

Name **Thomas C. Clemens**  
 By .....  
 Address **90 West Adams**  
**Burns, Oregon 97720**

Date filed **12 August 1976**  
 Priority **12 August 1976**  
 Action suspended until **OK Cert**

Return to applicant .....  
 Date of approval **JAN 7 1977**

**CONSTRUCTION**

Date for beginning **JAN 7 1978**  
 Date for completion **OCT 1 1978**  
 Extended to .....

Date for application of water **OCT 1 1979**  
 Extended to .....

**PROSECUTION OF WORK**

Form "A" filed .....  
 Form "B" filed **1-31-77**  
 Form "C" filed **1-31-77**

**FINAL PROOF**

Blank mailed **OCT 24 1986** **JAN 12 1987**  
 Proof received .....  
 Date certificate issued **FEB 11 1987**

Application No. G **7477**  
 Permit No. G **G 6961**  
 Certificate No. **55574**

Stream Index, Page No. **12-36**

**FEEES PAID**

Date	Amount	Receipt No.
8-12-76	48.00	55514
11-17-76	9.00	56893
<del>11-17-76</del>		<del>56893</del>
	Cert. Fee	<del>56893</del>

**FEEES REFUNDED**

Date	Amount	Check No.

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page

**REMARKS**

Form 130 sent **NOV 25 1986**  
**2nd reminder sent DEC 30 1986**



Form C

**IMPORTANT**—This form is a notice to the State Engineer 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 State Engineer 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 State Engineer, Salem, Oregon 97310, when all of the water has been applied.

RECEIVED  
JAN 31 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

Application No. 6-7477

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

I, Thomas C. Clemens, the holder of Permit No. 6-6961 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 27 day of Jan, 1977.

Remarks: Well, pump + main line all irrigation has been completed as Jan 27-77

OK

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of Jan, 1977.

Thomas C. Clemens (Signature of Applicant) 90 W. Adams Burns, Ore 97720 (Address)

Application No. 6-7477

**NOTICE OF COMPLETION OF CONSTRUCTION**

I, Thomas C. Clemens, the holder of Permit No. 6-6961 appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 27 day of Jan, 1977.

Remarks: The capacity is ok for proposed Development  
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

OK

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of Jan, 1977.

Thomas C. Clemens (Signature of Applicant) 90 W. Adams Burns, Ore 97720 (Address)

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is completed.

RECEIVED  
JAN 31 1977  
WATER RESOURCES DEPT  
SALEM, OREGON



# 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

TRAVIS AND KELLY SINGHOSE  
29327 WEAVER SPRINGS LANE  
BURNS, OR 97720

REFERENCE: Transfer Application T-12819

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

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

In the Matter of Transfer Application	)	FINAL ORDER
T-12819, Harney County	)	APPROVING 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**

TRAVIS AND KELLY SINGHOSE  
29327 WEAVER SPRINGS LANE  
BURNS, OR 97720

**Findings of Fact**

1. On January 4, 2018, TRAVIS AND KELLY SINGHOSE filed an application for additional points of appropriation and to change the place of use under Certificates 55574 and 82391. The Department assigned the application number T-12819.
2. Notice of the application for transfer was published on January 16, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 31, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12819 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of August 31, 2018 for the applicants to respond. The applicants requested the completion date be extended to October 1, 2023 and for 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.

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.



4. On September 27, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12819 and sent a copy to the applicants. 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.
5. The first right to be transferred is as follows:

**Certificate:** 55574 in the name of THOMAS C. CLEMENS (perfected under Permit G-6961)  
**Use:** IRRIGATION OF 120.0 ACRES  
**Priority Date:** AUGUST 12, 1976  
**Rate:** 1.5 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, 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
25 S	31 E	WM	16	NW NE	WELL 5 - 1300 FEET SOUTH AND 2050 FEET WEST FROM THE NE CORNER OF SECTION 16

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	16	NE NE	40.0
25 S	31 E	WM	16	NW NE	40.0
25 S	31 E	WM	16	NE NW	40.0
Total					120.0

6. Transfer Application T-12819 proposes additional points of appropriation listed in the table below with the approximate distances from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance in Miles from the authorized POD - Well #5
25 S	31 E	WM	15	NW NW	ROBEY WELL 1 - 1300 FEET NORTH AND 1320 FEET WEST FROM THE CENTER CORNER OF SECTION 15	0.65 mi
25 S	31 E	WM	15	SW NE	ROBEY WELL 2 - 1350 FEET NORTH AND 1320 FEET EAST FROM THE CENTER CORNER OF SECTION 15	1.15 mi
25 S	31 E	WM	9	SE NE	WELL 1 - 4020 FEET NORTH AND 430 FEET WEST FROM THE SE CORNER OF SECTION 9	1.07 mi

