

FILE#: G 14682

MATTHEW J PIETRYKA
MUNSELL, LINDA R
7140 JAKE RD
KLAMATH FALLS, OR

ASSIGNED

97601

Application No. G14682

Permit No. G13577

Certificate No. _____

Stream Index, Page No. _____

Well 1 KLAM 10331

Well 2 KLAM 51783

FEES PAID

Date	Amount	Receipt No.
5-17-98	400. ⁰⁰	19082
1-6-99	175.00	26997
5-5-14	85.00	111940
11/10/14	575.00	575.00
Cert. Fee		_____

FEES REFUNDED

Date	Amount	Check No.
_____	_____	_____

Date filed _____

Priority _____

Action suspended until C 17

Return to applicant _____

Date of approval _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
5/5/2014	CATHY GERLETT	7140 JAKE RD		
	KLAMATH FALLS OR 97601			

REMARKS

CONSTRUCTION

Date for beginning 11-13-99

Date for completion _____

Extended to _____

Date for application of water 10-1-03

Extended to 10/1/2017

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

SCANNED

6-13577

HOLMES Codi N * WRD

From: HOLMES Codi N * WRD
Sent: Monday, December 8, 2025 1:55 PM
To: 'Taylor Sandstrom'
Subject: RE: Water Rights for 7140 Jake Road - Gerlett

Yes, however- the new landowners may not be able to provide the necessary information to complete the claim. The claim requires specific dates that conditions were met. The permit was issued 1/27/1999 and Oct. 1, 2017; so the rights still could be at risk of not meeting beneficial use.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell



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

From: Taylor Sandstrom <Taylor@nsfiduciaryservices.com>
Sent: Monday, December 8, 2025 1:43 PM
To: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Subject: Re: Water Rights for 7140 Jake Road - Gerlett

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

Hi Codi,

I am circling back to this. Is there anyway to keep it on "hold" then once the property sales, the new owner can pursue the water rights and the process that it entails?

Thanks,
Taylor

Taylor Sandstrom

Intake Specialist

Nicole Svoboda's Fiduciary Services

www.nsfiduciaryservices.com

Office: (503) 746-1255

Nicole's Cell: 971-762-8551

Fax: (503) 386-2414

PO Box 1341

Lake Oswego, OR 97035

If this matter is emergent or needs immediate assistance, please reach out to the case manager assigned to the client or reach out to the appropriate employee below. Thank you!

Business Hours: Monday - Friday / 9am to 3pm

Office Hours: By Appointment Only

Please note the changes below during this holiday season!

November 24th to November 28th - Office Closed

December 22nd to December 26th - Office Closed

December 29th & December 30th - Office Open by Appointment Only

December 31st to January 2nd - Office Closed



NSFS Contact List:

Name	Role	Phone	Email
Jessica	Billing Department	(971) 424-4836	billing@nsfiduciaryservices.com

Nicole	Owner/ Professional Fiduciary	(971) 762-8551	nicolesvoboda@nsfiduciaryservices.com
Kaley	Case Manager/ Certified Guardian	(971) 348-8688	kaley@nsfiduciaryservices.com
Missy	Senior Financial Officer	(971) 470-9341	missy@nsfiduciaryservices.com
Tania	Lead Office Administrator	(503) 716-0394	tania@nsfiduciaryservices.com
Bailey	Tax and Data Specialist	(971) 243-8627	bailey@nsfiduciaryservices.com
Jasmine	Administrative Support Specialist	(503) 746-1255	jasmine@nsfiduciaryservices.com
Destini	Office Support Specialist	(503) 746-1255	destini@nsfiduciaryservices.com
Taylor	Intake Specialist	(971) 330-2619	taylor@nsfiduciaryservices.com

From: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>

Sent: Thursday, November 13, 2025 2:48 PM

To: Taylor Sandstrom <Taylor@nsfiduciaryservices.com>

Subject: RE: Water Rights for 7140 Jake Road - Gerlett

Hi,

This file is at risk of cancellation and losing the water rights. With that being said- there are several things that need to be done to keep the water rights. Some of which the property owner can do on his own, and others that require hiring Certified Water Right Examiner (CWRE). The CWRE can help with all the steps, but may cost additional monies.

You've been provided the permit that is on the property.

1. To do anything- the landowners need to be the "Permit Holders of record". If the current name on the permit can assign the permit to the new landowners is the easiest way. If the permit holders is NOT available- there is another process. Mary Bjork can assist with this process.

Mary.f.bjork@water.oregon.gov

2. Next is determining if the water has been developed within the conditions of the permit. All conditions must have been complied with between when the permit was issued (Jan. 27, 1999) and the recent c-date (Oct. 1, 2017).

2A. If the water hasn't finished development, then an extension is needed. Jeffrey Pierciall can assist with this. Jeffrey.d.pierciall@water.oregon.gov

2B. The development is done. The landowner will need to hire a CWRE to do a survey, and prepare the claim of beneficial use report and map. This requires some detailed information, including dates of completion- so the current landowners may be best to assist, but the new landowners can hire and work with the CWRE. You can find CWRE by googling Certified Water Right Examiner for the county/area.

Now, if we do not receive the claim report and map, the Department will move to cancel the permit.

Please let me know if you have additional questions or concerns.

Codi Holmes

Certificate Specialist

Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell



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From: Taylor Sandstrom <Taylor@nsfiduciaryservices.com>
Sent: Tuesday, November 11, 2025 1:26 PM
To: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Subject: Re: Water Rights for 7140 Jake Road - Gerlett

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

Hi Codi,

I hope you are well! I am following up to my email below.

Thank you,
Taylor

Taylor Sandstrom

Intake Specialist

Nicole Svoboda's Fiduciary Services

www.nsfiduciaryservices.com

Office: (503) 746-1255

Nicole's Cell: 971-762-8551

Fax: (503) 386-2414

PO Box 1341

Lake Oswego, OR 97035

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Closed Friday

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Kaley	Case Manager/ Certified Guardian	(971) 348-8688	kaley@nsfiduciaryservices.com
Missy	Senior Financial Officer	(971) 470-9341	missy@nsfiduciaryservices.com
Tania	Lead Office Administrator	(503) 716-0394	tania@nsfiduciaryservices.com
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Destini	Office Support Specialist	(503) 746-1255	destini@nsfiduciaryservices.com
Taylor	Intake Specialist	(971) 330-2619	taylor@nsfiduciaryservices.com

From: Taylor Sandstrom <Taylor@nsfiduciaryservices.com>
Sent: Thursday, October 30, 2025 12:24:03 PM
To: Codi.N.HOLMES@water.oregon.gov <Codi.N.HOLMES@water.oregon.gov>
Subject: Re: Water Rights for 7140 Jake Road - Gerlett

Hi Codi,

We are managing the estate of 7140 Jake Road, Klamath, Oregon. The house is listed for sale and we want to see what needs to be completed in order for the new owners to get the water rights that are currently active on this property. I was told you would be able to provide next steps and direction.

Thank you!
Taylor

Taylor Sandstrom
Intake Specialist

Nicole Svoboda's Fiduciary Services

www.nsfiduciaryservices.com
Office: (503) 746-1255
Nicole's Cell: 971-762-8551
Fax: (503) 386-2414
PO Box 1341
Lake Oswego, OR 97035

If this matter is emergent or needs immediate assistance, please reach out to the case manager assigned to the client or reach out to the appropriate employee below. Thank you!

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Missy	Senior Financial Officer	(971) 470-9341	missy@nsfiduciaryservices.com
Tania	Lead Office Administrator	(503) 716-0394	tania@nsfiduciaryservices.com
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Destini	Office Support Specialist	(503) 746-1255	destini@nsfiduciaryservices.com
Taylor	Intake Specialist	(971) 330-2619	taylor@nsfiduciaryservices.com

From: Wendy Bruton <wendy@paramountoregon.com>
Sent: Wednesday, October 29, 2025 10:26 AM
To: Nicole Svoboda <NicoleSvoboda@nsfiduciaryservices.com>
Subject: Fwd: Water Rights for 7140 Jake Road

CAUTION—EXTERNAL EMAIL. This email originated outside Nicole Svoboda FS. Please be cautious of links or attachments.

Hi Nicole,
Here is the information from the OWRD.
You can call or email this lady and she will take it from there :)

Let me know if you need anything from me.

Wendy

Wendy Bruton
Paramount Real Estate Services
503-910-5880

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

From: **BENHAM Sarah L * WRD** <Sarah.L.BENHAM@water.oregon.gov>
Date: Fri, Oct 24, 2025 at 11:29 AM
Subject: Water Rights for 7140 Jake Road
To: wendy@paramountoregon.com <wendy@paramountoregon.com>

Good morning Wendy,

Thank you for your call to Oregon Water Resources regarding [7140 Jake Rd, Klamath Falls, OR](#). Attached is the permit that we discussed and you can also access the webpage here: [permit G-13577](#).

As we discussed the current owner should get in touch with our department to discuss this to make sure that they stay in good standing and are not cancelled before the new owner can complete the process. I would suggest they contact Codi Holmes regarding that process and she can be reached at Codi.N.HOLMES@water.oregon.gov.

The new owner will also need to complete an assignment with the current owner in order to pass the permit over and allow them to complete the process to certificate the water right. The webpage for information on assignments can be found [here](#). Mary Bjork is in charge of that program if the owners wish to speak with her regarding that process she can be reached at Mary.F.BJORK@water.oregon.gov or 503-979-9895.

Finally, if you want information specific to the wells you can find the webpages for the 2 associated wells here: [KLAM0010331](#) and [KLAM0051783](#).

Feel free to call or email back with any other questions!

Thanks and have a great day,

Sarah Benham

Customer Service Representative

Water Right Services Division

[725 Summer Street NE Ste A](#)

[Salem, Oregon 97301](#)

(503) 986-0810



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NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

Mailing List for 60-Day Letter

Application: G-14682

Permit: G-13577

Permit Holder(s):

CATHY GERLETT
7140 JAKE RD
KLAMATH FALLS OR 97601

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of 60 Day Letter to be sent to Permit Holder(s) and following:

1. Watermaster District #17 (auto email)
2. File

Other persons to receive copies:

- 1.

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>12.1.2023</u>	(DATE)

2.9.2024

Carl Rasche has been hired by current landowner (Mr. Dole). CWRE - Tim Fassbender has also been hired.

Tried calling Mr. Rasche on 2.9.2024. left a message.

60 D.L. sent 12-1-2023



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

Certified mail number 7022 3330 0000 2824 8286
Return receipt requested

December 1, 2023

CATHY GERLETT
7140 JAKE RD
KLAMATH FALLS, OR 97601

Reference: Application **G-14682**, Permit **G-13577**

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, 2017.

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, 2017. The fee for submitting a claim of beneficial use is \$230.00. 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 \$780.00. 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 (February 9, 2024) 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 \$610.00 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 me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

Enclosures (1)

cc: File
OWRD Watermaster District 17





RESOURCE SHEET

Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov



RESOURCE SHEET

Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900; and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

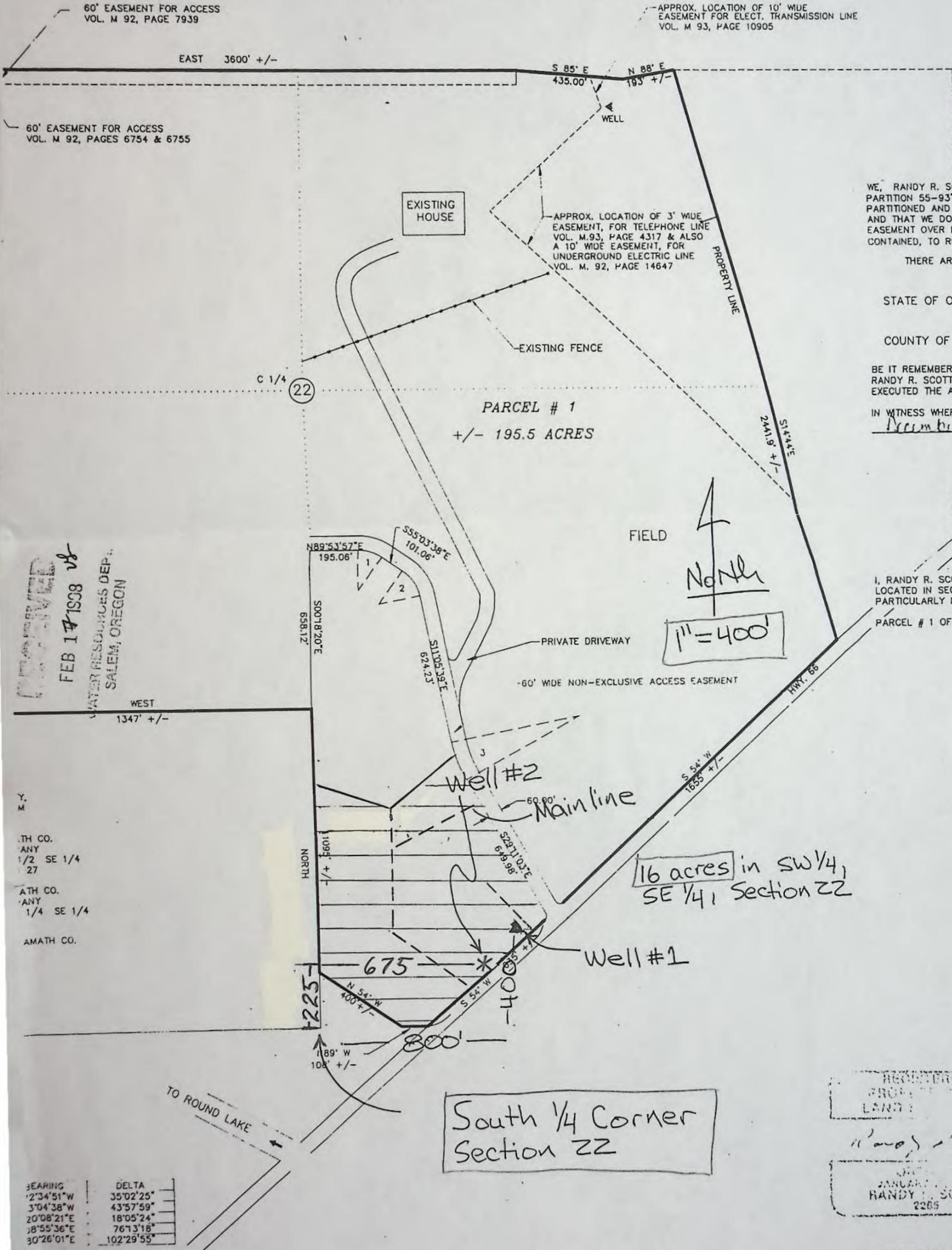
<https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/Certificate.aspx>

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3208 or by email at

Kerry.L.Kavanagh@water.oregon.gov

Section No. 674682
 Permit No.

FINAL PARTITION # 55-9
 FOR: RANDY & SUE SCOTT
 LOCATED IN S. 22, T. 39 S., R. 8 E., W.M., KLAMATH CO.
 Tax Lot R-3908-02200-00104-000



WE, RANDY R. SCOTT, AND SUSAN J. SCOTT, PARTITION 55-93* MORE PARTICULARLY PARTITIONED AND PLATTED AS SHOWN AND THAT WE DO, FOR OURSELVES, OUR EASEMENT OVER PARCEL #1, FOR INGRESS AND EGRESS, TO RUN WITH TITLE TO SAID PARCEL #1.

