF OREGON

RECEIVED

COUNTY OF BAKER

AUG 05 2022

PERMIT TO APPROPRIATE THE PUBLIC WATERS

OWRD

THIS PERMIT IS HEREBY ISSUED TO

TOM MAC AND JOYCE A KERNS
ROUTE 1 BOX 10
HAINES, OREGON 97833

503-856-3351

to use the waters of WELLS 1, 2, AND 3 IN THE WILLOW CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 354.9 ACRES.

This permit is issued approving APPLICATION G-13175. The date of priority is NOVEMBER 9, 1992. The use is limited to not more than 1991 GALLONS PER MINUTE, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NE 1/4 SW 1/4, SE 1/4 SE 1/4, SECTION 7, NW 1/4 NW 1/4, SECTION 18, T 8 S, R 39 E, W.M.; WELL 1 - 1100 FEET SOUTH & 1100 FEET EAST FROM THE NW CORNER OF SECTION 18; WELL 2 - 200 FEET SOUTH & 2640 FEET EAST FROM THE W 1/4 CORNER OF SECTION 7; WELL 3 - 1320 FEET NORTH AND 80 FEET WEST FROM THE SE CORNER OF SECTION 7.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under this permit is as follows:

NE 1/4 SE 1/4 40.0 ACRES
SE 1/4 SE 1/4 40.0 ACRES
SECTION 12
NE 1/4 NE 1/4 37.6 ACRES
SECTION 13
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 SW 1/4 38.9 ACRES
NW 1/4 SW 1/4 34.8 ACRES
SW 1/4 SW 1/4 34.3 ACRES
SE 1/4 SW 1/4 38.4 ACRES
NW 1/4 SE 1/4 10.0 ACRES
SW 1/4 SE 1/4 10.0 ACRES

SECTION 7

AUG 05 2022

PAGE TWO

OWSD

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before May 23, 1996, and shall be completed on or before October 1, 1997. Complete application of the water shall be made on or before October 1, 1998.

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

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

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

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

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

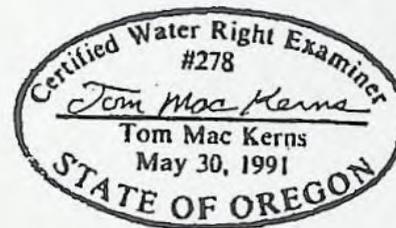
Issued this date, May 23, 1995.

EXHIBIT "C"
 FINAL PROOF MAP FOR PERMIT G-12039
 AND ALTERNATE POINT OF DIVERSION
 FOR G-12039, G-11300 AND C-72613

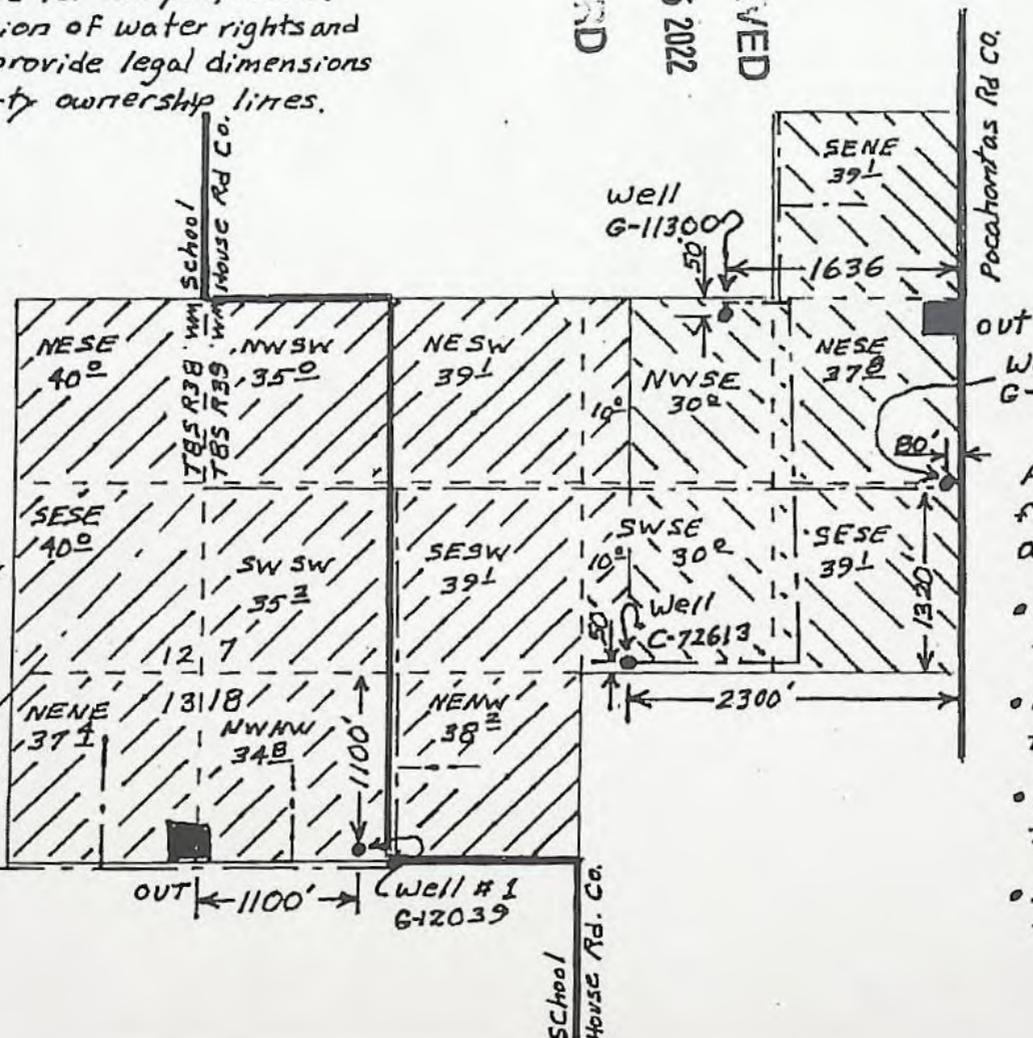
I certify the information provided in this final proof is an accurate representation of the permitted water use and is true and correct to the best of my knowledge. This map is to be used for the purpose of identifying the location of water rights and is not intended to provide legal dimensions or location of property ownership lines.

All land is being irrigated by center pivots with corners covered by hand lines

RECEIVED
 AUG 05 2022
 OREGON



LEGEND
 Co. Road ———
 main line - - -
 subdivision & acres
 Land irrigated under G-12039
 Land irrigated under G-11300 & C-72613
 well •
 scale 4" = 1 mile
 Drawn 12-13-99 by TMK



Alternate points of diversion for G-12039, G-11300 and C-72613 are as follows:

- 1100 ft south and 1100 ft east from the NW Cr S. 18, T8 S, R39E, WM
- 1320 ft north and 80 ft west from the SE Cr S 7, T8 S, R38E, WM
- 50 ft south and 1636 ft west from the East 1/4 Cr S 7, T8 S, R38E, WM
- 50 ft north and 2300 ft west from the SE Cr S 7, T8 S, R38E, WM

G 13175

3/07/2018

Tom Mac Kerns
44962 Schoolhouse Rd
Haines, OR 97833

Dwight French
Water Resources Department
725 summer St NE Suite A
Salem, OR 97301

Dear Mr. French,

Reference your letter of January 19, 2018 regarding Application G-13175/Permit G-12039

Numbers correspond with your letter of January 19, 2018.

1. Enclosed is water use report for Well 1 (upper well), Well 2 (lower well) and Well 3 (road well).
2. I certify that Ivan Gall stated pump tests on Well 1 and 3 is sufficient since Well 2 is probably hydraulically connected. Since Mr. Gall works for the same department and in the same building this should be adequate.
3. As a Professional Engineer (PE), a certified water rights (CWRE) and system operator I certify the system will handle the theoretical capacity of each well.

The system has evolved over many years starting in the 1960's and added on to from that time to the present. During that time it has changed from flood irrigation to hand line to wheel lines to center pivots and from one inlet to the piping system to 7 inlets with each center pivot getting water from at least 2 different directions and one pivot gets water from 4 different directions.

RECEIVED
MAR 15 2018
OWRD

I would appreciate if you have problems with what has been submitted you would call me at (541) 403-1214 rather than trying to resolve a complicated situation by letters.

Very truly yours,

Tom Mac Kerns

Tom Mac Kerns PE, LLS, CWRE

Attachment: Water Use Report

RECEIVED

MAR 15 2018

OWRD

WATER USE REPORT

for G13175/Permit 12039

WELL NAME

CY	UPPER No 1 53281563		ROAD # 3 51425550		LOWER # 2 53281659		Total Vol Ac Ft
	Kw Hr	Volume acre ft	Kw Hr	Volume acre ft	Kw Hr	Volume acre ft	
17	653	1.0	72223	222	11222	16.9	239.9
16	1075	1.6	96836	296	23629	34.8	332.1
15	18124	12.1	107862	329.5	163718	246.5	588.1
14	0	0	70525	257.7	185632	278.6	476.3
13	125260	186.4			136307	205.3	391.7
12	96482	143.6	73492	224.5	157046	236.5	604.6
11	117950	26.7	11920	36.4	116695	175.7	238.8
10	65828	98.0	20279	61.9	125545	189.1	399.0
9	78824	117.4	29290	89.5	128245	194.0	460.9
8	98480	146.6	173032	328.6	162879	245.3	920.5
7	188506	280.6	184251	562.7	142313	214.3	10576
6					(2037.0)		
5							
4							
3							
2							
1							
0							
99							
98							
97							
96							
95							

127637

O. COMES

Total
5599.8
509.1 AVE

Average use for road well
and upper well combined is
323.9 acre feet for period
1995 to 2006.

Well construction completed
by 6-8-07 and placed on
line in same month.

RECEIVED
MAR 15 2018
OWRD

O.0030547 O.0015059

Total allowed for Wells 1, 2 & 3 = 1064.7 acre ft
Wells 1 and 3 AVE = $\frac{5599.8 - 2037}{11} = 3562.8 \div 11 = 323.9$ acre ft/year



Oregon

Kate Brown, Governor

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

February 1, 2016

Tom "Mac" Kerns
44962 School House Rd
Haines, Oregon 97833

Reference: Application S-83516/ Permit S-53908, Application R-81903/Permit R-13606, Application **G-13175**/ Permit G-12039, Application G-12355/Permit G-11300, Application G-15172/Permit G-15115, and Transfer 6785.

Mr. Kerns,

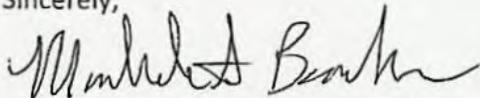
I received your letter on January 22, 2016 in response to my letter I sent you dated October 15, 2015. I have reviewed your comments on all the above mentioned files. I have provided a copy of your letter with a number by each item I will address in this letter.

1. **Application G-15172/Permit G-15115:** You are correct that you are not the current permit holder of record. This file was assigned to George and Linda Mansfeld on November 12, 2015. **No Further action required on your part.**
2. **Application S-83516/ Permit S-53908 and Application R-81903/ Permit R-13606:** Both of these applications were submitted to the Department for the additional 30.0 AF of storage developed and for that use of the water from the additional storage.
 - a. The letter you sent stated that you did send a letter to the Department January 21, 2005 (Exhibit C). In Exhibit C, the application number you reference was 8793, which does not correspond with any application on record. **You may correct this letter to show that the letter was intended to meet the requirements for Application R-81903/Dam Safety File P-3.**
 - b. Certificate 72618 does not allow for use of the additional 30.0 AF developed. The Certificate was issued prior to you applying for the additional 30.0 AF.
 - c. **Your request to remove the condition of installation of an approved fish screen has been denied.** During the initial review of the application the Department of Fish and Wildlife added the condition. The Condition reads "The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water." **Since you have diverted water without a fish screen for both Permits, they will be canceled, unless you can provide documentation from ODFW that fish screening and bypass are not required under both permits.**
 - d. If you do not believe that the modifications required by the permits are cost effective, you may choose to cancel Permit S-53908 and R-13606. If the reservoir permit is cancelled you may be required to decrease the capacity of the reservoir.

3. **Application G-13175/Permit G-12039**
- a. (1) Installation of a meter on each well; your letter states meters were installed. As long as the electrical meters you refer to are "Dedicated" the electrical meters will constitute meters for the purpose of compliance with the condition. The watermaster may require some other type of meter in the future.
 - b. (2) Annual water usage reports submitted to the Department. The Department does not have any records of water usage reporting for any of the wells. Your letter states you have data on Well 1 and Well 3. **You need to submit annual water usage reports for each well , including Well #2, to the Department for October 1, 1995 to October 1, 2008. The Department has denied your request for this condition to be removed from the permit.**
 - c. (3) Pump test needed for Well 2. The Department has a pump test for Well 1 and Well 3, but not Well 2. **You will need to submit a pump test for Well 2 or provided evidence that you have approval from the Department that Well 2 is exempt from the pump test.**
4. **Application G-12355/Permit G-11300: The Department understands that you need to defer the pump test until Spring of 2016.**
5. **Transfer T 6785 you are correct a Certificate 72618 was issued. No further action required on your part.**
6. **Your request to remove conditions from permits is denied.**

If you have ANY questions, please feel free to contact me at 503-986-0802.

Sincerely,



Machelle A Bamberger

cc: Application S-83516, Application R-81903, Application G-13175, Application G-12355.
Watermaster #8



Oregon

Kate Brown, Governor

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

October 21, 2015

Tom "Mac" Kerns
44962 School House Rd
Haines, Oregon 97833

Reference: Application S-83516/ Permit S-53908, Application R-81903/Permit R-13606, Application G-13175/ Permit G-12039, Application G-12355/Permit G-11300, Application G-15172/Permit G-15115, and Transfer 6785.

Mr. Kerns,

I have reviewed all the above mentioned files, and have come up with a plan for each one. Also I have enclosed copies of each permit with highlighted areas, and the application map to help you. I did not research other water rights that you may have an interest in.

Application G-15172/Permit G-15115 was cancelled on October 5, 2015. You have 60 days from the date of the letter to have it reinstated. This permit was issued July 24, 2002 and the completion date was October 1, 2006. The permit was for irrigation of 240.0 acres from a well in Ruckles Creek Basin. Permit conditions that should have been met between July 24, 2002 and October 1, 2006:

- (1) Installation of a meter on each well, and
- (2) water usage reports submitted to the Department. The Department does not have any records of water usage reporting.

Plan: if you would like to keep this permit you must ask for reinstatement and pay a fee, then you will need to apply for an extension of time, to come into compliance with permit conditions.

Application S-83516/ Permit S-53908 was issued on April 10, 2003. This permit is for supplemental irrigation of 156.9 acres using water from proposed reconstruction of Pine Creek Reservoir constructed under application R-81903, Permit R-13606. A compliance letter was sent to you on July 13, and October 12, of this year. The completion date was October 1, 2007. The Department has not received a Claim of Beneficial use. Permit conditions that should have been met between April 10, 2003 and October 1, 2007:

- (1) Installation of a meter;
- (2) Annual water usage reports submitted to the Department. The Department does not have record of any water usage reports; and
- (3) Installation of an approved fish screen and fishway or submit evidence that ODFW has determined screens and or fishway are not necessary. The Department has no record ODFW has approved fish screen and fishway or that one is not necessary.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application R-81903/ Permit R-13606 was issued on May 16, 2003. This permit is for enlargement of Pine Creek Reservoir, originally constructed under Permit R-660, to store 30.0 AF of water to be appropriated under Application S-83516, Permit S-53908, for supplemental irrigation. The completion

date was October 1, 2007. The Department has not received a Claim of Beneficial use. Permit conditions that should have been met between May 16, 2003 and October 1, 2007:

- (1) Installation of a meter or other measuring device;
- (2) Annual water usage reports submitted to the Department. The Department does not have record of water usage reports;
- (3) Installation of an approved fish screen and fishway or submit evidence that ODFW has determined screens and or fishway are not necessary. The Department has no record ODFW has approved fish screen and fishway or that one is not necessary; and
- (4) The Department has approved written certification from the engineer of record that construction has been completed. (The Department does not have record of letter of completion certifying that all work was supervised by a licensed engineer and performed in accordance with the approved repair design OR one set of quality reproducible asbuilt drawing documenting any changes in the approved design that occurred during construction.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application G-13175/Permit G-12039 was issued on May 23, 1995. This permit was to use Well 1, 2, and 3 in the Willow Creek Basin for supplemental irrigation of 354.9 acres. The completion date was October 1, 1998. An extension was received and a Final Order was approved with an extended completion date of October 1, 2008 and you had asked to have claim returned for modification, as Well 2 had yet to be developed. Permit conditions that should have been met between May 23, 1995 and October 1, 2008:

- (1) Installation of a meter on each well;
- (2) Annual water usage reports submitted to the Department. The Department does not have any records of water usage reporting; and
- (3) Pump test needed for Well 2. The Department has a pump test for Well 1 and Well 3, but not Well 2.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application G-12355/Permit G-11300; You need to do pump test before a certificate can be issued. The Department has received a Claim on August 29, 1994 and I will work on getting the Claim reviewed.

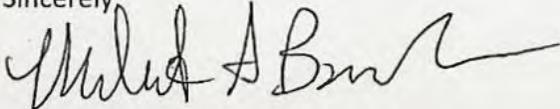
Plan: you need to submit a pump test for this well.

Transfer T 6785 was a transfer to change the place of use. The transfer was issued August 9, 1995. The change was to be Completed on or before October 1, 1996. The Department has not received a Claim.

Plan: Submit a Claim.

If you have ANY questions, please feel free to contact me at 503-986-0802.

Sincerely,



Machelle A Bamberger

cc: Application S-83516, Application R-81903, Application G-13175, Application G-12355, Application G-15172, and Transfer 6785.

Watermaster #8

January 18, 2016

RECEIVED BY OWRD

JAN 22 2016

Tom Mac Kerns

SALEM, OR

44962 Schoolhouse Rd

Haines, OR 97833

Water Resources Department

Attn: Machel A. Bamberger

725 Summer St. NE. Suite A

Salem, OR 97301

Reference: Machel A. Bamberger 's letter of October 21, 2015 and phone call November 19, 2015

Application G-15172; Permit G-15115

This situation (Virtue Flat) has been taken care of by Jerry Sauter's letter of November 12, 2015. (Exhibit A)

Application S-83526/ Permit S-53908 and Application R-82903/ Permit R-13606 (Pine Creek Reservoir)
Pine Creek Reservoir was probably constructed in the late 1860's to provide water for mining and has not had the dam raised or reconstructed since. In 1931 the water right to use the water was converted from mining to irrigation.

In October 1996, Vern Church, Water Master, surveyed the drained pool and determined the reservoir when full contained 115 (Reference my letter as of October 28, 1996 Exhibit B) acre feet , 30 more acre feet than the certificate called for. Mr. Church recommended we get the certificate corrected to show the actual volume.

An Application was submitted to correct the storage certificate. At that time Mr. John Felk, OWRD Dam Engineer got involved and wanted some maintenance performed on the dam and spillway. All work required was performed under my direction and supervision (Engineer License No 5002) and a letter so stating was submitted January 21, 2005. (Exhibit C)

The permit calls the work reconstruction. It was not reconstruction but maintenance to restore the dam crest to a straight line and fix the spillway crest to an elevator both as originally constructed.

Certificate 72618 dated October 28, 1996 (Exhibit D) is a right to use the waters of Pine Creek Reservoir for irrigation of 280.00 acres. This certificate covers all of the water in the reservoir, which included the 30 acre feet. Why is OWRD requiring an additional water right?

The irrigation system of land covered by the certificates in question (Exhibit D) is very complicated. All waters enter the same system which includes several primary rights from Pine Creek, supplemental Pine Creek reservoir water, supplemental waste water, and supplemental ground water from 5 wells. To provide ease in administration we were attempting to cover all the land with supplemental reservoir water. However the work called for in the permit will be very expensive, and we can cover these lands with well water. Since only a small portion of these lands would be covered by water needing a fish screen, I would like you to take a second look to see if Pine Creek Reservoir water can't be used on all the lands without the expense for fish screens etc.

Application G-13175/ Permit G-12039

Each well has an electrical meter, well No 2 has a in line meter, well No 1 and 3 have an electrical meter. I have enough data on well No 1 and 3 to convert electrical usage to water volume.

I would like clarification on why water volume on these 2 wells is necessary and what it will be used for. Bear in mind this system has numerous primary rights, and 2 other wells that don't require water measurement hence it is a measurement that doesn't produce any usable results.

In addition to the above management of Pine Creek is complicated. It is subject to a very old rotation for 70 years. Senior rights (1863 & 1864) are below all other rights. After the creek drops to 600 CFS the senior rights get no water. The only water exists, where the creek exits the mountains, which is where our diversion point is.

All construction work on these wells and irrigation system was completed on time so no need for a time extension.

Application G-12355/ Permit G-11300

I agree pump test is required, unfortunately we are in freeze up condition and pump test must be deferred until spring of 2016.

Transfer T-6785

Transfer was completed and is covered by certificate 72618 (Exhibit D)

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

General comment:

The property covered by this issue includes several different in stream primary rights dating from the 1870's supplemental stored water rights from Pine Creek Reservoir, five different ground water rights and one waste water right. This being the case requirements for all surface water rights should be the same as the most senior right and requirements for all ground water should also be the same as the most senior right.

Since the action requested (ie fish screen, water measurement and pump tests) on the above referenced issues would apply to less than 5 percent of the total creek flow and produce no usable data, it is requested the director waive the requirements. This will leave only adding well No 2 to the previously submitted COBU.

Since the action requested on the above referenced issues would apply to less than 5 percent of the total creek flow and produce no usable data, it is requested , the director waive the requirements. This will leave only adding well No 2 to the previously submitted COBU.

If you have any questions that can't be resolved by phone I am willing to make a trip to Salem to sit down with you.

Very Truly Yours,

Tom Mac Kerns

Tom Mac Kerns

Cc Exhibits A, B, C, D, and E



RECEIVED BY OWRD

JAN 22 2016

SALEM, OR



November 12, 2015

EXHIBIT A

George and Linda Mansfeld
9775 W. Hubbard Rd.
Kuna, ID 83634

Reference: Application G-15172; Permit G-15115

The assignment by proof from Tom "Mac" Kerns to George and Linda Mansfeld has been recorded in the records of the Water Resources Department.

The Departments records will now show George and Linda Mansfeld as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 117886 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit requires complete application of water to the proposed use by October 1, 2006, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE). As of this date, the claim of beneficial use has not been received by the Department. This places this permit at risk of cancelation proceedings being started.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

Enclosure:

cc: Watermaster #8
Data Center
Hydrographics
File

Tom "Mac" Kerns
Rt 1, Box 10
Haines, OR 97833

EXHIBIT "B"

Water Rights & Adjudications Divisions
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem Or 97310

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

October 28, 1996

Reference: Certificate No. 10089-Storage Pine Creek Reservoir

Dear Sir:

Pine Creek reservoir is a reservoir constructed prior to the turn of the current century with minimum survey and design. Plans or area capacity curves don't exist.

During October of 1996, the water master surveyed the impoundment area to determine the capacity. This survey shows the capacity to the high water mark to be 115 acre feet. The certificate shows 85 acre feet. Since 1931, the reservoir has been used for supplemental irrigation and completely drained each year except during extremely wet years. This was probably less than five years during the 65 years it has been used for irrigation.

The 85 acre feet shown on the certificate is undoubtedly an estimate with the control being the amount of water actually stored. We now know it to be 115 acre feet.

I request the certificate be corrected to show the actual storage of 115 acre feet.

