



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.

Application No. ~~B-7056~~

OK  
LMT

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, George L Roberts, the holder of Permit No. B-7056

do 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 1st day of June, 1977.

Remarks: .....

WITNESS WHEREOF, I have hereunto set my hand this 8 day of July, 1977.

George L Roberts  
(Signature of Applicant)

Box 445 Burns, Or 97720  
(Address)

RECEIVED  
MAY 26 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

Form B

Application No. ....

NOTICE OF COMPLETION OF CONSTRUCTION

I, George L Roberts, the holder of Permit No. B-7056

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 1st day of June, 1978.

Remarks: .....

George L Roberts  
(Signature of Applicant)

Box 445 Burns, Or 97720  
(Address)

WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 1978.

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

OK  
LMT

RECEIVED  
MAY 26 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

Form A

Application No. ....

NOTICE OF BEGINNING OF CONSTRUCTION

I, ....., the holder of Permit No. ....

appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the ..... day of ....., 19.....

Remarks: .....

I declare this statement, and any additional information which may tend to show the beginning of work in good faith.

WITNESS WHEREOF, I have hereunto set my hand this ..... day of ....., 19.....

(Signature of Applicant)

(Address)

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

RECEIVED  
MAY 26 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

67-7608



# 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.
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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 (NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> ) 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 N <sup>1</sup> / <sub>4</sub> 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 S <sup>1</sup> / <sub>4</sub> 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	GLot	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.

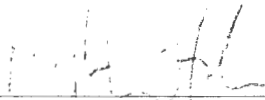


*If Transfer Application T-12807 is approved, the final order will include the following:*

- 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

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

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

In the Matter of Transfer Application	)	FINAL ORDER
T-12807, 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**

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.

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-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.

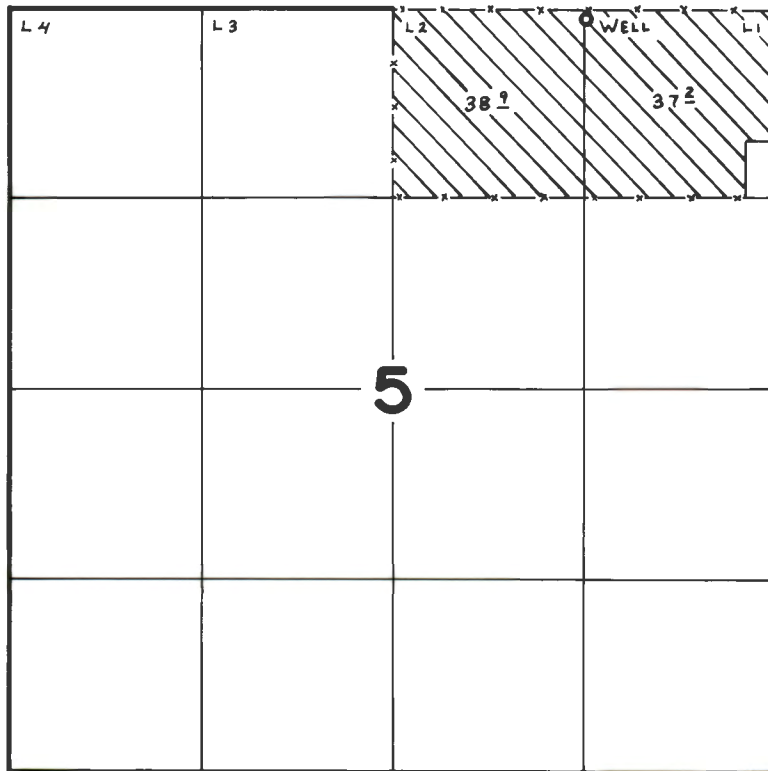
Dated at Salem, Oregon this NOV 27 2018,



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

Mailing date: NOV 28 2018

# T25S. R3E. WM.



WELL LOC: 60' S. & 10' E. fr. N.W. COR. OF NE. 1/4 NE. 1/4 Sec. 5.