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance in Miles from the authorized POD – Well #5
25 S	31 E	WM	9	NE SW	WELL 2 - 20 FEET SOUTH FROM THE CENTER CORNER OF SECTION 9	0.74 mi
25 S	31 E	WM	9	SE SE	WELL 3 - 1370 FEET NORTH AND 1270 FEET WEST FROM THE SE CORNER OF SECTION 9	0.53 mi
25 S	31 E	WM	10	NW SW	WELL 4 - 1400 FEET NORTH AND 620 FEET EAST FROM THE SE CORNER OF SECTION 9	0.72 mi
25 S	31 E	WM	10	SE SW	WELL 6 - 110 FEET NORTH AND 1380 FEET EAST FROM THE SE CORNER OF SECTION 9	0.70 mi
25 S	31 E	WM	9	SE SW	WELL 10 - 50 FEET SOUTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 9	0.26 mi
25 S	31 E	WM	9	SE SW	WELL 11 - 1240 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF SECTION 9	0.50 mi
25 S	31 E	WM	9	SE SE	WELL 12 - 1170 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER OF SECTION 9	0.58 mi
25 S	31 E	WM	10	SW SW	WELL 13 - 1160 FEET NORTH AND 60 FEET EAST FROM THE SE CORNER OF SECTION 9	0.61 mi
25 S	31 E	WM	9	NE SE	WELL 14 - 1500 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 9	0.63 mi
25 S	31 E	WM	9	SE NE	WELL 15 - 2710 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 9	0.77 mi
25 S	31 E	WM	10	SW SW	WELL 16 - 1340 FEET NORTH AND 1220 FEET EAST FROM THE SE CORNER OF SECTION 9	0.70 mi
25 S	31 E	WM	16	NE NE	WELL A - 130 FEET SOUTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 9	0.39 mi
25 S	31 E	WM	16	NW NE	WELL B - 460 FEET SOUTH AND 2070 FEET WEST FROM THE SE CORNER OF SECTION 9	0.16 mi
25 S	31 E	WM	15	NW NW	WELL C - 600 FEET SOUTH AND 50 FEET EAST FROM THE SE CORNER OF SECTION 9	0.42 mi
25 S	31 E	WM	15	SW NW	WELL D - 1320 FEET SOUTH AND 100 FEET EAST FROM THE SE CORNER OF SECTION 9	0.40 mi

7. Transfer Application T-12819 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	16	NE NE	22.1
25 S	31 E	WM	16	NW NE	29.8
25 S	31 E	WM	16	SW NE	16.7
25 S	31 E	WM	16	NE NW	16.3
25 S	31 E	WM	16	SE NW	35.1
Total					120.0

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

**Certificate:** 82391 in the name of J. W. MCCALLISTER AND JETT C. BLACKBURN  
(perfected under Permit G-9879)

**Use:** IRRIGATION OF 343.0 ACRES

**Priority Date:** APRIL 19, 1982

**Rate:** 4.29 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 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:** WELLS 1, 3, and 4 within the MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	31 E	WM	9	SE NE	WELL 1 - 4100 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 9
25 S	31 E	WM	9	SE SE	WELL 3 - 1370 FEET NORTH AND 1270 FEET WEST FROM THE SE CORNER OF SECTION 9
25 S	31 E	WM	10	NW SW	WELL 4 - 1400 FEET NORTH AND 620 FEET EAST FROM THE SW CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	9	SW NE	31.6
25 S	31 E	WM	9	SE NE	41.2
25 S	31 E	WM	9	SW NW	1.4
25 S	31 E	WM	9	SE NW	35.6
25 S	31 E	WM	9	NE SW	35.2
25 S	31 E	WM	9	NW SW	1.4
25 S	31 E	WM	9	NE SE	41.1
25 S	31 E	WM	9	NW SE	32.0
25 S	31 E	WM	9	SE SE	41.2
25 S	31 E	WM	10	NW SW	41.1
25 S	31 E	WM	10	SW SW	41.2
Total					343.0

