

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. If for multiple rights, a separate form for each right will be required.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

	PROPERTY SELI	LER INFORMATION			
Applicant(s): Harry		Pon		RECE	EIVED BY OWRD
• •	First	4,42 - 18 - 18 - 19 - 19 - 19 - 19 - 19 - 19	Last		AUG 3 1 2015
Burns	OR		97720		
City		State		Zip	SALEM, OR
Phone:		Work		Other	
Home				Other	
	PROPERTY BUY	ER INFORMATION			
Applicant(s): Louis		Molt			
Mailing Address: 72299 Tur			Last		
Burns	OR		97720		
Phone: 541-589-0007		State		Zip	
Home		Work		Other	
PROPERT	Y DESCRIPTION (a	ttach additional pages	if necessary):		
County: Harney	ownship: 22S	Range: 31E	Sect	tion: 28 d	<u>& 33</u>
Tax Lot Number(s): 22S 31E	33 00 #206				
Street address of water right pro	perty: None				
Water Right Information (attach	copy of water right peri	nit or certificate & final p	roof map):		
Application #: G-	Permit #: <u>G-23</u>	Certifi	cate or Page #:	83601	
Will all the lands associated wit	h this water right be o	wned by the buyer?	Yes 🕞 No		
Name of individual completing	his form: Denise Montgo	omery, All Points Engr & Sur	veying Phone:	541-54	8-5833
Signature:	Montgon	Date: _	2200	1515	,
Please be sure to atta	/ 1	/ /			

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY PON BURNS OR 97720

confirms the right to use the waters of PON WELL 20 in the Poison Creek Basin for IRRIGATION 50.0 ACRES and SUPPLEMENTAL IRRIGATION of 6.0 ACRES.

This right was perfected under Permit G-2338. The date of priority is JANUARY 11, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.70 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
22 S	31 E	WM	33	NE NW	230 FEET SOUTH AND 860 FEET EAST FROM NE CORNER, NW1/4 NW1/4,
					SECTION 33

The amount of water used for irrigation, 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; and shall conform to such reasonable rotation system as may be ordered by the proper state officier.

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

		IRRI	GATI O	ON	
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	NW NE	7.6
22 S	31 E	WM	33	NE NW	16.6
22 S	31 E	WM	33	SW NW	0.4
22 S	31 E	WM	33	SE NW	25.4

	UPPLE	MENT	'AL IR	RIGATIO	N
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	SW NE	6.00

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AUG 3 1 2015

SALEM, OR

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

PC 97-3.lhn Page 1 of 2 Certificate 83601

The certificate describes that portion of the water right confirmed by Certificate 35223, State Record of Water Right Certificates, NOT cancelled by an order of the Administrative Law Judge, entered May 30, 1997, at Special Order Volume 51, Page 484, in Cancellation Proceeding PC 97-3.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