## FINAL PROOF SURVEY UNDER

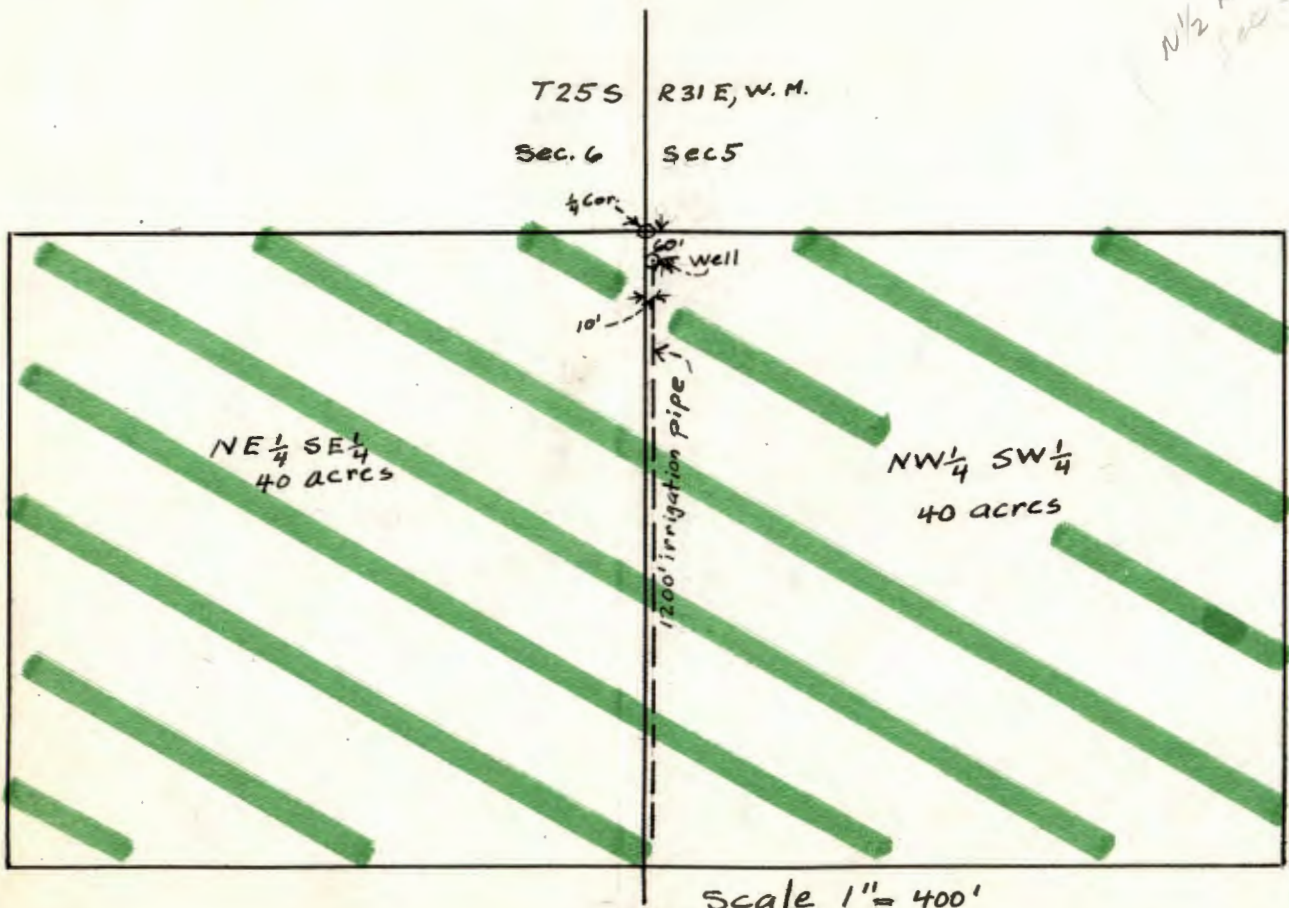
Application No. G-7608 Permit No. G-7056  
IN NAME OF

GEORGE L. & ELLA J. ROBERTS

Surveyed AUG. 25 1978, by C. L. HUGHES

MAP TO ACCOMPANY APPLICATION  
 BY GEORGE L. and ELLA J. ROBERTS  
 TO APPROPRIATE AND USE  
 GROUND WATER IN SECTIONS  
 5<sup>th</sup> and 6 T25S R31E, W.M.