STATE OF OREGON)

COUNTY OF KLAMATH)

BE IT REMEMBERED THAT ON THIS 22nd DAY OF FEBRUARY, 1998, RANDY R. SCOTT AND SUSAN J. SCOTT, EXECUTED THE ABOVE INSTRUMENT, AND

IN WITNESS WHEREOF, I HAVE HEREUNTO SIGNED AND SEALED MY HAND AND SEAL OF OFFICE, AT SALEM, OREGON, THIS 22nd DAY OF FEBRUARY, 1998.

I, RANDY R. SCOTT, SURVEYOR, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF OREGON, AND THAT I AM THE SURVEYOR OF THE ABOVE DESCRIBED PARCEL # 1 OF PARTITION # 55-91.

RECEIVED
 FEB 17 1998
 WATER RESOURCES DEPT.
 SALEM, OREGON

Y. M.
 TH CO.
 ANY
 1/2 SE 1/4
 27
 ATH CO.
 ANY
 1/4 SE 1/4
 AMATH CO.

BEARING	DELTA
2°34'51"W	35°02'25"
3°04'38"W	43°57'59"
20°08'21"E	18°05'24"
18°55'36"E	76°13'18"
30°26'01"E	102°29'55"

RECORDED
 PROPERTY
 LAND
 RANDY R. SCOTT
 2265

LICENSE EXPIRES 12-31-94

COMPILED FROM INFO
 IN THE FILE 8/25/98

C 1/4

22

RECEIVED

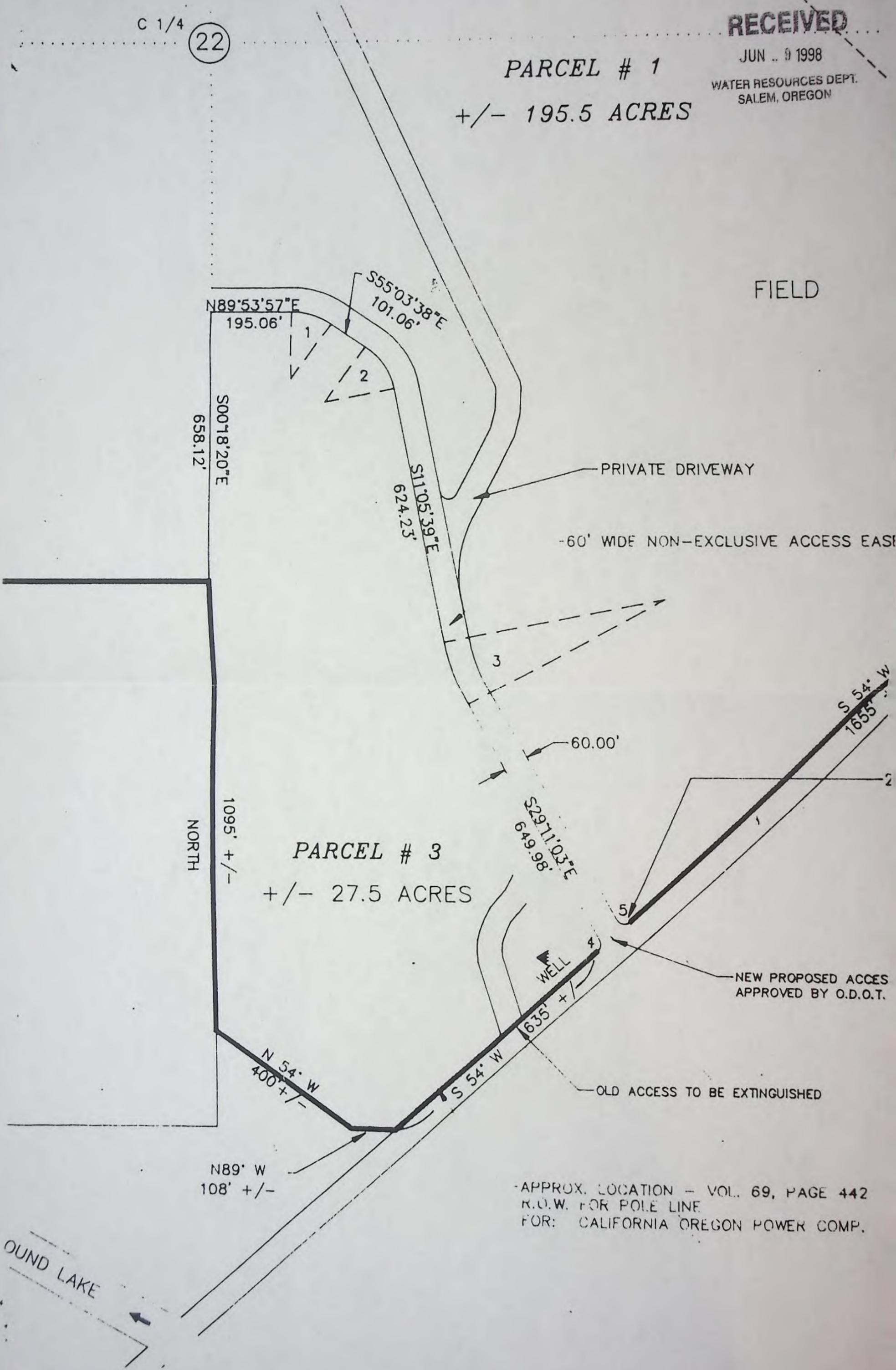
JUN .. 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

PARCEL # 1

+/- 195.5 ACRES

FIELD



N89°53'57"E
195.06'

S55°03'38"E
101.06'

S0018°20"E
658.12'

S11°05'39"E
624.25'

PRIVATE DRIVEWAY

-60' WIDE NON-EXCLUSIVE ACCESS EAST

NORTH

1095' +/-

PARCEL # 3

+/- 27.5 ACRES

S29°11'03"E
649.98'

60.00'

S 54° W
1655'

NEW PROPOSED ACCESS
APPROVED BY O.D.O.T.

OLD ACCESS TO BE EXTINGUISHED

WELL

N 54° W
400' +/-

S 54° W
635' +/-

N89° W
108' +/-

-APPROX. LOCATION - VOL. 69, PAGE 442
R.O.W. FOR POLE LINE
FOR: CALIFORNIA OREGON POWER COMP.

OUND LAKE

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MATTHEW J. PIETRYKA & LINDA R. MUNSELL
7140 JAKE ROAD
KLAMATH FALLS, OREGON 97601

PHONE: (541) 850-8441

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

APPLICATION FILE NUMBER: G-14682

SOURCE OF WATER: TWO WELLS IN KLAMATH RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 16.0 ACRES, DOMESTIC USE FOR ONE HOUSEHOLD, AND LIVESTOCK USE

MAXIMUM RATE: 0.210 CUBIC FOOT PER SECOND(CFS), BEING 0.200 CFS FOR IRRIGATION, 0.005 CFS FOR DOMESTIC USE, AND 0.005 CFS FOR LIVESTOCK USE

PERIOD OF USE: YEAR ROUND FOR DOMESTIC AND LIVESTOCK USES AND MAY 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 17, 1998

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, T39S, R8E, W.M.; WELL 1 - 400 FEET NORTH & 800 FEET EAST; WELL 2 - 225 FEET NORTH & 675 FEET EAST BOTH FROM S1/4 CORNER, SECTION 22

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 PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 16.0 ACRES
SECTION 22
TOWNSHIP 39 SOUTH, RANGE 8 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.
- 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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells 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.

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

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.

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.

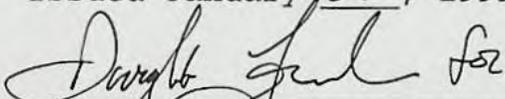
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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.

Actual construction of the well shall begin by November 13, 1999. Complete application of water to the use shall be made on or before October 1, 2003. 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 January 27, 1999



Martha C. Pagel, Director
Water Resources Department



Application G-14682
Basin 14
LKS

Water Resources Department
Volume 1 KLAMATH R MISC
MGMT.CODES 7BG 7BR 7JG 7JR

PERMIT G-13577
District 17

Mailing List for Permit Copies

Application# G-14682

Mailing List Print Date January 12, 1999

Original mailed to(when permit issued, include copy of permit map):

Applicant: Matthew Pietruka and Linda Munsell, 7140 Jake Rd., Klamath Falls, Oregon 97601

Copies Mailed
By: <u>HW</u>
(SUPPORT STAFF)
on: <u>1/29/99</u>
(DATE)

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # G-14682
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)
5. WRD - Watermaster District #: 17 (w/copy of permit map)

COPIES TO Other Interested Persons

1. _____
2. _____
3. _____

CASEWORKER:

Cathy Gerlett G-14682

7140 Jake Rd.

Klamath Falls, OR 97601

Cathy Gerlett G-14682

7140 Jake Rd.

Klamath Falls, OR 97601

**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 # **113981**

INVOICE # _____

RECEIVED FROM: Cathy Gerlett & Renee Town
BY: _____

APPLICATION	G-14682
PERMIT	
TRANSFER	

CASH: CHECK:# 206 OTHER: (IDENTIFY)

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	<u>575.00</u>

46110
46111

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

WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$	
LANDOWNER'S PERMIT		0220	\$	

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **113981**

DATED: 11/10/14 BY: Erin Kelly Lopez

Application # 6-148682 Permit # 6-13577

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: _____

◆ **Extension Specialist ...**

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 11/18/14

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN Machelle Bambergue



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

November 12, 2014

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-14682 (Permit G-13577)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Mabelle Bamberger at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____
If the permit has been cancelled, the Extension Application cannot be accepted.
3. Is the extension applicant's name and mailing address supplied? _____
If yes, is the applicant a permit holder of record (*i.e., permit issued or assigned to them*)? _____
If the extension applicant is **NOT** a permit holder of record, a "Request for Assignment" must be accepted and processed before the Extension Application can be processed.
If an Assignment has **not** yet occurred, and is not submitted with the Extension of Time Application, the application cannot be accepted.
*** NOTE:** The applicant may submit a complete "Request for Assignment," at the same time, which must include the statutory fee of \$85 for the assignment, required proof of ownership, or signature of previous permit holder, in addition to all necessary items required for the Extension of Time Application so that **both applications can be accepted**.
4. Is the appropriate Extension of Time Application used? _____
If the wrong application form is used, the Extension Application cannot be accepted.
 - If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
5. Are the requested date(s) for extension identified (*Page 1*)? _____
 - Check the permit to see if it includes a "B-Date" and/or a "C-Date."
 "B-Date" = date by which construction of the water delivery system for the permit is to be completed.
 "C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

NOTE: For permits with both a "B-Date and a "C-Date," the applicant will likely request an extension of both dates (*i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use*). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" (*i.e., to apply water to full beneficial use*).

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.
6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____
(*If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.*)
If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
NOTE: If the permit covers land that has been subdivided and assigned to different, individual parties... we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

The tables below are informational only. No need to check off.

■ NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:

• Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.	• Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
• Ques. #2 - Information provided on compliance with permit conditions.	• Ques. #6 - Information provided on number of acres irrigated, if applicable.
• Ques. #3 - Description provided of progress made in developing the permit.	• Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
• Ques. #4 - Monetary investment made in the project to date provided.	• Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
• Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.	• Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
• Ques. #5-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	• Ques. #10 - Justification provided of why the requested time is necessary to complete project.

■ Municipal/Quasi-Municipal Permit Extension Applications:

• Ques. #2 - For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	• Ques. #8 - Estimate provided of current peak water demand of the population served <u>and</u> the methodology used to make the estimate.
• Ques. #3 - For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	• Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
• Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.	• Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.
• Ques. #5-A & #5-B - Information provided on compliance (or non-compliance) with permit conditions.	• Ques. #10-B - For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
• Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.	• Ques. #11 - Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
• Ques. #6-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	• Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
• Ques. #6-C - Well location information provided <u>and</u> whether a permit amendment is necessary.	• Ques. #14 - A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
• Ques. #7 - Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.	• Attachment A - A tabular inventory of the water supplier's water rights and any other water use authorizations.

8. Has the \$575 fee been paid? _____
 *If applicable, has the \$85 fee for the Assignment been paid? _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)

If the fee has NOT been paid, the application cannot be accepted.

****NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks).

9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Extension Specialist**, or **Anne Reece** for municipal and quasi-municipal applications. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Michelle Bamberg Date: 11-12-14

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 14682 Permit: G- 13577 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Cathy Gerlett Gerlett

Permit Holder's Mailing Address: 7140 Jake Road, Klamath Falls, OR 97601 email srfarms@gmail.com

Phone Number: 650-271-2046

POD Location: Township _____ Range _____ Section _____ 1/4 _____

Drainage Basin: 14 County: Klamath Watermaster District: 17 Watermaster: Scott White

Date Permit was issued: 1/27/1999

Priority Date: 2/17/1998

Date of PN: 11-18-14

Source: two wells in Klamath River Basin

Use: Irrigation of 16.0 acres, domestic use for one household, and livestock use

"Q": 0.210 cfs, being 0.2 cfs for irrigation, 0.005 cfs for domestic use and 0.005 cfs for livestock use

Orig "A" Date: 11/13/1999

Orig "B" Date: ~~10/1/~~ None

Orig "C" Date: 10/1/2003

Extension request rec'd: 11/10/2014

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): _____ Proposed "B" Date: 10/1/

Proposed C Date: ~~10/1/2016~~ Oct. 30, 2017

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	meter installed on each well KLAM 10302 90-91 - 9-10-91
<input type="checkbox"/>	<input type="checkbox"/>	KLAM 10331 10-²/₄-91 → 10-11-91
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<u>needs permit Amendment place of use</u>
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

Work was accomplished within the time allowed in the permit or previous extension

Water right permit holder conformed with the permit or previous extension conditions

Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: ^{unknown} ~~\$0~~ Estimated Remaining Cost: **\$5,700**

Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0.21 cfs gpm af of the total permitted quantity of water on 16 acres

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No**
- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
 - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
 - within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
 - within a critical or limited Ground Water Area? Name of area _____
 - within a Withdrawn Area? Name of area _____
 - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
 - within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request
No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: _____)
- Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

need to install meters, apply for a permit amendment to include all acres irrigated & new ownership April 11, 2014

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-14682

FINAL ORDER

Extension of Time for Permit Number G-13577
Permit Holder: Cathy Gerlett

Permit Information

Application:	G-14682
Permit:	G-13577
Basin:	14 – Klamath / Watermaster District 17
Date of Priority:	February 17, 1998
Source of Water:	Two wells in Klamath River Basin
Purpose of Use:	Irrigation use on 16.0 acres, domestic use for one household, and livestock use
Maximum Rate:	0.210 cubic feet per second (cfs), being 0.200 cfs for irrigation, 0.005 cfs for domestic use, and 0.005 cfs for livestock use

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-13577 was issued by the Department on January 27, 1999. The permit called for actual construction of the wells to begin by November 13, 1999 and complete application of water to beneficial use by October 1, 2003. On November 10, 2014, Cathy Gerlett submitted to the Department an Application for Extension of Time for Permit G-13577. In accordance with OAR 690-315-0050(2), on December 23, 2014, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2017. The protest period closed February 2, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated December 23, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to no additional conditions.

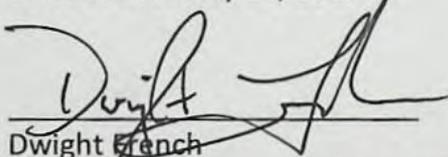
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-14682, Permit G-13577, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2003 to October 1, 2017.

DATED: February 13, 2015



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: February 13, 2015

Copies Mailed

Application: G-14682

By: KF

Permit: G-13577

On: 2/13/2015

Original mailed to permit holder

Cathy Gerlett
7140 Jake Road
Klamath Falls, OR 97601

Copies sent to:

1. WRD - App. File G-14682/ Permit G-13577

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification *via e-mail* - FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 17, Scott White
4. WRD - Kelly Starnes, Permit Amendments

CASEWORKER: MAB



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

RECEIVED BY OWRD

NOV 10 2014

SALEM, OR

Application for Extension of Time for a Water Right Permit
 (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Cathy Gerlett
 NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

the holder of: Application Number 6-14682 Permit Number 6-13577 [OAR 690-315-0020(3)(b)]

A separate application must be submitted for each permit as per OAR 690-315-0020(2).

