



RECEIVED

MAY 23 1989

WATER RESOURCES DEPT.  
SALEBY, OREGON

R. 31 E.

CENTER PIVOT  
-WETTED  
PERIMETER  
R = 1437'

S. 31

S. 32

SE 1/4, SE 1/4  
S. 31  
2.5 AC.

SW 1/4, SW 1/4  
S. 32  
37.2 AC.

SE 1/4, SW 1/4  
S. 32  
34.8 AC.

SEC. COR.  
IRON PIN

WELL

T. 24 S.

T. 25 S.

LOT 1  
NE 1/4, NE 1/4  
S. 6  
2.5 AC.

LOT 4  
NW 1/4, NW 1/4  
S. 5  
33.8 AC.

LOT 3  
NE 1/4, NW 1/4  
S. 5  
30.0 AC.

1/4 SEC. COR.  
IRON PIN

S. 6

S. 5

0.3 AC.  
SW 1/4, NW 1/4  
S. 5

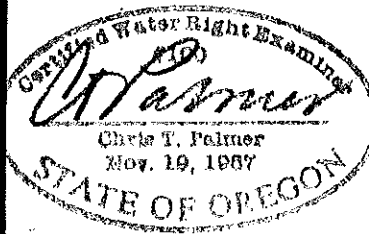
NOTE: WELL IS 1377' WEST AND 35' SOUTH FROM THE N 1/4 SEC. COR. OF SEC. 5, T. 25 S., R. 31 E., W.M., HARNEY CO., OR.

Application No. C-11926

Permit No. G10914

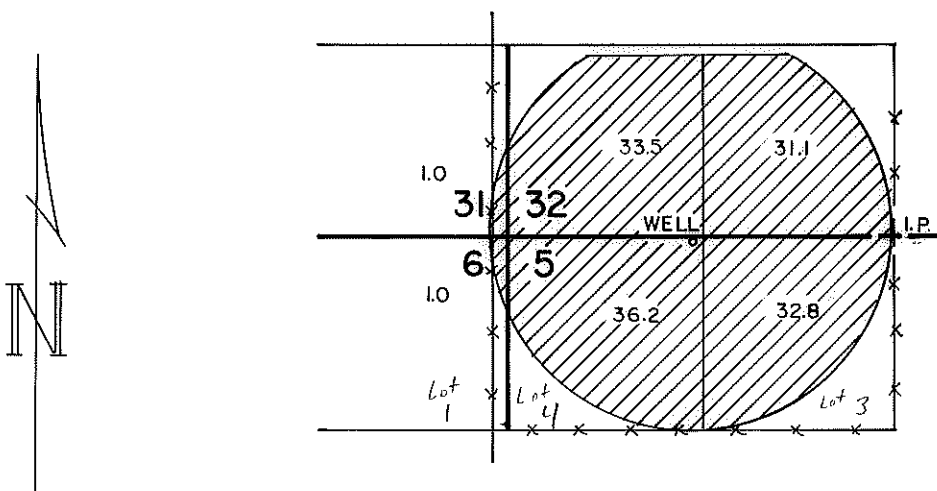
BARRUS

# WATER RIGHTS MAP



Scale: 1" = 600'	Date: JAN. 1989	Job: 1120
Dsn:	 M. A. Palmer & Sons ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No. 1
Drn: <i>OTF</i>		of 1
Ckd:		

T 24 S  
 T 25 S R 31 E WM



THE WELL IS 1377 FT. WEST AND 35 FT. SOUTH OF THE 1/4 SEC. COR. COMMON TO SEC'S 32 & 5.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

	<b>FINAL PROOF SURVEY</b>			
	UNDER: APPLICATION NO. G-11926 PERMIT NO. G-10914		IN THE NAME OF: HELEN BARRUS	
	Scale: 4" = 1 MILE	Date: JANUARY 24, 1991	Job: 1120	
	Dsn: Drn: C T P Ckd:		Sht. No. _____ of 1	

STATE OF OREGON  
COUNTY OF HARNEY  
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HELEN M. BARRUS  
19949 CEDAR LANE  
BEND, OR 97701

confirms the right to use the waters of ONE WELL in the SAGE HEN CREEK BASIN for IRRIGATION OF 135.6 ACRES.

This right was perfected under Permit G-10914. The date of priority is MAY 23, 1989. This right is limited to 1.70 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

LOT 4 (NW 1/4 NW 1/4), SECTION 5, T 25 S, R 31 E, W.M.; 35 FEET SOUTH AND 1377 FEET WEST FROM THE N 1/4 CORNER OF SECTION 5.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

SE 1/4 SE 1/4	1.0 ACRE
SECTION 31	
SW 1/4 SW 1/4	33.5 ACRES
SE 1/4 SW 1/4	31.1 ACRES
SECTION 32	
TOWNSHIP 24 SOUTH, RANGE 31 EAST, W.M.	
LOT 3 (NE 1/4 NW 1/4)	32.8 ACRES
LOT 4 (NW 1/4 NW 1/4)	36.2 ACRES
SECTION 5	
LOT 1 (NE 1/4 NE 1/4)	1.0 ACRE
SECTION 6	
TOWNSHIP 25 SOUTH, RANGE 31 EAST, W.M.	

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

BASIN 12                      VOLUME 2 SILVIES RIVER MISC. WELLS                      DISTRICT 10  
G-11926.JM



STATE OF OREGON  
COUNTY OF HARNEY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HELEN M. BARRUS  
19949 CEDAR LANE  
BEND, OR 97701

confirms the right to use the waters of ONE WELL in the SAGE HEN CREEK BASIN for IRRIGATION OF 135.6 ACRES.

This right was perfected under Permit G-10914. The date of priority is MAY 23, 1989. This right is limited to 1.70 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

LOT 4 (NW 1/4 NW 1/4), SECTION 5, T 25 S, R 31 E, W.M.; 35 FEET SOUTH AND 1377 FEET WEST FROM THE N 1/4 CORNER OF SECTION 5.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

SE 1/4 SE 1/4	1.0 ACRE
SECTION 31	
SW 1/4 SW 1/4	33.5 ACRES
SE 1/4 SW 1/4	31.1 ACRES
SECTION 32	
TOWNSHIP 24 SOUTH, RANGE 31 EAST, W.M.	
LOT 3 (NE 1/4 NW 1/4)	32.8 ACRES
LOT 4 (NW 1/4 NW 1/4)	36.2 ACRES
SECTION 5	
LOT 1 (NE 1/4 NE 1/4)	1.0 ACRE
SECTION 6	
TOWNSHIP 25 SOUTH, RANGE 31 EAST, W.M.	

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

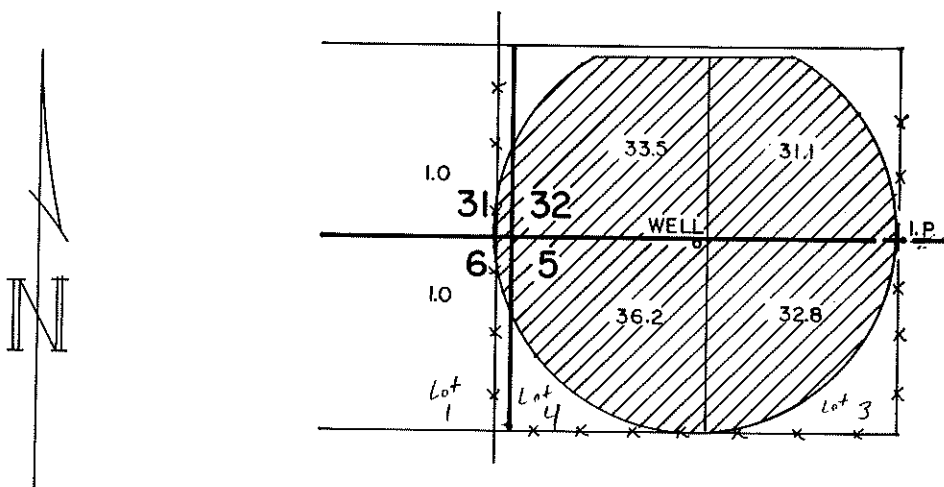
WITNESS the signature of the Water Resources Director, affixed AUGUST 19, 1992.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67672.

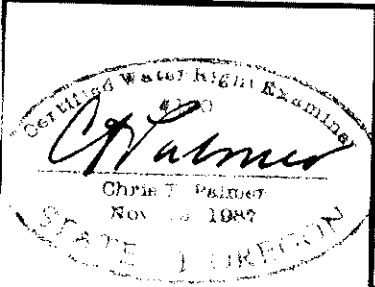
BASIN 12                      VOLUME 2 SILVIES RIVER MISC. WELLS                      DISTRICT 10  
G-11926.JM

T 24 S  
 T 25 S R 31 E WM



THE WELL IS 1377 FT. WEST AND 35 FT. SOUTH OF THE 1/4 SEC. COR. COMMON TO SEC'S 32 & 5.


THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP



FINAL PROOF SURVEY

UNDER:  
 APPLICATION NO. G-11926  
 PERMIT NO. G-10914

IN THE NAME OF:  
 HELEN BARRUS

Scale: 4" = 1 MILE	Date: JANUARY 24, 1991	Job: 1120
Dsn:	 <b>M. A. PALMER &amp; SONS, INC.</b> ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: C T P		
Ckd:		

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HELEN M. BARRUS  
63445 DESCHUTES MARKET ROAD  
BEND, OREGON 97701

503-388-5468

to use the waters of ONE WELL in the SAGE HEN CREEK BASIN for IRRIGATION OF 152.1 ACRES.

This Permit is issued approving Application G-11926. The date of priority is MAY 23, 1989. The use is limited to not more than 1.90 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

LOT 4 (NW 1/4 NW 1/4), SECTION 5, T 25 S, R 31 E, W.M.; 35 FEET SOUTH AND 1377 FEET WEST FROM THE N 1/4 CORNER, SECTION 5.

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

SE 1/4 SE 1/4	2.5 ACRES	1.0
SECTION 31		
SW 1/4 SW 1/4	37.2 ACRES	33.5
SE 1/4 SW 1/4	34.8 ACRES	31.1
SECTION 32		
TOWNSHIP 24 SOUTH, RANGE 31 EAST, W.M.		
LOT 3 (NE 1/4 NW 1/4)	36.0 ACRES	32.8
LOT 4 (NW 1/4 NW 1/4)	38.8 ACRES	
SW 1/4 NW 1/4	0.3 ACRES	30.2
SECTION 5		
LOT 1 (NE 1/4 NE 1/4)	2.5 ACRES	1
SECTION 6		
TOWNSHIP 25 SOUTH, RANGE 31 EAST, W.M.		