Sincerely,

Tom Mac Kerns

Tom "Mac" Kerns

EXHIBIT C

Tom "Mac" Kerns
45296 Pocahontas Rd.
Haines, Oregon 97833

January 21, 2005

Mr. Phil Ward, Director
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE Suite A.
Salem, Oregon 97301-1271

Reference: Application Number 8793, and Final Order dated 8-12-98

Dear Mr. Ward:

We accomplished all work required in the above referenced "Final Order". The dam crest has been restored in accordance with plans as documented in attached report.

This project took longer than anticipated since it is at a high elevation and a window between draining of the reservoir and snowfall was needed. This window was not found until the fall of 2003.

The work had a year to season. When the final inspection was made last fall, all restoration was in the same condition as it was when completed.

Sincerely,

TOM "MAC" KERNS
PE CWRE

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

Exhibit D

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

THIS CERTIFICATE ISSUED TO

Kerns Bros Inc.
Rural Route 1
Haines, OR 97833

confirms the right to use the waters of a reservoir on Pine Creek constructed under Permit R-660, a tributary of Powder River, for the purpose of supplemental irrigation of 280.00 acres.

This right was perfected under Permit 10721. The date of priority is December 11, 1931. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

NW¼ NW¼, Section 26, SW¼ NE¼, Section 32, T 8 S, R 38 E, WM.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

¼ ¼	ACRES	LOT	Section	TWP (S)	RNG (E)	USE
NESE	40.00	2301	12	8	38	IS
SESE	40.00	2301	12	8	38	IS
NESW ✓	39.10	2400	7	8	39	IS
NWSW	35.00	2400	7	8	39	IS
SWSW	35.80	2400	7	8	39	IS
SESW ✓	39.10	2400	7	8	39	IS
NENW	1.80	2400	18	8	39	IS
NENW	14.40	2400	18	8	39	IS
NWNW	34.80	201	18	8	39	IS
TOTAL AC	280.00					

This right shall be subject to the following condition that the City of Baker's Rights and priorities both as to natural flow and storage shall be preserved and shall not be affected by this subsequent filing; that rights in this reservoir, Mrs. Perkins, or her successors in interest, will promptly recognize the City's rights to the use of such reservoir for municipal purposes as specific in the agreement between the City and her on February 16, 1932, and that Mrs. Perkins or her successors in interest, will at all times indemnify and save the City harmless of any damage which may result through her enjoyment of said facilities as specified in said agreement.

The rights to the use of the water for any purpose is restricted to the lands or place of use herein described.

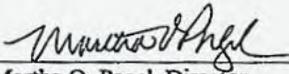
This certificate and transfer confirms an order of the Director entered on _____

OCT 28 1996

and recorded in Special Order Volume 50, Page 735, approving a petition by Kerns Brothers Inc. under ORS 541.329 for mapping of water rights within a district. This certificate supersedes certificate 55731 and Transfer 6785.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said permit. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed OCT 28 1996.


Martha O. Pagel, Director

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

Recorded in State Record of Water Right Certificates numbered 72618.

55731.CJ

APPLICATION FOR GROUND WATER RIGHT

Exhibit E

RECEIVED BY OWRD

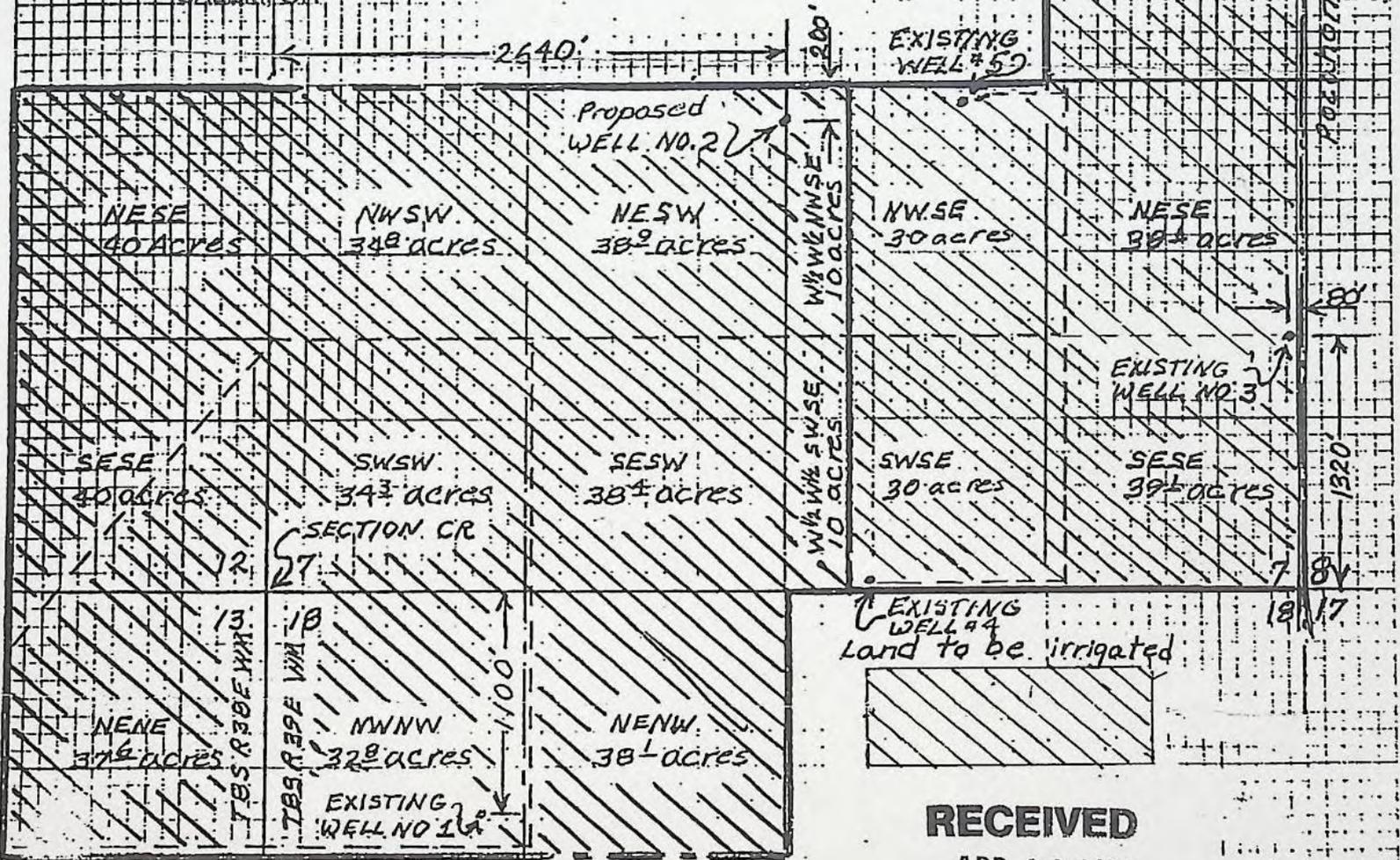
JAN 22 2016

SALEM, OR

RECEIVED

MAR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON



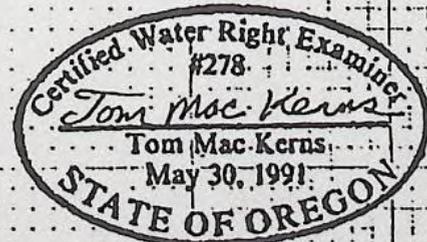
RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Legend

- Bdry Land to be irrigated
- County Road
- Buried PVC main line 6" 8" x 10"
- Scale 6" = 1 mile
- Drawn by TMK
- Revised 2-3-03





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

May 1, 2018

Tom "Mac" Kerns
44962 Schoolhouse Rd
Haines, OR 97833

Reference: Application G-13175/Permit G-12039; Application R-81903/Permit R-13606; and Application S83516/Permit S-53908

Mr. Kerns,

Enclosed is a copy of my letter to you dated January 19, 2018. The letter detailed deficiencies in the claims of beneficial use that had been submitted for the three permits listed above.

On February 7, 2018, Corey Courchane and I met with you in person and Brent Kerns by phone and we went over the letter. The letter gives you some limited options to prevent these three permits from being cancelled. In order for you to have plenty of time to come into compliance with the terms of the January 19, 2018 letter, we will not take action to cancel these permits until after November 1, 2018.

For the reservoir permit, it seems that a resurvey of the storage capacity is needed to determine how many acre-feet are being stored. It is possible that the existing certificate (number 10089) for 85 acre-feet is all that you need.

Sincerely,

Dwight French
Water Right Services Division Administrator

Enclosure: January 19, 2018 letter

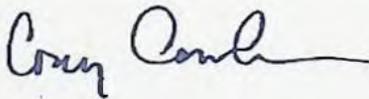
Cc: Application G-13175 (without enclosure)
Application G-81903 (without enclosure)
Application S-83516 (without enclosure)
Rick Lusk, Watermaster District 8

February 12, 2018

Reference: Application R-81903/Permit R-13606
 Application S-83516/Permit S-53908
 Application G-13175/Permit G-12039

On Wednesday, February 7, 2018, Dwight French and I met with Mr. Tom "Mac" Kerns, and Brent Kerns through speaker phone, in regards to Department correspondence requesting additional information, and the issue of non-compliance of permit conditions (See certified letter dated January 19, 2018).

Mr. Kerns was informed of the permit conditions that are required to be complied with, in order to salvage the water use permits. In order to accommodate Mr. Kerns, the Department has determined to grant additional time to submit the requested information for certificate issuance. If the requested information is not received by **November 1, 2018**, the Department shall move forward with cancellation of Permit R-13606, Permit S-53908, and Permit G-12039.

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 19, 2018

CEI

TESTED

Tom "Mac" Kerns
45298 Pocahontas Rd
Haines, OR 97833

Certi

G 13175 Tom Kerns
12039
541-403
1214

Reference: Application G-13175/Permit
Application S-83516/Permit S-53908

13606; and

Mr. Kerns,

Application G-13175/Permit G-12039

On December 12, 2016, the Department received correspondence from you regarding Permit G-12039, which included a Claim of Beneficial Use (Claim) for review. The Department is returning your Claim because it is incomplete, and has determined the following needs to be accomplished in order for a certificate to be issued:

- (1) Annual water usage reports need to be submitted to the Department for Well 1, Well 2, and Well 3. The Department does not have any records of water usage reporting. **You need to submit at least one annual water use report for each well to the Department for the period between May 23, 1995, and October 1, 2008. The Department has denied your request for this condition to be waived, as permit conditions are permanent and cannot be removed;**
- (2) The Department has a pump test for Well 1 and Well 3, but not Well 2. **You will need to either submit a pump test for Well 2, or a request for well pump test exemption for Well 2; and**
- (3) Section 4, System Description on page 5, item B1 through B5, of the Claim does not provide the technical data required in order to determine the maximum rate of use authorized by the permit. **System information and calculations must be provided for each well used under Permit G-12039. Be sure to calculate the theoretical capacity information in Item 5 for each well.**

If you are unable to provide water use reports between May 23, 1995 to October 1, 2008, you will need to submit an Application for an Extension of Time, to come into compliance with permit conditions. Submit either the additional information or the request for the Permit Extension of Time to the Department no later than March 19, 2018, or the Department shall move forward with cancellation of Permit G-12039.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 19, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Tom "Mac" Kerns
45298 Pocahontas Rd
Haines, OR 97833

Certified # 7017 0530 0001 1436 2945

Reference: Application G-13175/Permit G-12039; Application R-81903/Permit R-13606; and Application S-83516/Permit S-53908

Mr. Kerns,

Application G-13175/Permit G-12039

On December 12, 2016, the Department received correspondence from you regarding Permit G-12039, which included a Claim of Beneficial Use (Claim) for review. The Department is returning your Claim because it is incomplete, and has determined the following needs to be accomplished in order for a certificate to be issued:

- (1) Annual water usage reports need to be submitted to the Department for Well 1, Well 2, and Well 3. The Department does not have any records of water usage reporting. **You need to submit at least one annual water use report for each well to the Department for the period between May 23, 1995, and October 1, 2008. The Department has denied your request for this condition to be waived, as permit conditions are permanent and cannot be removed;**
- (2) The Department has a pump test for Well 1 and Well 3, but not Well 2. **You will need to either submit a pump test for Well 2, or a request for well pump test exemption for Well 2; and**
- (3) Section 4, System Description on page 5, item B1 through B5, of the Claim does not provide the technical data required in order to determine the maximum rate of use authorized by the permit. **System information and calculations must be provided for each well used under Permit G-12039. Be sure to calculate the theoretical capacity information in Item 5 for each well.**

If you are unable to provide water use reports between May 23, 1995 to October 1, 2008, you will need to submit an Application for an Extension of Time, to come into compliance with permit conditions. Submit either the additional information or the request for the Permit Extension of Time to the Department no later than March 19, 2018, or the Department shall move forward with cancellation of Permit G-12039.

Application R-81903/ Permit R-13606 and Application S-83516/Permit S-53908

On December 23, 2016, the Department received correspondence from you regarding permits R-13606 and S-53908. As it relates to these permits, it appears Extensions of Time are necessary.

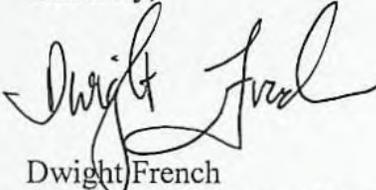
- (1) For permit R-13606, the Department did not receive written certification from the engineer of record that construction was completed in accordance with the approved plans and specifications between May 23, 1995, and October 1, 2008;
- (2) Permit R-13606 and S-53908 states, "The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water." In your correspondence, you indicated that ODFW implied no fish screening or fish passage was required. **The Department must have written authorization from ODFW that fish screens and fishway are not necessary;**
- (3) Annual water usage reports need to be submitted to the Department for use of water from Pine Creek Reservoir, for both Permit R-13606 and S-53908. The Department does not have any records of water usage reporting. **You need to submit at least one annual water use report for each permit to the Department for the period between May 23, 1995, and October 1, 2008. The Department has denied your request for this condition to be waived, as permit conditions are permanent and cannot be removed;**

Because written certification was not timely submitted, any water stored under permit R-13606 cannot be considered as legally stored water.

In order to claim any water stored under Permit R-13606, and the usage of the stored water under Permit S-53908, you will need to submit an Application for Extension of Time.

The correspondence that was received by the Department on December 12, 2016, and December 23, 2016, does not satisfy the requirements set forth by the permits in question. Submit the requests for the Permit Extensions of Time to the Department no later than March 19, 2018, or the Department shall move forward with cancellation of Permit R-13606, Permit S-53908, and Permit G-12039. If you need any additional information, or would like to discuss your options, please feel free to call Corey Courchane at (503) 986-0825.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight French". The signature is fluid and cursive, with the first name "Dwight" and last name "French" clearly distinguishable.

Dwight French
Administrator Water Right Services

Enclosures (1)

Cc: Application G-13175/Permit G-12039
Application R-81903/Permit R-13606
Application S-83516/Permit S-53908
Rick Lusk, Watermaster District 8

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tom "Mac" Kerns
 45298 Pocahontas Rd.
 Haines, OR 97833



9590 9402 2005 6123 9111 83

2. Article Number (Transfer from service label)

7017 0530 0001 1436 2945

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Tom Mac Kern* Agent
 Addressee

B. Received by (Printed Name)

Tom Mac Kern

C. Date of Delivery

1-24-18

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

RECEIVED
 Letter has wrong address
 address should be
 44962 Schoolhouse Rd
 Haines, OR 97833

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Issued May 13, 1995 "C" date = 1998 Exp = 2008

G-13175

Pump test W1 + W3 rvd
Dec 99

COBE rvd Dec 99

W1 (BAKE 1951)

W2 (BAKE 1572)

W3 (BAKE 2143)

- No water use reporting rvd

- No pump test or well ex. on Well 2

R-81903

Pine Creek Res.: Cert 10089 issued

7/28/33 for storage of 85.0 AF

S-85316

Fish screen install + evidence (ODFW waiver)
not satisfied by a site visit

* Past 60 days of issuance, Certificates can not be amended *

1st Ltr Oct 21, 2015

Response LTR Jan. 22, 2016

2nd Ltr Feb 1, 2016

2nd response Nov. 4, 2016

3rd Ltr Aug 29, 2017

~~Cert 10135 7/20/03 - Irrigation 320.00~~
~~Cert 55731 3/6/07 Irrigation 280.00~~

STATE OF OREGON
 COUNTY OF BAKER
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Kerns Bros Inc.
 Rural Route 1
 Haines, OR 97833

confirms the right to use the waters of a reservoir on Pine Creek constructed under Permit R-660, a tributary of Powder River, for the purpose of supplemental irrigation of 280.00 acres.

This right was perfected under Permit 10721. The date of priority is December 11, 1931. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

NW¼ NW¼, Section 26, SW¼ NE¼, Section 32, T 8 S, R 38 E, WM.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

¼ ¼	ACRES	LOT	Section	TWP (S)	RNG (E)	USE
NESE	40.00	2301	12	8	38	IS
SESE	40.00	2301	12	8	38	IS
NESW	39.10	2400	7	8	39	IS
NWSW	35.00	2400	7	8	39	IS
SWSW	35.80	2400	7	8	39	IS
SESW	39.10	2400	7	8	39	IS
NENW	1.80	2400	18	8	39	IS
NENW	14.40	2400	18	8	39	IS
NWNW	34.80	201	18	8	39	IS
TOTAL AC	280.00					

-Diff amt of acres id id
-Pow is described in diff. location

This right shall be subject to the following condition that the City of Baker's Rights and priorities both as to natural flow and storage shall be preserved and shall not be affected by this subsequent filing; that rights in this reservoir, Mrs. Perkins, or her successors in interest, will promptly recognize the City's rights to the use of such reservoir for municipal purposes as specific in the agreement between the City and her on February 16, 1932, and that Mrs. Perkins or her successors in interest, will at all times indemnify and save the City harmless of any damage which may result through her enjoyment of said facilities as specified in said agreement.

The rights to the use of the water for any purpose is restricted to the lands or place of use herein described.

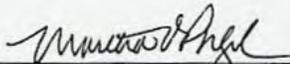
OCT 28 1996

This certificate and transfer confirms an order of the Director entered on _____,

and recorded in Special Order Volume 50, Page 735, approving a petition by Kerns Brothers Inc. under ORS 541.329 for mapping of water rights within a district. This certificate supersedes certificate 55731 and Transfer 6785.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said permit. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed OCT 28 1996.



Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 72618.

55731.CJ

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 37.8 ACRES
NW 1/4 SE 1/4 40.0 ACRES
SW 1/4 SE 1/4 40.0 ACRES
SE 1/4 SE 1/4 39.1 ACRES

SECTION 7

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TOM MAC AND JOYCE A. KERNS
45296 POCAHONTAS RD
HAINES, OREGON 97833

PHONE: (541) 856-3351

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-83516

SOURCE OF WATER: PINE CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-660 AND TO BE ENLARGED UNDER APPLICATION R-81903, PERMIT R-13566 , A TRIBUTARY OF POWDER RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 156.9 ACRES

MAXIMUM VOLUME ALLOWED: 30.0 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 31, 1997

POINT OF DIVERSION LOCATIONS:

WILLIAMS DITCH: NE 1/4 NW 1/4 SECTION 26, T8S, R38E, W.M.- 220 FEET SOUTH & 1000 FEET EAST FROM NW CORNER, SECTION 26

WELCH DITCH: NW 1/4 NW 1/4 SECTION 26, T8S, R38E, W.M. 1010 FEET SOUTH & 2200 FEET EAST BOTH FROM NW CORNER, SECTION 26

PINE CREEK RESERVOIR: SW 1/4 NE 1/4, SECTION 32, T8S, R38E, W.M.; 2310 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER, SECTION 32.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 3.5 acre-feet for each acre irrigated during the irrigation season of each year.

Application S-83516 Water Resources Department

PERMIT 53908

STANDARD CONDITIONS

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

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

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

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

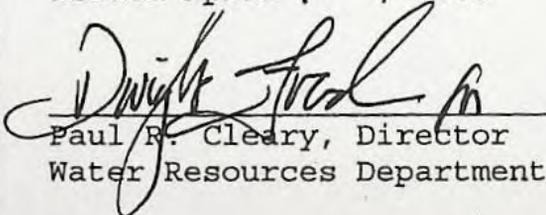
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued April 10, 2003


Paul R. Cleary, Director
Water Resources Department

Application S-83516 Water Resources Department
Basin 09 Volume 01 PINE CR
JWG

PERMIT 53908
DISTRICT 8

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

STATE OF OREGON

COUNTY OF BAKER

C E R T I F I C A T E O F W A T E R R I G H T

THIS IS TO CERTIFY, That OTHA D. PERKINS of Baker, State of Oregon, has made proof to the satisfaction of the State Engineer of Oregon, of a right to store the waters of Pine Creek, tributary of Powder River, to be appropriated under Application No. 14442, Permit No. 10721, for the purpose of Supplemental Irrigation, under Reservoir Permit No. 660 of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 11, 1931; that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 85 acre-feet.

This right shall be subject to the following condition that the City of Baker's rights and priorities both as to natural flow and storage shall be preserved and shall not be affected by this subsequent filing; that should the City of Baker at any time hereafter elect to employ its said rights in this reservoir, Mrs. Perkins, or her successors in interest, will promptly recognize the City's rights to the use of such reservoir for municipal purposes as specified in the agreement between the City and her on February 16, 1932, and that Mrs. Perkins or her successors in interest, will at all times indemnify and save the City harmless of any damage which may result through her enjoyment of said facilities as specified in said agreement.

The reservoir is located in Section 32, Township 8 South, Range 58 East, W. M.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of Section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,
affixed this 28th day of July, 1933.

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 10089.



Oregon
Kate Brown, Governor

Water Resources Department

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

August 29, 2017

Tom "Mac" Kerns
45298 Pocahontas Rd
Haines, OR 97833

*Cancel
FTMP
12/4/17
cc*

Reference: Application G-13175/Permit G-12039; Application R-81903/Permit R-13606; and Application S-83516/Permit S-53908

Mr. Kerns,

Application G-13175/Permit G-12039

On December 12, 2016, the Department received correspondence from you regarding Permit G-12039, which included a Claim of Beneficial Use (Claim) for review. The Department is returning your Claim because it is incomplete, and has determined the following needs to be accomplished in order for a certificate to be issued:

- (1) Annual water usage reports need to be submitted to the Department for Well 1, Well 2, and Well 3. The Department does not have any records of water usage reporting. **You need to submit at least one annual water use report for each well to the Department for the period between May 23, 1995, and October 1, 2008. The Department has denied your request for this condition to be waived, as permit conditions are permanent and cannot be removed;**
- (2) The Department has a pump test for Well 1 and Well 3, but not Well 2. **You will need to either submit a pump test for Well 2, or a request for well pump test exemption for Well 2; and**
- (3) Section 4, System Description on page 5, item B1 through B5, of the Claim does not provide the technical data required in order to determine the maximum rate of use authorized by the permit. **System information and calculations must be provided for each well used under Permit G-12039. Be sure to calculate the theoretical capacity information in Item 5 for each well.**

If you are unable to provide water use reports between May 23, 1995 to October 1, 2008, you will need to submit an Application for an Extension of Time, to come into compliance with permit conditions. Submit either the additional information or the request for the Permit Extension of Time to the Department no later than December, 2017, or the Department shall move forward with cancellation of Permit G-12039.

Application R-81903/ Permit R-13606 and Application S-83516/Permit S-53908

On December 23, 2016, the Department received correspondence from you regarding permits R-13606 and S-53908. As it relates to these permits, it appears Extensions of Time are necessary.

