



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

# 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 SELLER INFORMATION

Applicant(s): Harry Pon  
First Last

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Mailing Address: \_\_\_\_\_

AUG 31 2015

Burns OR 97720  
City State Zip

SALEM, OR

Phone: \_\_\_\_\_  
Home Work Other

### PROPERTY BUYER INFORMATION

Applicant(s): Louis Molt  
First Last

Mailing Address: 72299 Turnout Rd

Burns OR 97720  
City State Zip

Phone: 541-589-0007  
Home Work Other

### PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Harney Township: 22S Range: 31E Section: 28 & 33

Tax Lot Number(s): 22S 31E 33 00 #206

Street address of water right property: None

Water Right Information (attach copy of water right permit or certificate & final proof map):

Application #: G- Permit #: G-2338 Certificate or Page #: 83601

Will all the lands associated with this water right be owned by the buyer?  Yes  No

Name of individual completing this form: Denise Montgomery, All Points Engr & Surveying Phone: 541-548-5833

Signature: Denise A. Montgomery Date: 22 Aug 15

***Please be sure to attach a copy of your property deed or legal description of the property.***

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, NW¼ NW¼, 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:

IRRIGATION					
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

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SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	SW NE	6.00

**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.

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 18 2008

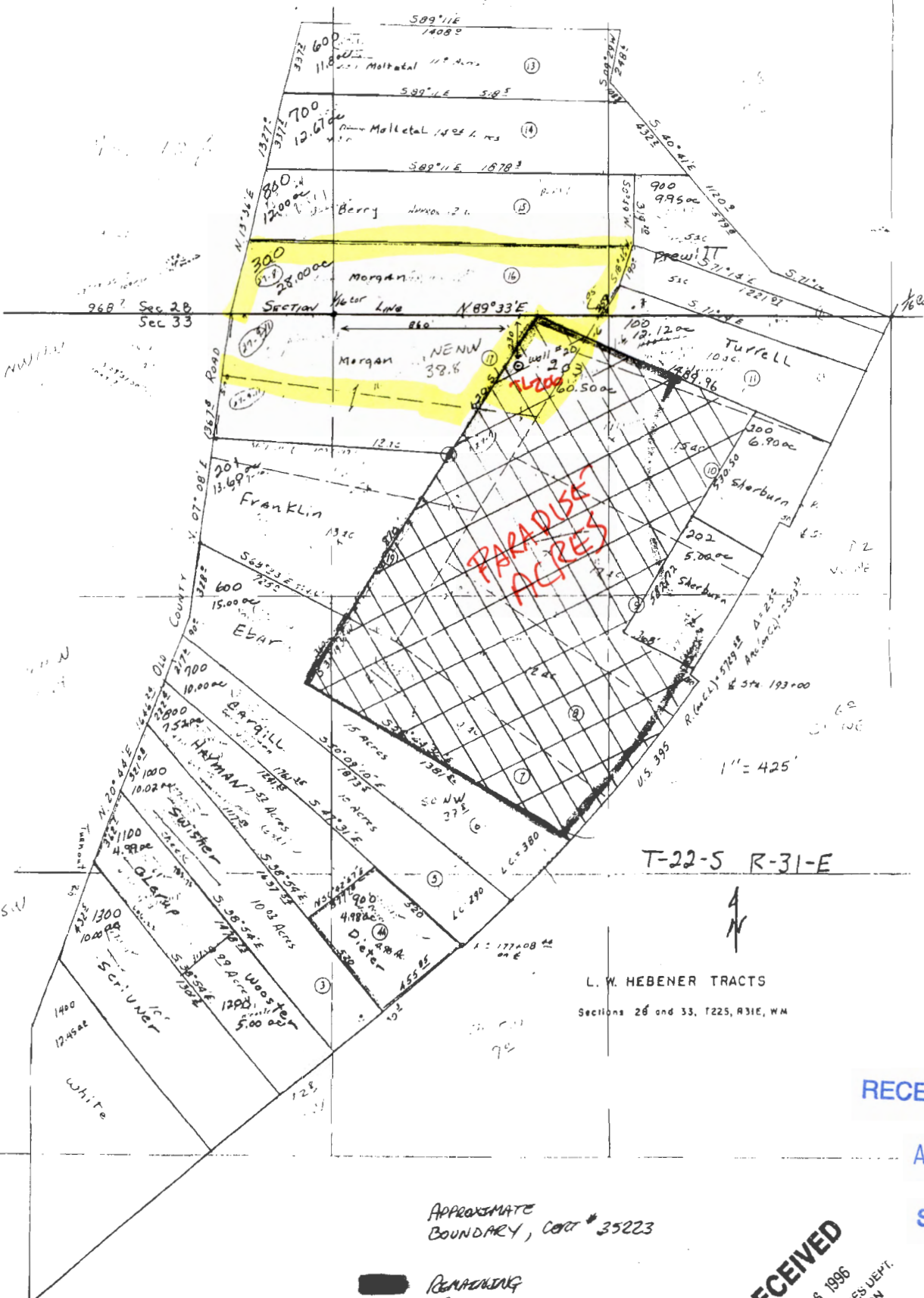
  
Phillip C. Ward, Director  
Water Resources Department