9. Transfer Application T-12819 proposes additional points of appropriation listed in the table below with the approximate distances from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized well locations measured in miles (mi)		
						Well 1	Well 3	Well 4
25 S	31 E	WM	15	NW NW	ROBEY WELL 1 - 1300 FEET NORTH AND 1320 FEET WEST FROM THE CENTER CORNER OF SECTION 15	1.05	0.70	0.52
25 S	31 E	WM	15	SW NE	ROBEY WELL 2 - 1350 FEET NORTH AND 1320 FEET EAST FROM THE CENTER CORNER OF SECTION 15	1.30	1.12	0.81
25 S	31 E	WM	9	NE SW	WELL 2 - 20 FEET SOUTH FROM THE CENTER CORNER OF SECTION 9	0.53	0.35	0.66
25 S	31 E	WM	16	NW NE	WELL 5 - 1300 FEET SOUTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 9	1.07	0.52	0.71
25 S	31 E	WM	10	SE SW	WELL 6 - 110 FEET NORTH AND 1380 FEET EAST FROM THE SE CORNER OF SECTION 9	0.82	0.55	0.28
25 S	31 E	WM	9	SE SW	WELL 10 - 50 FEET SOUTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 9	0.90	0.37	0.68
25 S	31 E	WM	9	SE SW	WELL 11 - 1240 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF SECTION 9	0.71	0.28	0.65
25 S	31 E	WM	9	SE SE	WELL 12 - 1170 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER OF SECTION 9	0.55	0.20	0.16
25 S	31 E	WM	10	SW SW	WELL 13 - 1160 FEET NORTH AND 60 FEET EAST FROM THE SE CORNER OF SECTION 9	0.56	0.26	0.11
25 S	31 E	WM	9	NE SE	WELL 14 - 1500 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 9	0.49	0.19	0.17
25 S	31 E	WM	9	SE NE	WELL 15 - 2710 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 9	0.32	0.25	0.44
25 S	31 E	WM	10	SW SW	WELL 16 - 1340 FEET NORTH AND 1220 FEET EAST FROM THE SE CORNER OF SECTION 9	0.60	0.48	0.13
25 S	31 E	WM	16	NE NE	WELL A - 130 FEET SOUTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 9	0.80	0.34	0.34
25 S	31 E	WM	16	NW NE	WELL B - 460 FEET SOUTH AND 2070 FEET WEST FROM THE SE CORNER OF SECTION 9	0.92	0.38	0.62
25 S	31 E	WM	15	NW NW	WELL C - 600 FEET SOUTH AND 50 FEET EAST FROM THE SE CORNER OF SECTION 9	0.89	0.45	0.4



Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized well locations measured in miles (mi)		
						Well 1	Well 3	Well 4
25 S	31 E	WM	15	SW NW	WELL D - 1320 FEET SOUTH AND 100 FEET EAST FROM THE SE CORNER OF SECTION 9	1.02	0.57	0.52

10. Transfer Application T-12819 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	9	SW NE	31.3
25 S	31 E	WM	9	SE NE	31.4
25 S	31 E	WM	9	SE NW	31.5
25 S	31 E	WM	9	NE SW	31.3
25 S	31 E	WM	9	SE SW	30.2
25 S	31 E	WM	9	NE SE	31.4
25 S	31 E	WM	9	NW SE	31.5
25 S	31 E	WM	9	SW SE	30.2
25 S	31 E	WM	9	SE SE	31.4
25 S	31 E	WM	10	NW SW	31.4
25 S	31 E	WM	10	SW SW	31.4
Total					343.0

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

11. 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.
12. 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-12819.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.
15. 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-12819 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-12819 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 55574 and 82391 and any related decree.
3. Water right Certificates 55571 and 82391 are cancelled.
4. 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.
5. 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.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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.
9. 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



# Oregon

Kate Brown, Governor

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

September 21, 2018

TRAVIS AND KELLY SINGHOSE  
29327 WEAVER SPRINGS LANE  
BURNS OR 97720

SUBJECT: Water Right Transfer Application T-12819

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12819. 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-12819  
J.R. Johnson, Watermaster, District 10 (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-12819, 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**

TRAVIS AND KELLY SINGHOSE  
29327 WEAVER SPRINGS LANE  
BURNS, OR 97720

**Findings of Fact**

1. On January 4, 2018, TRAVIS AND KELLY SINGHOSE filed an application for additional points of appropriation and to change the place of use under Certificates 55574 and 82391. The Department assigned the application number T-12819.
2. Notice of the application for transfer was published on January 16, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 31, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12819 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of August 31, 2018 for the applicants to respond. The applicants requested the completion date be extended to October 1, 2023 and for 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.
--

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

**Certificate:** 55574 in the name of THOMAS C. CLEMENS (perfected under Permit G-6961)  
**Use:** IRRIGATION OF 120.0 ACRES  
**Priority Date:** AUGUST 12, 1976  
**Rate:** 1.5 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, 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
25 S	31 E	WM	16	NW NE	WELL 5 - 1300 FEET SOUTH AND 2050 FEET WEST FROM THE NE CORNER OF SECTION 16

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	16	NE NE	40.0
25 S	31 E	WM	16	NW NE	40.0
25 S	31 E	WM	16	NE NW	40.0
Total					120.0