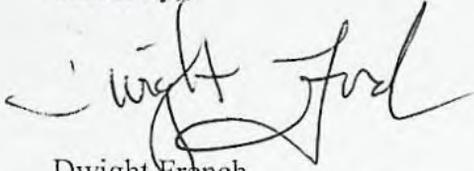
- (1) For permit R-13606, the Department did not receive written certification from the engineer of record that construction was completed in accordance with the approved plans and specifications between May 23, 1995, and October 1, 2008;
- (2) Permit R-13606 and S-53908 states, "The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water." In your correspondence, you indicated that ODFW implied no fish screening or fish passage was required. **The Department must have written authorization from ODFW that fish screens and fishway are not necessary;**
- (3) Annual water usage reports need to be submitted to the Department for use of water from Pine Creek Reservoir, for both Permit R-13606 and S-53908. The Department does not have any records of water usage reporting. **You need to submit at least one annual water use report for each permit to the Department for the period between May 23, 1995, and October 1, 2008. The Department has denied your request for this condition to be waived, as permit conditions are permanent and cannot be removed;**

Because written certification was not timely submitted, any water stored under permit R-13606 cannot be considered as legally stored water.

In order to claim any water stored under Permit R-13606, and the usage of the stored water under Permit S-53908, you will need to submit an Application for Extension of Time. Submit the requests for the Permit Extensions of Time to the Department no later than December 1, 2017, or the Department shall move forward with cancellation of Permit R-13606, and Permit S-53908.

If you need any additional information, or would like to discuss your options, please feel free to call Corey Courchane at (503) 986-0825.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight French". The signature is fluid and cursive, with the first name "Dwight" and last name "French" clearly distinguishable.

Dwight French
Administrator Water Right Services

Enclosures (1)

Cc: Application G-13175/Permit G-12039
Application R-81903/Permit R-13606
Application S-83516/Permit S-53908
Rick Lusk, Watermaster District 8

PROPERTY INFORMATION

Notice: The information provided here is for convenience ONLY. The records located at Baker County Assessor's Office are for informational purposes only and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Baker County is not, in any way, responsible for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original records filed at the Baker County Assessor Office, Baker City, Oregon.

Date Web Site was last updated 8/25/2017



Tax Year:2016 Ref#:15983

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC
08S38	2301	0	815	550 FARM USE/EFU VACANT

OWNER: K DIAMOND RANCH LLC

CONTRACT:

MAILING ADDRESS:

45298 POCAHONTAS RD

CITY/ST:

HAINES, OR 97833

PROPERTY ADDRESS:

0

NOTES:

*ZONED FARM USE-POTENTIAL ADD. TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$349210	
STRUCTURES	\$0	
SUBTOT	\$349210	\$47462
TOTAL	\$349210	\$47462

PROPERTY TAX INFORMATION

TAX	\$537.49
TOTAL TAX & SPECIAL ASSESSMENTS	\$537.49

(Total tax is the base amount of taxes owed, does not show discounted amount or payment made.)

LAND DESCRIPTIONS

LINE #	ACRES	LAND CODE	DESCRIPTION	DIMENSIONS	MARKET VALUE
1	75.98	2	MVF CLASS 2		\$33644
2	4.00	3	MVF CLASS 3		\$12770



[Search Again \(Assessor_Search.html\)](#)

[\(Assessor_Search.html\)](#)



<http://www.bakercounty.org/index.html>



<http://www.bakercounty.org/index.html>

Baker County operates under an EEO policy and complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Assistance is available for individuals with disabilities by calling 541-523-8200 (TTY: 541-523-8201). Read our Liability Statement (<http://www.bakercounty.org/disclaimer.html>).

Copyright © 2017, Baker County Government. All rights reserved.

PROPERTY INFORMATION

Notice: The information provided here is for convenience ONLY. The records located at Baker County Assessor's and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as possible, these documents are being provided as an informational convenience ONLY. Baker County is not, in any way, responsible for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original records filed at the Baker County Assessor Office, Baker City, Oregon.



Date Web Site was last updated 8/25/2017

Tax Year:2016 Ref#:16205

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC
08S38	2302	0	815	550 FARM USE/EFU VACANT

OWNER COBB, JOSHUA ALAN ETAL

CONTRACT

MAILING ADDRESS:

14101 LAUNCH PAD LN

CITY/ST:

HAINES, OR 97833

PROPERTY ADDRESS:

0

NOTES:

*ZONED FARM USE-POTENTIAL ADD. TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$80660	
STRUCTURES	\$0	
SUBTOT	\$80660	\$20962
TOTAL	\$80660	\$20962

PROPERTY TAX INFORMATION

TAX	\$237.38
TOTAL TAX & SPECIAL ASSESSMENTS	\$237.38

(Total tax is the base amount of taxes owed, does not show discounted amount or payment made.)

LAND DESCRIPTIONS

LINE #	ACRES	LAND CODE	DESCRIPTION	DIMENSIONS	MARKET VALUE
1	35.00	HS1	HOME SITE 1		\$80660

SALES

SEQ #	SALES DATE	SALES AMOUNT	# PARCELS SOLD	DOC TYPE	DOCUMENT NUMBER
1	5/08/2013	262000	2	WD	13180174
2	10/28/1993	162700	1	CT	9347032



[Search Again \(Assessor_Search.html\)](#)

[\(Assessor_Search.html\)](#)

www.bakercounty.org

<http://www.bakercounty.org/index.html>



<http://www.bakercounty.org/index.html>

Baker County operates under an EEO policy and complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Assistance is available for individuals with disabilities by calling 541-523-8200 (TTY: 541-523-8201). Read our Liability Statement (<http://www.bakercounty.org/disclaimer.html>).

Copyright © 2017, Baker County Government. All rights reserved.

PROPERTY INFORMATION

Notice: The information provided here is for convenience ONLY. The records located at Baker County Assessor's and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this info as possible, these documents are being provided as an informational convenience ONLY. Baker County is not, in any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original recorded at the Baker County Assessor Office, Baker City, Oregon.



Date Web Site was last updated 8/25/2017

Tax Year:2016 Ref#:7363

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC
08S39	2400	0	518	559 FARM USE/EFU ZONE/MH

OWNER **K DIAMOND RANCH LLC ETAL**

CONTRACT

MAILING ADDRESS:

45296 POCAHONTAS RD

CITY/ST:

HAINES, OR 97833

PROPERTY ADDRESS:

0

NOTES:

*ZONED FARM USE-POTENTIAL ADD. TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$1378900	
STRUCTURES	\$0	
SUBTOT	\$1378900	\$185420
TOTAL	\$1378900	\$185420

PROPERTY TAX INFORMATION

TAX	\$2257.31
TOTAL TAX & SPECIAL ASSESSMENTS	\$2257.31

(Total tax is the base amount of taxes owed, does not show discounted amount or payment made.)

LAND DESCRIPTIONS

LINE #	ACRES	LAND CODE	DESCRIPTION	DIMENSIONS	MARKET VALUE
1	0.00	OSD3	W/MINIMUM LANDSCAPE		\$18000
2	1.00	FHS	FARM HOME SITE		\$50000
3	278.43	2	MVF CLASS 2		\$123289
4	24.43	3	MVF CLASS 3		\$78010



[Search Again \(Assessor_Search.html\)](#)

[\(Assessor_Search.html\)](#)



<http://www.bakercounty.org/index.html>



<http://www.bakercounty.org/index.html>

Baker County operates under an EEO policy and complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Assistance is available for individuals with disabilities by calling 541-523-8200 (TTY: 541-523-8201). Read our Liability Statement (<http://www.bakercounty.org/disclaimer.html>).

Copyright © 2017, Baker County Government. All rights reserved.

PROPERTY INFORMATION

Notice: The information provided here is for convenience ONLY. The records located at Baker County Assessor's and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as possible, these documents are being provided as an informational convenience ONLY. Baker County is not, in any way, responsible for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original records filed at the Baker County Assessor Office, Baker City, Oregon.



Date Web Site was last updated 8/25/2017

Tax Year:2016 Ref#:15993

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC
08S3918	201	0	518	559 FARM USE/EFU ZONE/MH

OWNER: K DIAMOND RANCH LLC
 CONTRACT:
 MAILING ADDRESS:
 45298 POCAHONTAS RD
 CITY/ST: HAINES, OR 97833
 PROPERTY ADDRESS: 0

NOTES:
*ZONED FARM USE-POTENTIAL ADD. TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$326030	
STRUCTURES	\$0	
SUBTOT	\$326030	\$44860
TOTAL	\$326030	\$44860

PROPERTY TAX INFORMATION

TAX	\$546.14
TOTAL TAX & SPECIAL ASSESSMENTS	\$546.14

(Total tax is the base amount of taxes owed, does not show discounted amount or payment made.)

LAND DESCRIPTIONS

LINE #	ACRES	LAND CODE	DESCRIPTION	DIMENSIONS	MARKET VALUE
1	0.00	OSD2	OSD S/W TYPE LSCAPE		\$20000
2	1.00	FHS	FARM HOME SITE		\$50000
3	33.39	2	MVF CLASS 2		\$147850
4	33.88	3	MVF CLASS 3		\$108180



[Search Again \(Assessor_Search.html\)](#)

(Assessor_Search.html)



(<http://www.bakercounty.org/index.html>)

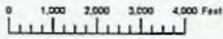


(<http://www.bakercounty.org/index.html>)

Baker County operates under an EEO policy and complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Assistance is available for individuals with disabilities by calling 541-523-8200 (TTY: 541-523-8201). Read our Liability Statement (<http://www.bakercounty.org/disclaimer.html>).

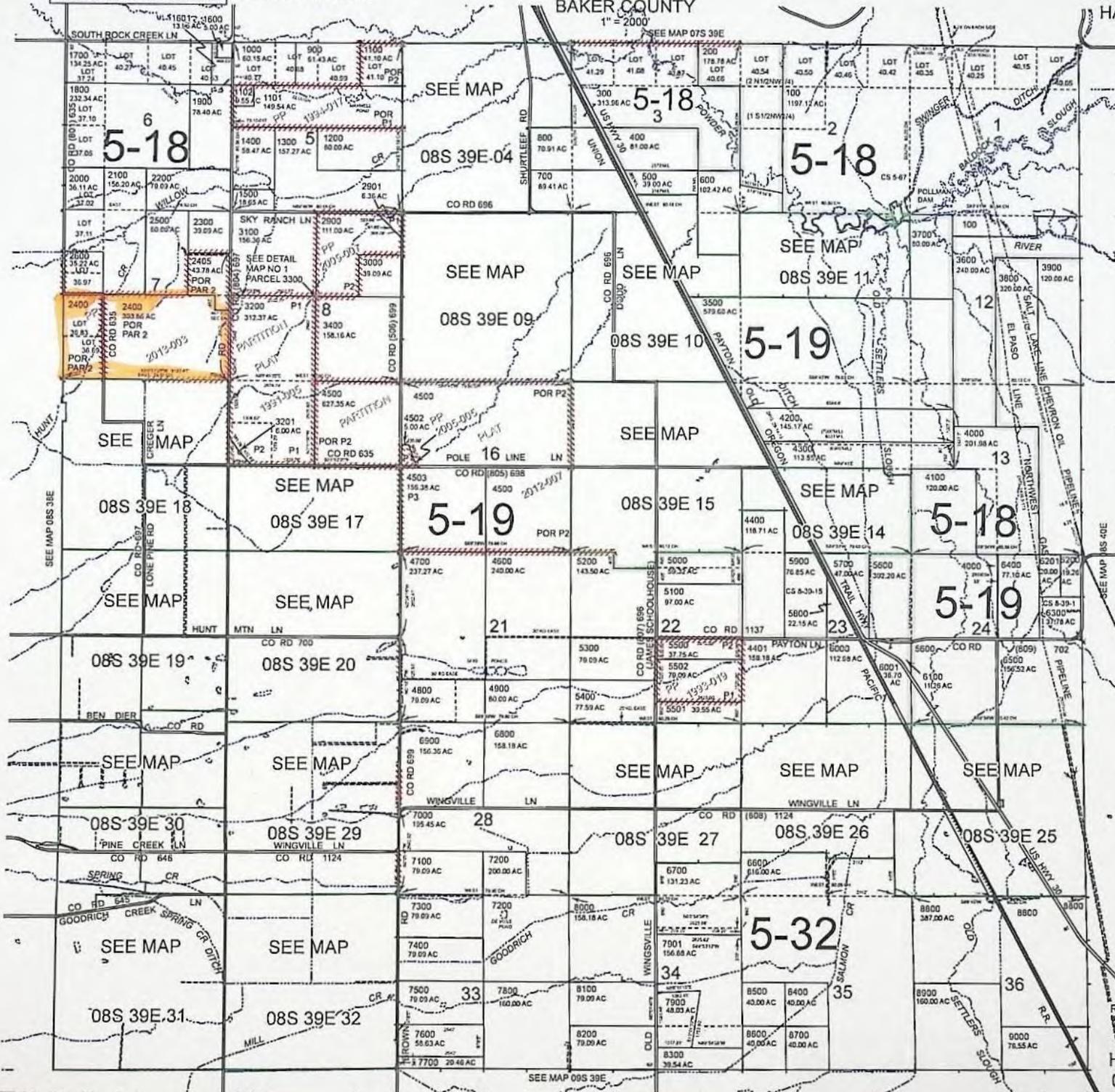
Copyright © 2017, Baker County Government. All rights reserved.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



T.8S. R.39E. W.M. BAKER COUNTY 1" = 2000'

08S39E HAINES

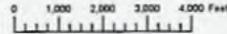


- Cancelled
- 2401
- 2402
- 2403
- 2404
- 2601
- 2700
- 2800
- 4501

Revised: DBJ 09/10/2014

HAINES 08S39E

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

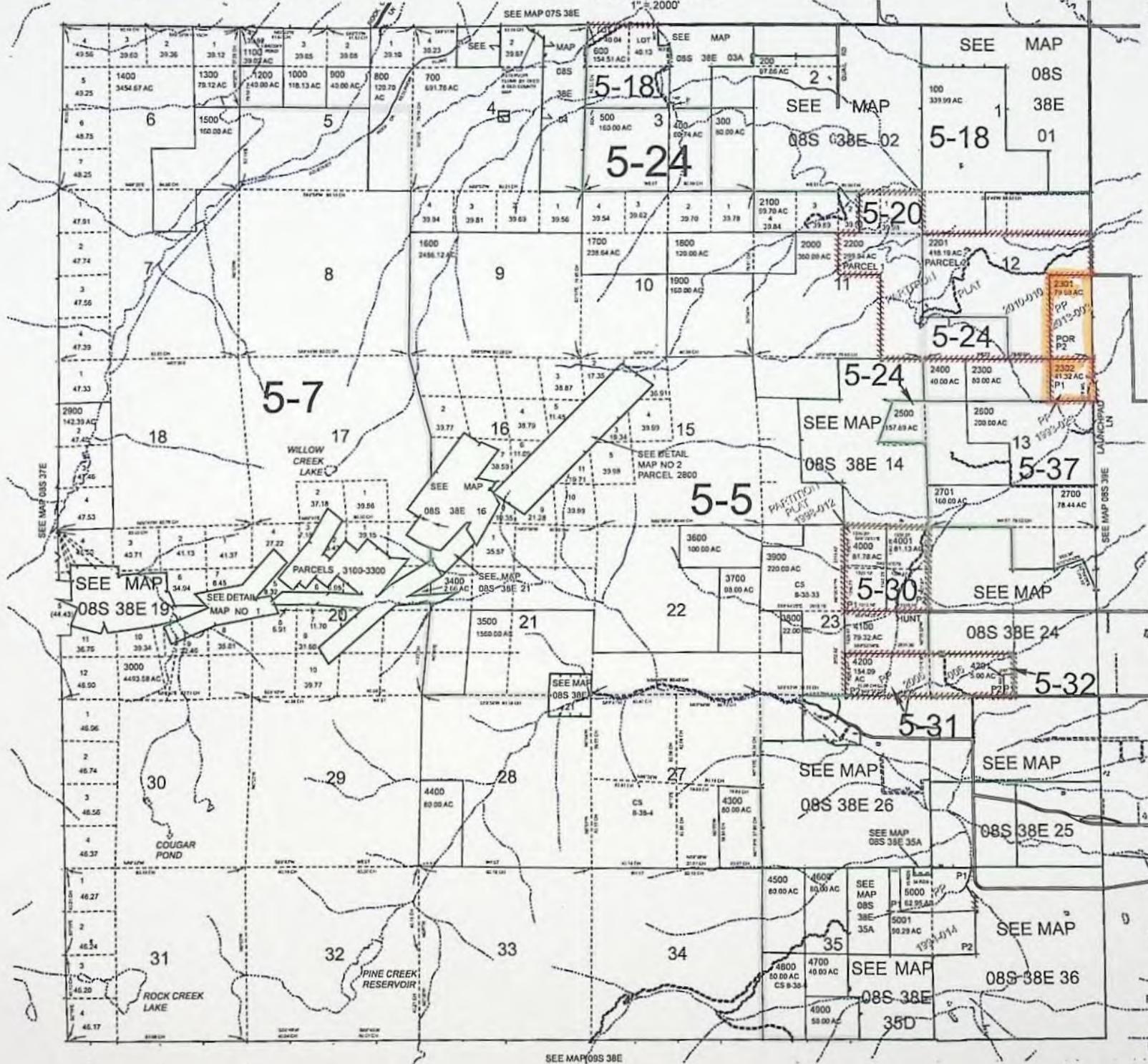


T.8S. R.38E. W.M.
BAKER COUNTY

1" = 2000'

OBS38E

Cancelled
2303
3500M1
7000M1



SEE MAP 09S 38E

Revised: DBJ
05/21/2013

OBS38E

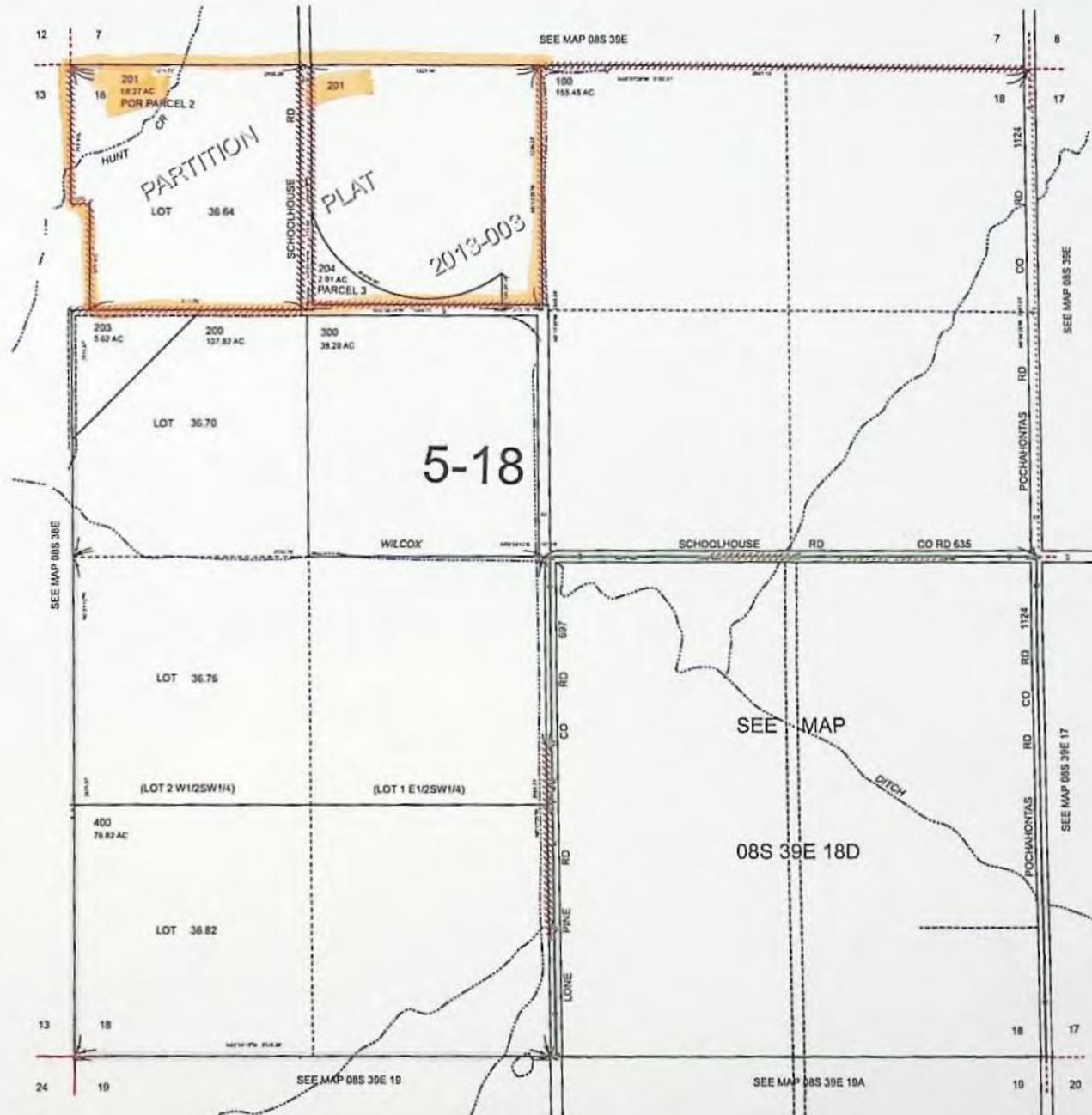
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SECTION 18 T.8S. R.39E. W.M.
BAKER COUNTY
1" = 400'

08S39E18

Cancelled
202



Revised: DBJ
05/21/2013

08S39E18

November 4th, 2016

Tom Mac Kerns
44962 Schoolhouse Rd
Haines, OR 97833

Oregon Water Resources Department
Attn: Machel A. Bamberger
725 Summer St. NE Suite A
Salem, OR 97301-1266

Dear Machel A. Bamberger,

Reference your letter of February 1, 2016 and Application G-13175/Permit G-12039 and Application G-12355/Permit G-11300

Enclosed is the COBU for the above referenced permits.

Application G-12355/permit 11300 a COBU for this permit was submitted years ago but a certificate has not been issued. Since land covered by this COBU is part of the same ownership as permit G-12039 I have made it part of this COBU.

Application G-13175/permit 12039 response to comments in your letter:

A & B. I have in my possession electrical power usage for the past several years for each of the wells which can be converted to quantity of water pumped. However this is a big job. It is requested the Department waive this requirement. Please consider this is "supplemental" water for land covered by a "Primary" right. Neither the "primary" right or several other "supplemental" rights for the same land require water use reporting. What kind of usable data is obtainable from a partial measurement?

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

C. Ivan Gaul stated in a public meeting in Baker city in spring of 2016 that a pump test on two of the five wells in the system would be adequate, these were done and submitted. What more do you want?

D. All five wells in this system discharge into the same application system. Hence the operator needs each well to be an alternate point of appropriation (POA) (see facilities map). Can you take care of this in the certification process or will you need something more from me?

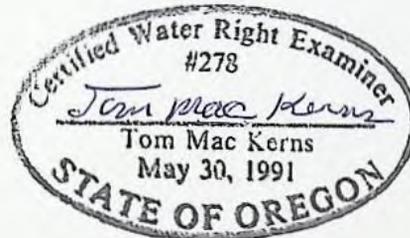
Very Truly Yours,

Tom Mac Kerns

Tom Mac Kerns P.E. ECWRE

L Brent Kerns

L. Brent Kerns owner



RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

R Copy

CLAIM OF BENEFICIAL USE for Permits claiming more than 0.1 cfs and All Transfers



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

A fee of \$175 must accompany this form for permits with priority dates after July 8, 1987.