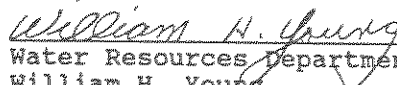
The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for a measuring line, adequate to determine water level elevation in the well at all times. When required by the department, 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.

Actual construction work shall begin on or before August 11, 1990, and shall be completed on or before October 1, 1991. Complete application of the water to the use shall be made on or before October 1, 1992.

This permit is for the beneficial use of water without waste. By law, the land use associated with this water must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

Issued this date, August 11, 1989.

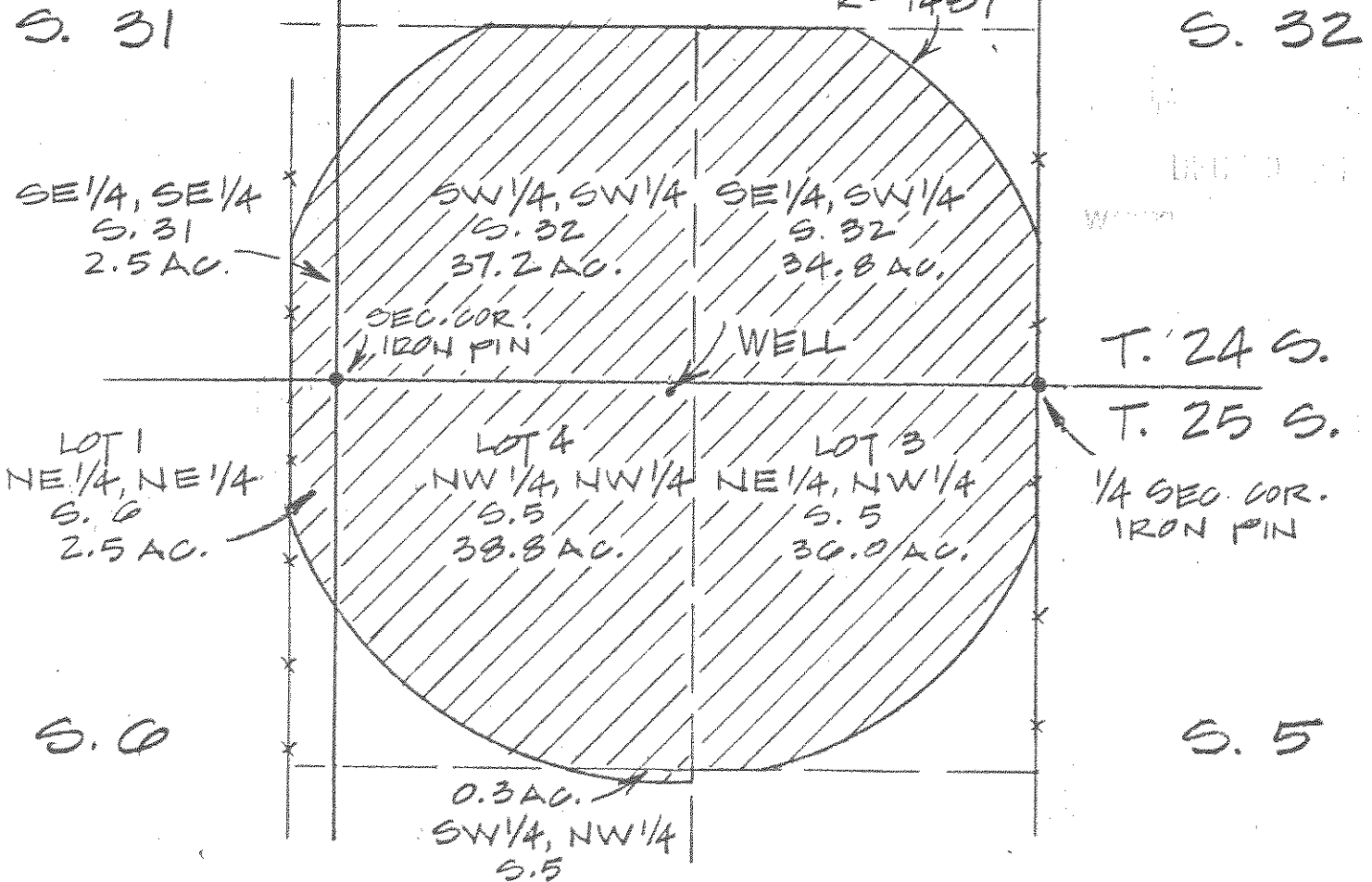
  
\_\_\_\_\_  
Water Resources Department  
William H. Young  
Director



RECEIVED

MAY 20 1989

CENTER PIVOT  
-WETTED  
PERIMETER  
R = 437'

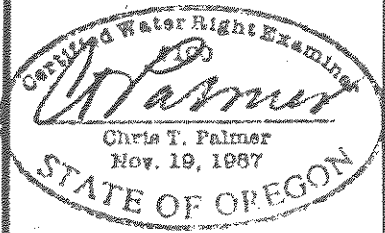


NOTE: WELL IS 1377' WEST AND 35' SOUTH FROM THE N 1/4 SEC. COR. OF SEC. 5, T. 25 S., R. 31 E., W.M., HARNEY CO., OR.

Application No. G-11926  
Permit No. G10914

BARRUS

WATER RIGHTS MAP



Scale: 1" = 600'	Date: JAN. 1989	Job: 1120
Dsn:	M.A.P.'s M. A. Palmer & Sons ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No. 1
Dnn: CTP		of 1
Ckd:		

10/17/91

9-26-91

Info - personal observation - I visited this site on 9-26-91.

source - well. located 1377' W and 35' south of the 1/4 sec corner common to sec's 32 & 35, as stated in the final proof survey prepared by M.A. Palmer & Sons Inc.

diversion -

motor - Siemens 50 HP, 1760 RPM

pump - turbine pump - Nuttall with 8" discharge.

Pivot - Valley 6000, with 7 towers and 153 sprinkler heads ranging in size from 1/2 - 5 gpm at 6 PSI at the 1st tower and going up to 4 - 16 gpm (6 PSI) at the last tower. Eleven sprinklers have double heads which are counted for the total of 153 heads.

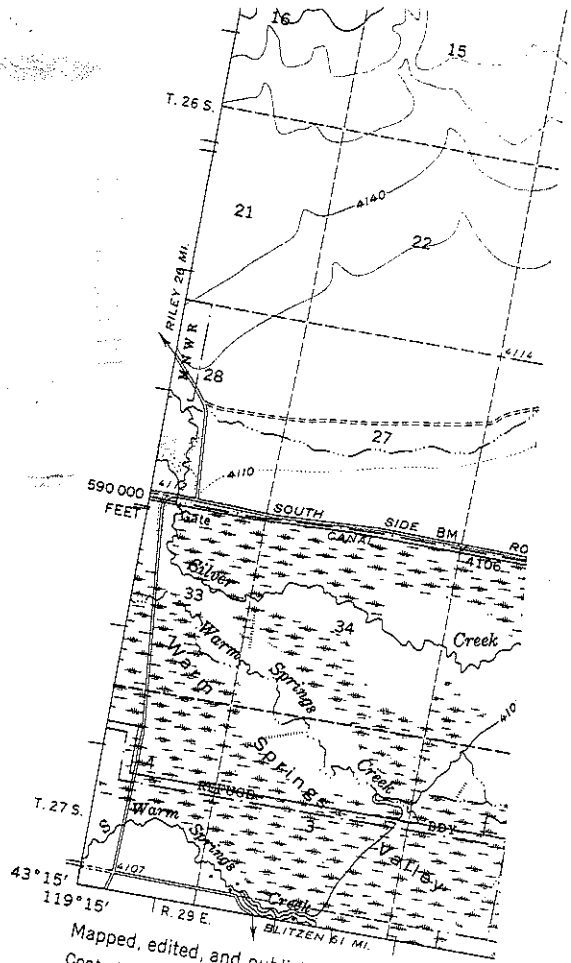
To my knowledge the CURE report is accurate.

use: irrigation of alfalfa.

lift ± 5. + static water level

tie: Dog Mt. Quad. Aerial Photo # EFC 6V-134

Jane Miller  
Field Insp.

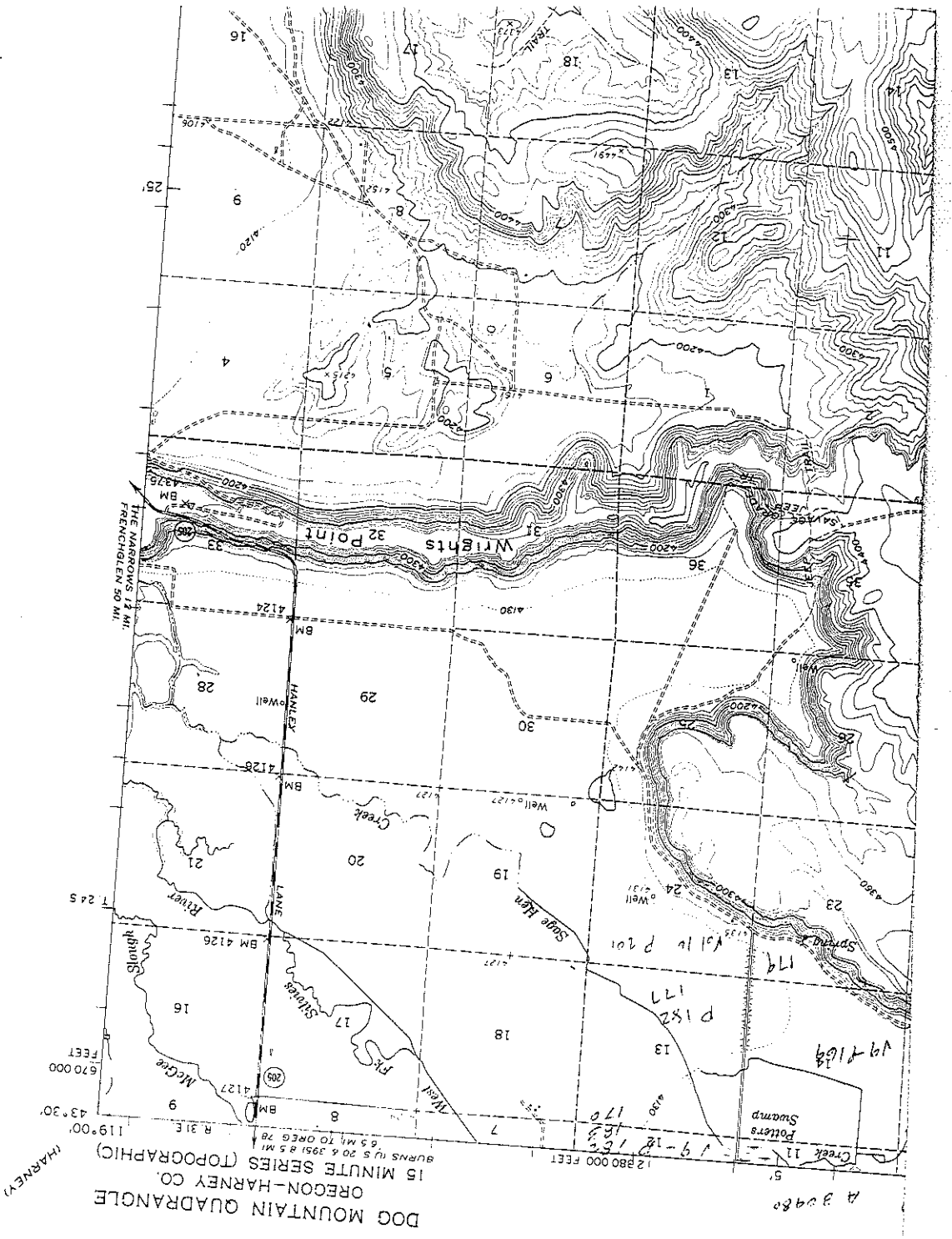


Mapped, edited, and published by the Geological  
 Control by USGS and USC&GS  
 Topography from aerial photographs by photogrammetric  
 and by planetable surveys 1959. Aerial photographs taken  
 Polyconic projection. 1927 North American datum  
 10,000-foot grid based on Oregon coordinate system, south  
 zone 11, shown in blue  
 Dashed land lines indicate approximate locations