5. Transfer Application T-12819 proposes additional points of appropriation listed in the table below with the approximate distances from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance in Miles from the authorized POD - Well #5
25 S	31 E	WM	15	NW NW	ROBEY WELL 1 - 1300 FEET NORTH AND 1320 FEET WEST FROM THE CENTER CORNER OF SECTION 15	0.65 mi
25 S	31 E	WM	15	SW NE	ROBEY WELL 2 - 1350 FEET NORTH AND 1320 FEET EAST FROM THE CENTER CORNER OF SECTION 15	1.15 mi
25 S	31 E	WM	9	SE NE	WELL 1 - 4020 FEET NORTH AND 430 FEET WEST FROM THE SE CORNER OF SECTION 9	1.07 mi
25 S	31 E	WM	9	NE SW	WELL 2 - 20 FEET SOUTH FROM THE CENTER CORNER OF SECTION 9	0.74 mi
25 S	31 E	WM	9	SE SE	WELL 3 - 1370 FEET NORTH AND 1270 FEET WEST FROM THE SE CORNER OF SECTION 9	0.53 mi
25 S	31 E	WM	10	NW SW	WELL 4 - 1400 FEET NORTH AND 620 FEET EAST FROM THE SE CORNER OF SECTION 9	0.72 mi

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance in Miles from the authorized POD - Well #5
25 S	31 E	WM	10	SE SW	WELL 6 - 110 FEET NORTH AND 1380 FEET EAST FROM THE SE CORNER OF SECTION 9	0.70 mi
25 S	31 E	WM	9	SE SW	WELL 10 - 50 FEET SOUTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 9	0.26 mi
25 S	31 E	WM	9	SE SW	WELL 11 - 1240 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF SECTION 9	0.50 mi
25 S	31 E	WM	9	SE SE	WELL 12 - 1170 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER OF SECTION 9	0.58 mi
25 S	31 E	WM	10	SW SW	WELL 13 - 1160 FEET NORTH AND 60 FEET EAST FROM THE SE CORNER OF SECTION 9	0.61 mi
25 S	31 E	WM	9	NE SE	WELL 14 - 1500 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 9	0.63 mi
25 S	31 E	WM	9	SE NE	WELL 15 - 2710 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 9	0.77 mi
25 S	31 E	WM	10	SW SW	WELL 16 - 1340 FEET NORTH AND 1220 FEET EAST FROM THE SE CORNER OF SECTION 9	0.70 mi
25 S	31 E	WM	16	NE NE	WELL A - 130 FEET SOUTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 9	0.39 mi
25 S	31 E	WM	16	NW NE	WELL B - 460 FEET SOUTH AND 2070 FEET WEST FROM THE SE CORNER OF SECTION 9	0.16 mi
25 S	31 E	WM	15	NW NW	WELL C - 600 FEET SOUTH AND 50 FEET EAST FROM THE SE CORNER OF SECTION 9	0.42 mi
25 S	31 E	WM	15	SW NW	WELL D - 1320 FEET SOUTH AND 100 FEET EAST FROM THE SE CORNER OF SECTION 9	0.40 mi

6. Transfer Application T-12819 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	16	NE NE	22.1
25 S	31 E	WM	16	NW NE	29.8
25 S	31 E	WM	16	SW NE	16.7
25 S	31 E	WM	16	NE NW	16.3
25 S	31 E	WM	16	SE NW	35.1
Total					120.0



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

**Certificate:** 82391 in the name of J. W. MCCALLISTER AND JETT C. BLACKBURN  
(perfected under Permit G-9879)  
**Use:** IRRIGATION OF 343.0 ACRES  
**Priority Date:** APRIL 19, 1982  
**Rate:** 4.29 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 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:** WELLS 1, 3, and 4 within the MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	31 E	WM	9	SE NE	WELL 1 - 4100 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 9
25 S	31 E	WM	9	SE SE	WELL 3 - 1370 FEET NORTH AND 1270 FEET WEST FROM THE SE CORNER OF SECTION 9
25 S	31 E	WM	10	NW SW	WELL 4 - 1400 FEET NORTH AND 620 FEET EAST FROM THE SW CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Aeres
25 S	31 E	WM	9	SW NE	31.6
25 S	31 E	WM	9	SE NE	41.2
25 S	31 E	WM	9	SW NW	1.4
25 S	31 E	WM	9	SE NW	35.6
25 S	31 E	WM	9	NE SW	35.2
25 S	31 E	WM	9	NW SW	1.4
25 S	31 E	WM	9	NE SE	41.1
25 S	31 E	WM	9	NW SE	32.0
25 S	31 E	WM	9	SE SE	41.2
25 S	31 E	WM	10	NW SW	41.1
25 S	31 E	WM	10	SW SW	41.2
Total					343.0

8. Transfer Application T-12819 proposes additional points of appropriation listed in the table below with the approximate distances from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized well locations measured in miles (mi)		
						Well 1	Well 3	Well 4
25 S	31 E	WM	15	NW NW	ROBEY WELL 1 - 1300 FEET NORTH AND 1320 FEET WEST FROM THE CENTER CORNER OF SECTION 15	1.05	0.70	0.52
25 S	31 E	WM	15	SW NE	ROBEY WELL 2 - 1350 FEET NORTH AND 1320 FEET EAST FROM THE CENTER CORNER OF SECTION 15	1.30	1.12	0.81