*N 1/2 NE 1/4  
 Sec 5*



Application No. G-7608  
 Permit No. G 7056

**RECEIVED**  
 DEC 15 1976  
 WATER RESOURCES DEPT  
 SALEM, OREGON

*Certificate Needed*

RECEIVED

STATE OF OREGON

COUNTY OF

HARNEY

WATER RESOURCES DEPT

Proof of Appropriation of Water

GEORGE L. and ELLA J. ROBERTS

*P.O. Box 445*

*Burns*

of ~~1305 NW Elgin, Bend~~  
has applied beneficially the waters of  
Roberts Well

, State of Oregon ~~97701~~, *97720*

a tributary of Malheur Lake Basin  
irrigation of 76.1 acres

for the purpose of

under Permit No. G-7056 and that the use of said waters has been completed under the  
terms of said permit; that the priority of the right dates from  
December 15, 1976  
that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
amount of  
0.64 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well.  
The well is located in the Lot 1 (NE 1/4 NE 1/4), Section 5, T25S,  
R31E, WM; 60 feet South and 10 feet East from NW Corner, Lot 1 (NE 1/4  
NE 1/4), 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 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:

37.2 acres Lot 1 (NE 1/4 NE 1/4)  
38.9 acres Lot 2 (NW 1/4 NE 1/4)  
Section 5  
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 *22* day of *March*,  
19*82*

*George L. Roberts*  
*Ella J. Roberts*

9533A



**Water Resources Department**  
 MILL CREEK OFFICE PARK  
 555 13th STREET N.E.  
 SALEM, OREGON 97310

CONSERVE WATER  
 FOR  
 OREGON'S FUTURE



RECEIVED

*Letter to Assess*



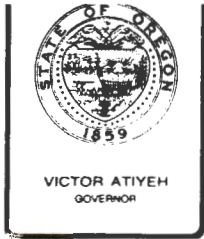
MAR 4 1982

WATER RESOURCES DEPT  
 SALEM, OREGON

ROB 05 160313N1 03/03/82  
 RETURN TO SENDER  
 NOT DELIVERABLE AS ADDRESSED  
 UNABLE TO FORWARD

*no longer  
 at this address*





*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

March 8, 1982

Harney County Assessor  
Mary Anna Culp  
Burns, OR 97720

REFERENCE: File No. G-7608

Dear Ms. Culp:

Could you please provide this office with the name and address of the current owner of the lands shown on the enclosed map?

Your assistance is appreciated.

Sincerely,

Thomas E. Shook  
Senior Water Rights Examiner

TES/jw

Enclosure

4/31/77

Bill Beal is to  
provide L.Os for  
both parcels  
and proof of  
ownership on  
both parcels.

use at actual  
location will be  
allowed if ownership  
proves out -

Yes.



NUMBER \_\_\_\_\_

\_\_\_\_\_ Check \_\_\_\_\_ MO \_\_\_\_\_ Cash

- \_\_\_\_\_ Surface
- \_\_\_\_\_ Reservoir
- \_\_\_\_\_ Ground Water
- \_\_\_\_\_ Transfer
- \_\_\_\_\_ Copying
- \_\_\_\_\_ Assignment
- \_\_\_\_\_ Extension of Time
- \_\_\_\_\_ Certificate Recording Fee
- No money
- \_\_\_\_\_ Other
- \_\_\_\_\_ Quadrangle

Contractors' Exam \_\_\_\_\_ License \_\_\_\_\_

Operators' Exam \_\_\_\_\_ License \_\_\_\_\_

app 7608 needed  
Per G-7056  
approved 2-3-77

WILLIAM D. CRAMER  
A. DUANE PINKERTON II

CRAMER & PINKERTON

ATTORNEYS AT LAW  
BURNS, OREGON 97720

P. O. BOX 648  
PHONE 573-2066

G 7608

May 24, 1978

State of Oregon  
Water Resources Department  
1178 Chemeketa St. N. E.  
Salem, Oregon 97310

Attention: Chris Wheeler  
State Engineer

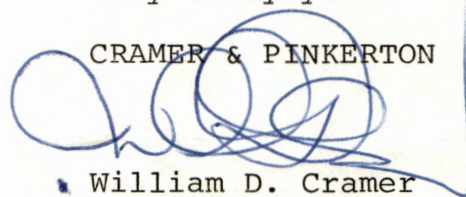
Re: George L. Roberts, et ux

Dear Chris:

I am enclosing herewith Notice of Complete Application of Water to a Beneficial Use and Notice of Completion of Construction, executed by Mr. Roberts, to give you the opportunity to make a final proof inspection.