1st town 20  
 6 psi at 1/2 - 5 pm - 1st town  
 6 psi at 4 - 10 pm - end town

153 heads (11 w/ double.)

Dog Mt + Quad.



DOG MOUNTAIN QUADRANGLE  
 OREGON-HARNEY CO.  
 15 MINUTE SERIES (TOPOGRAPHIC)  
 HARNEY

A 3048

March 14, 1991

CHRIS T PALMER CWRE  
M A PALMER & SONS INC  
BOX 61  
BURNS OR 97720

Reference File G-11926

We received the Claim of Beneficial use you submitted for permit G-10914, in the name of Helen M. Barrus. A brief follow-up inspection may be conducted in the next few months.

During our review of the claim and map, the follow problem was noted:

The Claim Statement was not signed by Mrs. Barrus. With a copy of this letter we are returning the claim of beneficial use to Mrs. Barrus for her signature.

The claim needs to be signed and returned to this office as soon as possible.

If you have any questions, please call the Water Rights Section.

cc: Helen M. Barrus  
19949 Cedar Lane  
Bend, OR 97701

0623W



SITE REPORT

for

CLAIM OF BENEFICIAL USE

JAN 31 1991  
WATER RESOURCES DEPT.  
BEND, OREGON

UNDER:

Application no. ~~G-11226~~  
Permit no. G-10914

IN THE NAME OF:

Helen Barrus  
19949 Cedar Lane  
Bend, OR 97701  
Phone: 389-1828

I. GENERAL INFORMATION

On January 23, 1991 I conducted a site survey on the subject site situated in Sections 31 and 32, T 24 S, R 31 E, and in Sections 5 and 6, T 25 S, R 31 E, WM, Harney County, Oregon.

II. SURVEY METHODS

The field survey was done using theodolite and EDM measurements and related survey equipment. The control corner is the One-quarter Section Corner common to Sections 32 and 5 of said Township and Range.

III. SOURCE OF WATER

A well drilled by John W. McAllister, WWC no. 426, in June and July of 1988. The well is cased with 22" diameter steel pipe to a depth of 20' and 12" diameter steel pipe from a depth of 20' to a depth of 126'. Static water level is 28'.

IV. DISTRIBUTION SYSTEM

PUMP:

National, type - vertical line shaft turbine with intake/discharge sizes 11" and 8". Pump set a depth of 81'.

MOTOR:

Siemens, 50 HP, 1760 RPM.

PIVOT:

Valley 6000, 7 towers, 153 sprinkler heads with a flow rate varying from 0.60 gpm to 12.52 gpm.

FINAL PROOF CALCULATIONS

RECEIVED

JAN 31 1991

WATER RESOURCES DEPT.  
CALIFORNIA, OREGON

pumping level loss	58.0'
column loss	2.0'
elevation loss	40.0'
pivot loss	30.0'
pivot pressure loss	35.0'
misc. losses	5.0'
Total losses	170.0'

Theoretical capacity:

$$Q = ( HP \times Eff \times 3960 ) / H$$

$$= ( 50 \times 0.80 \times 3960 ) / 170$$

$$= 932 \text{ GMP} = \underline{2.08 \text{ cfs}}$$

Duty of water:

1/80 cfs per acre  
135.6 acres beneficially irrigated

$$135.6 / 80 = \underline{1.70 \text{ cfs}}$$

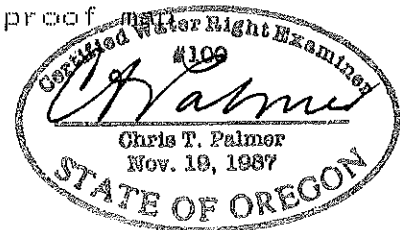
Therefore the system will supply 1.70 cfs per Permit no. G-10914.

V CERTIFICATION

I, Chris T. Palmer, Certified Water Rights Examiner, registered in accordance with the laws of the State of Oregon, do hereby certify that the final proof site survey and inspection of the use was found to be completed under the terms and conditions of Permit no. G-10914 and was completed by me on January 21, 1991, and that the facts contained in the report and accompanying final proof are correct to the best of my knowledge.

*Chris T. Palmer*

Chris T. Palmer, CWRE



I, Helen Barrus, hereby agree to the above findings of Chris T. Palmer, Certified Water Rights Examiner, and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Permit no. G-10914.

*Helen Barrus*

Helen Barrus

RECEIVED  
JAN 31 1991

WATER RESOURCES DEPT.  
Salem, OREGON

SITE REPORT

for

CLAIM OF BENEFICIAL USE

UNDER:  
Application no. G-11296  
Permit no. G-10914

IN THE NAME OF:  
Helen Barrus  
19949 Cedar Lane  
Bend, OR 97701  
Phone: 389-1828

I. GENERAL INFORMATION

On January 23, 1991 I conducted a site survey on the subject site situated in Sections 31 and 32, T 24 S, R 31 E, and in Sections 5 and 6, T 25 S, R 31 E, WM, Harney County, Oregon.

II. SURVEY METHODS

The field survey was done using theodolite and EDM measurements and related survey equipment. The control corner is the One-quarter Section Corner common to Sections 32 and 5 of said Township and Range.

III. SOURCE OF WATER

A well drilled by John W. McAllister, WWC no. 426, in June and July of 1988. The well is cased with 22" diameter steel pipe to a depth of 20' and 12" diameter steel pipe from a depth of 20' to a depth of 126'. Static water level is 28'.

IV. DISTRIBUTION SYSTEM

PUMP:

National, type - vertical line shaft turbine with intake/discharge sizes 11" and 8". Pump set a depth of 81'.

MOTOR:

Siemens, 50 HP, 1760 RPM.

PIVOT:

Valley 6000, 7 towers, 153 sprinkler heads with a flow rate varying from 0.60 gpm to 12.52 gpm.

FINAL PROOF CALCULATIONS

RECEIVED

JAN 31 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

pumping level loss	58.0'
column loss	2.0'
elevation loss	40.0'
pivot loss	30.0'
pivot pressure loss	35.0'
misc. losses	5.0'
Total losses	170.0'

Theoretical capacity:

$$Q = ( HP \times Eff \times 3960 ) / H$$

$$= ( 50 \times 0.80 \times 3960 ) / 170$$

$$= 932 \text{ GMP} = \underline{2.08 \text{ cfs}}$$

Duty of water:

1/80 cfs per acre  
135.6 acres beneficially irrigated

$$135.6 / 80 = \underline{1.70 \text{ cfs}}$$

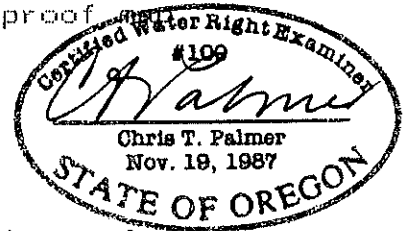
Therefore the system will supply 1.70 cfs per Permit no. G-10914.

V CERTIFICATION

I, Chris T. Palmer, Certified Water Rights Examiner, registered in accordance with the laws of the State of Oregon, do hereby certify that the final proof site survey and inspection of the use was found to be completed under the terms and conditions of Permit no. G-10914 and was completed by me on January 21, 1991, and that the facts contained in the report and accompanying final proof are correct to the best of my knowledge.

*Chris T. Palmer*

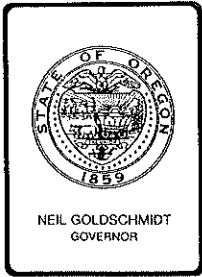
Chris T. Palmer, CWRE



I, Helen Barrus, hereby agree to the above findings of Chris T. Palmer, Certified Water Rights Examiner, and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Permit no. G-10914.

-----  
Helen Barrus





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

November 21, 1990

HELEN M BARRUS  
11949 CEDAR LANE  
BEND OR 97701

Reference File: G-11926

We have received your notice that complete application of water has been made under permit G-10914 .