A fee of \$175 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example - A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. Begin each new claim by checking for a new version of this form at: http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every item must have a response. If any requested information does not apply to the claim, insert "NA." Do not delete or alter any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

SECTION 1 GENERAL INFORMATION

1. File Information

APPLICATION # (G, R, S or T)	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
G-13175	G-12039	

and addition of alternate points of appropriation for C-44943 and G-11300 since all three share the same distribution system

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <i>K-Diamond Inc.</i>		PHONE NO. <i>541-403-1212</i>	ADDITIONAL CONTACT NO. <i>541-403-1214</i>
ADDRESS <i>45298 Pocahontas Rd</i>			
CITY <i>Haines</i>	STATE <i>Or.</i>	ZIP <i>97833</i>	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. Each permit or transfer holder of record must sign this form.

3. Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD <i>Tom "Mac" Kerns</i>		Phone <i>541-403-1214</i>	
ADDRESS <i>44962 Schoolhouse Rd</i>			
CITY <i>Haines</i>	STATE <i>Or</i>	ZIP <i>97833</i>	

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: *Constant since 1978*

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
<i>Brent Kerns</i>	<i>Same as above</i>	<i>Owner</i>

6. County: *Baker*

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

RECEIVED BY OWRD

DEC 12 2016

answer

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <i>Tom "Mac" Kerns</i>		PHONE NO. <i>541-903-1214</i>	ADDITIONAL CONTACT NO.	
ADDRESS <i>44062 Schoolhouse Rd</i>				
CITY <i>Haines</i>	STATE <i>Or</i>	ZIP <i>97833</i>	E-MAIL	

Permit or Transfer Holder's of Record Signature or Acknowledgement

Each permit or transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>L Brent Kerns</i>	<i>L. Brent Kerns</i>	<i>Pres</i>	<i>12/2/16</i>

RECEIVED BY OWRD

**SECTION 3
CLAIM DESCRIPTION**

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Lower #1	Bake 1572 (6-2-88)(6-8-07)	
Lower #2	Bake 57753 (6-8-07)	88324
Upper	Bake 1951 (5-28-99)	
Middle	67-17-7D (5-8-89)	
Road	Bake 2143 (5-24-95)(6-8-13)	
See EXHIBIT "A"		

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
	All available from electrical bills, Crops are hay grain potatoes and pasture varies from day to day since all supplemental			
Total Quantity of Water Used water.				

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

See facilities map EXHIBIT "C"

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

YES NO

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

All wells pump into the same distribution system. Hence all wells need to be an alternate POA for C 44245, P11300 and PG12309
See facilities map

6. Claim Summary:

POD/POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
See Exhibit "C"						

RECEIVED BY OWRD

**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple PODs or POAs?

YES NO

If "YES" you will need to copy and complete Sections 4B through 4G for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

See facilities map EXHIBIT "C"

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
Total Acres Irrigated									

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
<i>See facilities map and attached pump curves</i>					

3. Motor Information

MANUFACTURER	HORSEPOWER
<i>Exhibit "D"</i>	

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
<i>EXHIBIT D</i>				

RECEIVED BY OWRD

5. Provide pump calculations:

EXHIBIT D

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES NO

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
Various 6" to 12"	Various	PVC	Buried & surface to Gr.
See facilities Map EXHIBIT C			

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
Buried to center of lots with first line probably c.c. constructed in the 1960s and last line constructed in 2016. See facilities map EXHIBIT C			

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
varies by length of pivot. A 1/4 mile long pivot has approximately 100 sprinklers with not more than 2 or 3 the same size. Application rate also varies by speed pivot travels which is variable					

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
See facilities map This system currently contains 13 center pivots with lengths from 400 ft to 1320 ft				

12. Additional notes or comments related to the system:

The system has been changing since the 1990s when the first concrete tile line was constructed and is still subject to change. See facilities map

C. Groundwater Source Information (Well and Sump) RECEIVED BY OWRD

1. Is the appropriation from ground water (well or sump)?

YES NO

DEC 12 2016

SALEM, OR

If "NO", items 2 through 8 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

All access ports meet required standards when constructed

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
		see attached well logs			Exhibit "A"	

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

YES NO

If "NO", items 6 through 8 relating to this section may be deleted.

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

6. If the appropriation involves a SUMP, provide the following information for each SUMP:

LENGTH	WIDTH	AVERAGE DIAMETER	MAXIMUM DEPTH	SURFACE AREA (IN ACRES)	VOLUME IN CUBIC FEET OR ACRE FEET

7. If the sump is curbed constructed with watertight surface curbing, describe the curbing:

CURBING MATERIAL (CONCRETE, CONCRETE TILES, OR STEEL)	IF CONCRETE, PROVIDE THE THICKNESS OF THE WALL

8. Provide sump volume calculations:

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a:

Storage Tank

YES NO

Bulge in System / Reservoir

YES NO

Complete appropriate table(s), unused table may be deleted.

RECEIVED BY OWRD

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)

3. Provide calculations:

Primary right has a gravity flow pipe but this part of supplemental system does not use gravity flow.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)

RECEIVED BY OWRD

3. Provide calculations:

--

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

YES NO

Reminder: Complete this section if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

2. Does the reservoir require the submittal of as-built plans and specifications?

YES NO

If "YES", answer items 3; items 4 through 9 relating to this section may be deleted.

If "NO", skip items 3; answer items 4 through 9.

3. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED

4. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 5 through 9.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)

5. Provide reservoir volume calculations:

--

6. Provide the following information concerning the physical characteristics of the dam:

CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN-STREAM SLOPE	UP-STREAM SLOPE

RECEIVED BY OWRD

SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE			
BEGIN CONSTRUCTION (A)	A COBU was completed for all permits. However we initially didn't think lower well #2 would be needed. During the dry year of 2007 we did need this well and permission was obtained from		
COMPLETE CONSTRUCTION (B)	OWRD to construct it under permit 6-12039. The well was completed on 6-1-07 and on line and operating by 6-15-07		
COMPLETE APPLICATION OF WATER (C)			

* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES NO

If "NO", you may delete item 3 in this section.

3. If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

YES NO

If "NO", items 4b through 4d relating to this section may be deleted.

b. What month was the initial measurement to be taken in?

c. Was the measurement submitted to the Department?

YES NO

d. If the initial measurement was not submitted, provide that measurement now, if available:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
See attached Drill Logs Exhibit "A"			

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

YES NO

If "NO", items 5b through 5e relating to this section may be deleted.

b. Provide the month, or months, the static water level measurement(s) were to be made:

c. Were the static water level measurements taken in the month(s) required? YES NO

d. If "YES", were those measurements submitted to the Department? YES NO

e. If the annual measurements were not submitted, provide the measurements now:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
<i>Not required but all available are attached as EXHIBIT E</i>			

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? YES NO

If "NO", items 6b through 6e relating to this section may be deleted.

b. Has the pump test been previously submitted to the Department? YES NO

c. Is the pump test attached to this claim? YES NO

d. Has the pump test been approved by the Department? YES NO

e. Has a pump test exemption been approved by the Department? YES NO

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

** Claims will not be reviewed until a pump test or exemption has been approved by the Department

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? YES NO

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

If a meter has been installed, items 7d through 7f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE

2 Pump test were submitted for Middle and lower Well #1. In a public meeting in Baker City in Spring of 2016 Ivan Gaul stated these 2 would be adequate for this system

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

8. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department? if YES NO
Approved for permit G12639. Not required for primary right
 If "NO", item 8b relating to this section may be deleted.
 or C-44943 and G-11300,
- b. Have the reports been submitted? YES NO

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID

If the reports have not been submitted, attach a copy of the reports if available.

9. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? *All POA are wells.* YES NO
 If "NO", items 9b through 9e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

- b. Has the fish screening been installed? YES NO
- c. When was the fish screening installed?

DATE	BY WHOM

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

- d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:
- Has the self-certification form previously been submitted to the Department? NA YES NO
 - If not, go to <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

- e. If the diversion does not involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:
- Has the ODFW approval been previously submitted? NA YES NO
 - If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at: <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES NO

If "NO", items 10b and 10c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass devices been installed? YES NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order:

- a. Were there special well construction standards? YES NO
- b. Was submittal of a ground water monitoring plan required? YES NO
- c. Was the water user required to restore the riparian area if it was disturbed? YES NO
- d. Was a fishway required? YES NO
- e. Was submittal of a letter from an engineer required prior to storage of water? YES NO
- f. Was submittal of a water management and conservation plan required? YES NO
- g. Other conditions? YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

**SECTION 6
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report: 7

ATTACHMENT NAME	DESCRIPTION
Exhibit "A"	Well logs
"B"	Deleted
"C"	Facilities Map
"D"	Pump Info
"E"	Annual Measurement

RECEIVED BY OWRD

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Tax map

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

EXHIBIT "A" LOWER WELL #1

Baker 1572

8939E-786

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

(1) OWNER: Well Number: _____
Name TOM MAC IBERNS
Address RT 1 BOX 10
City HAZEL State OR Zip 97132

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 202 ft.
Explosives used Yes No Type _____ Amount _____

HOLE meter	From	To	SEAL Material	From	To	Amount sacks or pounds
12	0	20	CEMENT	0	20	14
9	20	202				

How was seal placed: Method A B C D E
 Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 20 ft. to 70 ft. Size of gravel PER

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel		Plastic		Welded		Threaded	
				Steel	Plastic	Welded	Threaded	Welded	Threaded		
4.5	173	192	1.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
SALEM, OR				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Location of shoe(s) 173

(7) PERFORATIONS/SCREENS:
 Perforations Method slotted pipe
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
5	173	10	192	3/4		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 450 Drawdown 178 Drill stem at 202 Time 1 hr.

Temperature of water 52 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: 24

(9) LOCATION OF WELL by legal description:
County Baker Latitude _____ Longitude _____
Township 9 N of 39 Range 39 E or W, WM.
Section 7 NW 1/4 SE 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
24 ft. below land surface. Date 6-2-89
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 24

From	To	Estimated Flow Rate	SWL
24	25	2	24

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Fill GRAVEL	0	3	
CLAY + GRAVEL	3	24	
GRAVEL - Med	24	25	24
CLAY + GRAVEL	25	48	
GRAVEL - M-B	48	53	24
SAND	53	60	
CLAY	60	74	
GRAVEL - M-B	74	79	24
CLAY	79	86	
SILT SAND	86	102	
SAND + CLAY	102	116	
GRAVEL - M-B	116	120	
CLAY	120	127	
SAND - M-D	127	136	
CLAY	136	138	
SAND + GRAVEL - M-B	138	145	
CLAY	145	153	
GRAVEL - M-B	153	167	
CLAY	167	174	
GRAVEL - M-B	174	192	
CLAY	192	196	
GRAVEL	196	202	24

Date started 5-19-89 Completed 6-2-89

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 571
Signed Melroy Dennis Date 6-2-89

RECEIVED BY OWRD

Lower well #1

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

WELL I.D. #L 88324

START CARD # 188488

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

(1) LAND OWNER Well Number _____

Name Brent Kevels
Address 45298 Beinhartus Rd
City Haines State OR Zip 97833

(2) TYPE OF WORK New Well
 Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Other

(4) PROPOSED USE
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
Depth of Completed Well 383 ft.
Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or Pounds
	<u>N/A</u>		<u>IN PLACE</u>			
<u>6</u>	<u>195</u>	<u>383</u>				

How was seal placed: Method A B C D E
 Other

Backfill placed from N/A ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER

Casing:	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
	<u>6"</u>	<u>195</u>	<u>383</u>	<u>200</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) Ring Bit 383

(7) PERFORATIONS/SCREENS

Perforations Method torch
 Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
<u>210</u>	<u>383</u>	<u>5/16</u>	<u>700</u>	<u>6"</u>	<u>3"</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
<u>400+</u>		<u>880</u>	<u>1hr</u>

Temperature of water 52° Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(9) LOCATION OF WELL (legal description)

County Baker
Tax Lot 2400 Lot _____
Township 8S N or S Range 38E E or W WM
Section 7 5E 1/4 SW 1/4

Lat _____ " or _____ (degrees or decimal)
Long _____ " or _____ (degrees or decimal)

Street Address of Well (or nearest address) 45298 Beinhartus Rd Haines OR

(10) STATIC WATER LEVEL

44 ft. below land surface. Date 6-1-07
44 ft. below land surface. Date 6-1-07
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES

Depth at which water was first found <u>195</u>		Estimated Flow Rate	SWL
From	To		
<u>195</u>	<u>383</u>	<u>200</u>	<u>44</u>

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
<u>Small layers of clay & gravels</u>			
<u>sandy</u>	<u>195</u>	<u>383</u>	<u>44</u>

RECEIVED BY OWRD RECEIVED
DEC 12 2016 JUN 11 2007
SALEM, OR WATER RESOURCES DEPT SALEM, OREGON

Date Started 5-31-07 Completed 6-1-07

(unbonded) Water Well Constructor Certification

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

WWC Number 1737 Date 6-8-07

Signed [Signature]

(bonded) Water Well Constructor Certification

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

WWC Number 415 Date 6-8-07

Signed [Signature]

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

Lower Well #2

WELL I.D. # L 89324

START CARD # 191255

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

(1) LAND OWNER Well Number _____
Name Brent Karns
Address 40598 Pacahantas Rd
City Heines State OR Zip 97833

(2) TYPE OF WORK New Well
 Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Other _____

(4) PROPOSED USE
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
Depth of Completed Well 606 ft.
Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or Pounds
8"	360	606	11/4"			

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

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8"	360	606	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 8" 606

(7) PERFORATIONS/SCREENS
 Perforations Method Touch
 Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
360	600	7/16"	600	8"	8"	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
700+		600	2 hrs

Temperature of water 58° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL (legal description)
County Baker
Tax Lot 2100 Lot _____
Township 8S N or S Range 38E E or W WM
Section 7 NE 1/4 SW 1/4
Lat N 44° 53' 54" - 3 (degrees or decimal)
Long 121° 12' 58" - 4 (degrees or decimal)
Street Address of Well (or nearest address) 40598 Pacahantas Rd Heines OR

(10) STATIC WATER LEVEL
44 ft. below land surface. Date 5-24-07
44 ft. below land surface. Date 5-30-07
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES
Depth at which water was first found 360

From	To	Estimated Flow Rate	SWL
360	604	700+	47'

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
Brown clay w/ sands at gravel	360	606	47'

RECEIVED BY OWRD
DEC 12 2016
SALEM, OR
RECEIVED
JUN 11 2007
WATER RESOURCES DEPT
SALEM, OREGON
Date Started 5-24 Completed 6-1-07

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

WWC Number 173.7 Date 6-8-07
Signed Mark J. [Signature]

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

WWC Number 415 Date 6-8-07
Signed Brent Karns [Signature]

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

(BAKE)
2143

JUN 12 1995

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 71259

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

(1) OWNER: Well Number _____

Name TOM MAC KENZALS
Address RT 1 Box 10
City Holman State OR Zip 97433

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

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 230 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL					
Diameter	From To	Material	From To	Sacks or pounds			
14	0 14	BENTONITE	0 14	20			
10	18 230						

How was seal placed: Method A B C D E
 Other DRY BENTONITE

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+2	218	280	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 218

(7) PERFORATIONS/SCREENS:

Perforations Method DOWN HOLE PERFORATOR
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
80	218	1"	3528	1/4"	10"	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
750	164	220	1 hr.

Temperature of water 52 Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: 6.0

(9) LOCATION OF WELL by legal description:

County Bellevue Latitude _____ Longitude _____
Township 8 N or S Range 39 E or W. WM. _____
Section 7 NE 1/4 SE 1/4 _____
Tax Lot 4600 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) NONE

(10) STATIC WATER LEVEL:
56 ft. below land surface. Date 5-24-95
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 60

From	To	Estimated Flow Rate	SWL
60	90	2.0	56
90	230	7.50	56

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
TOP SOIL	0	2	
CLAY yellow	2	13	
GRAVEL + SAND	13	60	
" " " "	60	90	56
" " " "	90	230	56

RECEIVED BY OWRD
DEC 12 2016
SALEM, OR

Date started 5-6-95 Completed 5-24-95

(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 591
Signed Michael Dennis Date 5-24-95

STATE OF OREGON JUN 10 1993
WATER WELL REPORT
 (as required by ORS 537.765) WATER RESOURCES DEPT.
 SALEM, OREGON

UPPER WELL

(1951)

WY 11/1000

(START CARD) # 476012

(1) OWNER: Well Number _____
 Name A - Diamond Ranch
 Address Rt 1 Box 10
 City Haines State OR Zip 97833

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

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

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

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 800 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
14	0 18	Beston	18 0	1000 lbs
10	18 327			
6	327 800			

How was seal placed: Method A B C D E
 Other poored dry

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	357	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	350	425	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4	400	800		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 357 3/25

(7) PERFORATIONS/SCREENS:
 Perforations Method air touch saw
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
170	340	4	1000	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>
365	425	4	240	6		<input checked="" type="checkbox"/>	<input type="checkbox"/>
400	800	18	1000	4		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
255		350	1 hr.

Temperature of Water 52 Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County Baker Latitude _____ Longitude _____
 Township 25 N or S. Range 39 E E or W. WM.
 Section 18 NW 1/4 NW 1/4

Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 2 mi. south of Rosheneck on Creeper Rd.

(10) STATIC WATER LEVEL: Haines
130 ft. below land surface. Date 5-27-93
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 170

From	To	Estimated Flow Rate	SWL
170	172	60	130
200	210	40	130
230	235	40	130
395	395	50	130

(12) WELL LOG: 600 50 130
740 20 130
 Ground elevation _____

Material	From	To	SWL
Sand	0	5	
Sand + gravel + clay	5	170	
Sand + gravel + little clay	170	172	130
gravel + clay + sand	172	200	130
Sand + gravel + little clay	200	210	130
gravel + clay + sand	210	230	130
Sand + gravel + little clay	230	235	130
gravel + clay + sand	235	340	130
Sand + clay	340	360	130
gravel + clay + sand	360	375	130
Sand + gravel + little clay	375	376	130
gravel + clay + sand	376	600	130
Sand + gravel + little clay	600	601	130
gravel + clay + sand	601	740	130
Sand + gravel + little clay	740	741	130
gravel + clay + sand	741	800	130

RECEIVED BY CWRD
 DEC 12 2016
 SALEM, OR

Date started 5-11-93 Completed 5-27-93

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

Signed Carl P. Pech WWC Number 404
 Date 5-28-93

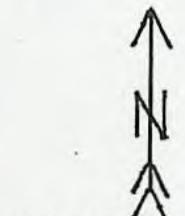
(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report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

Signed Carl P. Pech WWC Number 474
 Date 5-28-93

EXHIBIT "C"
FINAL PROOF MAP FOR PERMIT G-12039
AND ALTERNATE POINT OF DIVERSION
FOR G-12039, G-11300 AND C-72613

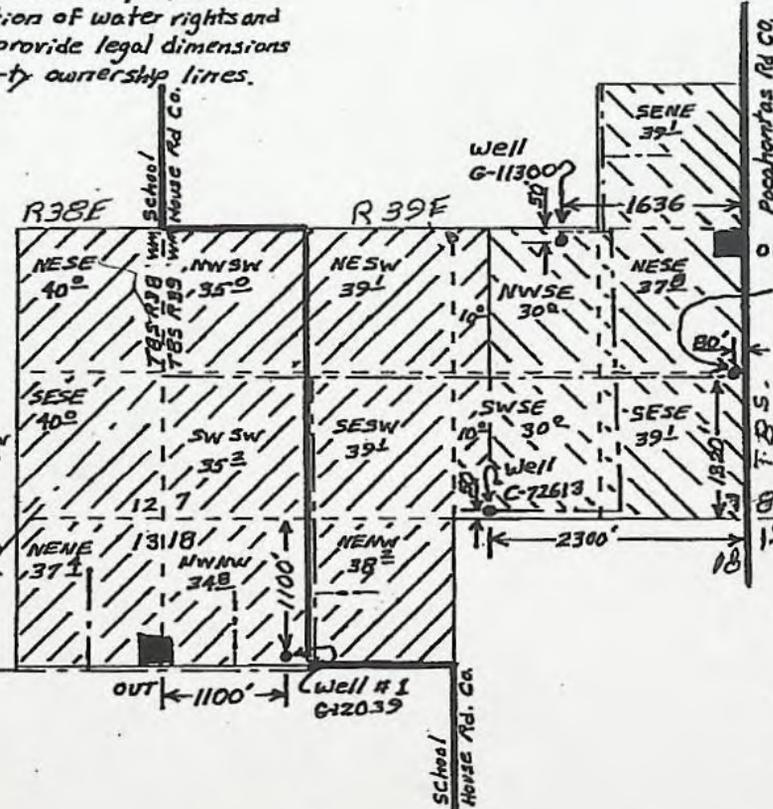
I certify the information provided in this final proof is an accurate representation of the permitted water use and is true and correct to the best of my knowledge. This map is to be used for the purpose of identifying the location of water rights and is not intended to provide legal dimensions or location of property ownership lines.