7140 Jake Road
 MAILING ADDRESS

Klamath Falls OR 97601
 CITY, STATE, ZIP

(650) 271-2046 (or) (650) 208-8924
 PHONE

srk farms@gmail.com
 E-MAIL ADDRESS

X do hereby request that the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month 10 Day 01 Year 2003 be extended to October 30, Year 2017.

Please Note. If the permit does specify a date when construction must be completed, you should request to extend both the time to apply water to full beneficial use and to complete construction. These dates are typically found on the permit above the signature of the Director.

and

do hereby request that the time to complete construction of the water system, which now expires on Month Day Year , be extended to October 30, Year 2016
exact date not shown on permit.

Sign after completing the entire application, questions 1-11.

I am the permit holder, or have attached to this application written authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension. I have completed the entire application.

Cathy Gerlett
 Signature

Nov 6, 2014
 Date

Printed Name/Title Cathy Gerlett owner

MAIL COMPLETED and SIGNED APPLICATION with the \$575 STATUTORY FEE TO:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

RECEIVED BY OWRD

NOV 10 2014

SALEM, OR

Submit the following items with your Application for Extension of Time:

- **The signed and completed Application for Extension of Time.**
- **\$575 check to OWRD or Oregon Water Resources Department**
- **All supporting documentation and/or evidence referenced in the application.**

Reference materials needed to complete this Application:

- **Water right permit.** A copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (using the link to the Water Rights Information System (WRIS)). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (copy fees will apply).
- **Documentation** which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is at the following link: <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.
- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.
- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).
- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

Questions to Complete this Application for Extension of Time

Please see the instruction sheet to help you answers these questions.

[OAR 690-315-0020(3)(d)]

- 1. Did the "actual construction" of the water system/well drilling begin within the time specified in the permit? Yes No N/A, if not specified in this permit

Klam 10302: Started 9-6-91 Completed 9-10-91

Date "actual construction" began is: Klam 10331: Started 10-2-91 Completed 10-14-91

Describe details of construction: *The only information available at this time are the two Water Well Reports. Construction of the remaining water system was never forwarded to the current property owner.*

[OAR 690-315-0020(3)(e)(A)]

- 2-A. Please Describe how you have complied with each standard and special condition in the original permit [and, if applicable, conditions contained in any order approving a permit amendment and/or order approving a prior extension of time].

TIP: The instruction sheet explains which typical conditions must be addressed here.

Condition Number: Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit.

CHART-A

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	*	The two wells were drilled in 1991 prior to application w/ a priority date 2/17/198. Wells were shown on the map.
2	*	The original permit holders were irrigating the area shown on the map based on testimony from neighbor

- 2-B. If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
3	10/30/2016	Unknown status of original permit holders. New owner wants to comply w/ WRD by setting meters, recording & reporting. A COBU date is being requested for 10/2017. A permit amendment will correct the actual location of use of the 16 acres by 10/2015
4	10/30/16	All standard conditions will be met by 2016
	10/30/17	COBU Submitted w/ a pump test prior

* Exact dates unknown as no information was forwarded to current owners.

[OAR 690-315-0020(3)(e)]

3-A. Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the original permitted time period.

CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	LIST & DESCRIBE WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
9/10/91	Klam 10302 Drilled (Well #1)	unknown
10/14/91	Klam 10331 Drilled (Well #2)	unknown
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE FOR COMPLETE APPLICATION OF WATER	COST*
	Date the permit was signed - find date above signature on last page of permit.	
unknown	Original permit holders (Pietryka & Munsell) or previous land owners would have installed the pumps. No record	unknown
11/16/1999	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
unknown	Irrigation lines were installed (seasonal) by "Pietryka & Munsell" @ an unknown cost.	unknown
2009	Cathy Gerlett purchased property & no additional costs were made to the system.	0
	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW Complete if this is your first request for extension of time.	COST*
*Total Cost for Chart-C		unknown

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* If exact cost is not known, please provide your best estimate.

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IF this is your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

3-B) Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the most recent extension period.

If this **is not** your 1st Application for Extension of Time request, fill out CHART-D below in addition to CHART-C above. *Use chronological order.*

CHART-D

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	N/A	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	LIST AND DESCRIBE WORK ACCOMPLISHED AFTER THE LAST EXPIRED EXTENSION PERIOD UP TO NOW	COST*
Total Cost of Chart-D		

* If exact cost is not known, please provide your best estimate.

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4. [OAR 690-315-0020(3)(f)]
Cost of project to date: *Unknown*
 (The total combined cost from CHART-C and CHART-D)

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[OAR 690-315-0020(3)(e)(B)]

5. Provide evidence of the maximum rate (or duty, if applicable) of water actually diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date in the same units of measurement as specified in the permit. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

Maximum measured rate used to date = _____ cfs (cubic feet per second)

or

Maximum measured rate used to date = _____ gpm (gallons per minute)

or

Acre-feet stored to date = _____ AF

5-B) For Ground Water Permit Extensions (e.g. G-XXXX):

13577

TIP: Include information from ALL wells that pertain to this permit including wells not currently being used.

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum measured rate used from this well -- under <u>this</u> permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Klam 10302	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.21 cfs	Yes <input type="checkbox"/> No <input type="checkbox"/>	-
2		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Klam 10331	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.21 cfs	Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total measured rate from all wells utilized under this permit						0.21 cfs	Combined 0.21 cfs per two wells under one permit.	

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a Permit Amendment Application been/be filed? Yes No

0.2 cfs - irrig
0.005 - domestic
0.005 - livestock
0.21 cfs

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

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[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres actually irrigated to date under this permit (if any).

Surface Water Permits: I have applied water to _____ acres for irrigation to date.

Ground Water Permits: I have applied water to 16 acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well # 2 Acres 16 Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

[OAR 690-315-0020(3)(j)]

7. Provide a summary of future plans and a schedule to complete construction of the water system, and/or apply water to full beneficial use under the permit terms and conditions.

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
10/30/2016	Install water meters, ensure access port is available, conduct pump test, apply for permit amendment, irrigate area per permit amendment.	\$3500.00
Year: 2017	Date intend to apply water to full beneficial use under the terms and conditions of this permit. "COBU"	\$2200.00
8.	Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]	\$5700.00

[OAR 690-315-0020(3)(h)]

9. Describe the reasons why the water development was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) Is the project of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit? If yes, describe.

NA

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9-B) Did the financial resources needed to develop the project preclude completion of the project within authorized time frames? If yes, describe.

NA

9-C) Did good faith attempts to comply with other agency permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delay completion of the project? If yes, describe.

NA

9-D) Have other unforeseen events delayed full development of the water system and use of water within the authorized time frames? If yes, describe. Original permit holders did not file a COBU, but did irrigate, put into use for domestic & livestock watering. No meters were set, no pump test & no static water levels were provided by permit holders. Ownership changed hands & were unaware of permit & conditions of well use. Owners want to move forward in correcting this outstanding claim towards a certificate.

[OAR 690-315-0020(3)(k)]

10. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time. Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

The property owner, Cathy Gerlett, is requesting an extension on the permit, conduct a permit amendment showing the place of use (current), install water meters, conduct a pump test, report if required & file a COBU for a certificate by Oct. 2017.

11. **Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.**

Please consider property change of ownership; new property owner (Gerlett) not familiar w/ Oregon water laws & WRD process (from California) and willingness to move forward in correcting & getting back on track.

Thank you for submitting a complete and accurate application. Remember to sign the front page. If you have questions or need assistance, please ask to speak with the Department's Extension Specialist by calling 503-986-0900 during business hours.

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INSTRUCTIONS FOLLOW ON NEXT PAGE

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

Request for Assignment

APR 18 2014

SALEM, OR

By Proof of Ownership

(If Water Right Holder is Not Available)

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

I. Cathy Gerlett Phone: (650) 208-8924
(Name of Party Requesting Assignment)

7140 Lake Road, Klamath Falls, OR 97601
(Mailing Address) (City) (State) (Zip) (Phone #)

hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;

hereby request assignment of 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.)

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.

Application # G-14682 ; Permit # G-13577 ; Transfer# _____
-OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

(Name of Holder of Record)

(Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish 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.)

- 1) I certify that I am the current owner of the property described in this application. Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 11th day of April, 2014.

Party Requesting Assignment _____

Party Requesting Assignment _____

ASSIGN PROOF
4/18/14
JK

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DO NOT WRITE IN THIS BOX

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 # 111940

For Director by Jerry Sauer, Program Analyst in

Water Rights Division

Last updated: July 19, 2013 Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

MAY 05 2014

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STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MATTHEW J. PIETRYKA & LINDA R. MUNSELL
7140 JAKE ROAD
KLAMATH FALLS, OREGON 97601

PHONE: (541) 850-8441

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

APPLICATION FILE NUMBER: G-14682

SOURCE OF WATER: TWO WELLS IN KLAMATH RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 16.0 ACRES, DOMESTIC USE FOR ONE HOUSEHOLD, AND LIVESTOCK USE

MAXIMUM RATE: 0.210 CUBIC FOOT PER SECOND (CFS), BEING 0.200 CFS FOR IRRIGATION, 0.005 CFS FOR DOMESTIC USE, AND 0.005 CFS FOR LIVESTOCK USE

PERIOD OF USE: YEAR ROUND FOR DOMESTIC AND LIVESTOCK USES AND MAY 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 17, 1998

- ① POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, T39S, R8E, W.M.; WELL 1 - 400 FEET NORTH & 800 FEET EAST; WELL 2 - 225 FEET NORTH & 675 FEET EAST BOTH FROM S1/4 CORNER, SECTION 22

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.

- ② THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 16.0 ACRES
SECTION 22
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

- ③ 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or

Application G-14682 Water Resources Department

PERMIT G-13577

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measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

④ STANDARD CONDITIONS

The wells 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.

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

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.

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.

Application G-14682 Water Resources Department

PERMIT G-13577

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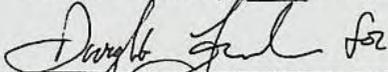
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin by November 13, 1999. Complete application of water to the use shall be made on or before October 1, 2003. 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 January 27, 1999


Martha G. Pagel, Director
Water Resources Department

Application G-14682
Basin 14
LKS

Water Resources Department
Volume 1 KLAMATH R MISC
MGMT.CODES 7BG 7BR 7JG 7JR

PERMIT G-13577
District 17

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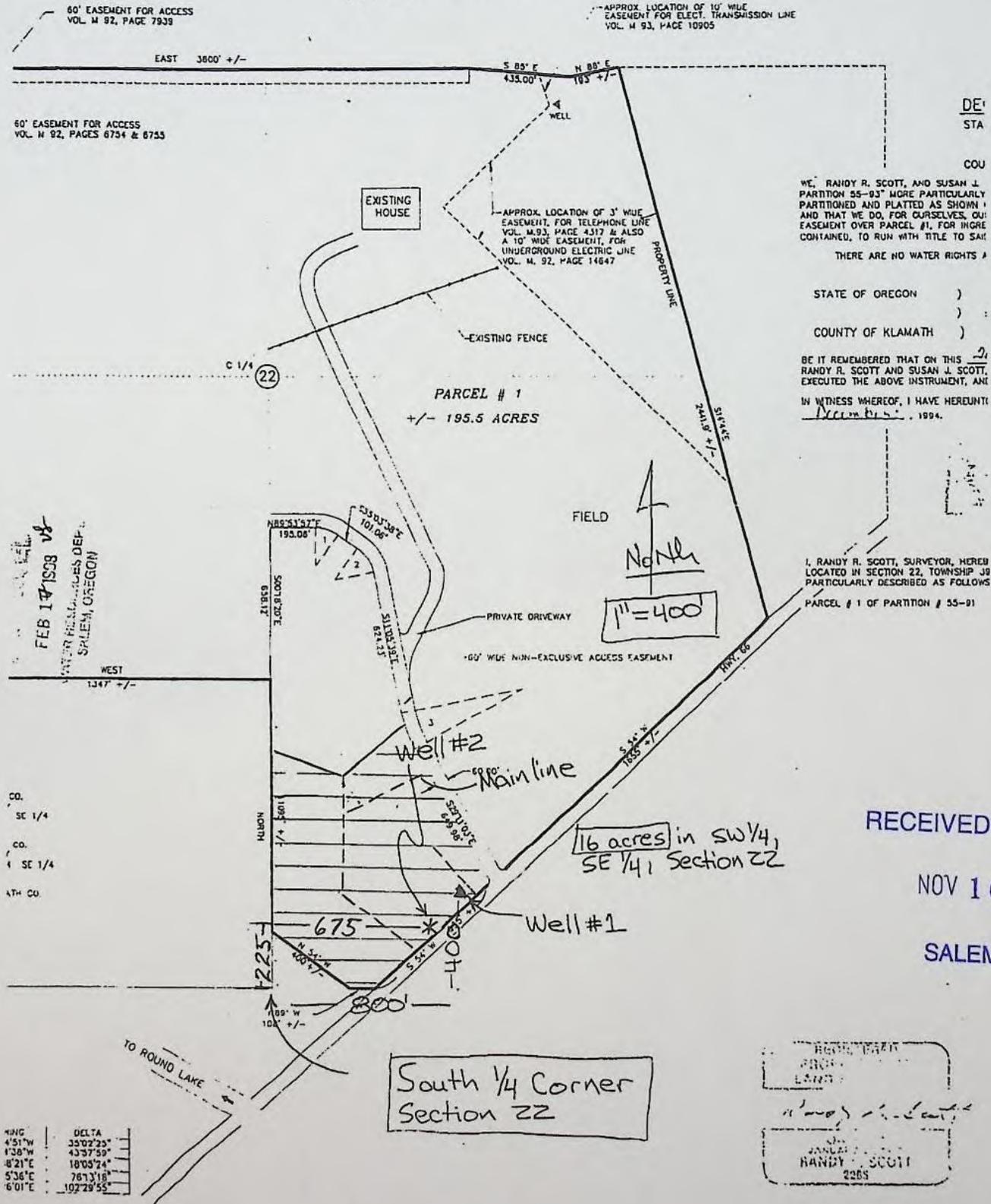
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Section No. G-14682
 Permit No. G13577

Section No. G14682
 Permit No. G13577

FINAL PARTITION # 55-9
FOR: RANDY & SUE SCOTT
 LOCATED IN S. 22, T. 39 S., R. 8 E., W.M., KLAMATH CO.
 Tax Lot R-3908-02200-00104-000



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REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 RANDY R. SCOTT
 2285

LICENSE EXPIRES 12-31-04

COMPILED FROM INFO
 IN THE FILE 8/25/98
 Rank

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

Klamath
10331

(START CARD) # 29164

395/8E-22dc

(1) OWNER:

Name Randy R. & Susan J. Scott Well Number: WV 10331
Address 2167 Kiln
City Klamath Falls State OR Zip 97601

(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 Stock Well

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 87 ft.
Explosives used Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
10"	0 70	Cement &	0 70	45 Sacks	
		Bentonite		4 sacks	
6"	70 87				

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6"	+1	71	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 71 ft.

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Telo/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
20		45'	1 hr.

Temperature of water 53° 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: 61-69 ft.