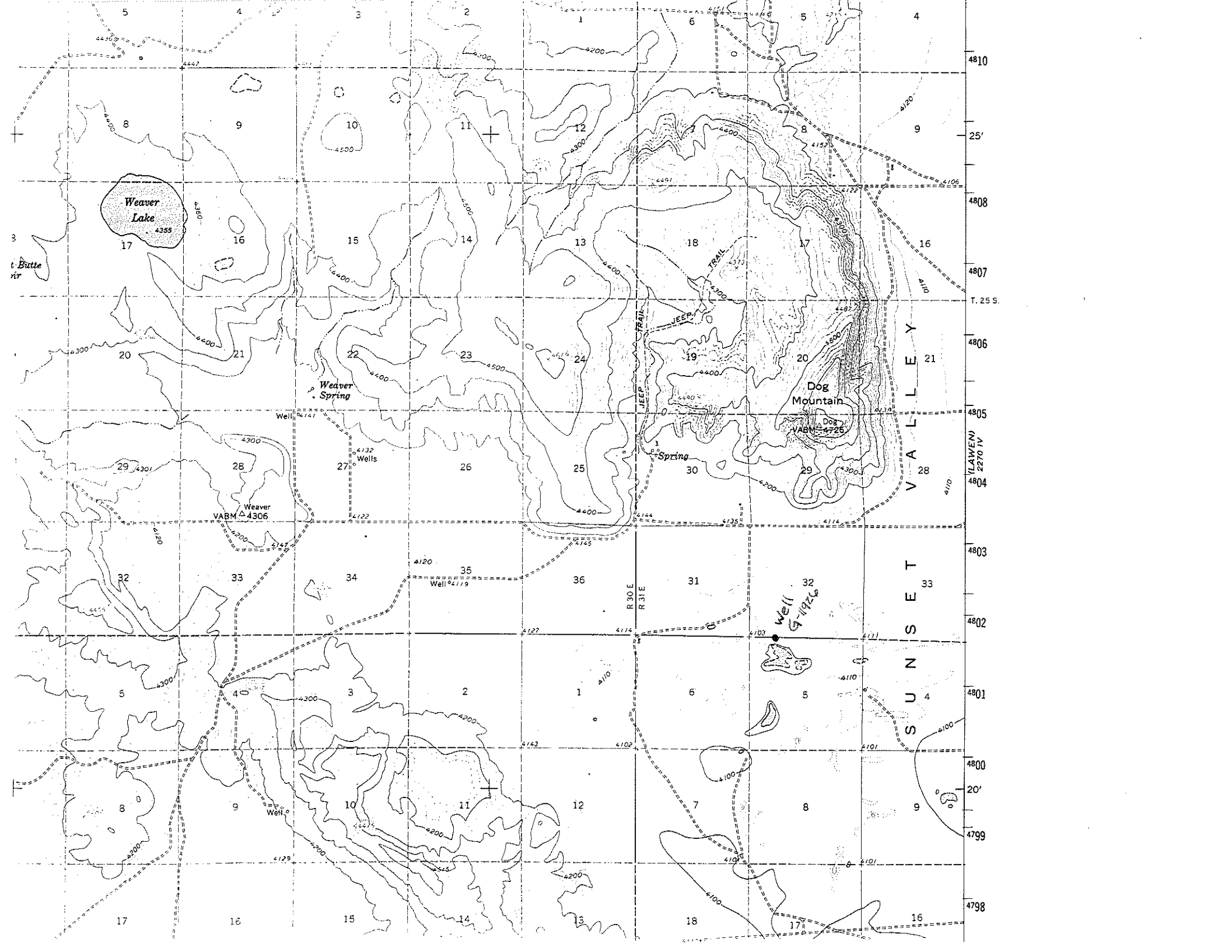
In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before 11/21/91 . A list of certified examiners is enclosed for your information.

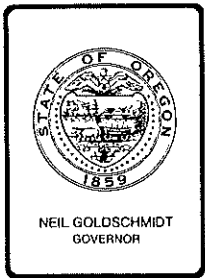
Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Survey/Mapping Section at 378-3739.

wcm





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE  
378-3066

June 27, 1989

Helen M. Barrus  
63445 Deschutes Market Road  
Bend, OR 97701

REFERENCE: File G-11926

We received your application on May 23, 1989, describing the proposed use of 1.9 cubic foot per second of water from one well for irrigation of 152.1 acres. Supporting data and fees in the amount of \$584.20 were also received. Our Receipt 58036 is enclosed. The application has been assigned file number G-11926 and will be reviewed in detail as time allows.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 30-day waiting period and after public interest matters are resolved.

Applications which require additional information will be returned for correction and/or completion. In those cases, the process will, of course, be further delayed. If you feel that a delay in the processing of your application will cause a hardship, please advise.

If the application is approved, the permit authorizing the described project will be subject to the Water Resources Commission's Basin Program statements, prior rights, and would require that the well be constructed and maintained in accordance with the General Standards for the Construction of Water Wells in Oregon. If you have any questions regarding these provisions or the Well Standards, please contact this office.

Sincerely,

Wayne J. Overcash  
Water Rights Specialist  
Application/Permit Section

Enclosure

R. 31 E.

CENTER PIVOT  
-WETTED  
PERIMETER  
R = 1437'

S. 31

S. 32

SE 1/4, SE 1/4  
S. 31  
2.5 AC.

SW 1/4, SW 1/4  
S. 32  
37.2 AC.

SE 1/4, SW 1/4  
S. 32  
34.8 AC.

SEC. COR.  
IRON PIN

WELL

T. 24 S.

T. 25 S.

LOT 1  
NE 1/4, NE 1/4  
S. 6  
2.5 AC.

LOT 4  
NW 1/4, NW 1/4  
S. 5  
38.8 AC.

LOT 3  
NE 1/4, NW 1/4  
S. 5  
30.0 AC.

1/4 SEC. COR.  
IRON PIN

S. 6

S. 5

0.3 AC.  
SW 1/4, NW 1/4  
S. 5

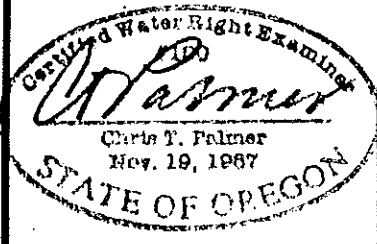
NOTE: WELL IS 1377' WEST AND 35'  
SOUTH FROM THE N 1/4 SEC. COR. OF SEC. 5,  
T. 25 S., R. 31 E., W.M., HARNEY CO., OR.

Application No. G-11924

Permit No. G10914

BARRUS

# WATER RIGHTS MAP



Scale: 1" = 600'  
Dsn:  
Drn: *OTF*  
Ckd:

Date: JAN. 1989  
**M.A.P.'s**  
M. A. Palmer & Sons  
ENGINEERING & SURVEYING  
254 N. Alder - Box 61  
Burns, Oregon 97720

Job: 1120  
Sht. No. 1  
of 1

APPLICATION PROCESSING OUTLINE

Basin: MALHEUR LAKE

Sub-basin: \_\_\_\_\_

Fees paid: Examination fee: \_\_\_\_\_

Recording fees: \_\_\_\_\_

Total: \_\_\_\_\_

Application No. G-11926

Permit No. G10011

RATE AND DUTY \_\_\_\_\_ for irrigation

1. Check for minimum information (OAR 690-11-020)

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| yes                                 | no                       |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Name and mailing address of the applicant.                               |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Source of the water.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Quantity of water to be appropriated.                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Location of point of diversion to 1/4 1/4 Section.                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Nature and place of use.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Name and mailing address of all legal owners of the properties involved. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Signature of the applicant   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Examination fees.  |

If minimum information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| yes                                 | no                                  |   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Water Resources Commission classification limits or restrictions -- If yes, note: _____ |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | State Engineer's withdrawals -- If yes, note: _____                                     |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Legislative withdrawals -- If yes, note: _____  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | If policy statement is unclear check with Resources Management Division.                |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Scenic Waterway: _____  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | on _____ up-stream _____ v/in 1/4 mile  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Notify Parks and Recreation Department  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Out-of-basin diversion  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Need to route to Geology Section due to:  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | well within one mile of a stream  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | well within restricted surface water area   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | wells with request for greater than 5 cfs   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | well is for heating &/or cooling  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | well constructed by land owner  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | well is artesian  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | artificial ground water recharge project  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | ground water area under study   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Within Irrigation District: _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Notify _____ Need excerpt from District   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legal description of property   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ownership statement   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Other parties to Notify: _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Water Resources Commission review if:   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Request for greater than 5 cfs  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Dam height greater than 10 feet   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Storage of more than 9.2 acre-feet  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Out-of-basin diversion  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | within or above a scenic waterway   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | conditional uses under basin programs   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | requests for larger rate or duty than allowed   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | ground water recharge project   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | other substantial public interest issues  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | requests for review by an agency or person  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Watermaster comment form sent with copy of application and map. _____                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Watermaster comments received _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Hydrographic section comments requested _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Hydrographic section comments received _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | O.D.F.W. sent copy of application and map(except groundwater) requesting comment _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | O.D.F.W. comments received _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Report from D.E.G. received _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Publish application information in weekly public notice.                                |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Notify other owners of development  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | PROTESTED   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | filed _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | resolved _____  |



# Oregon

Kate Brown, Governor

67672

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

March 18, 2019

MATTHEW F. STASHIN  
21762 SW MOUNTAIN HOME RD  
SHERWOOD, OR 97140

REFERENCE: Transfer Application T-12812

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov).

Sincerely,

Elsa M. Canuto

Water Right Services Support

Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. #10 (via email)  
Harney County Planning Department  
John A. Short, Agent

Enclosure



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application            )  
T-12812, Harney County                            )  
  )  
  )     FINAL ORDER  
  )     APPROVING A CHANGE IN  
  )     POINTS OF APPROPRIATION  
  )     AND A CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

MATTHEW F. STASHIN  
21762 SW MOUNTAIN HOME RD  
SHERWOOD, OR 97140

**Findings of Fact**

1. On December 29, 2017, MATTHEW F. STASHIN filed an application to change the points of appropriation and to change the place of use under Certificates 67672, 92313 and 93123. The Department assigned the application number T-12812.
2. On December 26, 2017, WRIGHT FARMS LLC filed an application for additional points of appropriation and to change the place of use also under Certificate 67672. The Department assigned the application number T-12807.
3. Notice of the application for transfer was published on January 9, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On June 12, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12812 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 12, 2018, for the applicant to respond. The applicant requested that the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

5. On September 27, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12812 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 2, 2018, and in the Burns Times-Herald newspaper on October 3 and 10, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the first right to be transferred is as follows:

**Certificate:** 67672 in the name of HELEN M. BARRUS (perfected under Permit G-10914)  
**Use:** IRRIGATION OF 20.0 ACRES  
**Priority Date:** MAY 23, 1989  
**Rate:** 0.25 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Source:** ONE WELL within the SAGE HEN CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NW NW	4	35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	5	NE NW	3	17.3
25 S	31 E	WM	5	NW NW	4	2.7
Total						20.0

7. Transfer Application T-12812 proposes to move the authorized points of appropriation approximately 16.5 miles for Well #1 and 16.75 miles for Well #2 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	33 E	WM	30	NW NW	3	WELL #1 - 1380 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 30
24 S	33 E	WM	30	SE SW		WELL #2 - 1180 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 30

8. Transfer Application T-12812 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	33 E	WM	30	NE SW	15.4
24 S	33 E	WM	30	SE SW	4.6
Total					20.0



9. The portion of the second right to be transferred is as follows:

**Certificate:** 92313 in the name of MATTHEW F. STASHIN AND NORTHWEST FARM CREDIT SERVICES, FLCA (perfected under Permit G-17595)