Very truly yours

CRAMER & PINKERTON



William D. Cramer

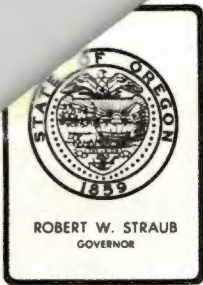
WDC/ag

cc: George L. Roberts  
1305 N. W. Elgin  
Bend, Oregon 97701

**RECEIVED**

MAY 26 1978

**WATER RESOURCES DEPT.  
SALEM, OREGON**



## *Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

G-7608

9 September 1977

William H. Beal  
Harney County Courthouse  
Burns, Oregon 97720

Dear Bill:

Thank you for your report regarding the irrigated land owned by George L. and Ella J. Roberts.

According to your report, the land described by the permit was sold to Kenneth Callaway. If George and Ella Roberts owned the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5 and NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6 at the time the application was originally filed (December 15, 1976), it must be assumed that Mr. Roberts intended to construct the well and irrigate the land as indicated by the application and subsequent permit.

If George and Ella Roberts have never owned the land described by the application and subsequent permit and at the time the application was filed (December 15, 1976), we could assume that the map and application prepared by the engineer was in error.

In order to determine the intent of Mr. Roberts, would you please provide us with a copy of the current deeds pertaining to each parcel of land in question? I'm sure you should be able to obtain copies of these deeds from the county clerk.

The necessity for this information is required since your report does indicate that the land described by permit No. G-7056 was sold to Kenneth Callaway. Your report, however, did not state by whom the property was sold or when. Therefore, the additional information is required before final decision can be issued regarding the appurtenancy of the permit. Your additional assistance is appreciated.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VRG:clh  
cc: George and Ella J. Roberts



G-7608

# WATER RESOURCES DEPARTMENT

RECEIVED  
SEP - 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

HARNEY COUNTY COURTHOUSE • BURNS, OR • 97720 • Phone 573-2591

ROBERT W. STRAUB  
GOVERNOR

August 30, 1977

JAMES E. SEXSON  
Director

Vestal Garner

WATER POLICY REVIEW  
BOARD

Water Rights Division

EMERY N. CASTLE  
Chairman  
Corvallis

Salem, OREGON

CHAPIN D. CLARK  
Vice Chairman  
Eugene

GEORGE H. PROCTOR  
Klamath Falls

ANN W. SQUIER  
Portland

RICHARD ROY  
Portland

JAMES HILL  
Arch Cape

JEAN FROST  
Portland

DEAR Ves.

July 7, 1977 I went To George Roberts Property To check his complaint about his neighbor pumping His well down. I checked his Application description against his property and His Neighbor To The North, Curly Angel. The property was described as NE $\frac{1}{4}$ , SE $\frac{1}{4}$  Sec 6 T 25S R 31E and NW $\frac{1}{4}$ , SW $\frac{1}{4}$  Sec 5, T 25S R 31E. This Property was Sold To Kenneth Holloway. Curly Angel owns The 80 Acres in S $\frac{1}{2}$ , SE $\frac{1}{4}$  Sec 32 T 24S R 31E. His Land adjoins George Roberts property N $\frac{1}{2}$ , NE $\frac{1}{4}$  Sec 5 T 25S, R 31E. The error was made by Engineer John Creed. I Feel we should Keep his Priority and correct the description error.

Sincerely

William W. Beal

Water Meters Dept #10

Property in error on George Roberts  
Water Right application.