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized well locations measured in miles (mi)		
						Well 1	Well 3	Well 4
25 S	31 E	WM	9	NE SW	WELL 2 - 20 FEET SOUTH FROM THE CENTER CORNER OF SECTION 9	0.53	0.35	0.66
25 S	31 E	WM	16	NW NE	WELL 5 - 1300 FEET SOUTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 9	1.07	0.52	0.71
25 S	31 E	WM	10	SE SW	WELL 6 - 110 FEET NORTH AND 1380 FEET EAST FROM THE SE CORNER OF SECTION 9	0.82	0.55	0.28
25 S	31 E	WM	9	SE SW	WELL 10 - 50 FEET SOUTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 9	0.90	0.37	0.68
25 S	31 E	WM	9	SE SW	WELL 11 - 1240 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF SECTION 9	0.71	0.28	0.65
25 S	31 E	WM	9	SE SE	WELL 12 - 1170 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER OF SECTION 9	0.55	0.20	0.16
25 S	31 E	WM	10	SW SW	WELL 13 - 1160 FEET NORTH AND 60 FEET EAST FROM THE SE CORNER OF SECTION 9	0.56	0.26	0.11
25 S	31 E	WM	9	NE SE	WELL 14 - 1500 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 9	0.49	0.19	0.17
25 S	31 E	WM	9	SE NE	WELL 15 - 2710 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 9	0.32	0.25	0.44
25 S	31 E	WM	10	SW SW	WELL 16 - 1340 FEET NORTH AND 1220 FEET EAST FROM THE SE CORNER OF SECTION 9	0.60	0.48	0.13
25 S	31 E	WM	16	NE NE	WELL A - 130 FEET SOUTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 9	0.80	0.34	0.34
25 S	31 E	WM	16	NW NE	WELL B - 460 FEET SOUTH AND 2070 FEET WEST FROM THE SE CORNER OF SECTION 9	0.92	0.38	0.62
25 S	31 E	WM	15	NW NW	WELL C - 600 FEET SOUTH AND 50 FEET EAST FROM THE SE CORNER OF SECTION 9	0.89	0.45	0.4
25 S	31 E	WM	15	SW NW	WELL D - 1320 FEET SOUTH AND 100 FEET EAST FROM THE SE CORNER OF SECTION 9	1.02	0.57	0.52

9. Transfer Application T-12819 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	9	SW NE	31.3
25 S	31 E	WM	9	SE NE	31.4
25 S	31 E	WM	9	SE NW	31.5
25 S	31 E	WM	9	NE SW	31.3
25 S	31 E	WM	9	SE SW	30.2
25 S	31 E	WM	9	NE SE	31.4
25 S	31 E	WM	9	NW SE	31.5
25 S	31 E	WM	9	SW SE	30.2
25 S	31 E	WM	9	SE SE	31.4
25 S	31 E	WM	10	NW SW	31.4
25 S	31 E	WM	10	SW SW	31.4
Total					343.0

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

10. 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.
11. 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-12819.
12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other water rights.
14. 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-12819 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-12819 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-12819 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 55574 and 82391 and any related decree.*
3. *Water right Certificates 55571 and 82391 are cancelled.*



4. *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.*
5. *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.*
6. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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.*

9. *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,



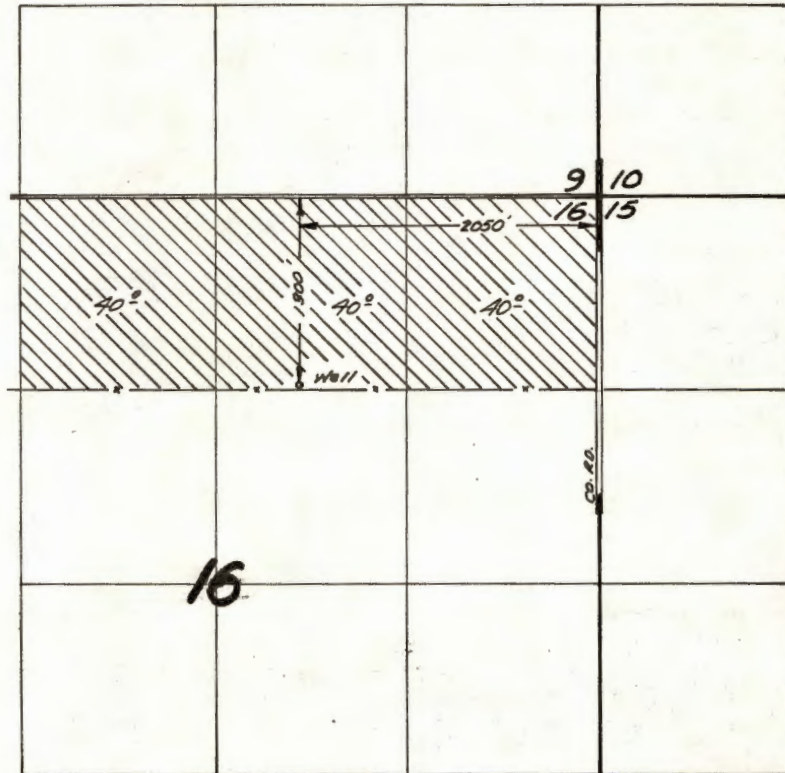
Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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>