All land is being irrigated by center pivots with corners covered by hand lines



LEGEND

- Co. Road ———
- Main line - - - - -
- subdivision lines *SW SW 35°*
- Land irrigated under G-12039 *SE SW 40°*
- Land irrigated under G-11300 & C-72613 *SW SW 35°*
- well •
- scale 4" = 1 mile
- Drawn 12-13-99 by TMK



- Alternate points of diversion for G-12039, G-11300 and C-72613 are as follows:
- 1100 ft south and 1100 ft east from the NW Cr S. 18, T8S, R39E, WM
 - 1320 ft north and 80 ft west from the SE Cr S 7, T8S, R38E, WM
 - 50 ft south and 1636 ft west from the East 1/4 Cr S 7, T8S, R38E, WM
 - 50 ft north and 2300 ft west from the SE Cr S 7, T8S, R38E, WM
 - 50 ft south and 2690 ft East from West 1/4 Cr S 7, T8S, R39E, WM

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

Revised 7-26-2016 TMK

FACILITIES MAP

Current to Spring 2016

RECEIVED BY OWRD

DEC 12, 2016

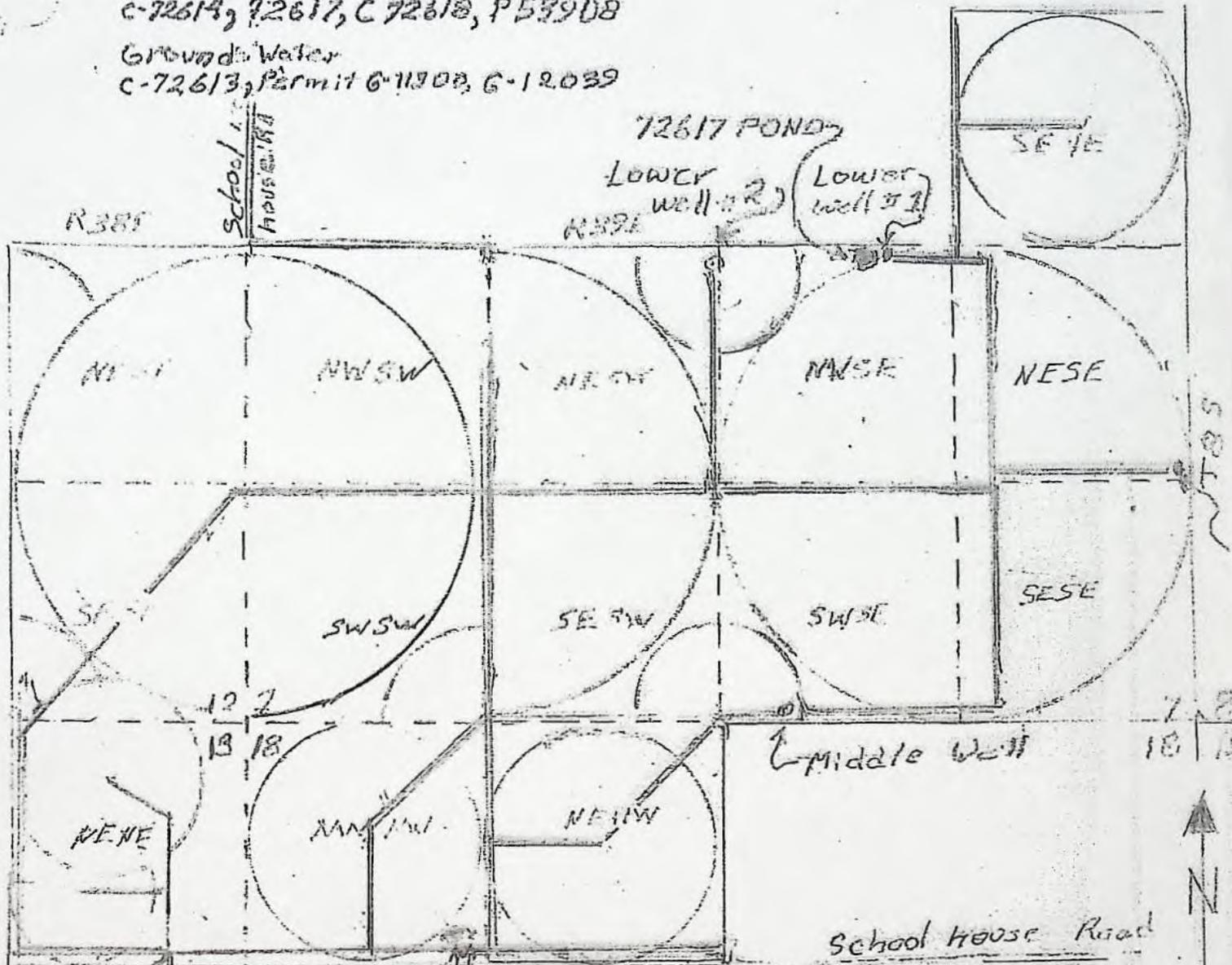
SALEM, OR

For

Surface Water Rights
C-4497, C-72612 & T-6186

Reservoir and Ponds
C-72614, 72617, C-72618, P-53908

Groundwater
C-72613, Permit G-11300, G-12039



Gravity Line From Mount Cr Ditch

Pond and ditch pump

Upper Well

Middle 50 ft N and 2300 ft W from SEC 27 G-44943 1971

Lower #2 50 ft S and 1636 ft W from E 1/4 Cr 27 G-11300 1990

Upper 1100 ft S and 1100 ft E from NW Cr 518 G-12039 1992

Road 1320 ft N and 80 ft W from SEC 27 G-12039 1992

Lower 200 ft S and 2640 ft E from W 1/4 Cr 27 G-12039 1992

LEGEND

Center Pivot Well

PVC Line 6, 8, 10, 12

1/4 Lines

Property Line

12, 13 Section Corner

County Rd

Drawn 2016 T.M.K.

FACILITIES MAP

current to spring 2016

RECEIVED BY OWRD

DEC 18 2016

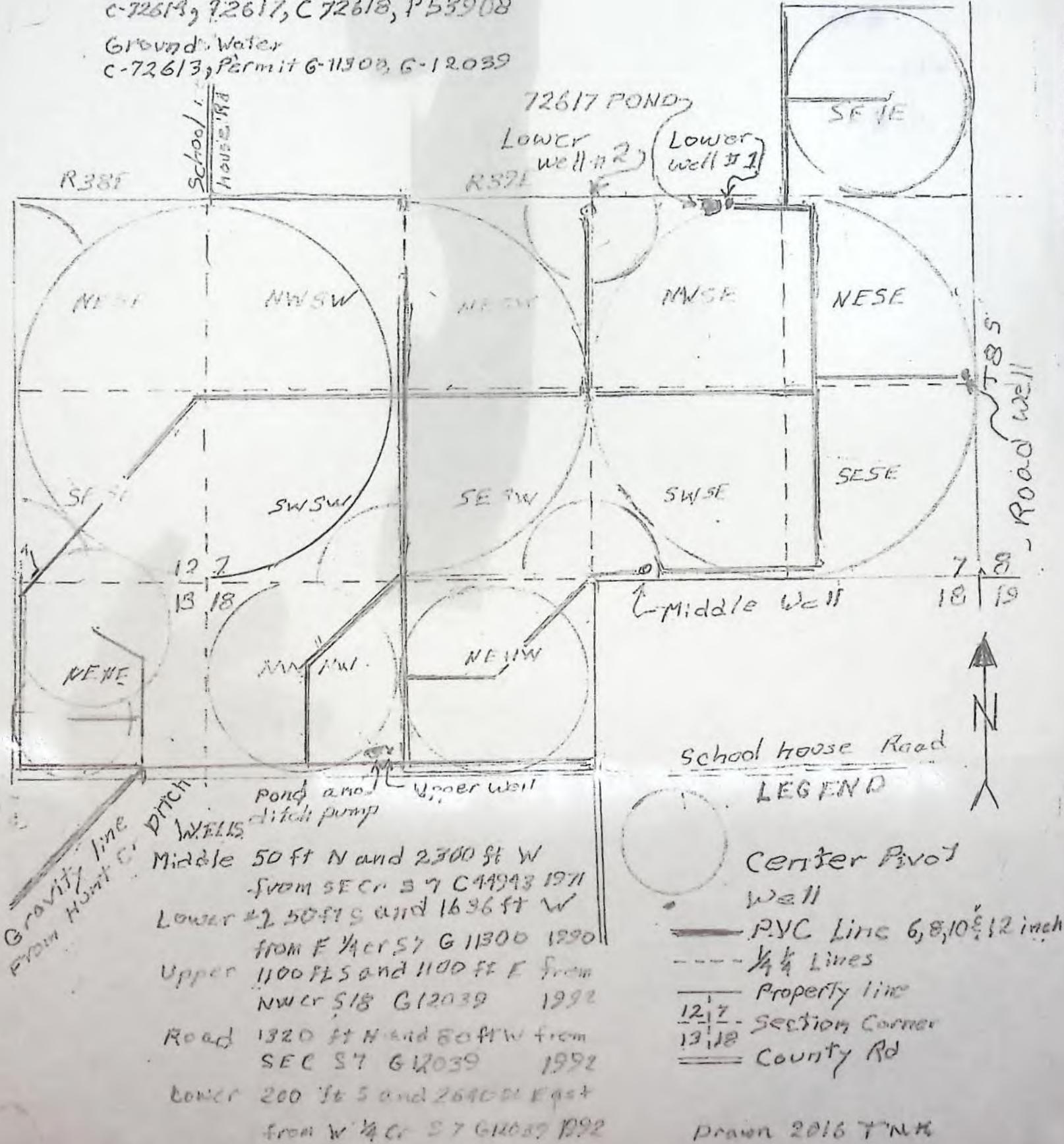
BRIDGE, OH

For

Surface Water Rights
C-4437, C-72612 & T-6186

Reservoir and Ponds
C-72614, 72617, C-72618, P-53908

Ground Water
C-72613, Permit G-11300, G-12039



- WELLS
- Middle 50 ft N and 2300 ft W from SE Cr. S 7 C 44943 1971
 - Lower #2 50 ft S and 1636 ft W from F 1/4 Cr S 7 G 11300 1990
 - Upper 1100 ft S and 1100 ft E from NW Cr S 18 G 12039 1992
 - Road 1320 ft N and 80 ft W from SE Cr S 7 G 12039 1992
 - Lower 200 ft S and 2640 ft East from W 1/4 Cr S 7 G 12039 1992

- School house Road
- LEGEND
- Center Pivot Well
 - P.V.C Line 6, 8, 10 & 12 inch
 - 1/4" Lines
 - Property line
 - 12/7 - Section Corner
 - 13/18 - County Rd

Drawn 2016 T.N.M.

EXHIBIT "D" PUMP INFO

Company: M M W ELECTRIC & PUMP
Name:
Date: 6/8/2007



6-8-07

Lower well

Pump:
Size: TCHE (4 stage)
Type: SUBMERSIBLE
Synch speed: 3600 rpm
Curve:
Specific Speeds:
Dimensions:
Vertical Turbine:

Speed: 3450 rpm
Dia: 4.875 in
Impeller:
Ns: 2300
Nsa: —
Suction: 4 in
Discharge: — in
Bowl size: 7.5 in
Max lateral: 0.5 in
Thrust K factor: 3.5 lb/ft

Search Criteria:
Flow: 550 US gpm
Head: 310 ft

Fluid:
Water
Density: 62.25 lb/ft³
Viscosity: 1.105 cP
NPSHa: — ft

Motor:
Standard: NEMA
Enclosure: SUB
Sizing criteria: Max Power on Design Curve

Temperature: 60 °F
Vapor pressure: 0.2963 psi a
Atm pressure: 14.7 psi a

Size: 60 hp
Speed: 3600
Frame: 6 inch

Pump Limits:
Temperature: 120 °F
Pressure: 415 psi g
Sphere size: 0.43 in

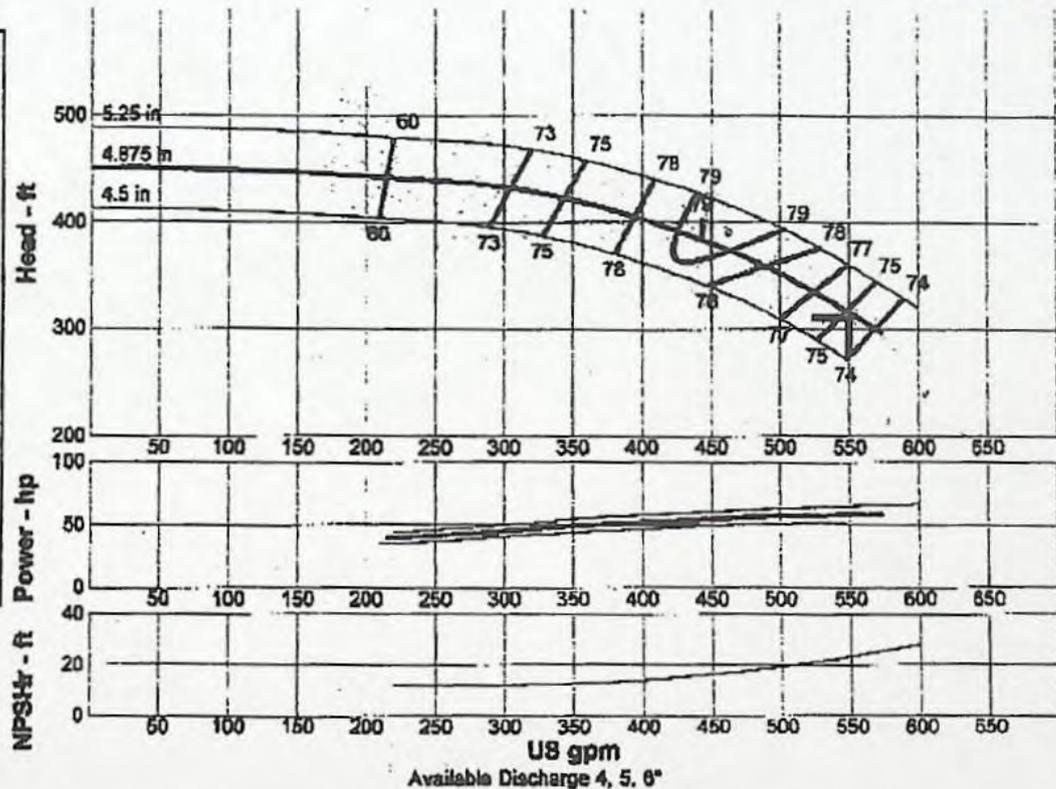
Power: — hp
Eye area: — in²

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

Design Point	
Flow:	557 US gpm
Head:	310 ft
Eff:	74.6%
Power:	58.4 hp
NPSHr:	23.8 ft
Design Curve	
Shutoff head:	460 ft
Shutoff dP:	185 psi
Min flow:	— US gpm
BEP:	79% @ 444 US gpm
NOL power:	58.8 hp @ 573 US gpm
Max Curve	
Max power:	67 hp @ 599 US gpm



Performance Evaluation

Flow US gpm	Speed rpm	Head ft	Efficiency %	Power hp	NPSHr ft
660	3450	—	—	—	—
550	3450	315	74.8	58.5	23.2
440	3450	385	79	54.1	15.7
330	3450	426	74.3	47.7	12.3
220	3450	441	60.8	40.2	11.6

900GPM @ 312' TDH

12 STAGE

Ex Virtue Pump

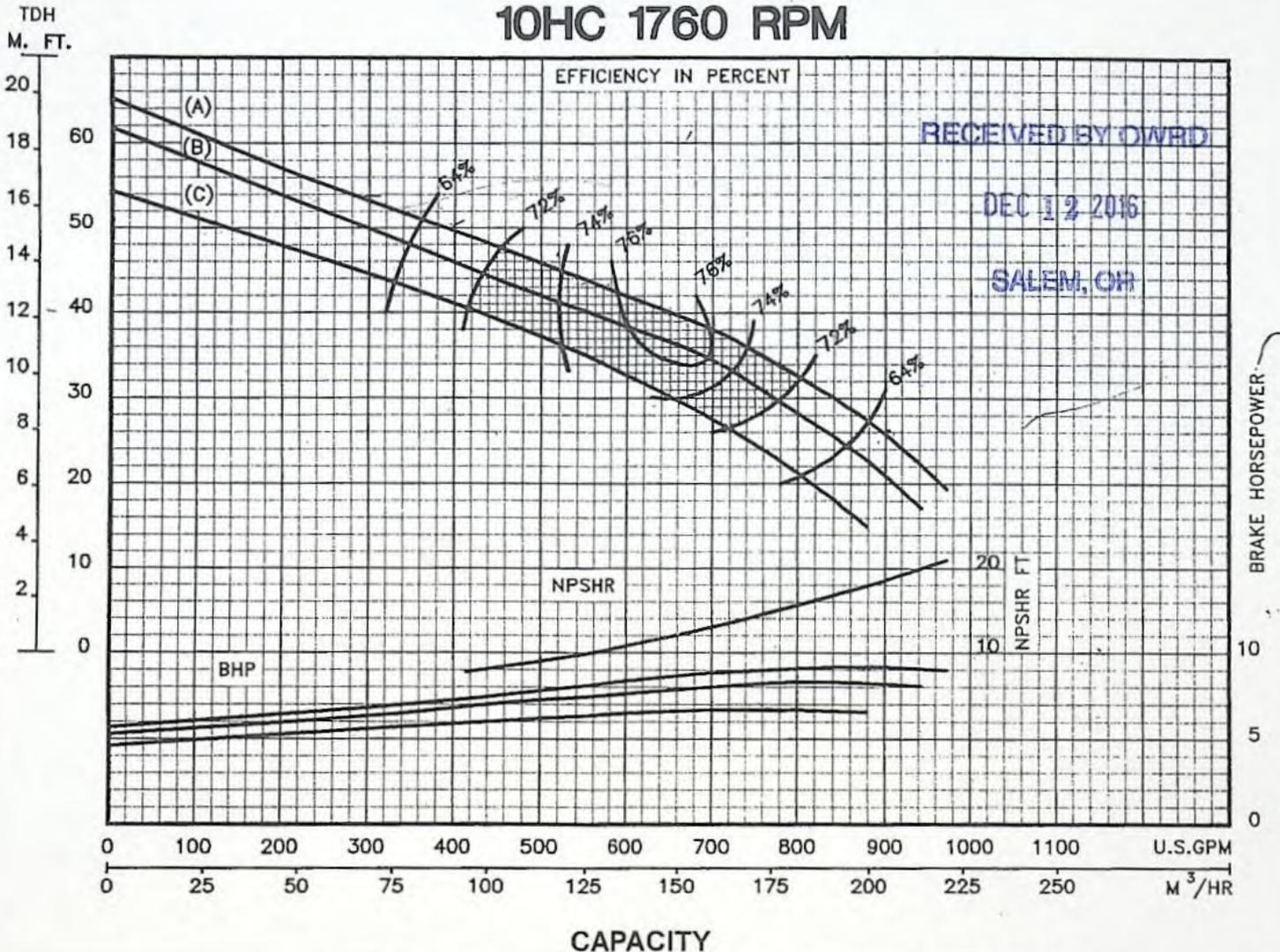
A-170

JOLINE

TURBINE PUMP CURVE

Lower Well #2

MAY 1995



IMPELLER DATA	
Impeller Number:	2967
Material:	BRONZE
Type:	CLOSED
Thrust Factor:	K=8.10
Eye Area:	14.90 sq. in.
Weight:	8.50 lb.
TRIM: (A) 7.688" X 27" (B) 7.500" X 27" (C) 7.125" X 27" Minimum submergence above eye of bottom impeller: 27 in.	

BOWL DATA	
Bowl Number	2968 C.I./ENAM.
Bowl Dia.	9.500"max 9.250"min
Max. No. Stages	27
One Stage Weight	230 lb
Add'l Stage Weight	55 lb
Std. Shaft Dia.	1.500 in
Std. Lateral	0.625 in
Discharge Size	6 - 8 in
Suction Size	6 - 8 in
Max. Sphere Size	0.500 in
Max. Operation P.S.I.	595 (special)

EFFICIENCY CORRECTION				
Number of Bowls	1	2	3	4
Change as follows	-4	-2	-1	0
Change in efficiency may affect both head and horsepower.				

Performance based on pumping clear, fresh water at a temperature not over 85° F., and free of gas, air or abrasives, and with bowls properly adjusted and submerged.

PERSEDES 132-55,55C
R. 71

APRIL 1985

132-44

MODEL 4WB PUMP

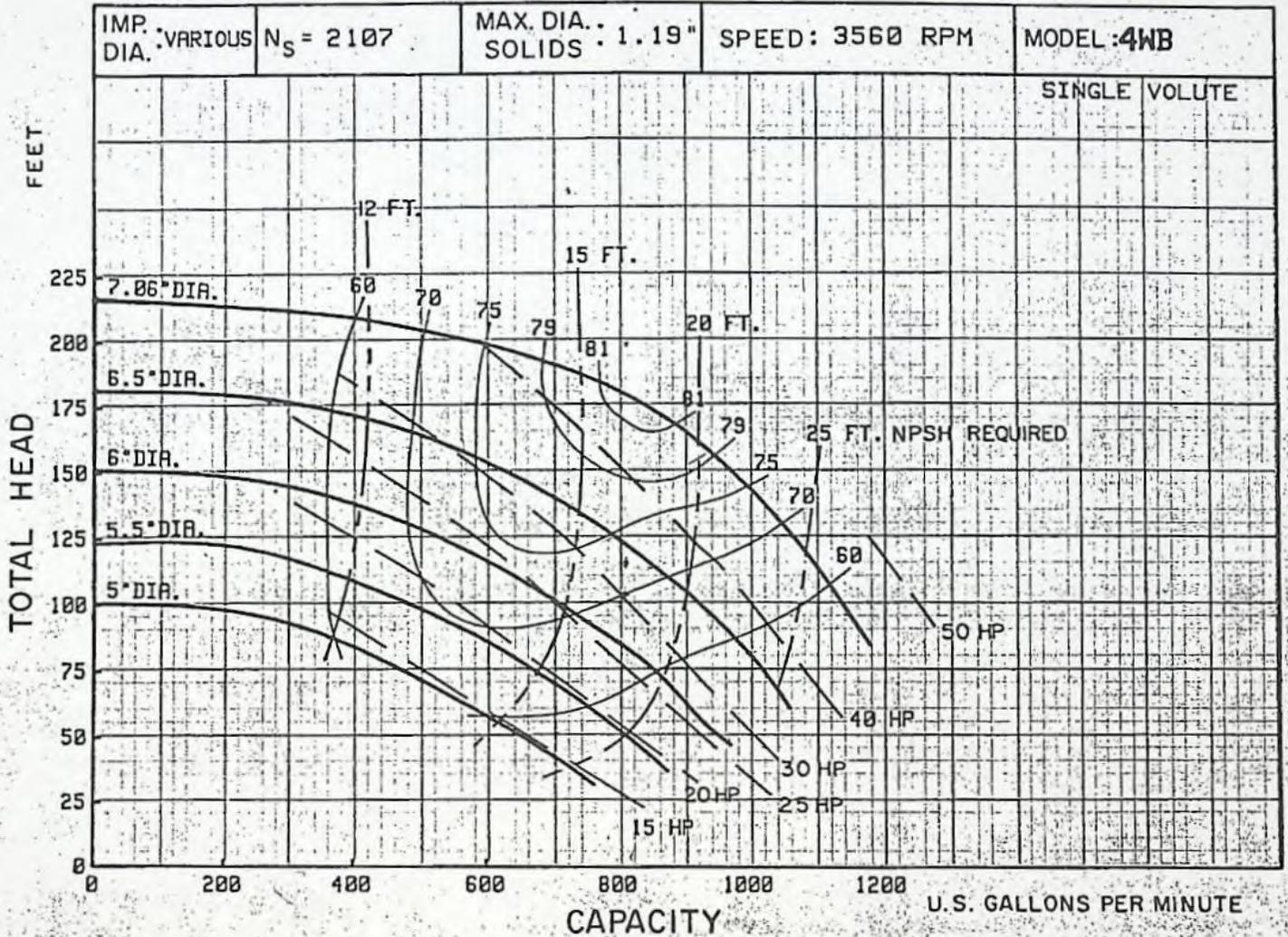
3-2706

SPEED - 3600 RPM

Upper Well 4WB3-2
6 1/2 dia impeller 3540
RPM

CLOSED IMPELLER

60 HERTZ



MAXIMUM IMPELLER DIAMETER.		
HP	FOR FULL MOTOR LOAD	FOR FULL MOTOR LOAD + 15% S.F.
50	A (7.06")	
40	B (6.62")	B+ (7.0")
30	C (6.25")	C+ (6.44")
25	D (5.88")	D+ (6.12")
20	E (5.5")	E+ (5.81")
15	F (5.0")	F+ (5.38")

FT. x (.305) = METERS

GPM x (.227) = CUBIC METERS PER HOUR

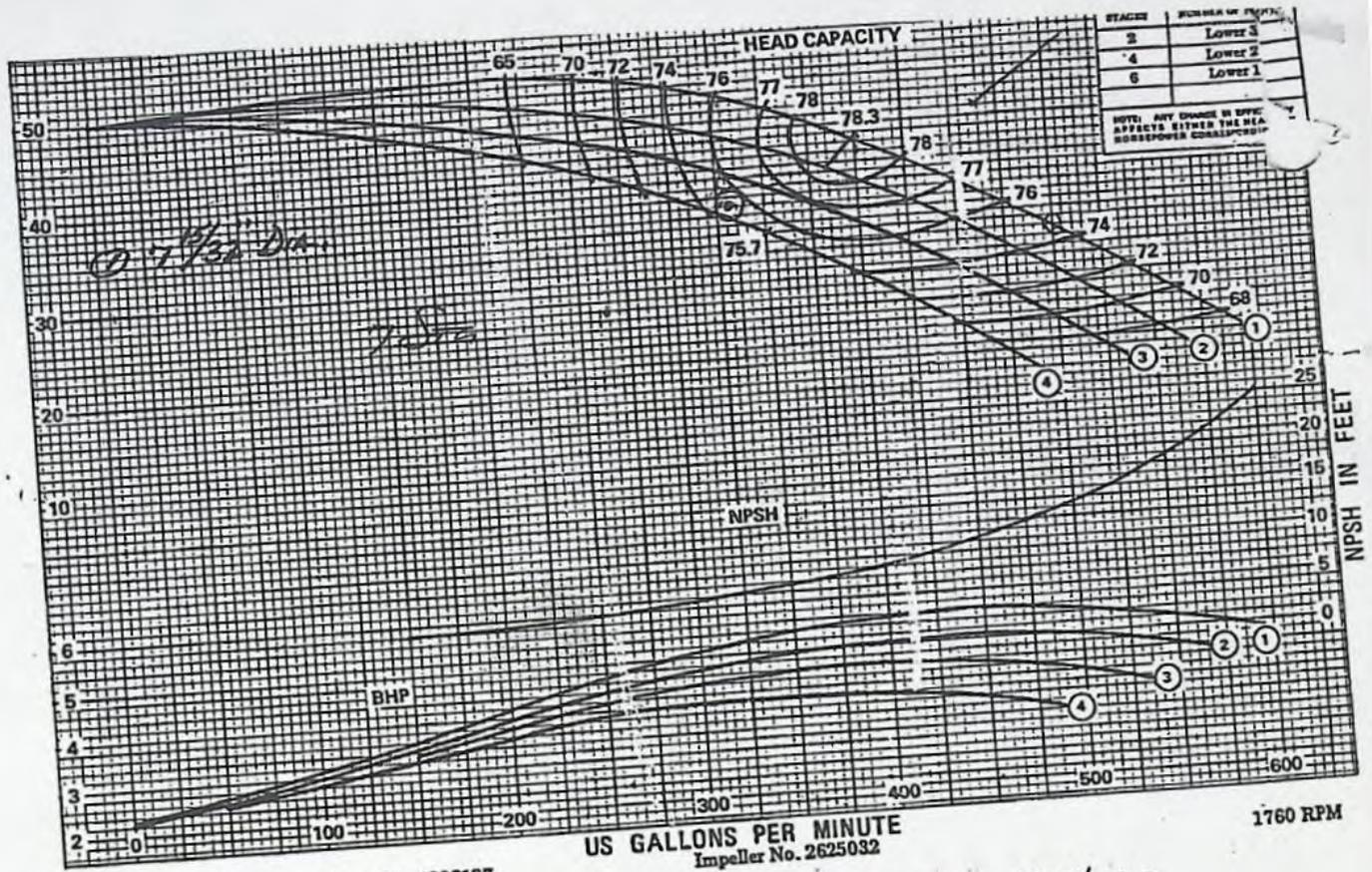
RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

Performances shown are for close-coupled electric configuration with packing. Other mounting styles may require horsepower and/or performance adjustments.