**Use:** IRRIGATION OF 87.0 ACRES

**Priority Date:** AUGUST 18, 1975

**Rate:** 1.05 CUBIC FEET PER SECOND

**Limit/Duty:** 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** THREE WELLS within the MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	18	NW NE	WELL 2 - 32 FEET NORTH AND 28.7 FEET WEST FROM THE SE CORNER OF THE NWNE OF SECTION 18
24 S	33 E	WM	18	SW SE	WELL 3 - 42.7 FEET SOUTH AND 32.9 FEET WEST FROM THE NE CORNER OF THE SWSE OF SECTION 18
24 S	33 E	WM	18	NE SW	WELL 4 - 60.5 FEET NORTH AND 304.75 FEET EAST FROM THE SW CORNER OF THE NESW OF SECTION 18

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	33 E	WM	18	NE NE		5.3
24 S	33 E	WM	18	NW NE		6.1
24 S	33 E	WM	18	SW NE		7.1
24 S	33 E	WM	18	SE NE		6.4
24 S	33 E	WM	18	NE SW		10.2
24 S	33 E	WM	18	NW SW	3	7.1
24 S	33 E	WM	18	SW SW	4	6.1
24 S	33 E	WM	18	SE SW		9.1
24 S	33 E	WM	18	NE SE		7.4
24 S	33 E	WM	18	NW SE		8.6
24 S	33 E	WM	18	SW SE		7.4
24 S	33 E	WM	18	SE SE		6.2
Total						87.0

10. Transfer Application T-12812 proposes to move the authorized points of appropriation. The proposed points of appropriation are described in the table below with the approximate measured distances from the authorized points of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well locations measured in miles (mi)		
						Well 2	Well 3	Well 4
24 S	33 E	WM	30	NW NW	WELL #1 - 1380 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 30	2.6	2.1	2.0
24 S	33 E	WM	30	SE SW	WELL #2 - 1180 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 30	2.5	2.1	2.0

11. Transfer Application T-12812 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	33 E	WM	30	NE NW		1.7
24 S	33 E	WM	30	NW SW	3	28.7
24 S	33 E	WM	30	SW SW	4	28.7
24 S	33 E	WM	30	SE SW		27.9
Total						87.0

12. The portion of the third right to be transferred is as follows:

**Certificate:** 93123 in the name of FIVE GUYS GOOSE CLUB (perfected under Permit G-17603)

**Use:** IRRIGATION OF 14.4 ACRES

**Priority Date:** JANUARY 23, 2009

**Rate:** 0.15 CUBIC FOOT PER SECOND

**Limit/Duty:** 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the MALHEUR SLOUGH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	5	NE SW	WELL 2 - 1285 FEET SOUTH AND 210 FEET WEST FROM THE C/4 CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	5	NE SW	3.6
25 S	33 E	WM	5	SE SW	3.6
25 S	33 E	WM	5	NW SE	3.6
25 S	33 E	WM	5	SW SE	3.6
Total					14.4

13. Transfer Application T-12812 proposes to move the authorized points of appropriation approximately 2.4 miles for WELL #1 and 2.25 miles for WELL #2 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	33 E	WM	30	NW SW	3	WELL #1 - 1380 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 30
24 S	33 E	WM	30	SE SW		WELL #2 - 1180 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 30

14. Transfer Application T-12812 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	33 E	WM	30	NE SW	14.4

**Transfer Review Criteria (OAR 690-380-4010)**

15. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12812.
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights.
19. All other application requirements are met.

**Conclusions of Law**

The change in points of appropriation and change in place of use proposed in Transfer Application T-12812 are with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in points of appropriation and change in place of use proposed in Transfer Application T-12812 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 67672, 92313 and 93123 and any related decree.
3. Water right Certificate 67672 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer or transfer T-12807.

4. Water right Certificates 92313 and 93123 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
5. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the rights.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

**MAR 18 2019**

Dated at Salem, Oregon this \_\_\_\_\_,



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

Mailing date: **MAR 19 2019**

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MATTHEW F STASHIN  
21762 SW MOUNTAIN HOME ROAD  
SHERWOOD OR 97140

NORTHWEST FARM CREDIT SERVICES, FLCA  
3370 10<sup>TH</sup> STREET, SUITE B  
BAKER CITY OR 97814

confirms the right to use the waters of THREE WELLS in the MALHEUR LAKE BASIN for IRRIGATION OF 367.0 ACRES.

This right was perfected under Permit G-17595. The date of priority is AUGUST 18, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.45 CUBIC FEET PER SECOND (CFS) , being 1.48 CFS FROM EACH OF THE WELLS or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	18	NW NE	WELL 2 - 32 FEET NORTH AND 28.7 FEET WEST FROM THE SE CORNER OF THE NW¼ NE¼ OF SECTION 18
24 S	33 E	WM	18	SW SE	WELL 3 - 42.7 FEET SOUTH AND 32.9 FEET WEST FROM THE NE CORNER OF THE SW¼ SE¼ OF SECTION 18
24 S	33 E	WM	18	NE SW	WELL 4 - 60.5 FEET NORTH AND 304.75 FEET EAST FROM THE SW CORNER OF THE NE¼ SW¼ OF SECTION 18

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, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	33 E	WM	18	NE NE		32.3
24 S	33 E	WM	18	NW NE		29.8
24 S	33 E	WM	18	SW NE		29.9
24 S	33 E	WM	18	SE NE		32.4
24 S	33 E	WM	18	NE SW		29.8
24 S	33 E	WM	18	NW SW	3	28.8
24 S	33 E	WM	18	SW SW	4	28.7
24 S	33 E	WM	18	SE SW		29.7
24 S	33 E	WM	18	NE SE		31.4
24 S	33 E	WM	18	NW SE		31.4
24 S	33 E	WM	18	SW SE		31.4
24 S	33 E	WM	18	SE SE		31.4
Total						367.0

The Department requires the water user to measure and report annual static water levels for each well on the right. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of the measurement.

The water user shall report annual March static water-level measurements whether or not the well is used. The reference levels against which future measurements will be compared are 20.1 feet below ground surface for Well 2, 13.8 feet below ground surface for Well 3, and 18.5 feet below ground surface for Well 4. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water use may submit an alternative measurement and reporting plan for review and approval by the Department.

The wells 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 wells at all times.

The water user 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.

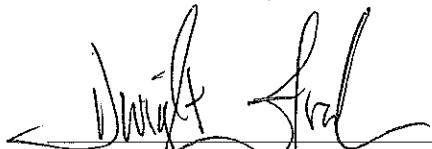
This certificate describes that portion of water right Certificate 92313, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 18 2019, approving Transfer Application T-12812.

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.

MAR 18 2019

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_,



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



STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FIVE GUYS GOOSE CLUB  
 23601 SW PLATANUS PLACE  
 SHERWOOD, OR 97140

confirms the right to use the waters of A WELL in the MALHEUR SLOUGH BASIN for IRRIGATION OF 125.6 ACRES.

This right was perfected under Permit G-17603. The date of priority is JANUARY 23, 2009. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.35 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well. The period of use is from MARCH 1 THROUGH OCTOBER 31.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	5	NE SW	WELL 2 - 1285 FEET SOUTH AND 210 FEET WEST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	5	NE SW	31.4
25 S	33 E	WM	5	SE SW	31.4
25 S	33 E	WM	5	NW SE	31.4
25 S	33 E	WM	5	SW SE	31.4
Total					125.6

Measurement, recording, and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order at each point of appropriation.
- B. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- C. The water user shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of the measurement.

The water user shall report annual March static water-level measurements whether or not the well is used. The reference level for Well 2 against which future measurements will be compared is 34.75 feet below ground surface. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, and licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the wells if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The water user shall ensure that the well had been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The combined quantity of water diverted at the new point of appropriation (Well 2) shall not exceed the quantity of water that was lawfully available at the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	5	NW SE	WELL 1 (ORIGINAL) - 2540 FEET NORTH AND 2079 FEET WEST FROM THE SE CORNER OF SECTION 5

Water shall be acquired from the same aquifer as the original point of appropriation.

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

The well(s) shall be maintained 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 the water level elevation in the well at all times.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduces flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreements is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

The Director may require water level or pump test results every ten years.

The right 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.

This certificate describes that portion of water right Certificate 93123, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 18 2019, approving Transfer Application T-12812.

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.

MAR 18 2019

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.



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

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HELEN M. BARRUS  
19949 CEDAR LANE  
BEND, OR 97701

confirms the right to use the waters of ONE WELL in the SAGE HEN CREEK BASIN for IRRIGATION of 2.0 ACRES.

This right was perfected under Permit G-10914. The date of priority is MAY 23, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.03 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	GLot	Measured Distances
25 S	31 E	WM	5	NW NW	4	35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5

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) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	31 E	WM	31	SE SE		1.0
25 S	31 E	WM	6	NE NE	1	1.0
Total						2.0

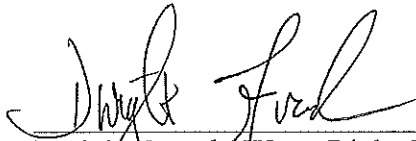
The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

This certificate describes that portion of water right Certificate 67672, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered ~~\_\_\_\_\_~~ **MAR 18 2019**, approving Transfer Applications T-12807 and T-12812.

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 **MAR 18 2019** \_\_\_\_\_.



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

G-11926



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 25, 2018

WRIGHT FARMS LLC  
30825 SUNSET VALLEY LANE  
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-12807

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12807. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Burns Times Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov) if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application file T-12807  
JR Johnson, District 10 Watermaster (via e-mail)  
John A. Short, Agent for the applicant (via e-mail)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12807, Harney County	)	PROPOSING APPROVAL OF
	)	ADDITIONAL POINTS OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

WRIGHT FARMS LLC  
30825 SUNSET VALLEY LANE  
BURNS, OR 97720

**Findings of Fact**

1. On December 26, 2017, WRIGHT FARMS LLC filed an application for additional points of appropriation and to change the place of use under Certificates 50980, 55577, and 67672. The Department assigned the application number T-12807.
2. On December 29, 2017, MATTHEW STASHIN filed an application for a change in points of appropriation and to change the place of use also under Certificate 67672. The Department assigned the application number T-12812.
3. Notice of the application for transfer was published on January 9, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On June 19, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12807 to the applicant. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.