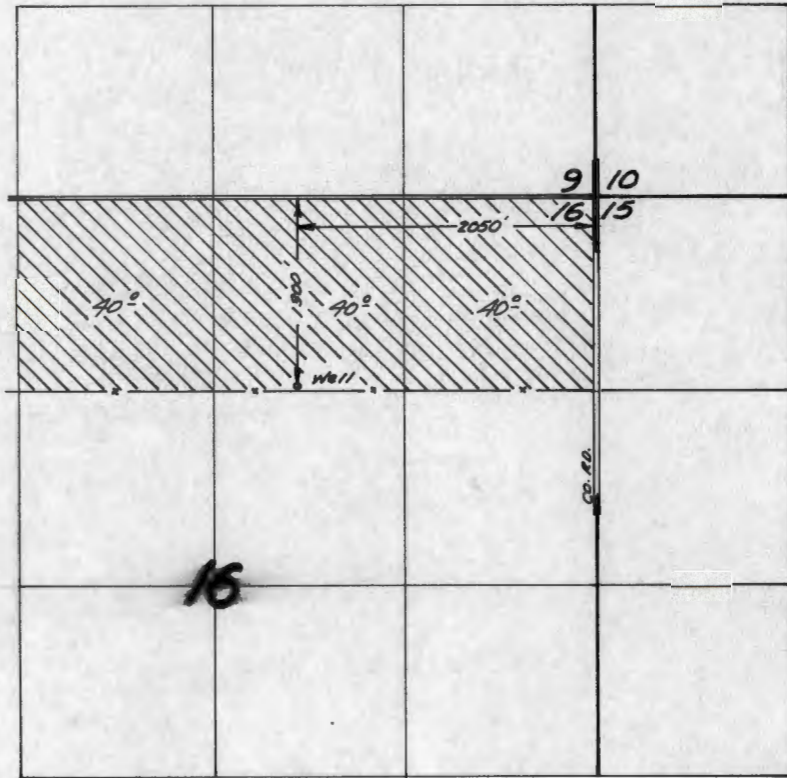
T.25S. R.31E. W.M.



Application No. G-7477  
Permit No. G 6961



T.25S. R.31E. W.M.



Application No. G-7477  
Permit No. G 6961

JAN 16 1987

STATE OF OREGON

COUNTY OF

HARNEY

WATER RESOURCES DEPT  
SALEM, OREGON

PROOF OF APPROPRIATION OF WATER

THOMAS C. CLEMENS

of 90 West Adams, Burns  
has applied beneficially the waters of  
a well

, State of OR 97720 ,

a tributary of Malheur Lake  
irrigation of 120.0 acres

for the purpose of

under Permit No. G-6961 and that the use of said waters has been completed under the terms of said  
permit; that the priority of the right dates from  
August 12, 1976

that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of

1.5 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is  
located in the NW 1/4 NE 1/4, Section 16, T25S, R31E, WM;  
1300 feet South and 2050 feet West from NE corner Section 16.

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,

and shall

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

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

40.0 acres NE 1/4 NE 1/4  
40.0 acres NW 1/4 NE 1/4  
40.0 acres NE 1/4 NW 1/4  
Section 16  
Township 25 South, Range 31 East, WM

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that  
the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of Jan, 19 87

Thomas C Clemens



January 5, 1987  
Burns, OR 97720

**RECEIVED**

JAN 7 1987

Water Resources Department  
3850 Portland Road NE  
Salem, OR 97720

**WATER RESOURCES DEPT.  
SALEM, OREGON**

Steven P. Applegate:

I signed the completed proof of appropriation that was sent to me in October. I returned it right away to your office. Please send me another copy so I may sign it for my permit. Thank you.

Tom Clemens  
90 West Adams  
Burns, OR 97720



378-8508

December 30, 1986

Thomas C. Clemens  
90 West Adams  
Burns, OR 97720

Dear Mr. Clemens:

REFERENCE: File G-7477

We have not received the completed proof of appropriation of water form in connection with Permit G-6961 which was mailed to you on October 24, 1986. Unless the signed proof is received, the law requires the cancellation of your permit.