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M 124 and  
M 124 R.



APPROXIMATE  
BOUNDARY, CERT # 35223

REMAINING  
RIGHT LANDS

L. W. HEBENER TRACTS  
Sections 26 and 33, T22S, R31E, WM

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DEC - 6 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

Cancelled +  
replaced by  
83601

STATE OF OREGON

COUNTY OF HARNEY

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 NE 1/4 NW 1/4, Section 33, T. 22 S., R. 31 E., W. M. Well located 230 feet South and 860 feet East from the NE Corner, NW 1/4 NW 1/4, Section 33.

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	SE 1/4 SW 1/4
	4.8 acres	SW 1/4 SE 1/4
	Section 28	
6.0 acres	9.2 acres	NW 1/4 NE 1/4
		SW 1/4 NE 1/4
	38.8 acres	NE 1/4 NW 1/4
	12.2 acres	NW 1/4 NW 1/4
	21.4 acres	SW 1/4 NW 1/4
	37.8 acres	SE 1/4 NW 1/4
	9.0 acres	NE 1/4 SW 1/4
	12.8 acres	NW 1/4 SW 1/4
	Section 33	
	T. 22 S., R. 31 E., W. M.	

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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 | <b>Section 33</b>      |
| 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  |
| <b>Section 33</b>      | <b>Section 28</b>      |

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 the time allowed, or at any time since. Therefore, it is hereby ORDERED:

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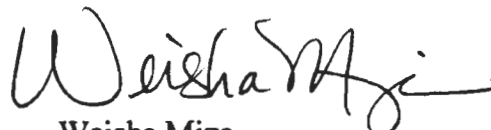
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That the portion of Certificate 35223 for irrigation of 91.2 acres in Section 33 and 31.4 acres in Section 28, all in T 22 S, R 31 E, WM, and the water right evidenced by that portion of that certificate, is hereby CANCELED.

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 30<sup>th</sup> day of May, 1997.