(9) LOCATION OF WELL by legal description:

County Klamath Latitude _____ Longitude _____
Township 39 S Nor S. Range 8 E E or W, WM.
Section 22 SW $\frac{1}{4}$ SE $\frac{1}{4}$
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Off Hwy. 66
WEST of Klamath Falls, OR

(10) STATIC WATER LEVEL:

34 ft. below land surface. Date 10-14-91
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 48'

From	To	Estimated Flow Rate	SWL
61'	69'	55 gpm	34'
72'	87'	68 gpgm	34'

(12) WELL LOG:

Ground elevation 4150

Material	From	To	SWL
Top Soil	0	1	
Sandy Brown Clay	1	14	
Brown Clay	14	24	
Brown Clay with Streaks- of Black Lava Rock	24	33	
Black Lava Rock & Brown - Clay	33	48	
Broken Brown Rock & Brown Clay	48	61	
Broken Brown Rock	61	69	34'
Black Rock	69	72	
Broken Brown & Black - Lava Rock	72	87	

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Date started 10-2-91 Completed 10-14-91

(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 777
Signed Steven R. Hughes Date 10-18-01

17.

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

Klamath
10302

SEP 19 1991

395/8E-22ac

(START CARD) # 14720

(1) OWNER: Well Number: _____
Name Randy R. & Susan J. Scott
Address 2167 Kiln
City Klamath Falls State OR Zip 97601

(9) LOCATION OF WELL by legal description:
County Klamath Latitude _____ Longitude _____
Township 39 S Nor S. Range 8 E E or W, W.M.
Section 22 SW $\frac{1}{4}$ NE $\frac{1}{4}$
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Off of Hwy 66
West of Klamath Falls, OR

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

(10) STATIC WATER LEVEL:
118 ft. below land surface. Date 9-10-91
Artesian pressure _____ lb. per square inch. Date _____

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

(11) WATER BEARING ZONES:
Depth at which water was first found 243

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

From	To	Estimated Flow Rate	SWL
243	280	65 gpm	118'

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 286 ft.
Explosives used Type _____ Amount _____

(12) WELL LOG: Ground elevation 4100

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
12"	0	18'	Cement & Bentonite	0	18'	8 sacks $\frac{1}{2}$ sack
8"	18	286'				

Material	From	To	SWL
Top Soil	0	3	
Brown Rock	3	46	
Blue Claystone	46	82	
Hard Blue Claystone	82	92	
Black Rock	92	103	
Brown Claystone w/ Streaks of Brown Sandstone	103	155	
Hard Blue Claystone	155	206	
Broken Brown Rock & Red Lava Rock	206	225	
Blue Claystone	225	243	
Brown Claystone & Streaks of Brown & Red Lava Rock	243	280	118'
Black Rock	280	286	

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 _____

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(6) CASING/LINER:
Casing: Diameter 8" From #2 To 18' Gauge .250 Steel Plastic Welded Threaded
Liner: _____
Final location of sheets: None

Date started 9-6-91 Completed 9-10-91

(7) PERFORATIONS/SCREENS: None
 Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 30 Drawdown _____ Drill stem at 220 Time 1 hr.

(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 _____ WWC Number _____
Date _____

Temperature of water 54°F 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: _____

(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 Norm Sevey WWC Number 408
Date 9-17-91

Oregon Water Resources Department
Water Right Services Division

PROPOSED FINAL ORDER

In the Matter of the Application for an Extension of Time for Permit G-13577, Water Right Application G-14682, in the name of Cathy Gerlett

Permit Information

Application:	G-14682
Permit:	G-13577
Basin:	14 – Klamath / Watermaster District 17
Date of Priority:	February 17, 1998
Source of Water:	Two wells in Klamath River Basin
Purpose of Use:	Irrigation use on 16.0 acres, domestic use for one household, and livestock use
Maximum Rate:	0.210 cubic feet per second (cfs), being 0.200 cfs for irrigation, 0.005 cfs for domestic use, and 0.005 cfs for livestock use

*****Please read this Proposed Final Order in its entirety as it may contain additional conditions not included in the original permit. *****

In Summary, the Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2003 to October 1, 2017¹.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

¹Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

FINDINGS OF FACT

Background

1. Permit G-13577 was granted by the Department on January 27, 1999. The permit authorizes the use of up to 0.210 cfs of water from two wells in Klamath River, being 0.200 cfs for irrigation use on 16.0 acres, 0.005 cfs for domestic use, and 0.005 for livestock use. The permit specified actual construction of the wells to begin by November 13, 1999, and complete application of water was to be made on or before October 1, 2003.
2. Permit G-13577 was issued by the Department on January 1, 1999 to Matthew J Pietryka and Linda R Munsell. The permit was assigned to Cathy Gerlett on May 6, 2014.
3. The permit holder, Cathy Gerlett submitted an "Application for Extension of Time" to

the Department on November 10, 2014, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-13577 be extended from October 1, 2003 to October 1, 2017. However, since the permit does not contain a specific deadline for completing construction, the Department needs to only consider an extension of the time to apply water to full beneficial use. This is the first permit extension requested for Permit G-13577.

4. Notification of the Application for Extension of Time for Permit G-13577 was published in the Department's Public Notice dated November 18, 2014. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³, 537.630⁴ and/or 539.010(5)⁵.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On November 10, 2014, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Actual construction of the well began prior to the November 13, 1999 deadline specified in the permit. Construction of Well 1 (KLAM 10331) began October 2, 1991 and Well 2 (KLAM 51783) began April 1, 1999.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

7. As of November 10, 2014, the remaining work to be completed consists of installing meters, applying for a permit amendment to change the place of use, and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2017, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13577 is both

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 537.630 applies to ground water permits only.

⁵ORS 539.010(5) applies to surface water and ground water permits.

reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the wells and water system began prior to the November 13, 1999 deadline specified in the permit. Construction of Well 1 (KLAM 10331) began October 2, 1991 and was completed October 14, 1991. Construction of Well 2 (KLAM 51783) began April 1, 1999 and was completed April 2, 1999.
 - b. Work was completed during the original development time frame under Permit G-13577. The previous permit holders installed pumps and irrigation lines.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-13577 on January 27, 1999, a maximum rate of 0.21 cfs of water has been appropriated from wells 1 and 2, being 0.200 cfs for irrigation of 16.0 acres, 0.005 cfs domestic use for one household and 0.005 cfs for livestock.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

11. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a meter or other suitable measuring device has been installed.

Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

12. As of November 10, 2014, the previous permit holder invested an unknown amount cost for development of this project. The current permit holder anticipates an additional \$5,700 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit G-13577.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13577; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The points of appropriation for Permit G-13577, are located within the Klamath River Basin, and are not located within a limited or critical ground water area. Klamath River is not located within or above any state or federal scenic waterway, however, it is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

15. None have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

16. None have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

17. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

18. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

19. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-13577, in that the current permit holder was unaware of the status of Permit G-13577 or the permit conditions.

CONCLUSIONS OF LAW

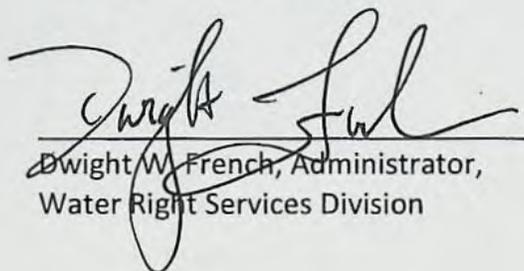
1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2017, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-13577 from October 1, 2003 to October 1, 2017.

DATED: December 23, 2014


Dwight W. French, Administrator,
Water Right Services Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **February 2, 2015**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and

Mailing List for Extension PFO Copies

PFO Date: December 23, 2014

Copies Mailed

Application: G-14682

By: BNJ

Permit: G-13577

On: 12/23/14

Original mailed to Applicant:

Cathy Gerlett
7140 Jake Road
Klamath Falls, OR 97601

Copies sent to:

1. WRD - App. File G-14682/ Permit G-13577

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 17, Scott White

CASEWORKER: MAB



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

RECEIVED BY OWRD

Request for Assignment

APR 18 2014

By Proof of Ownership

SALEM, OR

(If Water Right Holder is Not Available)

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

I, Cathy Gerlett Phone: (650) 208-8924
 (Name of Party Requesting Assignment)

7140 Lake Road, Klamath Falls OR 97601
 (Mailing Address) (City) (State) (Zip) (Phone #)

hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;

hereby request assignment of 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.)

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.

Application # G-14682 ; Permit # G-13577 ; Transfer# _____

-OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

 (Name of Holder of Record)

 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish 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.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 11th day of April, 2014.

Party Requesting Assignment _____

Party Requesting Assignment _____

ASSIGN PROOF
JRS 5/6/2014

RECEIVED BY OWRI

DO NOT WRITE IN THIS BOX

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 # 111940
 For Director by Jerry Sauter, Program Analyst in Water Rights Division
 Last updated: July 19, 2013

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

MAY 05 2014

SALEM, OR

WR

Request for Assignment if Permit Holder not available



Oregon

John A. Kitzhaber, MD, Governor

May 6, 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

Cathy Gerlett
7140 Jake Road
Klamath Falls, Oregon 97601

Reference: Application G-14682, Permit G-13577

The assignment by proof from Matthew J. Pietryka and Linda R. Munsell to Cathy Gerlett has been recorded in the records of the Water Resources Department.

The Departments records will now show Cathy Gerlett as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 111940 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 111940

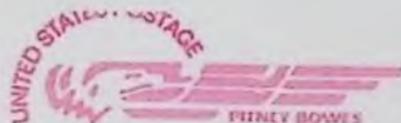
cc: Watermaster 17
Matthew J. Pietryka and Linda R. Munsell
Data Center, OWRD (cover letter & request)
Hydrographics
File

Oregon

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

PRESORTED
FIRST CLASS



02 1R
0006555120
MAILED FROM ZIP CODE 97301
\$ 00.381
MAY 15 2014

FILE#: G 14682

MATTHEW J PIETRYKA
MUNSELL, LINDA R
7140 JAKE RD
KLAMATH FALLS, OR 97601

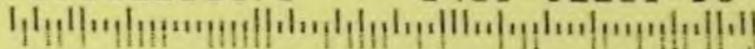
*Return to
sender no
such person*

RECEIVED
JUN 02 2014

NIXIE 970 DE 1300 0005/30/14

RETURN TO SENDER
NO MAIL RECEPTACLE
UNABLE TO FORWARD

BC: 97301126673 *2489-01189-30-32



97301@1266
DAUNSEB 9760



Oregon

John A. Kitzhaber, MD, Governor

May 6, 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

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Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 111940

cc: Watermaster 17
Matthew J. Pietryka and Linda R. Munsell
Data Center, OWRD (cover letter & request)
Hydrographics
File



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

RECEIVED BY OWRD

Request for Assignment

APR 18 2014

SALEM, OR

By Proof of Ownership

(If Water Right Holder is Not Available)

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

I, Cathy Gerlett Phone: (650) 208-8924
 (Name of Party Requesting Assignment)

7140 Lake Road, Klamath Falls, OR 97601
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
 hereby request assignment of 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.)

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.

Application # G-14682; Permit # G-13577; Transfer# _____
 -OR-

License # _____ GR Statement # _____; GR Certificate of Registration # _____

 (Name of Holder of Record)

 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish 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.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 11th day of April, 2014.

Party Requesting Assignment _____

Party Requesting Assignment _____

Proof
 11/20/14
 AS/6N
 JS

RECEIVED BY OWRI

DO NOT WRITE IN THIS BOX

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 # 111940
 For Director by Jerry Sauter, Program Analyst in

Water Rights Division
 Last updated: July 19, 2013 Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

MAY 05 2014

SALEM, OR

WR

2009-008874
Klamath County, Oregon



00068558200900088740030038

THIS SPACE

06/26/2009 02:54:21 PM

Fee: \$31.00



After recording return to:
Cathy Gerlett
7140 Jake Road
Klamath Falls, OR

Until a change is requested all tax statements
shall be sent to the following address:
Cathy Gerlett
7140 Jake Road
Klamath Falls, OR

File No.: 7021-1420454 (DMC)
Date: June 08, 2009

STATUTORY WARRANTY DEED

Matt J. Pietryka and Linda R. Munsell, husband and wife, Grantor, conveys and warrants to **Cathy Gerlett**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

PARCEL 2 OF LAND PARTITION 9-03, BEING A REPLAT OF PARCEL 3 OF LAND PARTITION 55-93, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$630,000.00**. (Here comply with requirements of ORS 93.030)

RECEIVED BY OWRD

MAY 05 2014

SALEM, OR

F31-

APN: R875632

Statutory Warranty Deed
- continued

File No.: 7021-1420454 (DMC)
Date: 06/08/2009

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, OF CHAPTER 424, OREGON LAWS 2007. 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, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 25 day of June, 2009, 20__.

Matt J. Pietryka
Matt J. Pietryka

Linda R. Munsell
Linda R. Munsell

STATE OF Oregon)
)ss.
County of Klamath)

This instrument was acknowledged before me on this _____ day of _____, 20__
by **Matt J. Pietryka and Linda R. Munsell.**

Dori Crain
Notary Public for Oregon
My commission expires: November 7, 2009

State of Vermont
County of Orange

This instrument was acknowledged before me on this 25 day of June, 2009 by Matt J. Pietryka.

Kimberly Brown
Kimberly Brown
Notary Public for Vermont
Expires: 2/10/2011



RECEIVED BY OWRD

MAY 05 2014

SALEM, OR



Oregon

John A. Kitzhaber, MD, Governor

April 21, 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

Cathy Gerlett
7140 Jake Road
Klamath Falls, Oregon 97601

Reference: Application G-14682, Permit G-13577

The requested assignment by proof could not be made as proof of ownership was not submitted. Proof is easily made by submitting a copy of the deed to the land.

I am returning your request and check.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: request and check

cc: file



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-14682

Cathy Gerlett

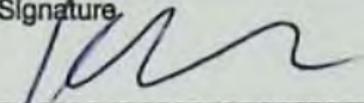
7140 Jake Rd.

Klamath Falls, OR 97601

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

KRISTIE PERCY

C. Date of Delivery

3-27-14

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

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

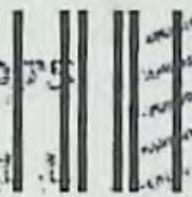
2. Article Number

(Transfer from service label)

7012 2210 0002 6662 0199 WR

UNITED STATES POSTAL SERVICE

27 MAR 2014 PM 1 11



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

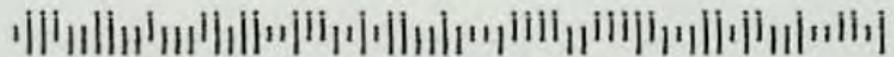
• Sender: Please print your name, address, and ZIP+4 in this box •

Oregon Water Resources Department
Attention: Bethanie Williamson
725 Summer St. NE, Suite A
Salem, OR 97301

RECEIVED

MAR 31 2014

OWRD





Oregon

John A. Kitzhaber, MD, 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

*cannot work on 6-
10/28/2014
JMS*

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

March 24, 2014

Certified mail number 7012 2210 0002 6662 0199

Return receipt requested

3/31/2014

Cathy Gerlett
7140 Jake Rd.
Klamath Falls, OR 97601

*CATHY GERLETT CALLED
650.208.8924
WORKING IN NEW JERSEY RIGHT NOW.
BOUGHT PROPERTY IN 2009 - CANCELLATION OF
PERMIT.
JMS*

Reference: Application G-14682, Permit G-13577

Dear Permit Holder:

*4/1/14
SETU FOUND, CANCELLED PERMIT.
JMS. CGERLETT@GMAIL.COM*

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, 2003. You have been identified as the owner of the land that has this permit. Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

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, 2003. 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 (May 23, 2014) 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, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-14682
OWRD Watermaster District 17



BW

Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE Ste A
Salem, OR 97301-1266

CERTIFIED MAIL™



7012 2210 0002 6662 3268

UNITED STATES POSTAGE
EAGLE
FIRST CLASS
02 1R \$06.11⁰
000 6555310 JAN 13 2014
MAILED FROM ZIP CODE 97301

RETURN SERVICE REQUESTED

RECEIVED BY OWRD

FEB 03 2014

SALEM, OR

VTF
MB
R3
1/25/14

G-14682
Matthew J. Pietryka; Linda R. Munsell
7140 Jake Rd.
Klamath Falls, OR 97601

*Return to
Sender
No Sub
Piston*

NIXIE
0 980 DE 1009N C0101/23/14
REF TO FORWARD/FOR REVIEW
NOT DELIV UNAB. **R003**
BC: 9730112661 17840 DU *0529-09769-13-46

9730112661

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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-14682

Matthew J. Pietryka; Linda R. Munsell
7140 Jake Rd.
Klamath Falls, OR 97601

2. Article Number
(Transfer from service label) **7012 2210 0002 6662 3268 WR**

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

BW/JKS



Oregon

John A. Kitzhaber, MD, 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

January 13, 2014

Certified mail number *7012 2210 0002 6662 3268*
Return receipt requested

Matthew J. Pietryka
Linda R. Munsell
7140 Jake Rd.
Klamath Falls, OR 97601

Reference: Application G-14682, Permit G-13577

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, 2003.