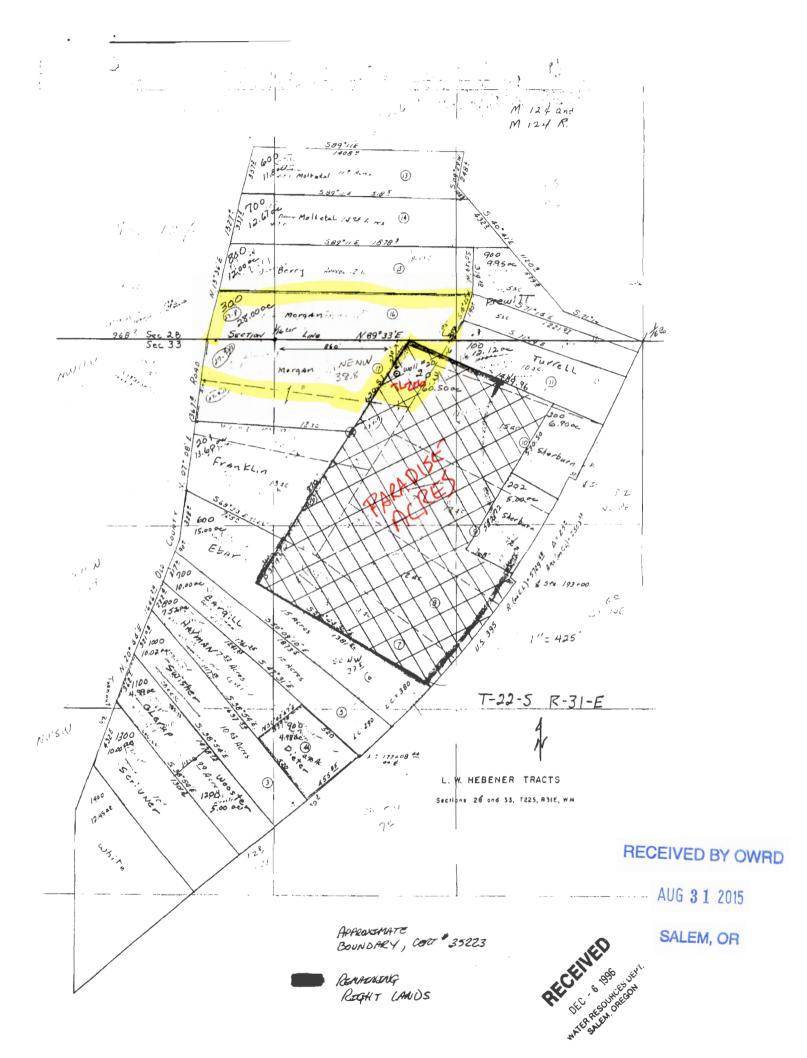
WITNESS the signature of the Water Resources Director, affixed ______ JAN 1 8 2008

Phillip C. Ward, Director Water Resources Department

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AUG 3 1 2015

SALEM, OR



Cancelled +
replaced 1

STATE OF OREGON

COUNTY OF

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HARRY PON

of P. O. Box 1191, Burns , 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 Pon Well No. 20

a tributary of Poison Creek (Silvies River) for the purpose of irrigation of 172.6 acres and supplemental irrigation of 6.0 acres

under Permit No. G-2338 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 January 11, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.39 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 NEL NWL, Section 33, T. 22 S., R. 31 E., W. M. Well located 230 feet South and 860 feet East from the NE Corner, NWL, NWL, Section 35.

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

and shall

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

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

Supplemental	Primary		
	26.6 acres 4.8 acres Section 28	seł swł swł seł	
6.0 acres	9.2 acres	NW NET SW NET NET NW	RECEIVED BY OWRD
	12.2 acres 21.4 acres 37.8 acres 9.0 acres	nwi nwi swi nwi sei nwi nei swi	AUG 3 1 2015
т. 22	12.8 acres Section 33 S., R. 31 E., W.	nwi swi	SALEM, OR

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. August 30, 1968

CHRIS L. WHEELER

State Engineer

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED PARTIAL)	
CANCELLATION OF THE WATER RIGHT)	PC 97-3
EVIDENCED BY CERTIFICATE 35223 IN THE)	FINAL ORDER
NAME OF HARRY PON, FOR THE USE OF WATER)	
FOR IRRIGATION FROM A WELL IN HARNEY)	
COUNTY)	

Notice was sent by certified mail on January 3, 1997, to the owners of record of the following real property located in Sections 28 and 33, Township 22 South, Range 31 East, Willamette Meridian, of proposed cancellation of the water right for irrigation use on this property:

1.6 acres NW1/4 NE1/4	9.0 acres NE1/4 SW1/4
22.2 acres NE1/4 NW1/4	12.8 acres NW1/4 SW1/4
12.2 acres NW1/4 NW1/4	Section 33
21.0 acres SW1/4 NW1/4	26.6 acres SE1/4 SW1/4
12.4 acres SE1/4 NW1/4	4.8 acres SW1/4 SE1/4
Section 33	Section 28

No legally sufficient protest was filed within the 60-day period following mailing, pursuant to ORS 540.641. Buzco Construction Co., Inc. submitted a letter stating it is an out-of-state property owner. However, out-of-state owners are subject to cancellation of their water rights, as is any water right holder, following nonuse of a water right for five consecutive years.