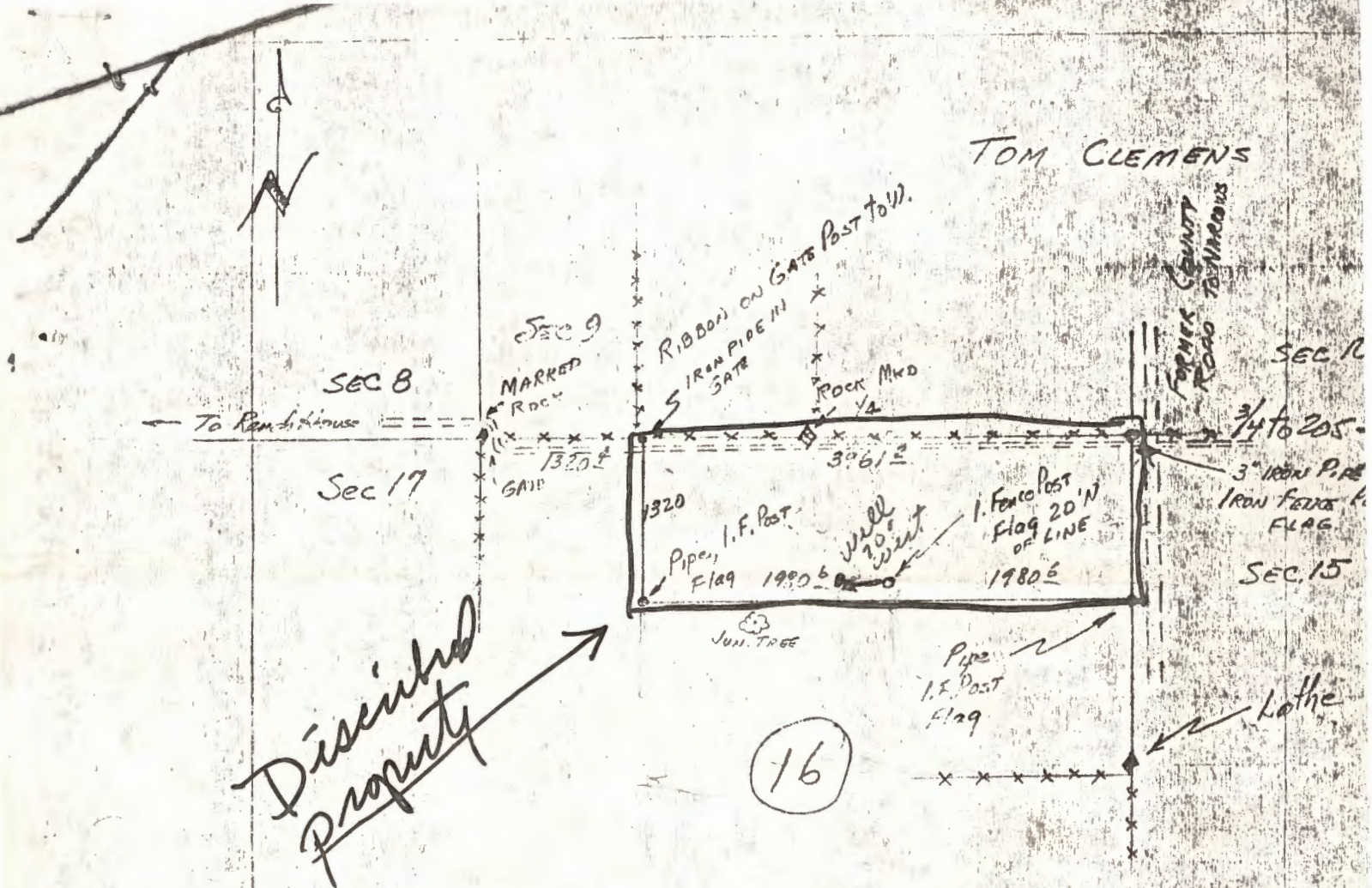
In the event you no longer own the property and have no further interest in the permit, you could assign it to the new owner. We will furnish the necessary form upon request.

Sincerely,

Steven P. Applegate  
Senior Water Rights Engineer

SPA:cle  
2014A





*Disinherited Property*

16

Sec 16 T25S R31E (FOUO 127)

$N\frac{1}{2} NE\frac{1}{4}$   
 $NE\frac{1}{4} NW\frac{1}{4}$  } 120 Acres ±

( 2050' W From NE Co. Sec 16  
 1300' S Will locator )

Fused Wires	2 1/2 Hours @ 2500	212.50
EDM	8 1/2 " @ 500	42.50
Aluminum Posts	@ 200	8.00
Mileage	25 miles @ 35¢	8.75
		<hr/>
		278.75

**RECEIVED**  
 NOV 17 1976  
 WATER RESOURCES DEPT  
 SALEM, OREGON



Thomas C. Clemens  
90 West Adams  
Burns, OR 97720

January 26, 1977

G-7477

G-6961 with map.