5. The first right to be transferred is as follows:

**Certificate:** 50980 in the name of GEORGE L. AND ELLA J. ROBERTS (perfected under Permit G-7056)  
**Use:** IRRIGATION OF 76.1 ACRES  
**Priority Date:** DECEMBER 15, 1976  
**Rate:** 0.64 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** ROBERTS WELL within the MALHEUR LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NE NE	1	ROBERTS WELL (AKA WELL #1) - 60 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF LOT 1 (NE¼ NE¼) OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	5	NE NE	1	37.2
25 S	31 E	WM	5	NW NE	2	38.9
Total						76.1

6. Transfer Application T-12807 proposes additional points of appropriation approximately 462 feet for WELL #2, 2640 feet for WELL #3, 3762 feet for WELL #4 and 1386 feet for WELL #5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	31 E	WM	32	SW SE		WELL #2 - 380 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER OF SECTION 32
25 S	31 E	WM	5	NW NW	4	WELL #3 - 35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5
25 S	31 E	WM	5	NW NW	4	WELL #4 - 210 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 5
24 S	31 E	WM	32	SE SW		WELL #5 - 270 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 32

7. Transfer Application T-12807 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	5	NE NE	1	31.3
25 S	31 E	WM	5	NW NE	2	31.3
25 S	31 E	WM	5	NE NW	3	13.5
Total						76.1

8. The second right to be transferred is as follows:

**Certificate:** 55577 in the name of CURLEY AND BLANCH ANGELL (perfected under Permit G-7992)

**Use:** IRRIGATION OF 64.7 ACRES

**Priority Date:** FEBRUARY 14, 1978

**Rate:** 0.81 CUBIC FOOT PER SECOND

**Limit/Duty:** 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the MALHEUR LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	31 E	WM	32	SW SE	WELL #2 - 380 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	31 E	WM	32	SW SE	25.6
24 S	31 E	WM	32	SE SE	39.1
Total					64.7

9. Transfer Application T-12807 proposes additional points of appropriation approximately 462 feet for WELL #1, 2440 feet for WELL #3, 3565 feet for WELL #4 and 1122 feet for WELL #5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NE NE	1	WELL #1 - 60 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF LOT 1 OF SECTION 5
25 S	31 E	WM	5	NW NW	4	WELL #3 - 35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5
25 S	31 E	WM	5	NW NW	4	WELL #4 - 210 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 5
24 S	31 E	WM	32	SE SW		WELL #5 - 270 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 32

10. Transfer Application T-12807 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
24 S	31 E	WM	32	SW SE	32.4	
24 S	31 E	WM	32	SE SE	32.3	
Total					64.7	

11. The portion of the third right to be transferred is as follows:

**Certificate:** 67672 in the name of HELEN M. BARRUS (perfected under Permit G-10914)  
**Use:** IRRIGATION OF 113.6 ACRES  
**Priority Date:** MAY 23, 1989  
**Rate:** 1.42 CUBIC FEET PER SECOND  
**Limit/Duty:** 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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Source:** ONE WELL within the SAGE HEN CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NW NW	4	35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	31 E	WM	32	SW SW		33.5
24 S	31 E	WM	32	SE SW		31.1
25 S	31 E	WM	5	NE NW	3	15.5
25 S	31 E	WM	5	NW NW	4	33.5
Total						113.6

12. Transfer Application T-12807 proposes additional points of appropriation approximately 2640 feet for WELL #1, 2440 feet for WELL #2, 1188 feet for WELL #4, and 1320 feet for WELL #5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NE NE	1	WELL #1 - 60 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF LOT 1 OF SECTION 5
24 S	31 E	WM	32	SW SE		WELL #2 - 380 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER OF SECTION 32
25 S	31 E	WM	5	NW NW	4	WELL #4 - 210 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 5
24 S	31 E	WM	32	SE SW		WELL #5 - 270 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 32

13. Transfer Application T-12807 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	31 E	WM	32	SW SW		33.5
24 S	31 E	WM	32	SE SW		31.1
25 S	31 E	WM	5	NE NW	3	15.5
25 S	31 E	WM	5	NW NW	4	33.5
Total						113.6

**Transfer Review Criteria (OAR 690-380-4010)**

14. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12807.
16. The proposed changes would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights.
18. All other application requirements are met.

**Determination and Proposed Action**

The additional points of appropriation and change in place of use proposed in Transfer Application T-12807 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12807 is approved, the final order will include the following:*

- 1. The additional points of appropriation and change in place of use proposed in Transfer Application T-12807 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 50980, 55577, and 67672 and any related decree.*
- 3. Water right Certificates 50980 and 55577 are cancelled.*
- 4. Water right Certificate 67672 is modified and will be cancelled upon approval or denial of Transfer Application T-12812. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 5. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 6. Water use measurement conditions:*
  - a. Before water use may begin under this order, the water user shall install totalizing flow meters, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).*
  - b. The water user shall maintain the meters or measuring devices in good working order.*
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
- 8. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this SEP 27 2018,



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

This Preliminary Determination was prepared by Marcy Osborn. If you have questions about the information in this document, you may reach me at 541-523-8224 ext.228 or [marcy.j.osborn@oregon.gov](mailto:marcy.j.osborn@oregon.gov).

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act, 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 25, 2018

MATTHEW STASHIN  
21762 SW MOUNTAIN HOME RD  
SHERWOOD, OR 97140

SUBJECT: Water Right Transfer Application T-12812

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12812. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Burns Times Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov) if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application file T-12812  
JR Johnson, District 10 Watermaster (via e-mail)  
John A. Short, Agent for the applicant (via e-mail)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12812, Harney County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINTS OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

MATTHEW F. STASHIN  
21762 SW MOUNTAIN HOME RD  
SHERWOOD, OR 97140

**Findings of Fact**

1. On December 29, 2017, MATTHEW F. STASHIN filed an application to change the points of appropriation and to change the place of use under Certificates 67672, 92313 and 93123. The Department assigned the application number T-12812.
2. On December 26, 2017, WRIGHT FARMS LLC filed an application for additional points of appropriation and to change the place of use also under Certificate 67672. The Department assigned the application number T-12807.
3. Notice of the application for transfer was published on January 9, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On June 12, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12812 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 12, 2018, for the applicant to respond. The applicant requested that the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.



5. The portion of the first right to be transferred is as follows:

**Certificate:** 67672 in the name of HELEN M. BARRUS (perfected under Permit G-10914)  
**Use:** IRRIGATION OF 20.0 ACRES  
**Priority Date:** MAY 23, 1989  
**Rate:** 0.25 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Source:** ONE WELL within the SAGE HEN CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NW NW	4	35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	5	NE NW	3	17.3
25 S	31 E	WM	5	NW NW	4	2.7
Total						20.0

6. Transfer Application T-12812 proposes to move the authorized points of appropriation approximately 16.5 miles for Well #1 and 16.75 miles for Well #2 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	33 E	WM	30	NW NW	3	WELL #1 - 1380 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 30
24 S	33 E	WM	30	SE SW		WELL #2 - 1180 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 30

7. Transfer Application T-12812 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	33 E	WM	30	NE SW	15.4
24 S	33 E	WM	30	SE SW	4.6
Total					20.0

8. The portion of the second right to be transferred is as follows:

**Certificate:** 92313 in the name of MATTHEW F. STASHIN AND NORTHWEST FARM CREDIT SERVICES, FLCA (perfected under Permit G-17595)

**Use:** IRRIGATION OF 87.0 ACRES

**Priority Date:** AUGUST 18, 1975

**Rate:** 1.05 CUBIC FEET PER SECOND

**Limit/Duty:** 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** THREE WELLS within the MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	18	NW NE	WELL 2 - 32 FEET NORTH AND 28.7 FEET WEST FROM THE SE CORNER OF THE NWNE OF SECTION 18
24 S	33 E	WM	18	SW SE	WELL 3 - 42.7 FEET SOUTH AND 32.9 FEET WEST FROM THE NE CORNER OF THE SWSE OF SECTION 18
24 S	33 E	WM	18	NE SW	WELL 4 - 60.5 FEET NORTH AND 304.75 FEET EAST FROM THE SW CORNER OF THE NESW OF SECTION 18

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	33 E	WM	18	NE NE		5.3
24 S	33 E	WM	18	NW NE		6.1
24 S	33 E	WM	18	SW NE		7.1
24 S	33 E	WM	18	SE NE		6.4
24 S	33 E	WM	18	NE SW		10.2
24 S	33 E	WM	18	NW SW	3	7.1
24 S	33 E	WM	18	SW SW	4	6.1
24 S	33 E	WM	18	SE SW		9.1
24 S	33 E	WM	18	NE SE		7.4
24 S	33 E	WM	18	NW SE		8.6
24 S	33 E	WM	18	SW SE		7.4
24 S	33 E	WM	18	SE SE		6.2
Total						87.0

9. Transfer Application T-12812 proposes to move the authorized points of appropriation. The proposed points of appropriation are described in the table below with the approximate measured distances from the authorized points of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well locations measured in miles (mi)		
						Well 2	Well 3	Well 4
24 S	33 E	WM	30	NW NW	WELL #1 - 1380 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 30	2.6	2.1	2.0
24 S	33 E	WM	30	SE SW	WELL #2 - 1180 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 30	2.5	2.1	2.0

10. Transfer Application T-12812 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	33 E	WM	30	NE NW		1.7
24 S	33 E	WM	30	NW SW	3	28.7
24 S	33 E	WM	30	SW SW	4	28.7
24 S	33 E	WM	30	SE SW		27.9
Total						87.0

11. The portion of the third right to be transferred is as follows:

**Certificate:** 93123 in the name of FIVE GUYS GOOSE CLUB (perfected under Permit G-17603)  
**Use:** IRRIGATION OF 14.4 ACRES  
**Priority Date:** JANUARY 23, 2009  
**Rate:** 0.15 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the MALHEUR SLOUGH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	5	NE SW	WELL 2 - 1285 FEET SOUTH AND 210 FEET WEST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	5	NE SW	3.6
25 S	33 E	WM	5	SE SW	3.6
25 S	33 E	WM	5	NW SE	3.6
25 S	33 E	WM	5	SW SE	3.6
Total					14.4

12. Transfer Application T-12812 proposes to move the authorized points of appropriation approximately 2.4 miles for WELL #1 and 2.25 miles for WELL #2 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	33 E	WM	30	NW SW	3	WELL #1 - 1380 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 30
24 S	33 E	WM	30	SE SW		WELL #2 - 1180 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 30

13. Transfer Application T-12812 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	33 E	WM	30	NE SW	14.4

***Transfer Review Criteria (OAR 690-380-4010)***

14. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12812.
16. The proposed changes would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights.
18. All other application requirements are met.

**Determination and Proposed Action**

The change in points of appropriation and change in place of use proposed in Transfer Application T-12812 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12812 is approved, the final order will include the following:*

1. *The change in points of appropriation and change in place of use proposed in Transfer Application T-12812 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 67672, 92313 and 93123 and any related decree.*

3. *Water right Certificates 67672 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer or transfer T-12807.*
4. *Water right Certificates 92313 and 93123 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
5. *The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
6. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
8. *The former place of use of the transferred right shall no longer receive water under the rights.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this SEP 27 2018 \_\_\_\_\_,

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

This Preliminary Determination was prepared by Marcy Osborn. If you have questions about the information in this document, you may reach me at 541-523-8224 ext.228 or [marcy.j.osborn@oregon.gov](mailto:marcy.j.osborn@oregon.gov).