The Buzco letter also stated that its water rights had not been forfeited due to non-use and that it protested the proposed cancellation. However, OAR 690-17-600 requires a protestant to provide a statement citing the reasons they believe the water right has not been forfeited by nonuse. Buzco's letter did not give a reason why the right had not been forfeited.

Finally, Buzco referred to ORS 540.610(2)(b) and (c) and OAR 690-17-800(2)(a) and (b). However, these sections are grounds for rebuttal which apply to municipal water rights and property owned by the Department of Veterans' Affairs (DVA). Buzco is not a municipality nor a municipal right holder, and the DVA does not own a recorded interest in Buzco's property to which the water right is appurtenant.

A letter was faxed to Buzco Construction on February 25, 1997, explaining that the letter described above was not a legally sufficient protest or rebuttal. Buzco was provided with the relevant laws and rules and given until March 6, 1997, to correct and complete their protest or rebuttal. Buzco did not respond within the time allowed, or at any time since. Therefore, it is hereby ORDERED:

Special Order Volume 51 Page 484

That the portion of Certificate 35223 for irrigation of 91.2 acres in Section 33 and 31.4 acres in Section 28, all in T 22 S, R 31 E, WM, and the water right evidenced by that portion of that certificate, is hereby CANCELED.

It is FURTHER ORDERED that a new certificate be issued for the use of water from a well in Harney County under a priority of January 11, 1963, for irrigation use on the following lands in Section 33, T 22 S, R 31 E, WM, not in question and not canceled in this proceeding:

7.6 acres NW1/4 NE1/4
6.0 acres SW1/4 NE1/4
16.6 acres NE1/4 NW1/4
0.4 acres SW1/4 NW1/4
25.4 acres SE1/4 NW1/4
Section 33

DATED and PLACED in the US Postal Service this day of May, 1997.

Weisha Mize

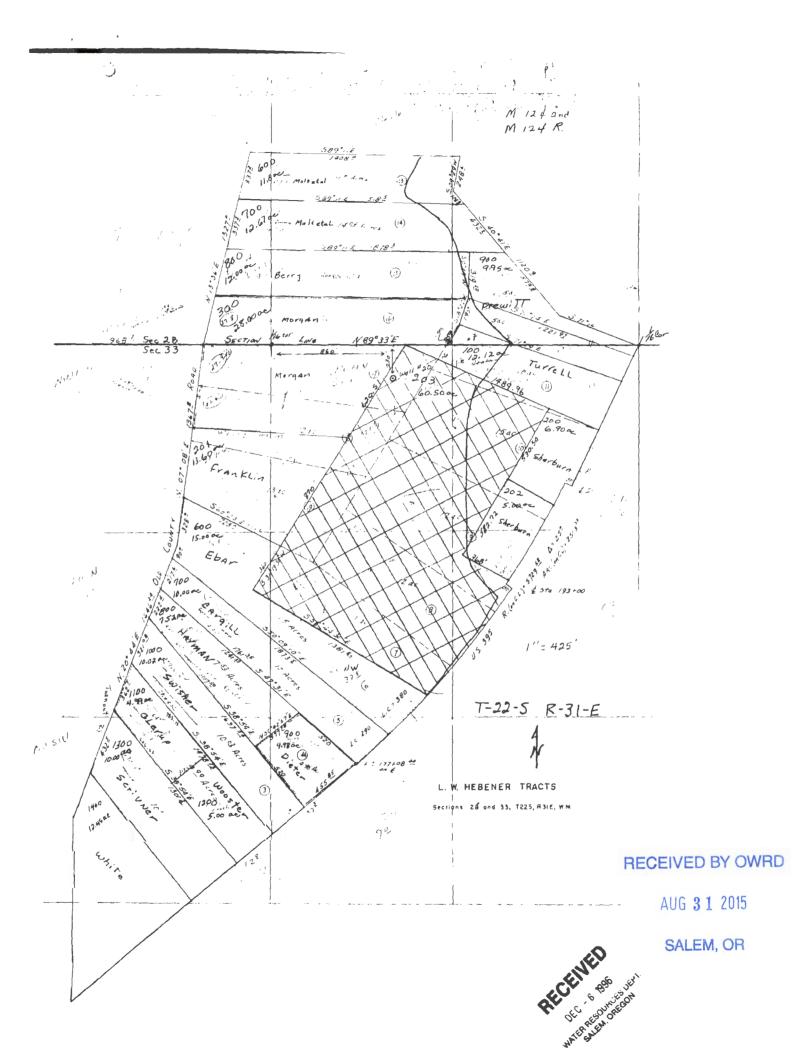
Administrative Law Judge

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days from the date of service (date of mailing) of this Order. Judicial review is pursuant to the provisions of ORS 536.075.