CORNELL PUMP CO. — PORTLAND, OREGON



Curve No. 4806127

Impeller No. 2625032

10LB
4-1-90 From Jack Bolch Peerless 10LB #2625032 7 stage

20

Middle well

RECEIVED BY OWRD

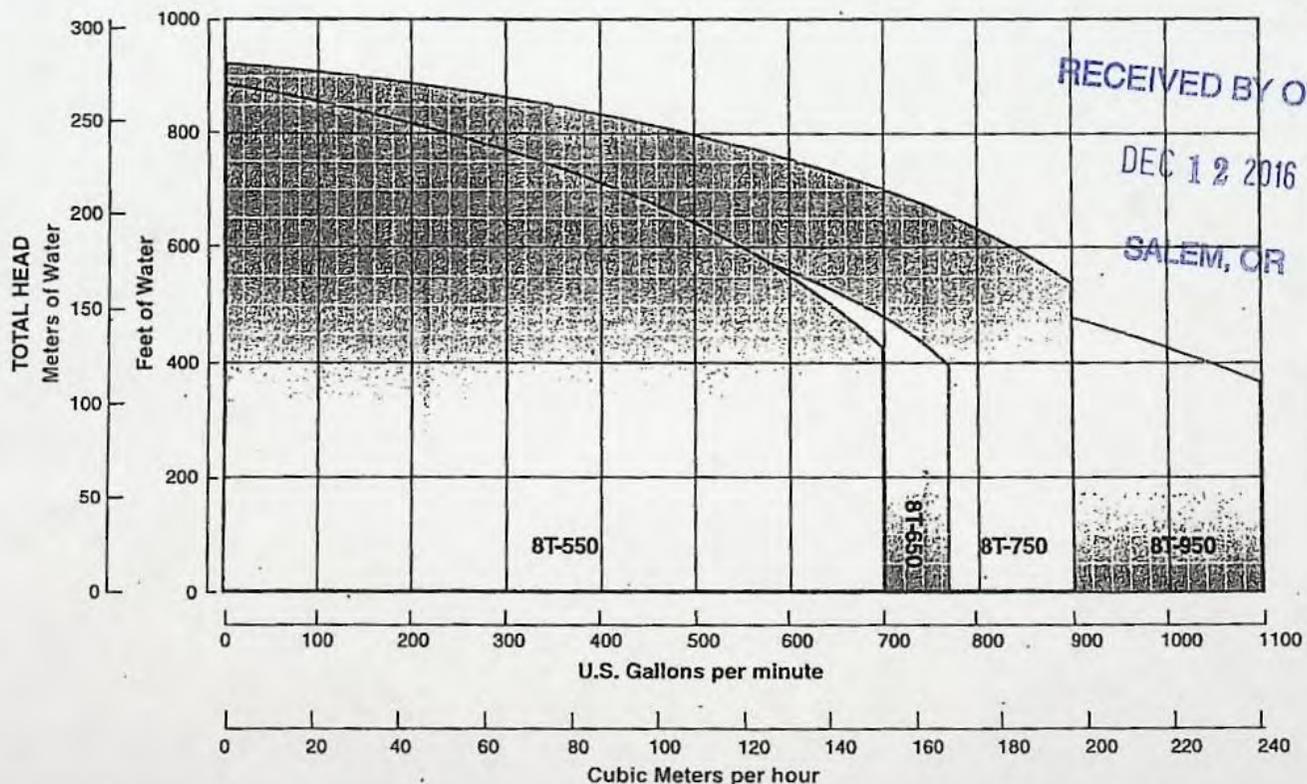
DEC 12 2016

SALEM, OR

MATERIALS OF CONSTRUCTION

Part Name	Material	Spec Number
Discharge Adapter	Cast Iron	ASTM A48 Class 30
Top Bowl*	Cast Iron	ASTM A48 Class 30
Intermediate Bowl*	Cast Iron	ASTM A48 Class 30
Bearings, Top and Suction Case	Bronze	ASTM B144-3B (SAE 660)
Impeller	Bronze	ASTM B584 UNS C83600
Pump Shaft	Stainless Steel	AISI 416
Impeller Collets	Steel	AISI 1215
Suction Bracket	Cast Iron	ASTM A48 Class 30
Bowl Bearing	Bronze	ASTM B505 C93200
Sand Cap	Bronze	ASTM B144-3B (SAE 660)
Strainer	Stainless Steel	AISI 302 UNS S30200
Cable Guard	Stainless Steel	AISI 302 UNS S30200
Shaft Coupling	Stainless Steel	AISI 416 UNS S41600
Wear Ring (8T-950 only)	Bronze	B505 C93200

*Note: 8" Bowls are Thernec Porta-Pox N140 Epoxy Coated. Flanged Bowl Design on 8T-550, 650 & 750. Threaded Bowls on 8T-950 are pinned.



**Pentair
Water™**

Pentair Water
293 Wright Street
Delavan, WI 53115
Phone: 262-728-5551
Fax: (800) 426-9446
www.pentairwater.com

PENTAIR SOLUTIONS

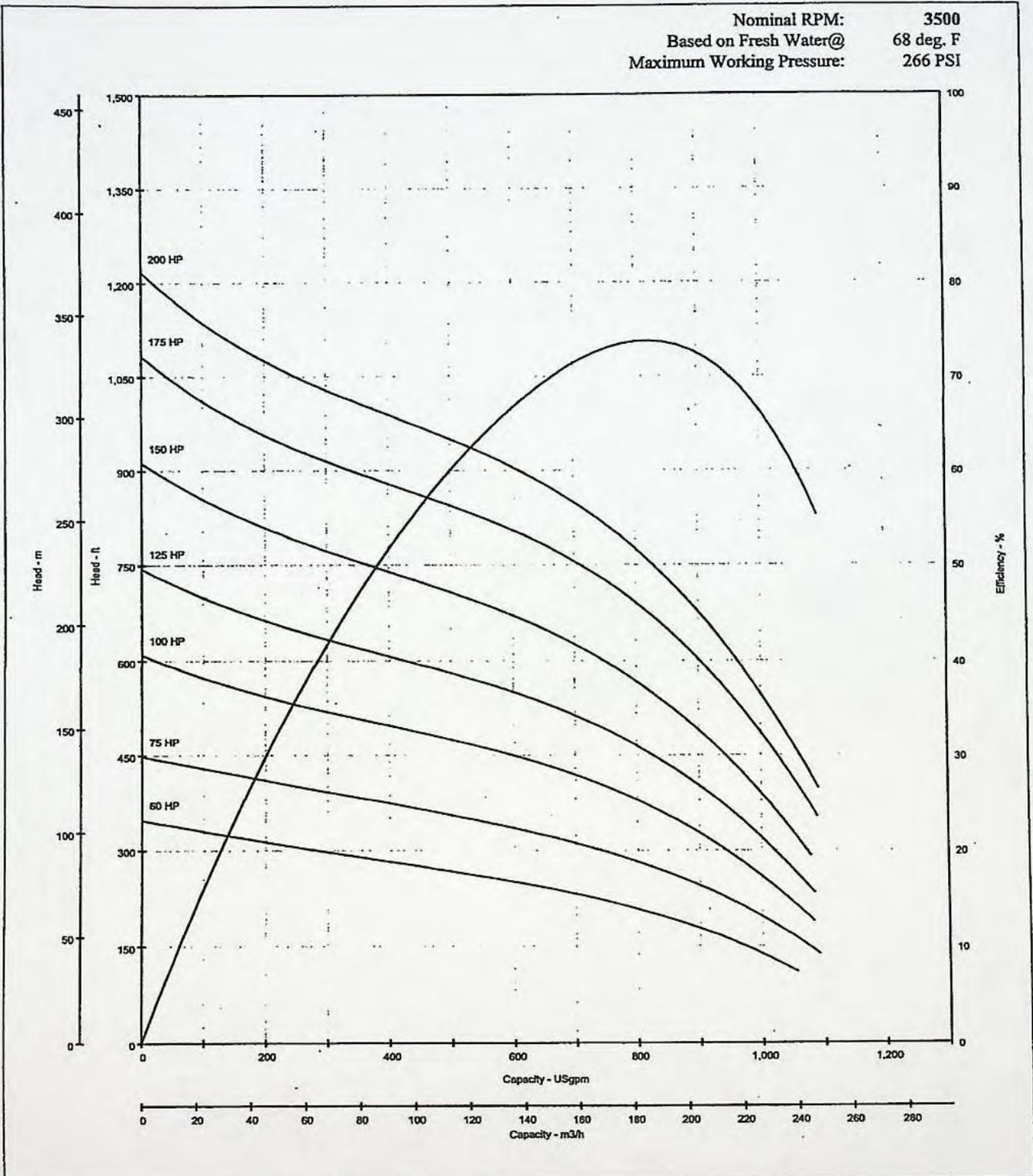
- BERKELEY 6" - 10" highly efficient pump designs, to 2200 GPM, to 1400 ft.
- PENTEK 6" and 8" motors and controls offering leading edge technology.
- PENTEK pump controllers for maximizing pump functionality.
- BEC2 powerful application software @ www.bec2.net unparalleled in the industry.
- Highly-trained customer service staff providing quick solutions at 1-888-BERKELEY.
- 2-year extended warranty program when BERKELEY pump is installed with a PENTEK motor.



CURVE
DATE

01-200

Nominal RPM: 3500
Based on Fresh Water@ 68 deg. F
Maximum Working Pressure: 266 PSI



RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

MMW Electric Motor & Pump Repair Inc.

41280 Hwy 30
 Baker City, OR 97814
 541-523-2859
 CCB# 80969

Invoice

DATE	INVOICE #
6/5/2014	35345

PAID
07/30/2014

BILL TO
K-DIAMOND 45298 POCAHONTAS RD. HAINES, OR. 97833

P.O. NO.	TERMS	REP
JOSH	10TH	MV

DESCRIPTION	QTY	RATE	AMOUNT
RE: 10" WELL ON POCAHONTAS SOUTH OF BRENTS HOUSE			
LABOR 5/28/14 DISCONNECTED WIRES @ WELL; MEGGED WIRES GOING DOWN; WIRES GROUNDED		80.00	80.00
BERKELEY 8T100-950 PUMP END	1	4,267.00	4,267.00
SP4C-HD WIRE KIT THREE WIRE #4 HEAVY DUTY	1	15.00	15.00
LABOR 6/3/14 -PULLED 100HP SUBMERSIBLE PUMP ON 188' OF 6" PIPE; REPLACED BERKELEY 8T100-950 PUMP END; DESTROYED BY SAND 2002 FRANKLIN MOTOR TESTED GOOD; SET PUMP IN THE WELL.		1,125.00	1,125.00
SHOP LABOR		210.00	210.00
RECEIVED BY OWRD			
DEC 12 2016			
SALEM, OR			
Thank you for your business.	Total		\$5,697.00

ACCOUNTS over 30 days will be subject to a 2% per month finance charge. (24% annual) \$15.00 service charge on returned checks.

EXHIBIT 'E'

WELL MEASUREMENTS TOP HEADS PORT TO WATER SURFACE

Year	Lower 51' ID 88324	Lower 112' Bore 51764	Middle	Roof Bore 2193	Upper Bore 1251
Static when drilled	56	97	22	56	130
96			3-19 91	3-19 61	4-9 114
97			2-27 84	2-27 63	2-27 137
98			3-19 73	3-19 74	3-19 105
99			4-2 71	3-17 71	3-17 114
00			3-17 87		
01					
02	4-8 28		4-10 69	4-10 47	4-9 123
03	3-3 31' 3"		3-3 73' 8"	3-3 52	3-3 115
04					
05	6-3 30		6-9 79	6-9 59	6-10 157
06				6-24 57	6-25 132
07	4-16 25	5-30 47	3-12 67	4-16 52	4-16 108
08	4-23 34' 11"	2-23 36' 5"	2-25 80	2-25 59	2-25 135
09	3-10 31' 0"	3-10 33' 4"	3-11 74	3-10 53' 9"	3-10 109
10	3-12 25' 7"	3-12 27' 10"	3-26 65' 10"	3-12 46' 4"	3-12 106' 3"
11	4-14 23' 6"	4-14 25' 2"	4-14 62' 0"	4-14 42' 4"	
12		3-29 26'			
13		3-20 35'			
14					
15	3-18 32' 1"	4-1 34'	3-18 77' 11"	3-18 57' 1"	3-18 118' 9"
5-4-16	35' 8"	36' 4"	80' 0"	55' 6"	114' 1"

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Feb 1st
January 25, 2016

Tom "Mac" Kerns
44962 School House Rd
Haines, Oregon 97833

Reference: Application S-83516/ Permit S-53908, Application R-81903/Permit R-13606, Application G-13175/ Permit G-12039, Application G-12355/Permit G-11300, Application G-15172/Permit G-15115, and Transfer 6785.

Mr. Kerns,

I received your letter on January 22, 2016 in response to my letter I sent you dated October 15, 2015. I have reviewed your comments on all the above mentioned files. I have provided a copy of your letter with a number by each item I will address in this letter.

1. **Application G-15172/Permit G-15115:** You are correct that you are not the current permit holder of record. This file was assigned to George and Linda Mansfeld on November 12, 2015. **No Further action required on your part.**
2. **Application S-83516/ Permit S-53908 and Application R-81903/ Permit R-13606:** Both of these applications were submitted to the Department for the additional 30.0 AF of storage developed and for the use of the water from the additional storage.
 - a. The letter you sent stated that you did send a letter to the Department January 21, 2005 (Exhibit C). In Exhibit C, the application number you reference was 8793, which does not correspond with any application on record. **You may correct this letter to show that the letter was intended to meet the requirements for Application R-81903/Dam Safety File P-3.**
 - b. Certificate 72618 does not allow for use of the additional 30.0 AF developed. The Certificate was issued prior to you applying for the additional 30.0 AF.
 - c. **Your request to remove the condition of installation of an approved fish screen has been denied.** During the initial review of the application the Department of Fish and Wildlife added the condition. The Condition reads "The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water." **Since you have diverted water without a fish screen both Permits, they will be canceled, unless you can provide documentation from ODFW that fish screening and bypass are not required under both permits.**
 - d. If you do not believe that the modifications required by the permits are cost effective, you may cancel Permit S-53908 and R-13606. If the reservoir permit is cancelled you may be required to decrease the capacity of the reservoir.

2-16-15
Mac called
He is going to
get a pump test exemption
①
② working on gathering
information on
Reservoir to help
with our questions
③ filling on new
COBU on one

3. **Application G-13175/Permit G-12039**
 - a. (1) Installation of a meter on each well; your letter states meters were installed. As long as the electrical meters you refer to are "Dedicated" the electrical meters will constitute meters for the purpose of compliance with the condition. The watermaster may require some other type of meter in the future.
 - b. (2) Annual water usage reports submitted to the Department. The Department does not have any records of water usage reporting for any of the wells. Your letter states you have data on Well 1 and Well 3. **You need to submit annual water usage reports for each well to the Department for October 1, 1995 to October 1, 2008. The Department has denied your request for this condition to be removed from the permit.**
 - c. (3) Pump test needed for Well 2. The Department has a pump test for Well 1 and Well 3, but not Well 2. **You will need to submit a pump test for Well 2 or provided evidence that you have approval from the Department that Well 2 is exempt from the pump test.**
4. **Application G-12355/Permit G-11300: The Department understands that you need to defer the pump test until Spring of 2016.**
5. **Transfer T 6785 you are correct a Certificate 72618 was issued. No further action required on your part.**
6. **Your request to remove conditions from permits is denied.**

If you have ANY questions, please feel free to contact me at 503-986-0802.

Sincerely,

Machelle A Bamberger

cc: Application S-83516, Application R-81903, Application G-13175, Application G-12355.
Watermaster #8

January 18, 2016

RECEIVED BY OWRD

JAN 22 2016

Tom Mac Kerns

SALEM, OR

44962 Schoolhouse Rd

Haines, OR 97833

Water Resources Department

Attn: Machel A. Bamberger

725 Summer St. NE. Suite A

Salem, OR 97301

Reference: Machel A. Bamberger 's letter of October 21, 2015 and phone call November 19, 2015

Application G-15172; Permit G-15115

This situation (Virtue Flat) has been taken care of by Jerry Sauter's letter of November 12, 2015. (Exhibit A)

Application S-83526/ Permit S-53908 and Application R-82903/ Permit R-13606 (Pine Creek Reservoir)
Pine Creek Reservoir was probably constructed in the late 1860's to provide water for mining and has not had the dam raised or reconstructed since. In 1931 the water right to use the water was converted from mining to irrigation.

In October 1996, Vern Church, Water Master, surveyed the drained pool and determined the reservoir when full contained 115 (Reference my letter as of October 28, 1996 Exhibit B) acre feet , 30 more acre feet than the certificate called for. Mr. Church recommended we get the certificate corrected to show the actual volume.

An Application was submitted to correct the storage certificate. At that time Mr. John Felk, OWRD Dam Engineer got involved and wanted some maintenance performed on the dam and spillway. All work required was performed under my direction and supervision (Engineer License No 5002) and a letter so stating was submitted January 21, 2005. (Exhibit C)

The permit calls the work reconstruction. It was not reconstruction but maintenance to restore the dam crest to a straight line and fix the spillway crest to an elevator both as originally constructed.

Certificate 72618 dated October 28, 1996 (Exhibit D) is a right to use the waters of Pine Creek Reservoir for irrigation of 280.00 acres. This certificate covers all of the water in the reservoir, which included the 30 acre feet. Why is OWRD requiring an additional water right?

The irrigation system of land covered by the certificates in question (Exhibit D) is very complicated. All waters enter the same system which includes several primary rights from Pine Creek, supplemental Pine Creek reservoir water, supplemental waste water, and supplemental ground water from 5 wells. To provide ease in administration we were attempting to cover all the land with supplemental reservoir water. However the work called for in the permit will be very expensive, and we can cover these lands with well water. Since only a small portion of these lands would be covered by water needing a fish screen, I would like you to take a second look to see if Pine Creek Reservoir water can't be used on all the lands without the expense for fish screens etc.

Application G-13175/ Permit G-12039

Each well has an electrical meter, well No 2 has a in line meter, well No 1 and 3 have an electrical meter. I have enough data on well No 1 and 3 to convert electrical usage to water volume.

I would like clarification on why water volume on these 2 wells is necessary and what it will be used for. Bear in mind this system has numerous primary rights, and 2 other wells that don't require water measurement hence it is a measurement that doesn't produce any usable results.

In addition to the above management of Pine Creek is complicated. It is subject to a very old rotation for 70 years. Senior rights (1863 & 1864) are below all other rights. After the creek drops to 600 CFS the senior rights get no water. The only water exists, where the creek exits the mountains, which is where our diversion point is.

All construction work on these wells and irrigation system was completed on time so no need for a time extension.

Application G-12355/ Permit G-11300

I agree pump test is required, unfortunately we are in freeze up condition and pump test must be deferred until spring of 2016.

Transfer T-6785

Transfer was completed and is covered by certificate 72618 (Exhibit D)

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

General comment:

The property covered by this issue includes several different in stream primary rights dating from the 1870's supplemental stored water rights from Pine Creek Reservoir, five different ground water rights and one waste water right. This being the case requirements for all surface water rights should be the same as the most senior right and requirements for all ground water should also be the same as the most senior right.

Since the action requested (ie fish screen, water measurement and pump tests) on the above referenced issues would apply to less than 5 percent of the total creek flow and produce no usable data, it is requested the director waive the requirements. This will leave only adding well No 2 to the previously submitted COBU.

Since the action requested on the above referenced issues would apply to less than 5 percent of the total creek flow and produce no usable data, it is requested , the director waive the requirements. This will leave only adding well No 2 to the previously submitted COBU.

If you have any questions that can't be resolved by phone I am willing to make a trip to Salem to sit down with you.

Very Truly Yours,

Tom Mac Kerns

Tom Mac Kerns

Cc Exhibits A, B, C, D, and E



RECEIVED BY OWRD

JAN 22 2016

SALEM, OR



November 12, 2015

EXHIBIT A

George and Linda Mansfeld
9775 W. Hubbard Rd.
Kuna, ID 83634

Reference: Application G-15172; Permit G-15115

The assignment by proof from Tom "Mac" Kerns to George and Linda Mansfeld has been recorded in the records of the Water Resources Department.

The Departments records will now show George and Linda Mansfeld as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 117886 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit requires complete application of water to the proposed use by October 1, 2006, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE). As of this date, the claim of beneficial use has not been received by the Department. This places this permit at risk of cancelation proceedings being started.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

Enclosure:

cc: Watermaster #8
Data Center
Hydrographics
File

Tom "Mac" Kerns
Rt 1, Box 10
Haines, OR 97833

EXHIBIT "B"

Water Rights & Adjudications Divisions
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem Or 97310

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

October 28, 1996

Reference: Certificate No. 10089-Storage Pine Creek Reservoir

Dear Sir:

Pine Creek reservoir is a reservoir constructed prior to the turn of the current century with minimum survey and design. Plans or area capacity curves don't exist.

During October of 1996, the water master surveyed the impoundment area to determine the capacity. This survey shows the capacity to the high water mark to be 115 acre feet. The certificate shows 85 acre feet. Since 1931, the reservoir has been used for supplemental irrigation and completely drained each year except during extremely wet years. This was probably less than five years during the 65 years it has been used for irrigation.