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>



# Oregon

Kate Brown, Governor

## Water Resources Department

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

November 27, 2018

WRIGHT FARMS LLC  
30825 SUNSET VALLEY LANE  
BURNS, OR 97720

REFERENCE: Transfer Application T-12807

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov).

Sincerely,

Stacy H. Phillips  
Water Right Services Support  
Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. #10 (via email)  
John A. Short, Agent  
Harney County

Enclosure







5. On September 27, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12807 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 2, 2018, and in the Burns Times Herald newspaper on October 3 and 10, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The first right to be transferred is as follows:

**Certificate:** 50980 in the name of GEORGE L. AND ELLA J. ROBERTS (perfected under Permit G-7056)  
**Use:** IRRIGATION OF 76.1 ACRES  
**Priority Date:** DECEMBER 15, 1976  
**Rate:** 0.64 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** ROBERTS WELL within the MALHEUR LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NE NE	1	ROBERTS WELL (AKA WELL #1) - 60 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF LOT 1 (NE¼ NE¼) OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	5	NE NE	1	37.2
25 S	31 E	WM	5	NW NE	2	38.9
Total						76.1

7. Transfer Application T-12807 proposes additional points of appropriation approximately 462 feet for WELL #2, 2640 feet for WELL #3, 3762 feet for WELL #4 and 1386 feet for WELL #5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	31 E	WM	32	SW SE		WELL #2 - 380 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER OF SECTION 32
25 S	31 E	WM	5	NW NW	4	WELL #3 - 35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5
25 S	31 E	WM	5	NW NW	4	WELL #4 - 210 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 5
24 S	31 E	WM	32	SE SW		WELL #5 - 270 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 32

8. Transfer Application T-12807 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	5	NE NE	1	31.3
25 S	31 E	WM	5	NW NE	2	31.3
25 S	31 E	WM	5	NE NW	3	13.5
Total						76.1

9. The second right to be transferred is as follows:

**Certificate:** 55577 in the name of CURLEY AND BLANCH ANGELL (perfected under Permit G-7992)

**Use:** IRRIGATION OF 64.7 ACRES

**Priority Date:** FEBRUARY 14, 1978

**Rate:** 0.81 CUBIC FOOT PER SECOND

**Limit/Duty:** 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the MALHEUR LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	31 E	WM	32	SW SE	WELL #2 - 380 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	31 E	WM	32	SW SE	25.6
24 S	31 E	WM	32	SE SE	39.1
Total					64.7

10. Transfer Application T-12807 proposes additional points of appropriation approximately 462 feet for WELL #1, 2440 feet for WELL #3, 3565 feet for WELL #4 and 1122 feet for WELL #5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NE NE	1	WELL #1 - 60 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF LOT 1 OF SECTION 5
25 S	31 E	WM	5	NW NW	4	WELL #3 - 35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5
25 S	31 E	WM	5	NW NW	4	WELL #4 - 210 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 5
24 S	31 E	WM	32	SE SW		WELL #5 - 270 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 32

11. Transfer Application T-12807 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	31 E	WM	32	SW SE	32.4
24 S	31 E	WM	32	SE SE	32.3
Total					64.7

12. The portion of the third right to be transferred is as follows:

**Certificate:** 67672 in the name of HELEN M. BARRUS (perfected under Permit G-10914)  
**Use:** IRRIGATION OF 113.6 ACRES  
**Priority Date:** MAY 23, 1989  
**Rate:** 1.42 CUBIC FEET PER SECOND  
**Limit/Duty:** 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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Source:** ONE WELL within the SAGE HEN CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NW NW	4	35 FEET SOUTH AND 1377 FEET WEST FROM THE N¼ CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	31 E	WM	32	SW SW		33.5
24 S	31 E	WM	32	SE SW		31.1
25 S	31 E	WM	5	NE NW	3	15.5
25 S	31 E	WM	5	NW NW	4	33.5
Total						113.6

13. Transfer Application T-12807 proposes additional points of appropriation approximately 2640 feet for WELL #1, 2440 feet for WELL #2, 1188 feet for WELL #4, and 1320 feet for WELL #5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	31 E	WM	5	NE NE	1	WELL #1 - 60 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF LOT 1 OF SECTION 5
24 S	31 E	WM	32	SW SE		WELL #2 - 380 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER OF SECTION 32
25 S	31 E	WM	5	NW NW	4	WELL #4 - 210 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 5
24 S	31 E	WM	32	SE SW		WELL #5 - 270 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 32

14. Transfer Application T-12807 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	31 E	WM	32	SW SW		33.5
24 S	31 E	WM	32	SE SW		31.1
25 S	31 E	WM	5	NE NW	3	15.5
25 S	31 E	WM	5	NW NW	4	33.5
Total						113.6

**Transfer Review Criteria (OAR 690-380-4010)**

15. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12807.
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights.
19. All other application requirements are met.

## Conclusions of Law

The additional points of appropriation and change in place of use proposed in Transfer Application T-12807 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed in Transfer Application T-12807 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 50980, 55577, and 67672 and any related decree.
3. Water right Certificates 50980 and 55577 are cancelled.
4. Water right Certificate 67672 is modified and will be cancelled upon approval or denial of Transfer Application T-12812. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install totalizing flow meters, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. The former place of use of the transferred rights shall no longer receive water under the rights.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this NOV 27 2018,



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

Mailing date: NOV 28 2018

Application No. G:11926

Permit No. ....

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

MAY 29 1980

WATER RESOURCES DEPT  
SALEM, OREGON

I, Helen M. Barrus

(Name of Applicant)

of 63445 Deschutes Market Road

(Mailing Address)

Bend

(City)

State of Oregon, 97701

(Zip Code)

Phone No. (503) 388-5468

do hereby make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of one well

(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 12" and an estimated depth of 126 feet.

2. The well or other source is to be located 35 ft. south and 1377 ft. west

(N. or S.)

(E. or W.)

from the N<sup>1</sup> Section corner of Section 5, T. 25 S., R. 31 S., W. M.

(Public Land Survey Corner)

Harney County, Oregon

(If there is more than one well, each must be described)

being within the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of

Sec. 5 Tp. 25 S. R. 31 E., W. M., in the county of Harney.

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
<u>24 S.</u>	<u>31 E.</u>	31	SE, SE	2.5
		32	SE, SW	34.8
		32	SW, SW	37.2
<u>25 S.</u>	<u>31 E</u>	5	NE, NW	36.0
		5	NW, NW	38.8
		5	SW, NW	0.3
		6	NE, NE	<u>2.5</u>
				152.1 acres

4. It is estimated that 126 feet of the well will require 12" casing.

(Kind)

5. Depth to water table is estimated 28' Well drilled by John McAllister WWC no. 426

(Feet)

6. The amount of water which the applicant intends to apply to beneficial use is .....1.90..... cubic feet per second or .....852..... gallons per minute.

7. The use to which the water is to be applied is .....crop irrigation.....

8. 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.

N/A

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

N/A

10.

**DESCRIPTION OF WORKS**

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

The type of irrigation is to be a center pivot with a machine radius of 1387' and a wetted perimeter of 1487'. The supply line to be a 8" dia. PVC pipe line with a length of approx. 20'. The pump to be a vertical turbine with an electric motor.

11. Construction work will begin on or before .....January 1, 1990.....

12. Construction work will be completed on or before .....October 1, 1990.....

13. The water will be completely applied to the proposed use on or before .....October 1, 1991.....

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right. N/A

Application No. G-11926

Permit No. ....



Remarks:.....

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

  
Signature of Applicant

*This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....*

*In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before....., 19.....*

*WITNESS my hand this ..... day of....., 19.....*

*Water Resources Director*

*By .....*

*This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the*

*23<sup>RD</sup> day of May, 19 89, at 8 o'clock  
a.M.*

*Application No. C-11926*

*Permit No. ....*

Application No. G-11926

Permit No. ....

PC  
NCR

### Permit to Appropriate the Public Waters of the State of Oregon

*This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD 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 ..... 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.....*

.....

*The use to which this water is to be applied is.....*

.....

*If for irrigation, this appropriation shall be limited to ..... 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 ..... acre feet per acre for each acre irrigated during the irrigation season of each year;*

.....

.....

.....

.....

.....

.....

.....

.....

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

*The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.*

*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 .....*

*Actual construction work shall begin on or before ..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....*

*Complete application of the water to the proposed use shall be made on or before October 1, 19.....*

*WITNESS my hand this ..... day of....., 19.....*

**IMPORTANT**—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

**NOTE:** In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 6-11926

**NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE**

I, Helen Barries, the holder of Permit No. 6-10914

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 15 day of Aug., 1989.

Remarks: Land prepared, pivot installed, pump installed & operating, checked out for any problems — Seed planted in Sept., watered until Oct. 1990. watered from April 1990 until Oct 1990.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of Nov, 1990.

Helen Barries 19949 Cedar Ln. Bend OR 97701  
(Signature of Applicant) (Peter Barries) (Address)

NOV 21 1990

*Basin 12 vol 2  
Silvies River Misc Wells  
Dist #10*

**APPLICATION CHECK-OFF LIST**

- ~~RECEIPT POSTED~~
- ~~CONTENTS MARKED/STAMPED~~
- ~~FILE FOLDER TYPED~~
- ~~CALENDAR CARD TYPED~~
- ~~KARDEX TYPED~~
- MAPS COPIED (5 COPIES)
- APPLICATION COPIED (2)
- ~~STREAM INDEXED & STREAM CODED~~
- ~~ENTERED INTO WRIS~~
- ENTERED INTO REFLEX
- ~~ACK LETTER TYPED~~

NUMBER 59114

Check 584<sup>20</sup> NO \_\_\_\_\_ Cash \_\_\_\_\_

\_\_\_\_\_ Surface Application

\_\_\_\_\_ Reservoir Application

Ground Water Application  $\frac{\$ 200}{384}$

\_\_\_\_\_ Transfer Application

\_\_\_\_\_ Power Claim

\_\_\_\_\_ Hydroelectric Examination

\_\_\_\_\_ Hydroelectric License

\_\_\_\_\_ Copying

\_\_\_\_\_ Assignment

\_\_\_\_\_ Extension of Time

\_\_\_\_\_ Other

\_\_\_\_\_ P-6

\_\_\_\_\_ Quadrangle

\_\_\_\_\_ Basin

\_\_\_\_\_ Protest

\_\_\_\_\_ Constructors Examination

\_\_\_\_\_ Constructors License

\_\_\_\_\_ Adjudication

From about June 15 on to  
the end of Sept 1989 my work  
consisted of having the land cleared  
and prepared for planting dairy  
grade alfalfa. The installation  
of a pivot & pump. Seed planted,  
and watered during the month  
of Sept. and Oct.