RECEIVED BY OWRD

AUG 3 1 2015

SALEM, OR



Permit No. G- 2339

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Harry Pon (Name of Burns (Name of Oregon , do he ollowing described ground waters of the state of Or	reby make application	for a permit to approp	
ate of Oregon , do he ollowing described ground waters of the state of Or	reby make application	for a permit to approp	
ollowing described ground waters of the state of Or	reby make application egon, SUBJECT TO E	for a permit to approp EXISTING RIGHTS:	riate the
	eyon, SUBJECT TO E	AIDIMO MOMIS.	
If the applicant is a corporation, give date and p			
1. Give name of nearest stream to which the			
ituated Poison Creek			
2. The amount of water which the applicant eet per second or 1999 gallons per minute.			
3. The use to which the water is to be applied	is Irrigati	01	
by sprinkling system			
4. The well or other source is located	ftand .	ft. from th	e
orner of	action or subdivision)		
of Section 33 Twp.22 S.Range 3] (If there is more than one we'll each must being within the NB1 NW1			31 E. ,
W. M., in the county of			
5. The(Canal or pipe line)	. to !	be .	miles
n length, terminating in the	of So	ec. , Twp.	
R. , W. M., the proposed location being sh		accompanying map.	
6. The name of the well or other works is	Pon Well No.20		
DESCRIPTIO	ON OF WORKS		
If the flow to be utilized is artesian, the wo supply when not in use must be described.	orks to be used for the	CONTROL PHOTO CONSTRUCTOR	@WAD
		AUG 3 1 20	115
		A	D
		SALEM, O	n
8. The development will consist of	One well		having a
8. The development will consist of		nole, etc)	having a

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(	2339

CANAL	SVSTEN	OD	DIDL	TIME

miles from headgate: width on top (at water line)  feet; width on bottom  feet; depth of water  feet fall per one thousand feet.  (c) Length of pipe,  ft.; size at intake,  in; in size at  ntake  in; size at place of use  in; difference in elevation betw  and place of use,  ft. Is grade uniform?  Estimated capa  sec. ft.  10. If pumps are to be used, give size and type  Wastern Turbine  Give horsepower and type of motor or engine to be used  30. OF 50 Horse power  Electric Motor  11. If the location of the well, tunnel, or other development work is less than one-fourth mile frail stream or stream channel, give the distance to the nearest point on each of such channels fference in elevation between the stream bed and the ground surface at the source of development in elevation of area to be irrigated, or place of use  Harney County	miles from headgate: width on top (at water line)  feet; width on bottom feet; depth of water feet;  feet; width on bottom feet; depth of water feet;  feet fall per one thousand feet.  c) Length of pipe, ft.; size at intake, in; in size at ft.  take in.; size at place of use in.; difference in elevation between and place of use, ft. Is grade uniform? Estimated capacity,  sec. ft.  6. If pumps are to be used, give size and type Eastern Turbine  Give horsepower and type of motor or engine to be used 30 of 50 Horse power  Electric Motor  1. If the location of the well, tunnel, or other development work is less than one-fourth mile from a stream or stream channel, give the distance to the nearest point on each of such channels and lerence in elevation between the stream bed and the ground surface at the source of development in elevation of area to be irrigated, or place of use  Electric Wolfer American Cartier Post-serv Freet Post Track  The size of the streams of the streams of the source of the source of development in the source of development in the streams of the size of the source of the source of the streams of the source of the source of the streams of the size of the source of the source of the streams of the size of the size of the source of the source of the source of the source of the size of the source of the sourc					
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Tournship Range Service Service Number Acres	Withment Meridian	al stream or fference in e	stream channel, levation between	, give the dista the stream bed	nce to the nearest point on and the ground surface at	each of such channels and the source of development
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NICIPAL SUPPLY—	(, 4,7,7,
13. To supply the city of	
county, having a present popula	tion of
en estimated population of in 19	
ANSWER QUESTIONS 14, 16, 16, 17 AND 11	TW ALL CASES
14. Estimated cost of proposed works, \$7500.00	
15. Construction work will begin on or beforeJanu	ary 1963
16. Construction work will be completed on or before	June 1964
17. The water will be completely applied to the proposed s	use on or beforeJuly1986
18. If the ground water supply is supplemental to an ex	risting water supply, identify any appli-
n for permit, permit, certificate or edjudicated right to a	appropriate water, made or held by the
icent.	
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JBJECT TO EXISTING RIGH	· •		
-	·	water which can be applied to beneficial use an	
		asured at the point of diversion from the well o	) <b>r</b>
urce of appropriation, or its equ	ivalent in case of rotation	with other water users, from Pon well	
io. 20			
The use to which this water	er is to be applied is	irrigation	
If for irrigation, this appro	priation shall be limited t	o 1/80m of one cubic foot per secon	ıd
its equivalent for each acre ir	rigated and shall be furth	ner limited to a diversion of not to exceed3	
re feet per acre for each acre	irrigated during the irrig	ation season of each year;	
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### **HARNEY County Assessor's Summary Report**