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, 2003. 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.

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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 (March 14, 2014) 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.

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Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-14682
OWRD Watermaster District 17



RESOURCE SHEET

Please visit our Departments website at www.wrd.state.or.us to locate the forms you will need.

Voluntary Cancellation

- Click on "Forms" (Colum to the left)
- Under Index click on "Cancellation and Diminishment of Water Right Forms"
- Click on "Affidavit for Voluntarily Cancellation of a Water Right Permit" (3rd item on the list)

Extension of Time Applications

- Click on "Forms" (Colum to the left)
- Under Index click on "Other Forms"
- Click on either the "Application for Water Right Extension of Time" or "Application for Water Right Extension of Time for Quasi-Municipal & Municipal Water Use Permit" (1st & 2nd items on the list)

Assignment

- Click on "Forms" (Colum to the left)
- Under Index click on "Other Forms"
- Click on either "Request for Assignment" or "Request for Assignment in the Absence of Permit Holder" (11th & 12th items on the list)

Self Certification Form

- Click on "Forms" (Colum to the left)
- Under Index click on "Other Forms"

Click on "Claim of Beneficial Use (for qualifying alternate review reservoirs only)" (7th item on the list)

Certified Water Rights Examiner (CWRE)

From the Departments home page:

- Click on "Water Rights" (Colum to the left)
- Click on "Learning About and Appling for Water Rights" (1st item on list)
- Click on "Certified Water Right Examiners Query" (5th paragraph)

If you have any questions please call the Customer Service Group at 503-986-0801.



Oregon

John A. Kitzhaber, MD, 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

January 13, 2014

Certified mail number *7012 2210 0002 6662 3268*
Return receipt requested

Matthew J. Pietryka
Linda R. Munsell
7140 Jake Rd.
Klamath Falls, OR 97601

Reference: Application G-14682, Permit G-13577

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Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-14682
OWRD Watermaster District 17



PERMIT STATUS REVIEW BY BW DATE 12/18/13 FILE # G-14682

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if: update appropriate db

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO 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

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

Yes Send **certified** "C" date notice packet to permit holder.
"C" DATE 10/1/2003 BASIN NUMBER 14 WM # 17

CWRE or AGENT none

SEND LETTER
KS 12/19/2013

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

26997

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Linda R. Munse
BY: _____

APPLICATION	G-14682
PERMIT	
TRANSFER	

CASH: CHECK: # ✓ 191-119 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS		\$
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
(New) TC165 DEPOSIT LIAB. (IDENTIFY)		\$

PCA # 66111

(Existing) TC168 WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$ 0202	\$
0203 GROUND WATER	\$ 0204	\$ <u>175.00</u>
0205 TRANSFER	\$ 0206	\$
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ 0219	\$
LANDOWNER'S PERMIT	0220	\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT #

26997

DATED: 1-6-99

BY: Rogel

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14682

Final Order

Application History

On February 17, 1998, MATTHEW J. PIETRYKA & LINDA R. MUNSELL submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on September 1, 1998. The protest period closed October 16, 1998, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

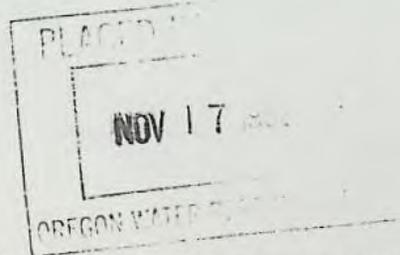
Order

Upon payment of outstanding permit recording fees, Application G-14682 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14682.

DATED November 13, 1998

Dwight French for
Martha O. Pagel, Director



Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document he is most likely the best person to answer your questions. You can reach him toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

STATE OF OREGON

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MATTHEW J. PIETRYKA & LINDA R. MUNSELL
7140 JAKE ROAD
KLAMATH FALLS, OREGON 97601

(541)850-8441

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

APPLICATION FILE NUMBER: G-14682

SOURCE OF WATER: TWO WELLS IN KLAMATH RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 16.0 ACRES, DOMESTIC USE FOR ONE HOUSEHOLD, AND LIVESTOCK USE

MAXIMUM RATE: 0.210 CUBIC FOOT PER SECOND(CFS), BEING 0.200 CFS FOR IRRIGATION, 0.005 CFS FOR DOMESTIC USE, AND 0.005 CFS FOR LIVESTOCK USE

PERIOD OF USE: YEAR ROUND FOR DOMESTIC AND LIVESTOCK USES AND MAY 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 17, 1998

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, T39S, R8E, W.M.; WELL 1 - 400 FEET NORTH & 800 FEET EAST; WELL 2 - 225 FEET NORTH & 675 FEET EAST BOTH FROM S1/4 CORNER, SECTION 22

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 PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4
SECTION 22
TOWNSHIP 39 SOUTH, RANGE 8 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.

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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells 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.

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

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.

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

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.

Actual construction of the well shall begin by November 13, 1999. Complete application of water to the use shall be made on or before October 1, 2003. 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 _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Mailing List for FO Copies

Application #G-14682 Mailing List Print Date October 27, 1998

Original mailed to (when permit issued, include copy of permit map):

Applicant: MATTHEW J. PIETRYKA & LINDA R. MUNSELL, 7140 JAKE ROAD,
KLAMATH FALLS, OREGON 97601

For FO w/Draft Permit - Copies sent to:

1. WRD - File # G-14682

For FO w/ Draft Permit - FO and Map Copies sent to:

2. WRD - Watermaster District #: 17

CASEWORKER: RWK

Copies Mailed	
By:	<u>HW</u>
	(SUPPORT STAFF)
on:	<u>11/17/98</u>
	(DATE)

FO CHECKLIST

FILE # C 14682

REVIEW DATE: 10/27/98

PFO WEEK # 162

PFO TO FO CONVERSION

INITIALS: BWK

In preparing to create the FO, you should check the following:

1. N Were comments or protests received? If so, from whom and when?
2. On the PFO CC list, verify names and addresses of ALL commentors (regardless of comment date), affected landowners, and those who paid the \$10 fee.
3. Y / N / NA Have affected landowners been notified?
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N / NA Has ODFW asked for self certification of screening condition? blank on the front of the file. If so, write "ODFW CERT" in the permit
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. OLWS 175 Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking

250 BASE
150 ICFS
175 RECORDS OLWS
175

575
AB 400
175
9. Y / N Is further processing possible? If not state reason: _____
10. Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
11. Assign permit numbers to files with oath, fees, and no protests or other issues
12. Y / N Do the PFO conclusions requires modification? Why? _____
(If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	FO w/o PERMIT	FO & PERMIT	FOMOD
COMMENTS:				MGMT CODES: <u>7B 7J</u>

Once created, modify FO as needed to:

Initials _____

13. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
14. Include or exclude permit conditions and management codes
15. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 162 & delete duplicates
17. Print final draft of document and submit to team leader for review
18. Y / N Team leader review completed

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14682

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On February 17, 1998, MATTHEW J. PIETRYKA & LINDA R. MUNSELL submitted an application to the Department for the following water use permit:

- Amount of Water: 130.0 GALLONS PER MINUTE a(0.290 CFS)
- Use of Water: IRRIGATION OF 16.0 ACRES, DOMESTIC, AND LIVESTOCK
- Source of Water: TWO WELLS IN KLAMATH RIVER BASIN
- Area of Proposed Use: KLAMATH County within SECTION 22, TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

On 5/22/98, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.20 CUBIC FOOT PER SECOND (90.0 GALLONS PER MINUTE), BEING NO MORE THAN 20.0 GPM FROM WELL 1 AND 110.0 GPM FROM WELL 2 IN ANY COMBINATION NOT TO EXCEED 90.0 GPM from TWO WELLS IN KLAMATH RIVER BASIN for IRRIGATION OF 16.0 ACRES is allowable from May 1 through October 31 of each year, and year-round for DOMESTIC AND LIVESTOCK USES." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 6/9/98, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available

- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Klamath Basin Compact allows the following uses: IRRIGATION, DOMESTIC, AND LIVESTOCK USES

TWO WELLS IN KLAMATH RIVER BASIN are not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation year MAY 1 THROUGH OCTOBER 31, the period requested.

The Department finds that no more than 0.210 CFS, being 0.200 CFS for irrigation, 0.005 CFS for domestic use, and 0.005 CFS for livestock use, would be necessary for the proposed use. The amount of water requested, 0.290 CFS, shall be restricted to 0.210 CFS.

The proposed well is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Klamath Basin Compact.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

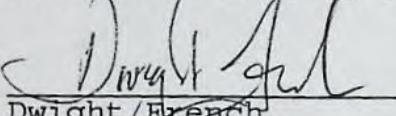
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED September 1, 1998


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an

additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than October 16, 1998.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MATTHEW J. PIETRYKA & LINDA R. MUNSELL
7140 JAKE ROAD
KLAMATH FALLS, OREGON 97601

(541) 850-8441

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

APPLICATION FILE NUMBER: G-14682

SOURCE OF WATER: TWO WELLS IN KLAMATH RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 16.0 ACRES, DOMESTIC, AND LIVESTOCK USES

MAXIMUM RATE: 0.210 CUBIC FOOT PER SECOND(CFS), BEING 0.200 CFS FOR IRRIGATION, 0.005 CFS FOR DOMESTIC USE, AND 0.005 CFS FOR LIVESTOCK USE

PERIOD OF USE: YEAR ROUND FOR DOMESTIC AND LIVESTOCK USES AND MAY 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 17, 1998

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 22, T39S, R8E, W.M.; WELL 1 - 400 FEET NORTH & 800 FEET EAST; WELL 2 - 225 FEET NORTH & 675 FEET EAST BOTH FROM S1/4 CORNER, SECTION 22

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 PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4
SECTION 22
TOWNSHIP 39 SOUTH, RANGE 8 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.
- 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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells 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.

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

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.

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

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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2002. 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 _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Mailing List for PFO Copies

Application #G-14682

PFO Date September 1, 1998

Original mailed to:

Applicant: MATTHEW J. PIETRYKA & LINDA R. MUNSELL, 7140 JAKE RD, KLAMATH FALLS, OREGON 97601

4/3

Copies sent to:

1. WRD - File # G-14682
2. WRD - Water Availability: Ken Stahr

Copies Mailed	
By: <u>CMS</u>	(SUPPORT STAFF)
on: <u>9-1-98</u>	(DATE)

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 17
4. WRD - Regional Manager (not Bob Main):
5. ODFW District Biologist: Roger Smith

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

CASEWORKER : RWK- WEEK 162

PFO CHECKLIST

Application #: G 14682

County Klamath Basin: Klamath 14
Township 39S Range 8E Section 22 1/4 1/4 SW SE

- 1. Complete by Minimum Requirements Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold,...)
- 4. Groundwater Review **A B C D** River/Stream Name _____
 - a. Groundwater Availability **A B C**
 - b. Is second groundwater review necessary? (comments) Y/N
 - c. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y/N
- 5. Is use from BOR / Doug Co. project? Y/N Contract in file? Y / N Contract # _____
- 6. Is the use allowed by the Basin Program? Y/N Limited? Y / N _____
- 7. Water Availability Data **OK / REDONE / NA** (80% live flow & 50% storage) _____
- 8. Is the source withdrawn or limited by statute or Department order? Y/N _____
- 9. Is the Proposed Use located in or above a SWW? Y/N _____
- 10. Division 33: Y/N/NA Above Bonn (after July 17, 1992) Y / N
Below Bonn (after April 8, 1994; June 3, 1994) Y / N
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N
- 11. IR identifies as on DEQ 303d List? Y/N/NA Comments received? Y / N
- 12. Have conflicts been addressed? Y/N/NA _____
- 13. Duty 30 3.0 Irrigation Season _____
- 14. Period of Allowed Use 5 - 10/31
- 15. Allowed Rate .2 (89.8 GPM)

summary:

- 16. **Small** ($\leq 0.1\text{cfs}$, $\leq 9.2\text{AF}$), **Medium** (> 0.1 or $< 1.5\text{cfs}$, > 9.2 or $< 100\text{AF}$) or **Large** ($\geq 1.5\text{cfs}$, $\geq 100\text{AF}$)
municipal $\leq 0.1\text{cfs}$ requires the **Large** condition
- 17. Conditions 7B, 7J
New River Basin? Y/N/NA (conditions found in M:\groups\wr\pfo\findings & other lang)
- 18. IR Date 5/22/98 Public Notice Date 6/9/98 Comment Rec'd _____
- 19. Final Report Checklist
 - Fill out PFO CC List (don't forget to check for other property owners)
 - Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N
 - Final PFO has been saved to m:\groups\wr\pfo\work\week#\application #

ROGER SMITH

Name: RANK Date: 8/25/98

IR CHECKLIST

Application #: G 14682

Basin: 14-Klamath

WAB: _____ POU-WAB _____

County Klamath Township 395 Range 8E Section 22 1/4 1/4 _____

- 1. Complete by Minimum Requirements checklist. Y N Items still required: _____
- 2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y N
- 3. Groundwater review A B C D River/Stream Name _____ Conditions 7J, 7B
 Water Availability A B C
 a. Is the well located in a groundwater limited area? Y/N Name _____
- 4. Within or Above a Scenic Waterway Y N conditions/restrictions Y N 7J
- 5. Allowed under Basin Program Y N Limitations? Y N ORS - 542.620 Klamath Compact
- 6. Withdrawn? Y N season allowed _____
- 7. Basin Maps have been checked. Y N Upper Klamath R. Basin
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA
- 9. Use IRR DO, W Period of Allowed Use 5/1 - 10/31
- 10. For Irrigation: Rate 1/80 Duty 3 Season 3-1/10/31 REQUEST 5/1-10/31
- 11. Allowable Rate of Use: 16/80 = 0.20 cfs (90 GPM) - Requested.
- 12. Priority Date(s) 2/12/98
- 13. B.O.R. project Y N contract # _____
- 14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded areas on t=T, E, & S Map - After June 3, 1994) Y N NA (Not final prog map)
- 15. Conflicts Y N maybe conflict w/c 31253
- 16. Conditions? (BOR, GW, other) Y N
- 17. Land use approval OK'd needs approval county notified NA
- 18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 13) (14 15 19 - SWR)
- 19. Letter will be Good Limited Bad Bad w/IRshort because _____

Name: Amelia Date: 3-26-98

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14682
ROUTED TO: Water Rights
TOWNSHIP/
RANGE-SECTION: T39S/R8E-22

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

TO: Water Rights Section March 5, 1998
FROM: Groundwater/Hydrology Section Michael Zwart
SUBJECT: Application G-14682
Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7J;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Groundwater files Date: March 5, 1998
From: Michael J. Zwart
Subject: Application Review: G-14682, Matthew J. Pietryka & Linda R. Munsell

This application proposes to use about 110 gpm from two wells for irrigation of 16.0 acres and domestic, greenhouse and stockwatering uses. Well #1 is existing and well #2 is proposed to be constructed similarly. Well #1 is completed to a depth of 87 feet and penetrates a semiconfined to confined aquifer developed in basalt. It is cased and sealed to a depth of 70 feet.