The 85 acre feet shown on the certificate is undoubtedly an estimate with the control being the amount of water actually stored. We now know it to be 115 acre feet.

I request the certificate be corrected to show the actual storage of 115 acre feet.

Sincerely,

Tom MacKerns

Tom "Mac" Kerns

EXHIBIT C

Tom "Mac" Kerns
45296 Pocahontas Rd.
Haines, Oregon 97833

January 21, 2005

Mr. Phil Ward, Director
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE Suite A.
Salem, Oregon 97301-1271

Reference: Application Number 8793, and Final Order dated 8-12-98

Dear Mr. Ward:

We accomplished all work required in the above referenced "Final Order". The dam crest has been restored in accordance with plans as documented in attached report.

This project took longer than anticipated since it is at a high elevation and a window between draining of the reservoir and snowfall was needed. This window was not found until the fall of 2003.

The work had a year to season. When the final inspection was made last fall, all restoration was in the same condition as it was when completed.

Sincerely,

TOM "MAC" KERNS
PE CWRE

RECEIVED BY OWRD

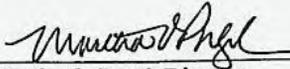
JAN 22 2016

SALEM, OR

and recorded in Special Order Volume 50, Page 735, approving a petition by Kerns Brothers Inc. under ORS 541.329 for mapping of water rights within a district. This certificate supersedes certificate 55731 and Transfer 6785.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said permit. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed OCT 28 1996


Martha O. Pagel, Director

RECEIVED BY OWRD

JAN 22 2016

SALEM, OR

Recorded in State Record of Water Right Certificates numbered 72618.

55731.CJ

APPLICATION FOR GROUND WATER RIGHT

Exhibit E

RECEIVED BY OWRD

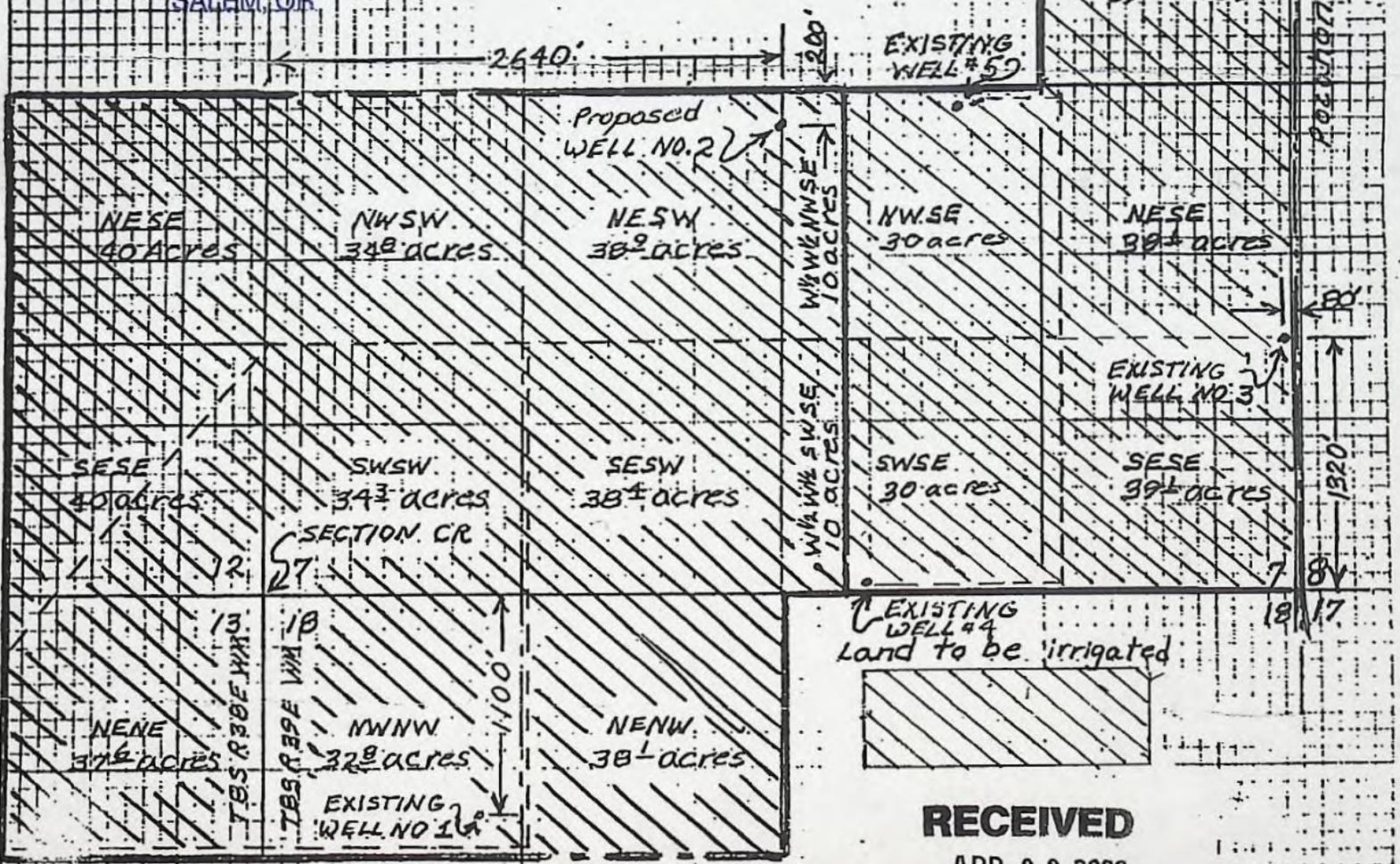
JAN 22 2016

SALEM, OR

RECEIVED

MAR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON



Legend

- Bdry Land to be irrigated
- County Road
- Buried PVC main line 6", 8" & 10"
- Scale 6" = 1 mile
- Drawn by JMK
- REVISED 7-3-03

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON





Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 21, 2015

Tom "Mac" Kerns
45296 Pocahontas Road
Haines, Oregon 97833

Reference: Application S-83516/ Permit S-53908, Application R-81903/Permit R-13606, Application G-13175/ Permit G-12039, Application G-12355/Permit G-11300, Application G-15172/Permit G-15115, and Transfer 6785.

Mr. Kerns,

I have reviewed all the above mentioned files, and have come up with a plan for each one. Also I have enclosed copies of each permit with highlighted areas, and the application map to help you. I did not research other water rights that you may have an interest in.

Application G-15172/Permit G-15115 was cancelled on October 5, 2015. You have 60 days from the date of the letter to have it reinstated. This permit was issued July 24, 2002 and the completion date was October 1, 2006. The permit was for irrigation of 240.0 acres from a well in Ruckles Creek Basin. Permit conditions that should have been met between July 24, 2002 and October 1, 2006:

- (1) Installation of a meter on each well, and
- (2) water usage reports submitted to the Department. The Department does not have any records of water usage reporting.

Plan: if you would like to keep this permit you must ask for reinstatement and pay a fee, then you will need to apply for an extension of time, to come into compliance with permit conditions.

Application S-83516/ Permit S-53908 was issued on April 10, 2003. This permit is for supplemental irrigation of 156.9 acres using water from proposed reconstruction of Pine Creek Reservoir constructed under application R-81903, Permit R-13606. A compliance letter was sent to you on July 13, and October 12, of this year. The completion date was October 1, 2007. The Department has not received a Claim of Beneficial use. Permit conditions that should have been met between April 10, 2003 and October 1, 2007:

- (1) Installation of a meter;
- (2) Annual water usage reports submitted to the Department. The Department does not have record of any water usage reports; and
- (3) Installation of an approved fish screen and fishway or submit evidence that ODFW has determined screens and or fishway are not necessary. The Department has no record ODFW has approved fish screen and fishway or that one is not necessary.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application R-81903/ Permit R-13606 was issued on May 16, 2003. This permit is for enlargement of Pine Creek Reservoir, originally constructed under Permit R-660, to store 30.0 AF of water to be appropriated under Application S-83516, Permit S-53908, for supplemental irrigation. The completion

date was October 1, 2007. The Department has not received a Claim of Beneficial use. Permit conditions that should have been met between May 16, 2003 and October 1, 2007:

- (1) Installation of a meter or other measuring device;
- (2) Annual water usage reports submitted to the Department. The Department does not have record of water usage reports;
- (3) Installation of an approved fish screen and fishway or submit evidence that ODFW has determined screens and or fishway are not necessary. The Department has no record ODFW has approved fish screen and fishway or that one is not necessary; and
- (4) The Department has approved written certification from the engineer of record that construction has been completed. (The Department does not have record of letter of completion certifying that all work was supervised by a licensed engineer and performed in accordance with the approved repair design OR one set of quality reproducible asbuilt drawing documenting any changes in the approved design that occurred during construction.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application G-13175/Permit G-12039 was issued on May 23, 1995. This permit was to use Well 1, 2, and 3 in the Willow Creek Basin for supplemental irrigation of 354.9 acres. The completion date was October 1, 1998. An extension was received and a Final Order was approved with an extended completion date of October 1, 2008 and you had asked to have claim returned for modification, as Well 2 had yet to be developed. Permit conditions that should have been met between May 23, 1995 and October 1, 2008:

- (1) Installation of a meter on each well;
- (2) Annual water usage reports submitted to the Department. The Department does not have any records of water usage reporting; and
- (3) Pump test needed for Well 2. The Department has a pump test for Well 1 and Well 3, but not Well 2.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application G-12355/Permit G-11300; You need to do pump test before a certificate can be issued. The Department has received a Claim on August 29, 1994 and I will work on getting the Claim reviewed.

Plan: you need to submit a pump test for this well.

Transfer T 6785 was a transfer to change the place of use. The transfer was issued August 9, 1995. The change was to be Completed on or before October 1, 1996. The Department has not received a Claim.

Plan: Submit a Claim.

If you have ANY questions, please feel free to contact me at 503-986-0802.

Sincerely,

Machelle A Bamberger

cc: Application S-83516, Application R-81903, Application G-13175, Application G-12355, Application G-15172, and Transfer 6785.

Watermaster #8



Oregon
Kate Brown, Governor

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

October 21, 2015

Tom "Mac" Kerns
44962 School House Rd
Haines, Oregon 97833

Reference: Application S-83516/ Permit S-53908, Application R-81903/Permit R-13606, Application G-13175/ Permit G-12039, Application G-12355/Permit G-11300, Application G-15172/Permit G-15115, and Transfer 6785.

Mr. Kerns,

I have reviewed all the above mentioned files, and have come up with a plan for each one. Also I have enclosed copies of each permit with highlighted areas, and the application map to help you. I did not research other water rights that you may have an interest in.

Application G-15172/Permit G-15115 was cancelled on October 5, 2015. You have 60 days from the date of the letter to have it reinstated. This permit was issued July 24, 2002 and the completion date was October 1, 2006. The permit was for irrigation of 240.0 acres from a well in Ruckles Creek Basin. Permit conditions that should have been met between July 24, 2002 and October 1, 2006:

- (1) Installation of a meter on each well, and
- (2) water usage reports submitted to the Department. The Department does not have any records of water usage reporting.

Plan: if you would like to keep this permit you must ask for reinstatement and pay a fee, then you will need to apply for an extension of time, to come into compliance with permit conditions.

Application S-83516/ Permit S-53908 was issued on April 10, 2003. This permit is for supplemental irrigation of 156.9 acres using water from proposed reconstruction of Pine Creek Reservoir constructed under application R-81903, Permit R-13606. A compliance letter was sent to you on July 13, and October 12, of this year. The completion date was October 1, 2007. The Department has not received a Claim of Beneficial use. Permit conditions that should have been met between April 10, 2003 and October 1, 2007:

- (1) Installation of a meter;
- (2) Annual water usage reports submitted to the Department. The Department does not have record of any water usage reports; and
- (3) Installation of an approved fish screen and fishway or submit evidence that ODFW has determined screens and or fishway are not necessary. The Department has no record ODFW has approved fish screen and fishway or that one is not necessary.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application R-81903/ Permit R-13606 was issued on May 16, 2003. This permit is for enlargement of Pine Creek Reservoir, originally constructed under Permit R-660, to store 30.0 AF of water to be appropriated under Application S-83516, Permit S-53908, for supplemental irrigation. The completion

date was October 1, 2007. The Department has not received a Claim of Beneficial use. Permit conditions that should have been met between May 16, 2003 and October 1, 2007:

- (1) Installation of a meter or other measuring device;
- (2) Annual water usage reports submitted to the Department. The Department does not have record of water usage reports;
- (3) Installation of an approved fish screen and fishway or submit evidence that ODFW has determined screens and or fishway are not necessary. The Department has no record ODFW has approved fish screen and fishway or that one is not necessary; and
- (4) The Department has approved written certification from the engineer of record that construction has been completed. (The Department does not have record of letter of completion certifying that all work was supervised by a licensed engineer and performed in accordance with the approved repair design OR one set of quality reproducible asbuilt drawing documenting any changes in the approved design that occurred during construction.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application G-13175/Permit G-12039 was issued on May 23, 1995. This permit was to use Well 1, 2, and 3 in the Willow Creek Basin for supplemental irrigation of 354.9 acres. The completion date was October 1, 1998. An extension was received and a Final Order was approved with an extended completion date of October 1, 2008 and you had asked to have claim returned for modification, as Well 2 had yet to be developed. Permit conditions that should have been met between May 23, 1995 and October 1, 2008:

- (1) Installation of a meter on each well;
- (2) Annual water usage reports submitted to the Department. The Department does not have any records of water usage reporting; and
- (3) Pump test needed for Well 2. The Department has a pump test for Well 1 and Well 3, but not Well 2.

Plan: it looks like you need to submit an application for an extension of time, to come into compliance with permit conditions.

Application G-12355/Permit G-11300; You need to do pump test before a certificate can be issued. The Department has received a Claim on August 29, 1994 and I will work on getting the Claim reviewed.

Plan: you need to submit a pump test for this well.

Transfer T 6785 was a transfer to change the place of use. The transfer was issued August 9, 1995. The change was to be Completed on or before October 1, 1996. The Department has not received a Claim.

Plan: Submit a Claim.

If you have ANY questions, please feel free to contact me at 503-986-0802.

Sincerely,

Machelle A Bamberger

cc: Application S-83516, Application R-81903, Application G-13175, Application G-12355, Application G-15172, and Transfer 6785.

Watermaster #8

BAMBERGER MACHELLE A

From: PEDERSEN Dorothy I
Sent: Wednesday, October 21, 2015 4:43 PM
To: BAMBERGER MACHELLE A
Subject: RE: Water usage reporting questions

Machelle,
I do not find any water use reports for those permits.

Dorothy I. Pedersen
Water Measurement Analyst
Hydrographics Section
Oregon Water Resources Department
725 Summer St. NE
Salem, OR 97301-1266
(503) 986-0824

From: BAMBERGER MACHELLE A
Sent: Wednesday, October 21, 2015 16:17
To: PEDERSEN DOROTHY I
Subject: Water usage reporting questions

I have a few files that I cannot find water usage reporting in the file or on line, can you tell me if the following files have reported water usage:

Permit S-53908
Permit R-13606
Permit G-12039

Thank you,
Machelle

Machelle A Bamberger | Adjudication and Extension Specialist

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

Ph: 503 986-0802 | Fax: 503 986-0901

Email: Machelle.A.Bamberger@wrdd.state.or.us | Web: <http://www.wrd.state.or.us>



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G-13175

7/13
 TOM MAC KERNS
 AXA EQUITABLE AGRIFINANCE LLC
 4333 EDGEWOOD RD NE
 CEDAR RAPIDS, IA 52499-5223

2. Article Number

(Transfer from service label)

7014 2120 0004 5993 5327

PS Form 3811, February 2004

Domestic Return Receipt

WR KF

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *S. Parish-Logan* Agent
 Addressee

B. Received by (Printed Name) *Selina S. Parish-Logan*
 C. Date of Delivery *Per Mar Courier 7 2015*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

RECEIVED

JUL 21 2015

OWRD

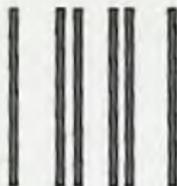
3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Oregon Water Resources Department
Attention: Kate Fitzgerald
725 Summer St. NE, Suite A
Salem, OR 97301



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

July 13, 2015

Certified mail number 7014 2120 0004 5993 5327
Return receipt requested

TOM MAC KERNS
AXA EQUITABLE AGRIFINANCE LLC
4333 EDGEWOOD RD NE
CEDAR RAPIDS, IA 52499-5223

Reference: Application G-13175, Permit G-12039

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2008.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2008. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (September 11, 2015) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Machelie Bamberger by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-13175
OWRD Watermaster District 8
K Diamond Ranch
Joshua Alan Cobb

*Cancel
FTMP
ce 12/4/17*

PERMIT STATUS REVIEW BY M. Bamberg DATE 6-25-15 FILE# G-13175

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if :

update appropriate db

Extension pending _____

Assignment is pending _____

Cancellation has been requested _____

Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check? Y N date _____ successful? Y N

Re-send Cert. Letter? Y N date _____

Send cancellation order Y N

Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-2008 BASIN NUMBER 9 WM# 8

CWRE or AGENT Tom Mac Kerns, CWRE

3. AOI Yes _____ NO X If Yes, name of AOI NA

S:\groups\wr\PERMIT C jdc-date-checklist.doc

New Owners:
K Diamond Ranch
45298 Rockhollow Rd
Haines, OR 97833
Joshua Alan Cobb
4101 Launch Pad Ln
Haines, OR 97833
2 of 2
Send letter

None

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>G-13175</u>	Permit # <u>G-12039</u>	Transfer # <u>NA</u>
WRD Reviewer <u>Lanaya B</u>	Date <u>9-26-14</u>	
WRD Peer Reviewer	Date	

Research

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments,
Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI? No Yes
If "Yes" cc: _____ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict? No Yes
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's? No Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- ~~NA~~ Fish Conditions
- Meter/measuring device shall
- ~~NO~~ Water Use Reporting shall
- ~~YES~~ Pump Test (post December 19, 1988)
- Other Conditions _____
- ~~NA~~ SWL
- C-Date 10-1-98 → (10-1-2008, extension)

Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES: Remove file from 2014-15 Certificate Workflow.
1999 COBU submitted pre-maturely, Extension issued
in 2005, need new COBU. No Water Use reporting on file.

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TOM MAC AND JOYCE A KERNS
ROUTE 1 BOX 10
HAINES, OREGON 97833

503-856-3351

to use the waters of WELLS 1, ~~2~~ AND 3 IN THE WILLOW CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 354.9 ACRES.

This permit is issued approving APPLICATION G-13175. The date of priority is NOVEMBER 9, 1992. The use is limited to not more than 1991 GALLONS PER MINUTE, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NE 1/4 SW 1/4, ~~SE 1/4 SE 1/4~~, SECTION 7, NW 1/4 NW 1/4, SECTION 18, T 8 S, R 39 E, W.M.; WELL 1 - 1100 FEET SOUTH & 1100 FEET EAST FROM THE NW CORNER OF SECTION 18; ~~WELL 2 - 200 FEET SOUTH & 2640 FEET EAST FROM THE W 1/4 CORNER OF SECTION 7~~; WELL 3 - 1320 FEET NORTH AND 80 FEET WEST FROM THE SE CORNER OF SECTION 7.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under this permit is as follows:

NE 1/4 SE 1/4 40.0 ✓ ACRES
SE 1/4 SE 1/4 40.0 ✓ ACRES
SECTION 12
NE 1/4 NE 1/4 37.44 ACRES
SECTION 13
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 SW 1/4 30.9 ACRES 39.1
NW 1/4 SW 1/4 34.8 ACRES 35.0
SW 1/4 SW 1/4 34.3 ACRES 35.2
SE 1/4 SW 1/4 38.4 ACRES 39.1
NW 1/4 SE 1/4 10.0 ✓ ACRES
SW 1/4 SE 1/4 10.0 ✓ ACRES
SECTION 7
NE 1/4 NW 1/4 38.1 ACRES 38.2
NW 1/4 NW 1/4 22.8 ACRES 34.8
SECTION 18
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

~~Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.~~

~~Actual construction work shall begin on or before May 23, 1996, and shall be completed on or before October 1, 1997. Complete application of the water shall be made on or before October 1, 1998.~~

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

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

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

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

~~The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.~~

Issued this date, May 23, 1995.