Weisha Mize  
Administrative Law Judge

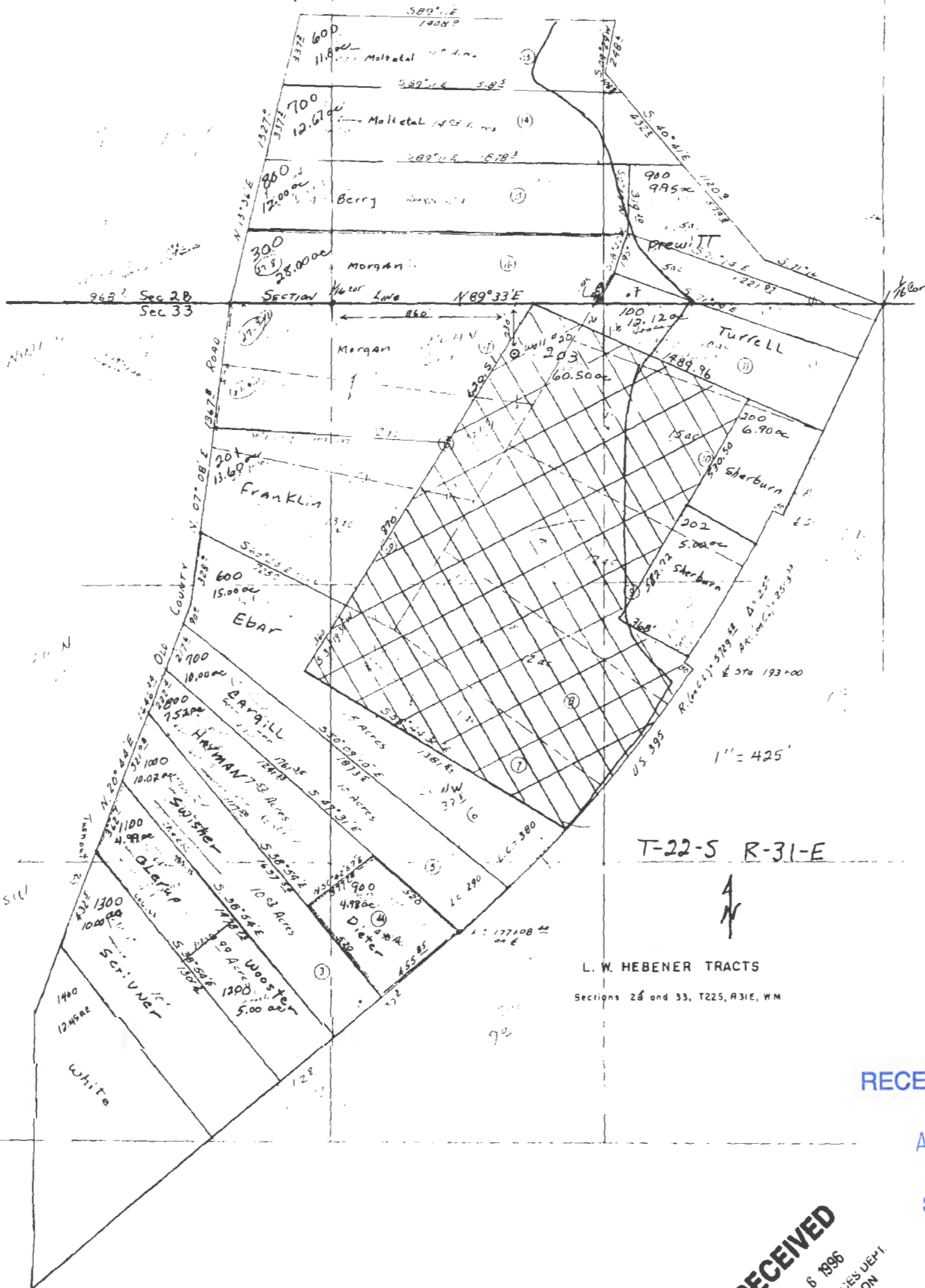
**NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days from the date of service (date of mailing) of this Order. Judicial review is pursuant to the provisions of ORS 536.075.

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M 124 and  
M 124 R.



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DEC - 6 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON



Permit No. G-2338

APPLICATION FOR A PERMIT

To appropriate the Ground Waters of the State of Oregon

I, Harry Pon, Burns, Harney, Oregon, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Poison Creek tributary of Silvies River

2. The amount of water which the applicant intends to apply to beneficial use is 1000 cubic feet per second or gallons per minute.

3. The use to which the water is to be applied is Irrigation by sprinkling system

4. The well or other source is located 920 feet S. 78 degrees E. from the Northeast corner of the NW 1/4 NW 1/4 of Section 33 Twp. 22 S. Range 31 E. W. M.

being within the NE 1/4 NW 1/4 of Sec. 33, Twp. 22 S., R. 31 E., W. M., in the county of Harney

5. The (Canal or pipe line) to be miles in length, terminating in of Sec. Twp. R., W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is Pon Well No. 20

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

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8. The development will consist of One well having a diameter of 12 inches and an estimated depth of 425 feet. It is estimated that 20 feet of the well will require Steel casing. Depth to water table is estimated 54

C- 2338

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one thousand feet.