The wells are located about 500 and 600 feet, respectively, from an unnamed intermittent tributary of the Klamath River and 4500 and 4900 feet from the river itself. The aquifer penetrated is not in hydraulic connection with the unnamed creek and the Klamath River. There is no potential for substantial interference with the surface water sources.

I recommend permit conditions 7B and 7J.

RECEIVED

June 5, 1988

JUN - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Ms. McClaud,

I hope the enclosed documents will resolve the conflict between my water rights application, File G-14682, and certificate 31253^{-12633-A}. My wife and I signed a lease with option to purchase on our parcel in March 1992. While it was then possible to see evidence of parts of ditches indicated on certificate 31253 at that time, and still is, there was no sign of recent use and has been no use since 1992.

Thanks.

Matthew Pietryka

Matthew Pietryka

A F F I D A V I T

RECEIVED

JUN - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon)
County of) ss.
)

I/we, Matthew J. Pietryka + Linda R. Munsell, of 7140 Jake Rd,
(legal owner(s) of property) address
Klamath Falls, OR 97601

being first duly sworn, depose and say:

1. That I am/we are the legal owner(s) of the property described by the deed and legal description attached to and made a part of this affidavit;

2. That water right Certificate 31253 was issued to H.H. Van Valkenburg under date of priority of March 26, 1929 for use of water from Klamath River source for the purpose of irrigation of 175.7 acres use(s)

3. That Certificate _____/that a portion of Certificate 31253 is appurtenant to our property as described above; and

4. That I/we have abandoned any and all interest in this water right and request that said right/the portion of said right which is appurtenant to our land be cancelled.

Matthew Pietryka
Signature of Legal Owner

6/4/98
Date

Linda R. Munsell
Signature of Co-Owner

6/4/98
Date

Subscribed and Sworn to Before Me this 4th day of JUNE, 1998



Dorothy J. Littleton
Notary Public for Oregon

My Commission Expires 5-24-99

sp. 12633
ermit 8982.

Parcel # 33, Fairview 55-93



Tp. 39 S.
R. 8 E.

RECEIVED

JUN - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That RANDY R. SCOTT and SUSAN J. SCOTT, as tenants by the entirety hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by MATT J. PIETRYKA and LINDA R. MUNSELL, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, the certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of KLAMATH and State of Oregon, described as follows, to-wit:

Parcel 3 of Land Partition 55-93 located in Section 22, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, on file in the office of the County Clerk, Klamath County, Oregon.

WATER RESOURCES DEPT
SALEM, OREGON

JUN 9 1998

RECEIVED

MOUNTAIN TITLE COMPANY

MOUNTAIN TITLE COMPANY

"This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930."

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple and the above granted premises, free from all encumbrances except those of record and those apparent upon the land, if any, as the date of this deed and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 30,000.00.
~~XXXXXX~~

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

In Witness Whereof, the grantor has executed this instrument this 23 day of December, 19 94; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

STATE OF OREGON
County of Klamath)
December 23, 19 94) ss.

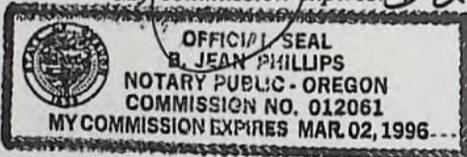
Randy R. Scott
RANDY R. SCOTT
Susan J. Scott
SUSAN J. SCOTT

Personally appeared the above named _____
RANDY R. SCOTT
SUSAN J. SCOTT

_____ and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: B. Jean Phillips
Notary Public for Oregon
My commission expires: 3-2-96

STATE OF OREGON, County of _____) ss.
The foregoing instrument was acknowledged before me this _____, 19 _____, by _____, _____ president, and by _____, _____ secretary of _____



a _____ corporation, on behalf of the corporation.
Notary Public for Oregon _____
My commission expires: _____ (SEAL)

RANDY R. SCOTT and SUSAN J. SCOTT
GRANTOR'S NAME AND ADDRESS
MATT J. PIETRYKA and LINDA R. MUNSELL
1475 TYLER PARKWAY
MOUNTAIN VIEW, CA 94040
GRANTEE'S NAME AND ADDRESS
After recording return to:
MATT J. PIETRYKA and LINDA R. MUNSELL
1475 TYLER PARKWAY
MOUNTAIN VIEW, CA 94040
NAME, ADDRESS, ZIP
Until a change is requested all tax statements shall be sent to the following address:
MATT J. PIETRYKA and LINDA R. MUNSELL
1475 TYLER PARKWAY
MOUNTAIN VIEW, CA 94040
NAME, ADDRESS, ZIP

STATE OF OREGON, _____ ss.
County of Klamath
I certify that the within instrument was received for record on the 3rd day of Jan, 19 95, at 11:26 o'clock A. M., and recorded in book M95 on page 46 or as file/reel number 93134.
Record of Deeds of said county.
Witness my hand and seal of County affixed.
Bernetha G. Letsch, County Clerk
Recording Officer
B. Paulette Miller Deputy

Fee \$30.00



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

May 22, 1998

MATTHEW J PIETRYKA
LINDA R MUNSELL
7140 JAKE RD
KLAMATH FALLS, OREGON 97601

Reference: File G-14682

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from TWO WELLS IN KLAMATH RIVER BASIN for IRRIGATION OF 16.0 ACRES, DOMESTIC AND LIVESTOCK USES is **allowable** under ORS 542.620, the Klamath Compact, the Klamath Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 0.20 CUBIC FOOT PER SECOND (90.0 GALLONS PER MINUTE), BEING NO MORE THAN 20.0 GPM FROM WELL 1 AND 90.0 GPM FROM WELL 2 IN ANY COMBINATION NOT TO EXCEED 90.0 GPM for IRRIGATION OF 16.0 ACRES, DOMESTIC, GREENHOUSE, AND LIVESTOCK USES if properly conditioned, will not injure existing rights or the groundwater resource.

5. According to Department records, Certificate 31253 may cover some or all of the lands where water is proposed to be used under this application. The findings of this Initial Review are contingent upon resolution of the conflicting rights.
6. Livestock watering and domestic use of up to 15,000 gallons per day from a well is exempt from the permitting process. You may use the well for domestic use including the irrigation of lawn and noncommercial garden, not to exceed one-half acre in area, without a permit. The Department will assume that you desire to pursue a permit for domestic use under this application unless you indicate in writing that you are not interested in receiving a permit for domestic use.

Summary of Initial Determinations

The use of 0.20 CUBIC FOOT PER SECOND (90.0 GALLONS PER MINUTE), BEING NO MORE THAN 20.0 GPM FROM WELL 1 AND 110.0 GPM FROM WELL 2 IN ANY COMBINATION NOT TO EXCEED 90.0 GPM from TWO WELLS IN KLAMATH RIVER BASIN for IRRIGATION OF 16.0 ACRES is allowable from May 1 through October 31 of each year, and year-round for DOMESTIC AND LIVESTOCK USES.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, June 5, 1998**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Additional Items Required

There is an existing right, certificate 31253, covering a portion of land proposed under this

application. Prior to proceeding with this application the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application. If one of the items requested above is not submitted prior to issuance of the Final Order and permit, if one is issued, the land in question will be made supplemental to the existing right, which will limit and/or jeopardize that portion of the right as follows:

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.
- ◆ You may only use the supplemental right after the primary right becomes unavailable. The primary right must be exhausted first.
- ◆ The season of use for the supplemental irrigation will be limited to that of the primary right.

You may request additional time to resolve the conflict by submitting a letter requesting a "time-out from processing." You may request up to 180 days to complete the conflict resolution.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. 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.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to

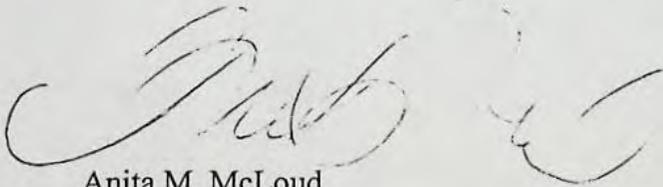
mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

3. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
4. The priority date for this application is February 17, 1998.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Anita M. McLoud
Water Rights Specialist

cc: Regional Manager, Watermaster District 17, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-14682
wab 14-
pou 14-
gw c

Mailing List for IR Copies

Application #G-14682

IR Date: May 22, 1998

Original mailed to:

Applicant: MATTHEW J PIETRYKA MUNSELL, LINDA R, 7140 JAKE RD, KLAMATH FALLS, OREGON 97601

Copies sent to:

1. WRD - File # G-14682
2. WRD - Water Availability: Ken Stahr

Copies Mailed	
By:	<u>CSH</u>
	(SUPPORT STAFF)
on:	<u>5/27/98</u>
	(DATE)

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 17
4. WRD - Regional Manager (not Bob Main):
5. ODFW District Biologist: (KLAMATH County) Roger Smith

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

TO: Water Rights Section March 5, 1998
FROM: Groundwater/Hydrology Section Michael Zwart
SUBJECT: Application G-14682 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7J;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

14682

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL a. ___ was, or constructed according to the standards in effect at the time of
b. ___ was not original construction or most recent modification.
c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199__
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__
(Signature)

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Groundwater files Date: March 5, 1998
From: Michael J. Zwart
Subject: Application Review: G-14682, Matthew J. Pietryka & Linda R. Munsell

This application proposes to use about 110 gpm from two wells for irrigation of 16.0 acres and domestic, greenhouse and stockwatering uses. Well #1 is existing and well #2 is proposed to be constructed similarly. Well #1 is completed to a depth of 87 feet and penetrates a semiconfined to confined aquifer developed in basalt. It is cased and sealed to a depth of 70 feet.

The wells are located about 500 and 600 feet, respectively, from an unnamed intermittent tributary of the Klamath River and 4500 and 4900 feet from the river itself. The aquifer penetrated is not in hydraulic connection with the unnamed creek and the Klamath River. There is no potential for substantial interference with the surface water sources.

I recommend permit conditions 7B and 7J.

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # G-14682

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T39S/R&E-22

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14682

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G 6168	G 5851	39.00S 8.00E14NESE	IR	0.2200	C
2	G 11677	G 10955	39.00S 8.00E14SWSE	IR	0.0400	C
3	G 11544	G 10653	39.00S 8.00E22SESW	IR	0.1800	C
4	U 560	U 508	39.00S 8.00E28NENW	IR	1.3600	C
5	G 6168	G 5851	39.00S 8.00E14NESE	IR	0.2200	C
6	G 11677	G 10955	39.00S 8.00E14SWSE	IR	0.0400	C
7	G 11544	G 10653	39.00S 8.00E22SESW	IR	0.1800	C
8	U 560	U 508	39.00S 8.00E28NENW	IR	1.3600	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14682

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G 12013	G 11092	38.00S 9.00E29NESE	4D
2	G 12134	G 11223	38.00S 9.00E28NWSW	4D
3	G 12133	G 11193	38.00S 9.00E33SWNE	4D

APPLICATION G 14682 FALLS WITHIN THESE QUAD(S)

KLAMATH FALLS

KLAMATH FALLS

STATE OF OREGON
MEMORANDUM

WATER RESOURCES DEPARTMENT

TO: Mike Zwart

FROM: Anita McCloud

DATE: 4-10-98

Please review. The revised well location map for app 6-14682. The new well is approx. 500' south of the ~~prop~~ original proposed location and is now nearer to the existing well. Please advise if there will be any changes in your Div. 9 determinations based on the new information.

No changes in Div 9 review are necessary.

MSZ 4/16/98

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

RECEIVED

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

FEB 17 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant Name: Matthew Pietryka + Linda Munsell
Mailing Address: 2914 SW Canal
Redmond, OR 97756
Phone: 541-548-4451

Well Address
7140 Jake Rd.
K. Falls, OR 97601

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): storage
- Livestock (type of livestock, feedlot, slaughterhouse): a few miscellaneous animals
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Application No. G1468
Permit No. _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. 100 <u>90</u> Gallons per minute. <u>(Ninety)</u> _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

RECEIVED

NOV 24 1997

Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses

RECEIVED

NOV 24 1997

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

FEB 17 1998

Applicant's Name: Matthew Pietryka + Linda Munsell
Address: 2914 SW Canal
City: Redmond State: OR Zip: 97756 Day Phone: 548-4451

WATER RESOURCES DEPT.
SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
R-3908-02200-00104-000	NR-20			

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.
Klamath Falls

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====
For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

- a) Check the appropriate box below and provide requested information.
- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); AN 56. Go to section b) on reverse side.
 - Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====
Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: KLAMATH COUNTY
Staff Contact: J.K. LUNDALL Phone: 541-863-4200
Signature: J.K. Lundall Date of Information Request: 11-7-91



Oregon Water Resources Department

RECEIVED

FEB 17 1993

WATER RESOURCES DEPT.
SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 16 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. row crop Full season Partial season (from: May to Oct.)
- 2. forage Full season Partial season (from: May to Oct.)
- 3. pasture Full season Partial season (from: May to Oct.)
- 4. _____ Full season Partial season (from: _____ to _____)

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

25.3 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours

Other, (explain): In August water is applied round the clock.

Application No. G14682

Permit No. _____

November 26, 1997

RECEIVED

FEB 17 1998 *JS*

WATER RESOURCES DEPT.
SALEM, OREGON

Matthew Pietryka and Linda Munsell
2914 SW Canal
Redmond, OR 97756

The Water Resources Department has received your application to use or store water. At this time we are unable to accept your application because it does not meet minimum filing requirements.

Please provide the following information checked below:

- Complete the enclosed ^{updated} application form. *You may call Jake Szramek at ext. 274 to set up pre-application meeting in person or via telephone.*
- A completed land-use information form signed by the local planning department officials.
- A metes and bounds legal description of the property where you plan to use the water. You may use a copy of your deed, land sales contract or title insurance policy.
- Complete the form I.
- The name and mailing address of the owner of any lands that are not owned by the applicant and that is crossed by the proposed ditch, canal or other works of the applicant.
- Examination fees of \$ 400. If the application is for an Expedited Review reservoir, the fees are \$10 per acre foot or fraction thereof.
- Complete the well information or submit a well log for the well(s) indicated on the application.
- Other: _____

Please provide the following information with regard to your map:

- The map is larger than 11"X 17". Four copies must be submitted, or it must be drawn on tracing linen, tracing velum or Mylar.

RECEIVED

FEB 17 1998 *vs*

WATER RESOURCES DEPT.
SALEM, OREGON

- The scale of the map must be a standard, even scale of not less than 4 inches to a mile and North directional symbol must be indicated on the map.
- The location of each diversion point, well or dam must be referenced to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (EX: "400 feet south and 350 feet west of the Northeast corner of section 27").
- The location of main canals, ditches, pipelines or flumes.
- The location of the place where water is to be used identified by tax lot, township, range, section and nearest quarter-quarter section.
- The area to be irrigated in each quarter-quarter section shall be indicated by shading or hatching and the number of acres in each quarter-quarter section, donation land claim, government lot or other recognized public land survey lines must be indicated.