#### **Real Property Assessment Report**

FOR ASSESSMENT YEAR 2015 **NOT OFFICIAL VALUE** 

August 26, 2015 9:15:21 am

Account #

92733

Map# 22S31E33-00-00206

0140-92733

**Tax Status** 

**ASSESSABLE** 

Acct Status Subtype

ACTIVE NORMAL

Code - Tax # Legal Descr

Metes & Bounds - See legal report for full description.

**Mailing Name** 

MOLT, LOUIS PHILLIP & MELODI RAE TRUSTEE

Sales Date/Price

Appraiser

Deed Reference # 2011-548 05-03-2011 / \$0.00

TAMMY ATTLEBERGER

Agent In Care Of

**Prop Class** 

**RMV Class** 

Mailing Address 72299 TURNOUT RD BURNS, OR 97720-9345

101 101 MA

NH

Unit 10767-1

014

Situs Add	dress(s)	Situs City					
Code Area		AV	/alue Summary RMV	MAV	RMV Exception	CPR %	
0140	Land Impr.		46,400 0	Lar		_	
Code A	Area Total	27,510	46,400	27,510	0		
Gr	and Total	27,510	46,400	27,510	0		

Code Area	ID#	RFD Ex	Plan Zone	Value Source	Land Breakdow TD%		Size	Land Class	LUC	Trended RMV
0140	2	R	R-1	Market	100	Α	0.00	IW	*	6,000
0140	1	R	R-1	Market	100	Α	5.16	RA	*	40,400
					Grand T	otal	5.16			46,400

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Tronded RMV
					Grand Total	a)	(	)	0

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# Harney County Real Legal Descriptions

8/26/2015 9:15:36 AM

Account #

92733

Map

22S31E3300-00206

Disalsimas

Effective Date 13-Dec-2012 12:00 AM

Disclaimer

This information is maintained for assessment and taxation purposes only. The county is not responsible for possible errors, omissions, misuse, or misinterpretation. The legal description shown will not show any changes and/or

modifications thereto subsequent to the EFFECTIVE DATE.

Subdivision

Block

Lot

Direction

Part

Part Type

#### **Metes and Bounds**

T 22 S., R 31 E., W.M. SEC 33 TL 206 LAND IN PARADISE ACRES SUBDIVISION, SITUATED WITHIN SECTION 33, TOWNSHIP 22 S., RANGE 31 E., W.M., HARNEY COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT #01-05-135, RECORDED MAY 2, 2001, INSTRUMENT #2001-0767 AS FOLLOWS: IN BLOCK 1: LOT 8

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AUG 3 1 2015

SALEM, OR