(b) At \_\_\_\_\_ miles from headgate: width on top (at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one thousand feet.

(c) Length of pipe, \_\_\_\_\_ ft.; size at intake, \_\_\_\_\_ in.; in size at \_\_\_\_\_ ft. from intake \_\_\_\_\_ in.; size at place of use \_\_\_\_\_ in.; difference in elevation between intake and place of use, \_\_\_\_\_ ft. Is grade uniform? \_\_\_\_\_ Estimated capacity, \_\_\_\_\_ sec. ft.

10. If pumps are to be used, give size and type \_\_\_\_\_ Western Turbine \_\_\_\_\_

Give horsepower and type of motor or engine to be used \_\_\_\_\_ 30 or 50 Horse power  
Electric motor \_\_\_\_\_

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use \_\_\_\_\_ Harney County \_\_\_\_\_

Township N. or S.	Range E. or W. of Wilmersletta Meridian	Section	Four-acre Tract	Number Acres To Be Irrigated
22 S.	31 E.	28	SE $\frac{1}{4}$ SW $\frac{1}{4}$	33.3
22 S.	31 E.	28	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.2
22 S.	31 E.	33	NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.5
22 S.	31 E.	33	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
22 S.	31 E.	33	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.3
22 S.	31 E.	33	SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.2
22 S.	31 E.	33	SE $\frac{1}{4}$ NW $\frac{1}{4}$	38
22 S.	31 E.	33	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.7
22 S.	31 E.	33	NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.4
22 S.	31 E.	33	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7

(If more space required, attach separate sheet)

Character of soil \_\_\_\_\_ Sandy loam \_\_\_\_\_  
Kind of crops raised \_\_\_\_\_ Hay and pasture \_\_\_\_\_

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STATE OF OREGON, }

PERMIT

County of Marion, }

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.23 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from Pon well No. 20

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th 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 acre feet per acre for each acre irrigated during the irrigation season of each year;

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

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is January 11, 1963

Actual construction work shall begin on or before April 10, 1964 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1964

Complete application of the water to the proposed use shall be made on or before October 1, 1965

WITNESS my hand this 10th day of April, 1963

John L. Wheeler

STATE ENGINEER

Application No. G. 233E  
Permit No. G. 233E

PERMIT  
TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 11th day of January  
1963, at 9:22 o'clock P. M.

Returned to applicant:

Approved:

April 10, 1963

Recorded in book No. 9 of  
Ground Water Permits on page 233E

John L. Wheeler  
STATE ENGINEER

Drainage Basin No. 17, page 31

State Printing

# 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  
 Code - Tax # 0140-92733

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name MOLT, LOUIS PHILLIP & MELODI RAE TRUSTEE

Deed Reference # 2011-548

Agent

Sales Date/Price 05-03-2011 / \$0.00

In Care Of

Appraiser TAMMY ATTLEBERGER

Mailing Address 72299 TURNOUT RD  
 BURNS, OR 97720-9345

Prop Class 101 MA SA NH Unit  
 RMV Class 101 02 00 014 10767-1

Situs Address(s) Situs City

		Value Summary				
Code Area		AV	RMV	MAV	RMV Exception	CPR %
0140	Land		46,400		Land	0
	Impr.		0		Impr.	0
<b>Code Area Total</b>		27,510	46,400	27,510		0
<b>Grand Total</b>		27,510	46,400	27,510		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0140	2	R		R-1	Market	100	A	0.00	IW	*	6,000
0140	1	R		R-1	Market	100	A	5.16	RA	*	40,400
<b>Grand Total</b>								5.16			46,400

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
<b>Grand Total</b>										0

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# Harney County Real Legal Descriptions

8/26/2015 9:15:36 AM

**Account #** 92733

**Map** 22S31E3300-00206

**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.

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>	<u>Direction</u>	<u>Part</u>	<u>Part Type</u>
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## **Metes and Bounds**

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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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