Your application, supporting data and checks are being returned. We can begin processing your application when the information noted above is received.

If you have any questions about the application procedure, you may call the Water Rights Information Group at (503)378-8455 extension 499 or toll-free in Oregon at 1-800-624-3199 ext. 499.

cc: WM DIST 17
FISCAL
GEN CORR

PRE-IR APPLICATION PROCESSING OUTLINE

Application File # G-14082

MINIMUM REQUIREMENTS TO FILE

OAR 690-310-040

DATE

2/17/98

INITIAL

[Signature]

SURFACE AND GROUNDWATER APPLICATIONS

- Name and mailing address of applicant
- Source of water
- Quantity of water
- Map meeting requirements of OAR 690-310-050
- Nature of proposed use
- Names and addresses of legal owners
- Easement/authorization statement
- Legal description of POD/POU
- Description of works and conveyance
- Information on waste/measurement, etc
- Land use approved _____ pending _____
- Signature/title of applicant
- Oath
- Estimated capacity of pump
- Primary permit or certificate number (if application is for supplemental)
- Form M _____ Q _____ I R _____
- Examination fee _____ Recording
- CWRE map for dam >10ft AND storage >9.2 AF (For standard reservoirs only)

2/17/98

[Signature]

ADDITIONAL FOR GROUNDWATER APPLICATIONS

- Copy of well log (for existing wells)
- Groundwater development
- Well Characteristics
- Rate of flow if no pumping required

HB 2376 Expedited Review Reservoir

- Completed Application
- Land use approved _____ pending _____
- Map showing Township, Range, Section, quarter-quarter section and tax lot info
- HB 2376 exam fee \$10 per acre-foot

3/11/98

[Signature]

SUPPORT SERVICES

- Stamp contents with application number
- Place label on file and calendar card
- Acknowledgment post card to applicant
- Route to Initial Review

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **19082**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Linda R. Munnell
BY: _____

APPLICATION	G 14682
PERMIT	
TRANSFER	

CASH: CHECK: # 91-119 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.⁰⁰

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

0407	MISCELLANEOUS	\$
0410	COPY & TAPE FEES	\$
0408	RESEARCH FEES	\$
(New) TC165	MISC REVENUE: (IDENTIFY)	\$
(Existing) TC168	DEPOSIT LIAB. (IDENTIFY)	\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$ <u>400.⁰⁰</u>	0206	\$
0218	WELL CONSTRUCTION	EXAM FEE	0219	LICENSE FEE
	WELL DRILL CONSTRUCTOR	\$	0220	\$
	LANDOWNER'S PERMIT			\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
------	------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **19082**

DATED: 2-17-98 BY: D. B. Munnell



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

May 22, 1998

MATTHEW J PIETRYKA
LINDA R MUNSELL
7140 JAKE RD
KLAMATH FALLS, OREGON 97601

Reference: File G-14682

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from TWO WELLS IN KLAMATH RIVER BASIN for IRRIGATION OF 16.0 ACRES, DOMESTIC AND LIVESTOCK USES **is allowable** under ORS 542.620, the Klamath Compact, the Klamath Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 0.20 CUBIC FOOT PER SECOND (90.0 GALLONS PER MINUTE), BEING NO MORE THAN 20.0 GPM FROM WELL 1 AND 90.0 GPM FROM WELL 2 IN ANY COMBINATION NOT TO EXCEED 90.0 GPM for IRRIGATION OF 16.0 ACRES, DOMESTIC, GREENHOUSE, AND LIVESTOCK USES if properly conditioned, will not injure existing rights or the groundwater resource.

5. According to Department records, Certificate 31253 may cover some or all of the lands where water is proposed to be used under this application. The findings of this Initial Review are contingent upon resolution of the conflicting rights.
6. Livestock watering and domestic use of up to 15,000 gallons per day from a well is exempt from the permitting process. You may use the well for domestic use including the irrigation of lawn and noncommercial garden, not to exceed one-half acre in area, without a permit. The Department will assume that you desire to pursue a permit for domestic use under this application unless you indicate in writing that you are not interested in receiving a permit for domestic use.

Summary of Initial Determinations

The use of 0.20 CUBIC FOOT PER SECOND (90.0 GALLONS PER MINUTE), BEING NO MORE THAN 20.0 GPM FROM WELL 1 AND 110.0 GPM FROM WELL 2 IN ANY COMBINATION NOT TO EXCEED 90.0 GPM from TWO WELLS IN KLAMATH RIVER BASIN for IRRIGATION OF 16.0 ACRES is allowable from May 1 through October 31 of each year, and year-round for DOMESTIC AND LIVESTOCK USES.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, June 5, 1998**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Additional Items Required

There is an existing right, certificate 31253, covering a portion of land proposed under this

application. Prior to proceeding with this application the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application. If one of the items requested above is not submitted prior to issuance of the Final Order and permit, if one is issued, the land in question will be made supplemental to the existing right, which will limit and/or jeopardize that portion of the right as follows:

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.
- ◆ You may only use the supplemental right after the primary right becomes unavailable. The primary right must be exhausted first.
- ◆ The season of use for the supplemental irrigation will be limited to that of the primary right.

You may request additional time to resolve the conflict by submitting a letter requesting a "time-out from processing." You may request up to 180 days to complete the conflict resolution.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. 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.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to

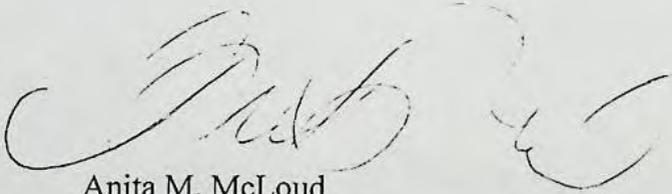
mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

3. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
4. The priority date for this application is February 17, 1998.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Anita M. McLoud
Water Rights Specialist

cc: Regional Manager, Watermaster District 17, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-14682
wab 14-
pou 14-
gw c

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-14682

Applicant: MATTHEW J PIETRYKA MUNSELL, LINDA R

County: KLAMATH

Watermaster: District 17

Priority Date: February 17, 1998

Source: TWO WELLS IN KLAMATH RIVER BASIN

Use: IRRIGATION OF 16.0 ACRES, DOMESTIC AND LIVESTOCK USES

Quantity: 130.0 GALLONS PER MINUTE, BEING 20.0 GPM FROM WELL 1 AND 110.0 GPM
FROM WELL 2

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 1 KLAMATH R MISC

Point of Diversion Location: SWSE, SECTION 22, T39S, R8E, W.M.; 400 FEET NORTH & 800
FEET EAST FROM S1/4 CORNER, SECTION 22 SWSE, SECTION 22, T39S, R8E, W.M.; 800
FEET NORTH & 350 FEET EAST FROM S1/4 CORNER, SECTION 22

Place of Use: SWSE 16.0 ACRES SWSE, SECTION 22, TOWNSHIP 39 SOUTH, RANGE 8
EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 5, 1998

PUBLIC NOTICE DATE: Tuesday, June 9, 1998

30 DAY COMMENT DEADLINE DATE: Thursday, July 9, 1998

SEE MAP
COMPLETED
8/25/98

SUPPENSES

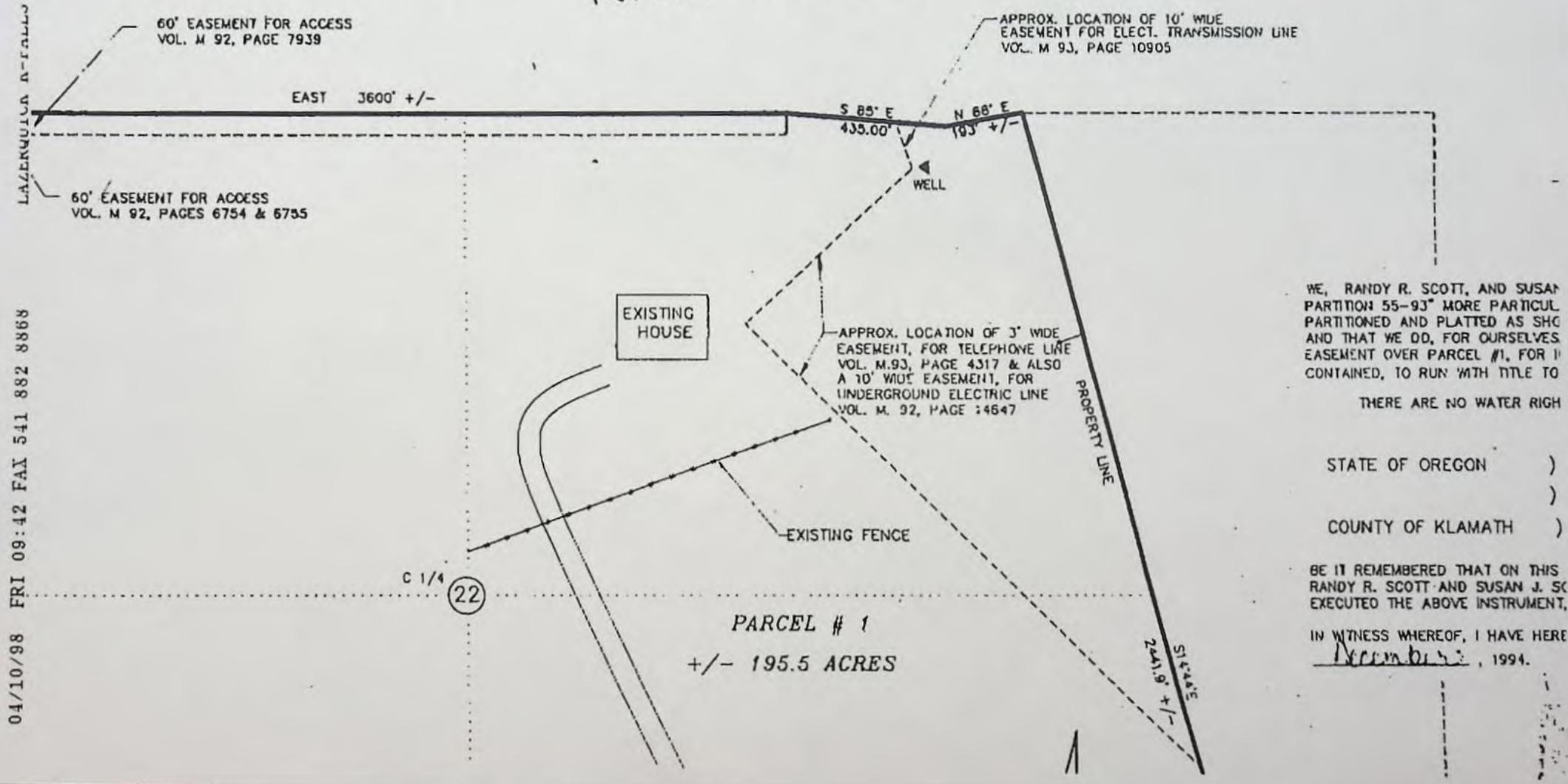
Application G 14682

4/10/98 Revised

FINAL PARTITION # 55-

FOR: RANDY & SUE SCOTT

LOCATED IN S. 22, T. 39 S., R. 8 E., W.M., KLAMATH CO
Tax Lot R-3908-02200-00104-000



WE, RANDY R. SCOTT, AND SUSAN PARTITION 55-93" MORE PARTICULAR PARTITIONED AND PLATTED AS SHG AND THAT WE DO, FOR OURSELVES EASEMENT OVER PARCEL #1, FOR IT CONTAINED, TO RUN WITH TITLE TO

THERE ARE NO WATER RIGH

STATE OF OREGON)
COUNTY OF KLAMATH)

BE IT REMEMBERED THAT ON THIS RANDY R. SCOTT AND SUSAN J. SC EXECUTED THE ABOVE INSTRUMENT,

IN WITNESS WHEREOF, I HAVE HERE
December, 1994.

04/10/98 FRI 09:42 FAX 541 882 8868

4/10/98 Revised

Application G 14682

FINAL PARTITION # 55-

FOR: RANDY & SUE SCOTT

LOCATED IN S. 22, T. 39 S., R. 8 E., W.M., KLAMATH CO

Tax Lot R-3908-02200-00104-000

LAZERQUICK K-FALLS

60' EASEMENT FOR ACCESS
VOL. M 92, PAGE 7939

EAST 3600' +/-

APPROX. LOCATION OF 10' WIDE
EASEMENT FOR ELECT. TRANSMISSION LINE
VOL. M 93, PAGE 10905

60' EASEMENT FOR ACCESS
VOL. M 92, PAGES 6754 & 6755

S 85° E
435.00'

N 68° E
193 +/-

WELL

EXISTING HOUSE

APPROX. LOCATION OF 3' WIDE
EASEMENT, FOR TELEPHONE LINE
VOL. M.93, PAGE 4317 & ALSO
A 10' WIDE EASEMENT, FOR
UNDERGROUND ELECTRIC LINE
VOL. M. 92, PAGE :4647

PROPERTY LINE

WE, RANDY R. SCOTT, AND SUSAN
PARTITION 55-93" MORE PARTICULAR
PARTITIONED AND PLATTED AS SHOWN
AND THAT WE DO, FOR OURSELVES
EASEMENT OVER PARCEL #1, FOR IT
CONTAINED, TO RUN WITH TITLE TO

THERE ARE NO WATER RIGHTS

STATE OF OREGON)

COUNTY OF KLAMATH)

BE IT REMEMBERED THAT ON THIS
RANDY R. SCOTT AND SUSAN J. SCOTT
EXECUTED THE ABOVE INSTRUMENT,

IN WITNESS WHEREOF, I HAVE HERE
Subscribed, 1994.

04/10/98 FRI 09:42 FAX 541 882 8868

C 1/4
22

EXISTING FENCE

PARCEL # 1

+/- 195.5 ACRES

2419.9 +/-
S 84° E

0003

17

LAZERQUICK K-FALLS
 MATH CO.
 COMPANY
 1/2 SE 1/4
 27
 MATH CO.
 COMPANY
 1/4 SE 1/4
 MATH CO.