Steven P. Applegate

for

Water Resources Department
Martha O. Pagel
Director

Water Rights Platcard Report

Meridian: Willamette Township: 8 South Range: 39 East Section: 7 **Records per Page: 999** Platcards Maps! [Learn about * View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkwnn QQ
Select Cert:4339 OR CN <i>Additional Info:</i> L O MCCOY Decree: POWDER RIVER Cert: 4339			IRRIGATION	CN												40			40		10	10		
Select Cert:50885 CF CN <i>Additional Info:</i> AMOS CREGER Decree: POWDER RIVER Cert: 50885			IRRIGATION	CN												40			40		10	10		
Select Cert:72618 CF CR * <i>Additional Info:</i> KERNS BROTHERS INC. App: S14442 Permit: S10721 Cert: 72618		12/11/1931	SUPPLEMENTAL IRRIGATION (Suppl'mtl)													39.1	35	35.8	39.1					
Select Cert:72612 CF * <i>Additional Info:</i> KERNS BROTHERS INC. Decree: POWDER RIVER Cert: 72612		12/31/1895	IRRIGATION													39.1			20.9		10	10		
Select Permit: G 12039 * <i>Additional Info:</i> TOM MAC KERNS App: G13175 Permit: G12039		11/9/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)													38.9	34.8	34.3	38.4		10	10		
Select Inchoate: T 6186 CF (REG) * <i>Additional Info:</i> TIM L KERNS Decree: POWDER RIVER, CONSOLIDATED		12/31/1868	IRRIGATION													(18.19)								
Select Permit: G 11300 * <i>Additional Info:</i> TOM MAC KERNS App: G12355 Permit: G11300		12/19/1990	IRRIGATION							39											39	30	30	39
Select Permit: G 11555 EX <i>Additional Info:</i> TIM L KERNS App: G12938 Permit: G11555		5/29/1992	SUPPLEMENTAL EX IRRIGATION (Suppl'mtl)					35						32	33									
Select Permit: G 11773 CN <i>Additional Info:</i> TIM KERNS App: G12939 Permit: G11773	T8262	5/29/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				35						32	33									
Select Permit: G 13159 CN <i>Additional Info:</i> JANICE KERNS	T8262	2/23/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN								10	10	7	7									

Water Right Platcard Report

Select	Cert:66550 RR *	5/25/1953	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		5.7															
	Additional Info: HAROLD P COLVIN App: S28462 Permit: S22407 Cert: 66550																			
Select	Cert:66820 OR *	3/8/1982	IRRIGATION	1						10.8										
	Additional Info: PHILIP R STEVENSON App: G10666 Permit: G9888 Cert: 66820																			
Select	Cert:66820 OR *	3/8/1982	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	1						8.9										
	Additional Info: PHILIP R STEVENSON App: G10666 Permit: G9888 Cert: 66820																			
Select	Cert:68541 RR CN	12/11/1931	IRRIGATION, LIVESTOCK AND DOMESTIC (Suppl'mtl)												40	40				
	Additional Info: TOM MAC KERNS App: S14442 Permit: S10721 Cert: 68541																			
Select	Cert:70889 OR CN	1/1/1993	LIVESTOCK	CN																*
	Additional Info: TIM L KERNS App: R77003 Cert: 70889																			
Select	Cert:70889 OR CN	1/1/1993	RECREATION	CN																*
	Additional Info: TIM L KERNS App: R77003 Cert: 70889																			
Select	Cert:70889 OR CN	1/1/1993	STORAGE	CN																*
	Additional Info: TIM L KERNS App: R77003 Cert: 70889																			
Select	Cert:70889 OR CN	1/1/1993	WILDLIFE	CN																*
	Additional Info: TIM L KERNS App: R77003 Cert: 70889																			
Select	Cert:70890 OR *	1/1/1993	WILDLIFE							*	*									
	Additional Info: TIM A KERNS App: R77004 Cert: 70890																			
Select	Cert:70890 OR *	1/1/1993	STORAGE							*	*									
	Additional Info: TIM A KERNS App: R77004 Cert: 70890																			
Select	Cert:70890 OR *	1/1/1993	LIVESTOCK							*	*									
	Additional Info: TIM A KERNS App: R77004 Cert: 70890																			

Water Right Platcard Report

Select	Cert:70890 OR *	1/1/1993	RECREATION				*	*												
<u>Additional Info:</u> TIM A KERNS App: R77004 Cert: 70890																				
Select	Cert:72217 CF CN	T10200	12/31/1868	IRRIGATION	CN		16													
<u>Additional Info:</u> MARTHA JANE JACOBS Decree: POWDER RIVER Cert: 72217																				
Select	Cert:72218 CF *		5/25/1953	IRRIGATION			16													
<u>Additional Info:</u> MARTHA JANE JACOBS App: S28462 Permit: S22407 Cert: 72218																				
Select	Cert:72613 CF *		6/14/1971	SUPPLEMENTAL	IRRIGATION		39.1									37.8	30	30	39.1	
<u>Additional Info:</u> KERNS BROS INC. App: G5551 Permit: G4970 Cert: 72613																				
Select	Cert:72614 CF *		6/29/1927	SUPPLEMENTAL	IRRIGATION											37.8	33.1	30	39.1	
<u>Additional Info:</u> KERNS BROTHERS INC. App: S11595 Permit: S8034 Cert: 72614																				
Select	Cert:72617 CR *		4/16/1975	IRRIGATION	(Suppl'mtl)											37.8				
<u>Additional Info:</u> KERNS BROTHERS INC. App: S53003 Permit: S40307 Cert: 72617																				
Select	Cert:72617 CR *		4/16/1975	SUPPLEMENTAL	IRRIGATION		39.1											30	30	39.1
<u>Additional Info:</u> KERNS BROTHERS INC. App: S53003 Permit: S40307 Cert: 72617																				
Select	Cert:72617 CR *		4/16/1975	LIVESTOCK	(Suppl'mtl)											*				
<u>Additional Info:</u> KERNS BROTHERS INC. App: S53003 Permit: S40307 Cert: 72617																				
Select	Cert:72619 CR *		12/4/1899	IRRIGATION			39.1													
<u>Additional Info:</u> KERNS BROTHERS INC. Decree: NORTH POWDER RIVER Cert: 72619																				
Select	Cert:73856 CR *		1/1/1993	STORAGE			*													
<u>Additional Info:</u> TIM L KERNS App: R77003 Cert: 73856																				
Select	Cert:73856 CR *		1/1/1993	LIVESTOCK			*													
<u>Additional Info:</u> TIM L KERNS																				

Water Rights Platcard Report

Meridian: Willamette Township: 8 South Range: 39 East Section: 18 Records per 999 Page: Search Platcards Maps! Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Cert:4339 OR CN Additional Info: L O MCCOY Decree: POWDER RIVER Cert: 4339			IRRIGATION	CN								40												
Select Cert:50885 CF CN Additional Info: AMOS CREGER Decree: POWDER RIVER Cert: 50885			IRRIGATION	CN								40												
Select Cert:72612 CF * Additional Info: KERNS BROTHERS INC. Decree: POWDER RIVER Cert: 72612		12/31/1904	IRRIGATION									38.2	15.6											
Select Permit: G 12039 * Additional Info: TOM MAC KERNS App: G13175 Permit: G12039		11/9/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									38.1	32.8											
Select Cert:72618 CF CR * Additional Info: KERNS BROTHERS INC. App: S14442 Permit: S10721 Cert: 72618		12/11/1931	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									16.2	34.8											
Select Permit: G 6147 CN Additional Info: C F SINGLEY App: G6542 Permit: G6147		5/22/1974	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN																				40
Select Permit: G 7402 CN Additional Info: ETHEL CREGER App: G7972 Permit: G7402		3/30/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN										40	40	40	40							
Select Permit: G 11555 EX Additional Info: TIM L KERNS App: G12938 Permit: G11555		5/29/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	EX										30	31	31	30	37	11					
Select Permit: G 11773 CN Additional Info: TIM KERNS App: G12939 Permit: G11773	T8262	5/29/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN										30	31	31	30	37	11					

Water Right Platcard Report

Select Cert:70889 OR CN Additional Info: TIM L KERNS App: R77003 Cert: 70889	1/1/1993	LIVESTOCK	CN																	*
Select Cert:70889 OR CN Additional Info: TIM L KERNS App: R77003 Cert: 70889	1/1/1993	RECREATION	CN																	*
Select Cert:70889 OR CN Additional Info: TIM L KERNS App: R77003 Cert: 70889	1/1/1993	STORAGE	CN																	*
Select Cert:70889 OR CN Additional Info: TIM L KERNS App: R77003 Cert: 70889	1/1/1993	WILDLIFE	CN																	*
Select Cert:72623 RR CN Additional Info: BRAD ALLEN Decree: POWDER RIVER Cert: 72623	12/4/1899	IRRIGATION	CN	39.1	40	38.2	38.2													
Select Cert:73856 CR * Additional Info: TIM L KERNS App: R77003 Cert: 73856	1/1/1993	STORAGE																		*
Select Cert:73856 CR * Additional Info: TIM L KERNS App: R77003 Cert: 73856	1/1/1993	LIVESTOCK																		*
Select Cert:73856 CR * Additional Info: TIM L KERNS App: R77003 Cert: 73856	1/1/1993	RECREATION																		*
Select Cert:73856 CR * Additional Info: TIM L KERNS App: R77003 Cert: 73856	1/1/1993	WILDLIFE																		*
Select Cert:75492 RR CN Additional Info: MILES LEE App: S911 Permit: S410 Cert: 75492	8/22/1910	IRRIGATION AND DOMESTIC	CN														33.3	40	40	40
Select Cert:76433 OR * Additional Info: TIM L KERNS App: S69193 Permit: S51398 Cert: 76433	7/13/1987	SUPPLEMENTAL IRRIGATION (Suppl'mtl)															22.4	8.7		

Water Rights Platcard Report

Meridian: Willamette Township: 8 South Range: 38 East Section: 13 **Records per 999** Page: Platcards Maps! [Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Permit: G 7402 CN <u>Additional Info:</u> ETHEL CREGER App: G7972 Permit: G7402		3/30/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN			40 40	40	40															
Select Cert:4403 OR CN <u>Additional Info:</u> ARTHUR E PERKINS Decree: POWDER RIVER Cert: 4403			IRRIGATION	CN			40 40	40	40															
Select Permit: G 12039 * <u>Additional Info:</u> TOM MAC KERNS App: G13175 Permit: G12039		11/9/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)				37.6																	
Select App: G 15975 DN <u>Additional Info:</u> TOM MAC KERNS App: G15975		4/3/2003	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	DN			37.6																	
Select Cert:72612 CF * <u>Additional Info:</u> KERNS BROTHERS INC. Decree: POWDER RIVER Cert: 72612		12/31/1897	IRRIGATION				29.9																	
Select Cert:72612 CF * <u>Additional Info:</u> KERNS BROTHERS INC. Decree: POWDER RIVER Cert: 72612		12/31/1904	IRRIGATION				7.5																	
Select Permit: G 11555 EX <u>Additional Info:</u> TIM L KERNS App: G12938 Permit: G11555		5/29/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	EX																				10
Select Permit: G 11773 CN <u>Additional Info:</u> TIM KERNS App: G12939 Permit: G11773	T8262	5/29/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN																				10
Select Cert:4333 OR * <u>Additional Info:</u>			IRRIGATION							30.5	40				5					40	27.3			

Water Rights Platcard Report

Meridian: Willamette Township: 8 South Range: 38 East Section: 12 Records per 999 Page: Platcards Maps! Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	Unknown QQ												
Select Permit: G 7402 CN Additional Info: ETHEL CREGER App: G7972 Permit: G7402		3/30/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN																			40	40
Select Permit: G 12039 * Additional Info: TOM MAC KERNS App: G13175 Permit: G12039		11/9/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																				40	40
Select Cert:4403 OR CN Additional Info: ARTHUR E PERKINS Decree: POWDER RIVER Cert: 4403			IRRIGATION	CN																			40	40
Select Cert:10135 OR CN Additional Info: OTHA PERKINS App: S14442 Permit: S10721 Cert: 10135		12/11/1931	IRRIGATION, LIVESTOCK AND DOMESTIC	CN																			40	40
Select Cert:55731 CF CN Additional Info: OTHA PERKINS App: S14442 Permit: S10721 Cert: 55731		12/11/1931	IRRIGATION	CN																			40	40
Select Cert:68541 RR CN Additional Info: TOM MAC KERNS App: S14442 Permit: S10721 Cert: 68541		12/11/1931	IRRIGATION, LIVESTOCK AND DOMESTIC (Suppl'mtl)	CN																			40	40
Select Cert:72618 CF CR * Additional Info: KERNS BROTHERS INC. App: S14442 Permit: S10721 Cert: 72618		12/11/1931	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																				40	40
Select App: G 15975 DN Additional Info: TOM MAC KERNS App: G15975		4/3/2003	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	DN																			40	
Select Cert:72612 CF * Additional Info:		12/31/1891	IRRIGATION																				40	10.55

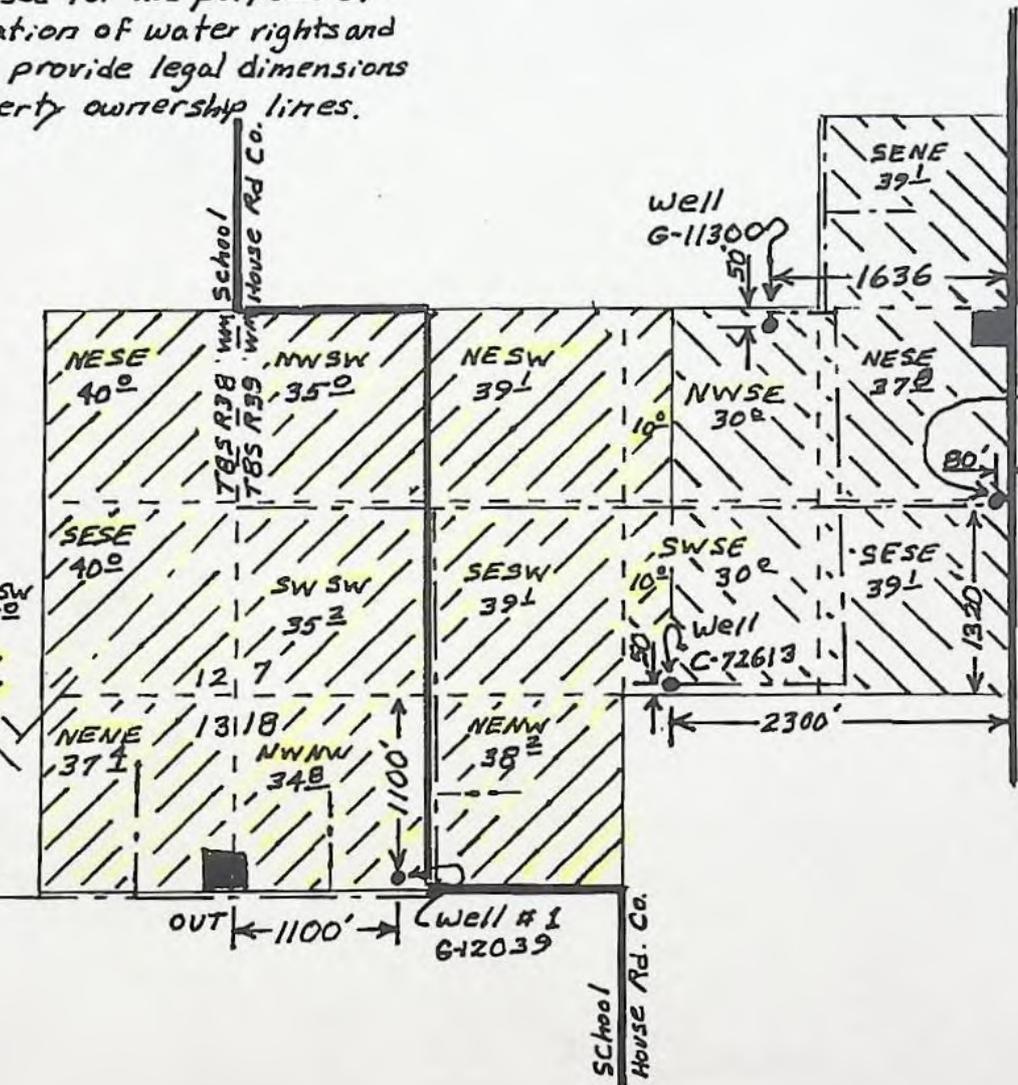
EXHIBIT "C"
FINAL PROOF MAP FOR PERMIT G-12039
AND ALTERNATE POINT OF DIVERSION
FOR G-12039, G-11300 AND C-72613

I certify the information provided in this final proof is an accurate representation of the permitted water use and is true and correct to the best of my knowledge. This map is to be used for the purpose of identifying the location of water rights and is not intended to provide legal dimensions or location of property ownership lines.

All land is being irrigated by center pivots with corners covered by hand lines



LEGEND
 Co. Road ———
 main line - - -
 subdivision acres
 Land irrigated under G-12039
 Land irrigated under G-11300 & C-72613 well
 scale 4" = 1 mile
 Drawn 12-13-99 by TMK



Pocahontas Rd Co.

out

Well #3 G-12039

Alternate points of diversion for G-12039, G-11300 and C-72613 are as follows:

- 1100 ft south and 1100 ft east from the NW Cr S 18, T8 S, R39 E, WM
- 1320 ft North and 80 ft west from the SE Cr S 7, T8 S, R38 E, WM
- 50 ft south and 1636 ft west from the East 1/4 Cr S 7, T8 S, R38 E, WM
- 50 ft north and 2300 ft west from the SE Cr S 7, T8 S, R38 E, WM

School House Rd. Co.

OUT ← 1100' → Well #1 G-12039



Oregon

John A. Kitzhaber, MD, Governor

September 4, 2014

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

Elkhorn Title Company
1725 Main Street
Baker City, Oregon 97814

Reference: Application G-12355, Permit G-11300 – Application G-17689
Application S-83516, Permit S-53908 – Application G-13175, Permit G-12039

Regarding Application G-17689, the partial assignment from K-Diamond, Inc. to K. Diamond, Inc. and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show K. Diamond, Inc. and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC as the application holders of record.

Regarding Application G-12355, Permit G-11300 – Application S-83516, Permit S-53908 and Application G-13175, Permit G-12039, the partial assignment from Tom Mac Kearns to Tom Mac Kearns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC.

The Departments records will now show Tom Mac Kearns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 113263 covering the recording fees is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 113263

cc: Watermaster 8
K-Diamond, Inc.
Tom Mac Kearns
Data Center, OWRD (cover letter & request)
Hydrographics
Files



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

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, Tom Mac Kerns and Joyee Kerns dec'd
 (Name of Applicant / Permit / Transfer Holder / License Holder / GR Certificate of Registration)

Route 1, Box 10 Haines OR 97833
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-1 3175; Permit # G 12039; Transfer # _____
 -OR-
 License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

Tom Mac Kerns and AXA Equitable Life Insurance Company c/o AXA Equitable AgriFinance, LLC
 (Name of New Owner)

4333 Edgewood Road NE Cedar Rapids IA 52499-5223 319-355-8650
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 26 day of August, 2014.

Applicant/Permit Holder Tom Mac Kerns

Applicant/Permit Holder _____

ASSESSORY FINANCING
 JRS
 9/4/2014

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 113263
- For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

RECEIVED
 AUG 29 2014
 OWRD

8-13175

RECEIVED

DEC 17 1999

12/6/99 WATER RESOURCES DEP
SALEM, OREGON

Page 1

FINAL PROOF REPORT
for Permit Number G-12039

GENERAL INFORMATION:

Permittee is TOM "Mac" and Joyce A. Ker
45296 Pocahonts Rd
Haines, Or 97833

COBU submitted
pre-maturely.

Land Owner is the same as the Permittee

Wells Number 1 and number 3 have been
with the terms and conditions of the permit e
were made in the primary water right under 31
supplemental water right needs to be adjusted
which are the acres actually irrigated.

COBU is needed,
as well as water use

No work has been done on well number 2.

SOURCE:

The primary source is shown on the following tables:

Acres	Tax Lot	1/41/4	Sect	Twn	range	Cert#	Source
39.1	2400	SENE	7	8S	39E	72619	Rock, Pine, Willow Cr
35.0	2400	NWSW	7	8S	39E	72612	Pine Cr
35.8	2400	SWSW	7	8S	39E	72612	Pine Cr
39.1	2400	SESW	7	8S	39E	72612	Pine Cr
40.0	2400	SWSE	7	8S	39E	72612	Pine Cr
40.0	2400	NWSE	7	8S	39E	72612	Pine Cr
39.1	2400	NESW	7	8S	39E	72612	Pine Cr
37.8	2400	NESE	7	8S	39E	72612	Pine Cr
39.1	2400	SESE	7	8S	39E	72612	Pine Cr
40.0	2301	SESE	12	8S	38E	72612	Pine Cr
40.0	2302	NESE	12	8S	38E	72612	Pine Cr
37.4	2301/2302	NENE	13	8S	38E	72612	Pine Cr
34.8	201	NWNW	18	8S	39E	72612	Pine Cr
38.2	2400	NENW	18	8S	39E	72612	Pine Cr

8-13175

RECEIVED

DEC 17 1999

12/6/99 WATER RESOURCES DEPT
SALEM, OREGON

Page 1

FINAL PROOF REPORT
for Permit Number G-12039

GENERAL INFORMATION:

Permittee is TOM "Mac" and Joyce A. Kerns
45296 Pocahonts Rd
Haines, Or 97833

Land Owner is the same as the Permittee.

Wells Number 1 and number 3 have been completed in accordance with the terms and conditions of the permit except acreage adjustments were made in the primary water right under 3111 process and this supplemental water right needs to be adjusted to reflect these acres which are the acres actually irrigated.

No work has been done on well number 2.

SOURCE:

The primary source is shown on the following tables:

Acres	Tax Lot	1/41/4	Sect	Twn	range	Cert#	Source
39.1	2400	SENE	7	8S	39E	72619	Rock, Pine, Willow Cr
35.0	2400	NWSW	7	8S	39E	72612	Pine Cr
35.8	2400	SWSW	7	8S	39E	72612	Pine Cr
39.1	2400	SESW	7	8S	39E	72612	Pine Cr
40.0	2400	SWSE	7	8S	39E	72612	Pine Cr
40.0	2400	NWSE	7	8S	39E	72612	Pine Cr
39.1	2400	NESW	7	8S	39E	72612	Pine Cr
37.8	2400	NESE	7	8S	39E	72612	Pine Cr
39.1	2400	SESE	7	8S	39E	72612	Pine Cr
40.0	2301	SESE	12	8S	38E	72612	Pine Cr
40.0	2302	NESE	12	8S	38E	72612	Pine Cr
37.4	2301/2302	NENE	13	8S	38E	72612	Pine Cr
34.8	201	NWNW	18	8S	39E	72612	Pine Cr
38.2	2400	NENW	18	8S	39E	72612	Pine Cr

RECEIVED

DEC 17 1999

WATER RESOURCES DEPT. Page 2
SALEM, OREGON

The primary source has been used continuously.

In addition to the primary source, portions of the area are covered by supplemental sources from certificates numbered 72613, 72614, 72617, & 72618 and permit number G-11300.

Driller's logs for wells number 1 and 3 are attached as (Exhibit "A")

DIVERSION POINTS:

The new supplemental source and certificate number 72163, and permit number G11300 are all wells located within 3/4 miles of each other, and all feed into the same pipeline and irrigation system. Therefore, they should all be considered as alternate points of diversion.

Diversion points for certificate number 72613, well 2 and 3 and permit number G-11300 are as follows:

- o Permit G11300 NW1/4, SE1/4, Section 7, T8SR39E; WM., 50 feet South and 1636 feet West from the E1/4 corner Section 7, T.8S., R.39E., WM..
- o Well Number 1 NW1/4NW1/4 Section 18, T8S., R39E, WM, 1100 feet South and 1100 feet East from the NW corner of Section 18, T8S, R39E, WM..
- o Well Number 2 SE1/4SE1/4 Section 7, T8S, R39E, WM, 1320 feet North and 80 feet West from the SE corner of Section 7, T8S, R39E, WM..
- o Certificate 72613 SW1/4SE1/4, Section 7, T8S, R39E, WM, 50 feet North and 2300 feet West from the SE Corner of Section 7, T8S, R39E, WM..

Water levels for wells 1 and 3 and permit G12039 are given on the attached pump test (Exhibit "B"). All wells are equipped with an access port and an air line.

RECEIVED

DEC 17 1999

Page 3

PUMPS and MOTORS

WATER RESOURCES DEPT.
SALEM, OREGON

Pumps and Motors for wells 1 and 3 and for permit G-12039 are described as follows:

Well number 1

Motor make U.S.

Type RV Vertical Hollow shaft

Hp 100

RPM 1800

Pump make Floway

Model 7 stage line shaft

Pump column size 6 inch

Pump Column length 332 ft.

Pump operates at 310 to 420 feet of head and produces 790 gallons per minute, which should be the final certified amount.

This well pumps directly into a main line at 50 PSI at the well head or into a pond with zero PSI or into a booster pump at -5 PSI at the well head. When operating the booster pump, total head is 310 feet and pump produces 790 gallons per minute.

Well number 3

Motor make Newman

Type Vertical hollow shaft

HP 100

RPM 1800

Pump make Peerless

Model 12 stage

Pump Column size 6 inches

Pump Column length 205 ft.

Pump operates at 250 to 350 $_ /$ feet of head and produces 890 gallons per minute at the lower head, which should be the final certified amount

$_ /$ varies depending on equipment and pumps operating

IRRIGATION SYSTEM

Irrigation transmission and distributiion system is as shown on the attached final proof map (Exhibit "C").

RECEIVED

DEC 17 1999

Page 4

WATER USE

WATER RESOURCES DEPT.
SALEM, OREGON

The water is used to irrigate agricultural crops commonly grown in Baker valley, such as pasture, alfalfa, grain, potatoes etc., in addition, water from these wells is used to water livestock.

Tom "Mac" Kerns

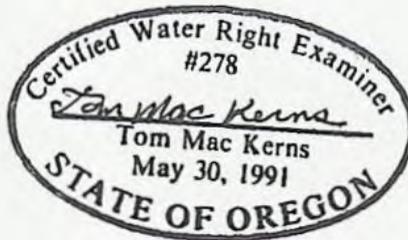
Tom Mac Kerns

Permittee & CWRE

Joyce A. Kerns

Joyce A. Kerns

Permittee



G-13175 + G-12355

Tom "Mac" Kerns
45296 Pocahontas Rd.
Haines, Or 97833

RECEIVED

DEC 17 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Martha Pagel Director
Water Resource Department
158 12th Street N.E.
Salem Or 97310-0210

12/13/99

Dear Mrs. Pagel,

G-11300 *lab*

Referance Permit G-12039, G-~~1130~~ and Certifcate 72613

Enclosed is a final poof report for permit G-12039 along with alternate points of diversionn for G-12039, G-11300 and C-72613,

Very truly yours,

Tom Mac Kerns

Tom "Mac" Kerns