Pump and pivot shut down and  
winterized in Oct 1989.

Started up in April 1990 and  
and got three good cuttings of  
alfalfa by the middle of Sept 1990  
a small 4<sup>th</sup> cutting in Oct.

Thank you — H. Barnes



STATE OF OREGON

INTEROFFICE MEMO

DEPT.

TELEPHONE

TO: Bill Beal.

DATE: 4/15/91

FROM: Jerry Rogers

SUBJECT:

- IF YOU CAN MAKE THIS CWRE FOLLOW-UP, PLEASE DO & RETURN TO SALON. -

- THERE IS TO BE A REPLACEMENT FOR KENN KEMP IN THIS OFFICE, SO IF YOU CANT MAKE THE FOLLOW-UP, RETURN THIS TO THE NEW FIELD ENGINEER.

- HOPE YOUR WATER OUTLOOK IS IMPROVING.

Jerry

To

CANYON CITY

FIELD OFFICE

S. M. L.  
J. ...  
P. ...  
L. ...

Harney  
Canyon City  
573-2207  
Blackburn  
Si Pratt  
493-2832

JAN 31 1991

WATER RESOURCES DEPT.  
BEND, OREGON

7/10/88

J. ROGERS

(LWM)

1981/19  
2175/19

1981/19  
154/11/143

4000 31 x 6 = 126

Jack  
McAllister  
573-2400  
493-2734

Bend, OR 97701  
Phone: 389-1928

I. GENERAL INFORMATION

On January 23, 1991 I conducted a site survey on the subject site situated in Sections 31 and 32, T 24 S, R 31 E, and in Sections 5 and 6, T 25 S, R 31 E, WM, Harney County, Oregon.

II. SURVEY METHODS

The field survey was done using theodolite and EDM measurements and related survey equipment. The control corner is the One-quarter Section Corner common to Sections 32 and 5 of said Township and Range.

III. SOURCE OF WATER

A well drilled by John W. McAllister, WWC no. 426, in June and July of 1988. The well is cased with 22" diameter steel pipe to a depth of 20' and 12" diameter steel pipe from a depth of 20' to a depth of 126'. Static water level is 28'.

IV. DISTRIBUTION SYSTEM

PUMP:

National, type - vertical line shaft turbine with intake/discharge sizes 11" and 8". Pump set a depth of 81'.

MOTOR:

Siemens, 50 HP, 1760 RPM.

PIVOT:

Valley 6000, 7 towers, 153 sprinkler heads with a flow rate varying from 0.60 gpm to 12.52 gpm.

CWRE Follow-Up

Harney  
Canyon City  
SB-201  
Blackburn  
Si Pratt  
493-2838

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JAN 31 1991

WATER RESOURCES DEPT.  
SEWAGE DIVISION

McAllister  
573-2400

493-2838

SITE REPORT

for

CLAIM OF BENEFICIAL USE

UNDER:  
Application no. G-11296  
Permit no. G-10914

IN THE NAME OF:  
Helen Barrus  
19949 Cedar Lane  
Bend, OR 97701  
Phone: 389-1828

I. GENERAL INFORMATION

On January 23, 1991 I conducted a site survey on the subject site situated in Sections 31 and 32, T 24 S, R 31 E, and in Sections 5 and 6, T 25 S, R 31 E, WM, Harney County, Oregon.

II. SURVEY METHODS

The field survey was done using theodolite and EDM measurements and related survey equipment. The control corner is the One-quarter Section Corner common to Sections 32 and 5 of said Township and Range.

III. SOURCE OF WATER

A well drilled by John W. McAllister, WWC no. 426, in June and July of 1988. The well is cased with 22" diameter steel pipe to a depth of 20' and 12" diameter steel pipe from a depth of 20' to a depth of 126'. Static water level is 28'.

IV. DISTRIBUTION SYSTEM

PUMP:

National, type - vertical line shaft turbine with intake/discharge sizes 11" and 9". Pump set a depth of 81'.

MOTOR:

Siemens, 50 HP, 1760 RPM.

PIVOT:

Valley 6000, 7 towers, 153 sprinkler heads with a flow rate varying from 0.60 gpm to 12.52 gpm.



FINAL PROOF CALCULATIONS

RECEIVED

JAN 31 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

pumping level loss	58.0'
column loss	2.0'
elevation loss	40.0'
pivot loss	30.0'
pivot pressure loss	35.0'
misc. losses	5.0'
 Total losses	 170.0'

Theoretical capacity:

$$Q = ( HP \times Eff \times 3960 ) / H$$

$$= ( 50 \times 0.80 \times 3960 ) / 170$$

$$= 932 \text{ GMP} = \underline{2.08 \text{ cfs}}$$

Duty of water:

1/80 cfs per acre  
135.6 acres beneficially irrigated

$$135.6 / 80 = \underline{1.70 \text{ cfs}}$$

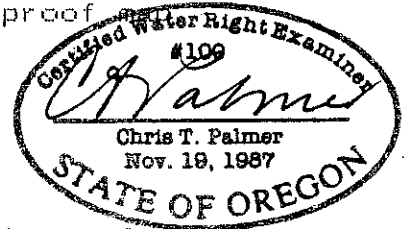
Therefore the system will supply 1.70 cfs per Permit no. G-10914.

V CERTIFICATION

I, Chris T. Palmer, Certified Water Rights Examiner, registered in accordance with the laws of the State of Oregon, do hereby certify that the final proof site survey and inspection of the use was found to be completed under the terms and conditions of Permit no. G-10914 and was completed by me on January 21, 1991, and that the facts contained in the report and accompanying final proof are correct to the best of my knowledge.

*Chris T. Palmer*

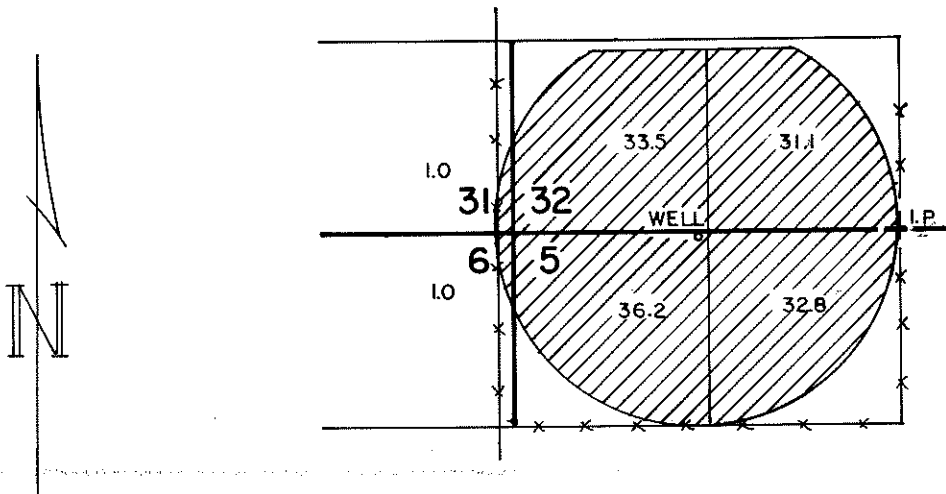
Chris T. Palmer, CWRE



I, Helen Barrus, hereby agree to the above findings of Chris T. Palmer, Certified Water Rights Examiner, and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Permit no. G-10914.

-----  
Helen Barrus

T 24 S R 31 E WM  
 T 25 S



THE WELL IS 1377 FT. WEST AND 35 FT. SOUTH OF THE 1/4 SEC. COR. COMMON TO SEC'S 32 & 5.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

	<b>FINAL PROOF SURVEY</b>		<b>IN THE NAME OF: HELEN BARRUS</b>		
	UNDER: APPLICATION NO. G-11926 PERMIT NO. G-10914		Scale: 4" = 1 MILE	Date: JANUARY 24, 1991	Job: 1120
	Dsn:		<b>M. A. PALMER &amp; SONS, INC.</b> ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720		Sht. No.
	Drn: C T P				of <u>1</u>
Ckd:					

THIS CERTIFICATE

HELEN M. BARRU,  
19949 CEDAR LANE  
BAND, OR 9770

confirms the right  
BASIN for IRRIGATION  
1989.

This right was per  
1.70 CUBIC FOOT  
measured at the well

The well is located

LOT 4 (NW  
FEET SOUTH AND 1377

The amount of water used  
under any other right  
diversion of ONE-EIGHT  
equivalent) and 3.0  
irrigation season of e

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

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

SE 1/4 SE 1/4	1.0 ACRE
SECTION 31	
SW 1/4 SW 1/4	33.5 ACRES
SE 1/4 SW 1/4	31.1 ACRES
SECTION 32	
TOWNSHIP 24 SOUTH, RANGE 31 EAST, W.M.	
LOT 3 (NW 1/4 NW 1/4)	32.8 ACRES
LOT 4 (NW 1/4 NW 1/4)	36.2 ACRES
SECTION 5	
LOT 1 (NE 1/4 NE 1/4)	1.0 ACRE
SECTION 6	
TOWNSHIP 25 SOUTH, RANGE 31 EAST, W.M.	

Bill,  
Any Pump test?  
Priority 5/23/89, but permit not  
conditional 11/13/92

Jake,  
No pump test.  
Permit doesn't say anything  
about a pump test.  
(Priority 5/23/89)  
will be caught  
or 10 year  
ann.  
D.S. date.

EEK  
23,

to

to a  
second (or its  
irrigated during the

STATE OF OREGON

COUNTY OF HARNEY

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HELEN M. BARRUS  
19949 CEDAR LANE  
BAND, OR 97701

confirms the right to use the waters of ONE WELL in the SAGE HEN CREEK BASIN for IRRIGATION OF 135.9 ACRES. The date of priority is MAY 23, 1989.

This right was perfected under Permit G-10914. This right is limited to 1.70 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

LOT 4 (NW 1/4 NW 1/4), SECTION 5, T 25 S, R 31 E, W.M.; 35 FEET SOUTH AND 1377 FEET WEST FROM THE N 1/4 CORNER OF SECTION 5.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

SE 1/4 SE 1/4	1.0 ACRE
SECTION 31	
SW 1/4 SW 1/4	33.5 ACRES
SE 1/4 SW 1/4	31.1 ACRES
SECTION 32	
TOWNSHIP 24 SOUTH, RANGE 31 EAST, W.M.	
LOT 3 (NW 1/4 NW 1/4)	32.8 ACRES
LOT 4 (NW 1/4 NW 1/4)	36.2 ACRES
SECTION 5	
LOT 1 (NE 1/4 NE 1/4)	1.0 ACRE
SECTION 6	
TOWNSHIP 25 SOUTH, RANGE 31 EAST, W.M.	

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

G-10914.JM