378-3066

G-7477

14 December 1976

Thomas C. Clemens  
90 West Adams  
Burns, Oregon 97720

Dear Mr. Clemens:

Thank you for returning your map and application No. G-7477.  
We also received the additional \$9.00 permit recording fee  
in support of your application.

Your application is now satisfactory and a permit will be  
issued in 30 to 60 days.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VRG:lcj  
encl: Receipt No. 56893



# HI DESERT REALTY

JAY BLAIR, BROKER  
Tom Clemens, Salesman



90 W. Adams  
Burns, Oregon 97720  
Office 573-6002

November 15, 1976

Vestal Garner  
Water Rights Engineer  
Salem, Ore. 97310

Dear Mr. Garner:

When I submitted my application for a permit, the map was definitely enclosed. Perhaps it was misplaced in your office.

I am enclosing a photostatic copy of another one. Also there is a check for the amount due which is \$9.00.

Sincerely,

Tom Clemens

TC:vw

**RECEIVED**

NOV 17 1976

WATER RESOURCES DEPT  
SALEM, OREGON

378-3066

November 9, 1976

File G-7477

Thomas C. Clemens  
90 West Adams  
Burns, OR 97720

Dear Mr. Clemens:

We have received fees of \$48.00 and your application for a permit to use 900 gallons of water per minute from Clemens Well for the irrigation of 120.0 acres. For reference, your application is No. G-7477.

The map referred to in your application was not received. Your map needs to be submitted showing the location of the well and the land to be irrigated with reference to the government survey. Our enclosed booklet should assist you in preparing the proper map.

I am returning your application to you so that the map and application will be in agreement.

For 120.0 acres, total fees of \$57.00 are required. Therefore, an additional \$9.00 must be submitted.

Your application is endorsed so that in order to retain its priority date, it must be received in this office on or before January 11, 1977.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VRG:ls  
Encl: Receipt No. 55514



# Abstract of Permit No. G-6961

Application No. G-7477

Certificate No.

Name Thomas C. Clemens

90 West Adams

Address Burns, Oregon 97720

Source of water supply A well Malheur Lake

Use Irrigation of 120° AC

Point of diversion 2050' W & 1300' S from NE cor., sec. 16, being within NW 1/4 NE 1/4 sec. 16, T. 25S., R. 31E., W.M.; Harney County

Number of acres 120.

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			40				40												
25 S	31 E	16	40																
			NE 1/4 NE 1/4																40°
			NW 1/4 NE 1/4																40°
			NE 1/4 NW 1/4																40°
																			TOTAL 120°

Priority date August 12, 1976

Amount of water 1.5 c.f.s.

Time limit to begin construction ~~01-07-78~~

Time limit to complete construction ~~10-01-78~~ extended to \_\_\_\_\_ extended to \_\_\_\_\_

Time limit to completely apply water ~~10-01-79~~ extended to \_\_\_\_\_ extended to \_\_\_\_\_

Remarks: Limitations: 1/80<sup>th</sup> c.f.s., 3 a.f.

cgm Inspection  
 1979-4-1  
 8-20-79  
 RCGM

Basin 12 Hills

Basin 12, Volume 1

NCR  
10

7107D

JL

INFO: TOM CLEMENS, LAND IS IRR. AS FILED.

WELL - 14" CASING, 146' DEEP, PUMPING LEVEL 60'  
HAS ACCESS PORT

PUMP - JOHNSTON TURBINE 8" DISCH.

MOTOR - G.E. 60 H.P. @ 1765 R.P.M.

PIPE - 1/4 MI. 8" BURIED PVC.

3/4 MI. 5" WHEEL LINE

HEADS - 97 R.B. 30'S 3/16" O

CROP - ALFALFA

LIFT - 0

TIE - N.E. COR. SEC. 16, FC. COR. 8" PVC.

OUTPUT SAID 900 G.P.M.

B-28-79

R.G. Mucken

Changed Survey to inspection  
WR App. map agrees w/ fp. survey when  
overlaid.

$$\begin{aligned} \text{pump @ } 75\% \text{ } 6\text{psi} \\ \frac{(60)(6.6)}{150+60} &= 1.89 \text{ cfs} \\ &= 850 \text{ gpm} \end{aligned}$$

$$\begin{aligned} \text{heads @ } 60 \text{ psi} \\ \frac{(97)(7.8)}{450} &= 1.68 \text{ cfs} \end{aligned}$$

AB  
1/4





Bus.573-2621  
Res.573-6627

## HI DESERT REALTY

90 WEST ADAMS  
BURNS, OREGON 97720

**FARMS & RANCHES**

TOM CLEMENS  
ASSOCIATE