04/10/98 FRI 09:42 FAX 541 882 8868

BEARING	DELTA
72°34'51"W	35°02'25"
13°04'38"W	43°57'59"
20°08'21"E	18°05'24"
08°55'36"E	76°13'18"
80°26'01"E	102°29'55"

TO ROUND LAKE

225'

800'

189° W
108' +/-

675'

800'

South 1/4 Corner
Section 22

Well #1

Well #2

Main line

60' WIDE NON-EXCLUSIVE ACCESS EASEMENT

PRIVATE DRIVEWAY

FIELD

North

1" = 400'

I, RANDY R. SCOTT, SURVEYOR, HE
 LOCATED IN SECTION 22, TOWNSHIP
 PARTICULARLY DESCRIBED AS FOLI
 PARCEL # 1 OF PARTITION # 55-5

16 acres in SW 1/4,
SE 1/4, Section 22

Revised location for Well #2
 Application G14682
 Revision request 4/10/98

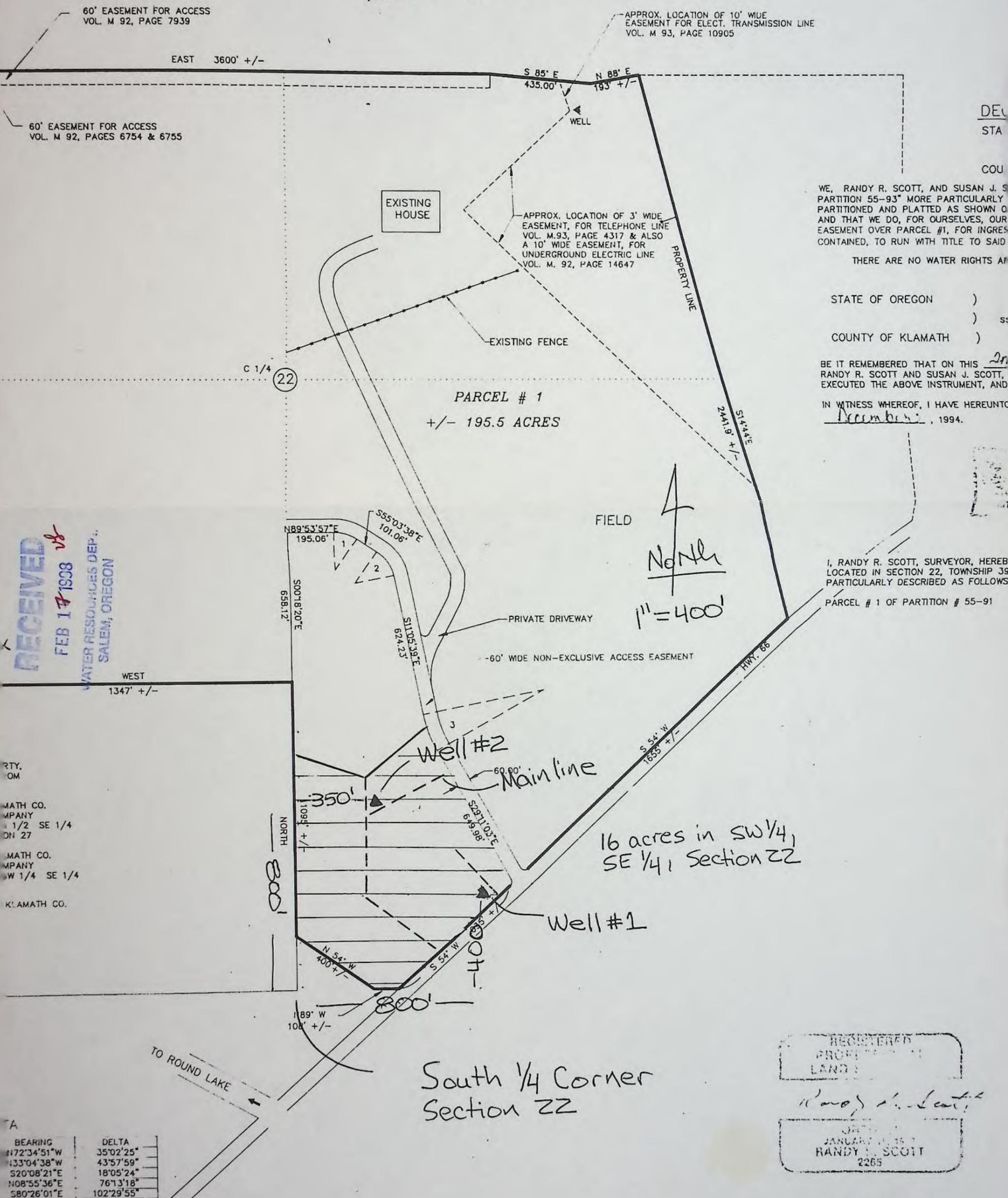
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

10/10/97
 JANUARY 15, 1998
 RANDY R. SCOTT
 7265

LICENSE EXPIRES 12-31-94

Application No. *674682*
 Permit No. *7*

FINAL PARTITION # 55-9
 FOR: RANDY & SUE SCOTT
 LOCATED IN S. 22, T. 39 S., R. 8 E., W.M., KLAMATH COU.
 Tax Lot R-3908-02200-00104-000



WE, RANDY R. SCOTT, AND SUSAN J. SCOTT PARTITION 55-93* MORE PARTICULARLY PARTITIONED AND PLATTED AS SHOWN ON AND THAT WE DO, FOR OURSELVES, OUR EASEMENT OVER PARCEL #1, FOR INGRES- THERE ARE NO WATER RIGHTS AT

STATE OF OREGON)
) ST
 COUNTY OF KLAMATH)

BE IT REMEMBERED THAT ON THIS 27 RANDY R. SCOTT AND SUSAN J. SCOTT, EXECUTED THE ABOVE INSTRUMENT, AND IN WITNESS WHEREOF, I HAVE HEREUNTO December, 1994.

I, RANDY R. SCOTT, SURVEYOR, HEREBY LOCATED IN SECTION 22, TOWNSHIP 39 PARTICULARLY DESCRIBED AS FOLLOWS: PARCEL # 1 OF PARTITION # 55-91

RECEIVED
 FEB 17 1998
 WATER RESOURCES DEP.
 SALEM, OREGON

RTY.
 OM

MATH CO.
 MPANY
 1/2 SE 1/4
 ON 27

MATH CO.
 MPANY
 W 1/4 SE 1/4

KLAMATH CO.

REGISTERED
 PROPERTY
 LAND

Randy R. Scott

JANUARY 15 1997
 RANDY R. SCOTT
 2265



LAZERQUICK®

printing • copying • digital services

2655 Shasta Way

In the Fred Meyer Shopping Center

Klamath Falls, OR 97603

541/882-8821 • Fax 882-8868

FAX

To: Jake Szramek

Company: Oregon Water Resources Dept.

Fax Number: 503-378-6203

Date Sent: 4/10/98

From: Matthew Pietryka Appl. # G14682

Total Pages Sent (Including Cover) 3

Comments:

I wish to revise the location of proposed well #2 on my application for water rights. The power company installed transformers for a business across highway 66 and I can use them to get 480 volt, 3-phase power for my pump. The economy of 3-phase power is very desirable. The power company came out to look at my new proposed location and the idea is fine with them.

Thanks. Matt Pietryka

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **19082**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Linda R. Munsell
BY: _____

APPLICATION	G 14682
PERMIT	
TRANSFER	

CASH: CHECK: # 91-119 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.⁰⁰

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

0427 WRD OPERATING ACCT

PCA66111

0407	MISCELLANEOUS COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
(New) TC165	DEPOSIT LIAB. (IDENTIFY) _____	\$
(Existing) TC168	WATER RIGHTS:	
0201	SURFACE WATER	EXAM FEE \$ 0202 \$
0203	GROUND WATER	\$ <u>400.⁰⁰</u> 0204 \$
0205	TRANSFER	\$ 0206 \$
	WELL CONSTRUCTION	
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$ 0219 \$
	LANDOWNER'S PERMIT	\$ 0220 \$
	OTHER (IDENTIFY) _____	

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY) _____		

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
------	------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **19082**

DATED: 2-17-08 BY: D. Bushnell

KNOW ALL MEN BY THESE PRESENTS, That
RANDY R. SCOTT and SUSAN J. SCOTT, as tenants by the entirety
hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by
MATT J. PIETRYKA and LINDA R. MUNSELL, husband and wife
the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns,
the certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining,
situated in the County of KLAMATH and State of Oregon, described as follows, to-wit:

Parcel 3 of Land Partition 55-93 located in Section 22, Township 39
South, Range 8 East of the Willamette Meridian, Klamath County, Oregon,
on file in the office of the County Clerk, Klamath County, Oregon.

RECEIVED
FEB 17 1998
WATER RESOURCES DEPT.
SALEM, OREGON

MOUNTAIN TITLE COMPANY

"This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930."

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple and the above granted premises, free from all encumbrances except those of record and those apparent upon the land, if any, as the date of this deed and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 30,000.00

~~However, the actual consideration paid for this transfer, stated in terms of dollars, is \$ 30,000.00. If the actual consideration paid for this transfer is other than the amount stated above, the amount of the actual consideration paid should be stated in the body of this instrument. If the actual consideration paid for this transfer is other than the amount stated above, the amount of the actual consideration paid should be stated in the body of this instrument.~~

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

In Witness Whereof, the grantor has executed this instrument this 23 day of December, 1994; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

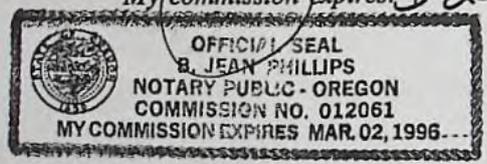
Randy R. Scott
RANDY R. SCOTT
Susan J. Scott
SUSAN J. SCOTT

STATE OF OREGON,
County of Klamath ss.
December 23, 19 94.

Personally appeared the above named
RANDY R. SCOTT
SUSAN J. SCOTT

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: B. Jean Phillips
Notary Public for Oregon
My commission expires: 3-2-96



Application No. 674682
Permit No.
STATE OF OREGON, County of _____) ss.
The foregoing instrument was acknowledged before me this _____, 19____, by _____, president, and by _____, secretary of _____ a _____ corporation, on behalf of the corporation.
Notary Public for Oregon _____
My commission expires: _____ (SEAL)

RANDY R. SCOTT and SUSAN J. SCOTT
GRANTOR'S NAME AND ADDRESS
MATT J. PIETRYKA and LINDA R. MUNSELL
1475 TYLER PARKWAY
MOUNTAIN VIEW, CA 94040
GRANTEE'S NAME AND ADDRESS
After recording return to:
MATT J. PIETRYKA and LINDA R. MUNSELL
1475 TYLER PARKWAY
MOUNTAIN VIEW, CA 94040
NAME, ADDRESS, ZIP
Until a change is requested all tax statements shall be sent to the following address:
MATT J. PIETRYKA and LINDA R. MUNSELL
1475 TYLER PARKWAY
MOUNTAIN VIEW, CA 94040
NAME, ADDRESS, ZIP

RECEIVED
NOV 24 1997
WATER RESOURCES DEPT.
SALEM, OREGON
STATE OF OREGON, ss.
County of Klamath
I certify that the within instrument was received for record on the 3rd day of Jan, 19 95, at 11:26 o'clock A. M., and recorded in book M95 on page 46 or as file/reel number 93134
Record of Deeds of said county.
Witness my hand and seal of County affixed.
Bernetha G. Letsch, County Clerk
Recording Officer
B. Pauene Miller Deputy
Fee \$30.00

MOUNTAIN TITLE COMPANY

MOUNTAIN TITLE COMPANY

INDEXED
D 1

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : *Regional Water quality manager (DEQ), and DOA*

Application File Number: G-14682

Applicant: MATTHEW J PIETRYKA MUNSELL, LINDA R

County: KLAMATH

Watermaster: District 17

Priority Date: February 17, 1998

Source: TWO WELLS IN KLAMATH RIVER BASIN

Use: IRRIGATION OF 16.0 ACRES, DOMESTIC AND LIVESTOCK USES

Quantity: 130.0 GALLONS PER MINUTE, BEING 20.0 GPM FROM WELL 1 AND 110.0 GPM
FROM WELL 2

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 1 KLAMATH R MISC

Point of Diversion Location: SWSE, SECTION 22, T39S, R8E, W.M.; 400 FEET NORTH & 800
FEET EAST FROM S1/4 CORNER, SECTION 22 SWSE, SECTION 22, T39S, R8E, W.M.; 800
FEET NORTH & 350 FEET EAST FROM S1/4 CORNER, SECTION 22

Place of Use: SWSE 16.0 ACRES SWSE, SECTION 22, TOWNSHIP 39 SOUTH, RANGE 8
EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 5, 1998

PUBLIC NOTICE DATE: Tuesday, June 9, 1998

30 DAY COMMENT DEADLINE DATE: Thursday, July 9, 1998

NEW APPLICATION ROUTING SLIP

RECEIPTING 2-17-98 DKB

DATA CENTER 2-20-98 Jm

FRED LISSNER ✓

WR DATA ENTRY ✓

INITIAL REVIEW _____

WR SUPPORT Cam 3/11/98

Mike

FOR LKS
DATE 5-5-98 TIME 11:53 AM P.M.
FROM Matt Pinker
FIRM _____
PHONE 541-850-8441
 FAX AREA CODE NUMBER EXTENSION
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE _____	

MESSAGE _____
call from Anita
6-14682
Greenhouses - no plans
to build as of yet
probably ^{should} not on app
SIGNED _____

 FORM 4007
MADE IN U.S.A.

MESSAGE

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. H. VAN VALKENBURG ⁹⁷⁵²⁰

of 165 North Main Street, Ashland, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of

Klamath River

a tributary of Klamath Lake

for the purpose of

irrigation of 175.7 acres

under Permit No. 8982 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 26, 1929,

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

2.20 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 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T. 39 S., R. 8 E., W. M.

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

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

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

12.2 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
5.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 22
7.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
32.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
39.1 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 23
T. 39 S., R. 8 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. NOVEMBER 15 1963

CHRIS L. WHEELER

State Engineer



Oregon Water Resources Department

RECEIVED

FEB 17 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: PIETRYKA MATTHEW J, MUNSELL LINDA R.
Last First MI

Mailing address: 7140 JAKE ROAD
KLAMATH FALLS, OR 97601
City State Zip

Phone: 541-850-8441
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: N/A

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. G14682 Permit No. _____ Date 2/17/98

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? KLAMATH

In what county is the appropriation point proposed? KLAMATH

B. River Basin

(See instruction booklet pg.3 for list):

KLAMATH

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: 2 B. Name of nearest surface water body KLAMATH RIVER

C. Distance from well(s) to nearest stream or lake: 1) 1/2 mile

2) 1/2 mile 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 50 feet

2) 50 feet 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: NORM SEVEY WELL DRILLING, INC.

Address: 5619 LELAND DR.

KLAMATH FALLS, OR

Completion date: Well #1 existing
Well #2 summer 1998

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
1		see attached well drilling log							
2	8"	similar to #1, but for 8" dia.							

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N/A

4. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

- * If your proposed use is **domestic**, indicate the number of households to be supplied with water: 1
- * If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal**, attach **Form M**
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach **Form Q**

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

7

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1		Domestic, irrigation, greenhouse, stockwater	32 acre-feet	see log
2		Irrigation	22.2 acre-feet	110 gpm

total 25.4 acre-feet

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

Irrigation from May through October

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

16 acres

5. Water Management

A. Diversion

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

Pump (give horsepower and pump type)

1 - two h.p. submersible
2 - ten h.p. submersible

Other means (describe) _____

B. Transport

How will you transport water to your place of use?

Ditch, canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length)

Diameter(s) 4" Length 1200'

Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

Flood High-pressure sprinkler Low pressure sprinkler

Drip Water cannons Center pivot system

Hand lines Wheel lines

Siphon tubes or gated pipe with furrows

Other, describe _____

Distribution method

In-line storage (tank or pond) Direct pipe from source Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Will water at night when possible. In Klamath
County forage crops require sprinkler irrigation.

6. Project Schedule

Proposed date construction will begin summer 1998

Proposed date construction will be completed summer 1999

Proposed date beneficial water use will begin summer 1998

7. Remarks

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

4B. Well #1 is a small existing well drilled originally for watering stock. It is now used for domestic purposes and we wish to expand its use to irrigation of perhaps 2 acres of crops and a greenhouse. Well #2 will be used to irrigate 8 acres of forage and 6 acres of pasture.

Signature

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use is compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:

Matthew Kelly

Signature of Applicant

2/12/98

Date

David R. Murree

Signature of Co-applicant

2/12/98

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

Linda Manell

6-14682

(541)

850-

8441

**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 # **111940**

INVOICE # _____

RECEIVED FROM: Cathy Gerlett
BY: _____

APPLICATION	674682
PERMIT	
TRANSFER	

CASH: CHECK:# 142 OTHER: (IDENTIFY)

TOTAL REC'D \$ **85.00**

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 46111

0407 COPY & TAPE FEES \$
 0410 RESEARCH FEES \$
 0408 MISC REVENUE: (IDENTIFY) Assignment \$ 75.00
 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	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____
 0210 MONITORING WELLS \$ CARD # _____
 _____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **111940** DATED: 5-5-14 BY: _____