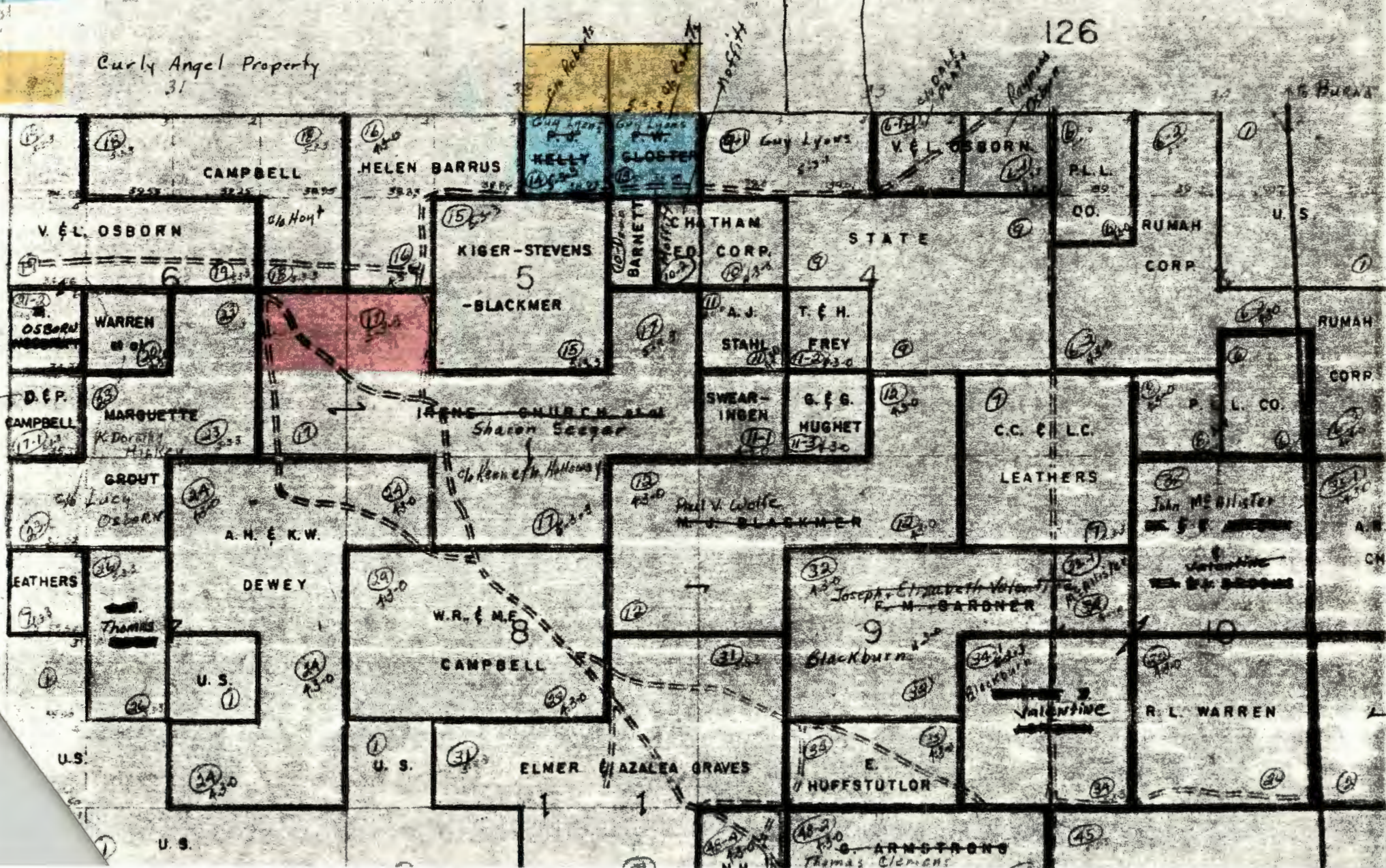
# T. 25 S., R. 31 E.

HARNEY COUNTY, OREGON

Scale 1" = 2000'

Correct Property belonging to George Roberts  
as found in my investigation (W.H. Beal)

Curly Angel Property  
31



7/7

Phone call from Bill Beal

Roberts called Bill to complain that the use of water from a well to the north was causing his (Roberts) well to go dry.

Bill investigated this date and found Roberts well & land in the  $N\frac{1}{2} NE\frac{1}{4}$  Sec 5, and not as shown in app & map.

The well causing interference is in  $S\frac{1}{2} SE\frac{1}{4}$  Sec 72 (no right so Bill shut down)

Roberts does not own land in permit but has owned  $N\frac{1}{2} NE\frac{1}{4}$  Sec 5 since last fall.

G-7608 clearly for land described in permit. I think Roberts problem is with Creed who prepared app and needs to file new app?

George L. and Ella J. Roberts  
1305 N.W. Elgin  
Bend, OR 97701

February 17, 1977

G-7608

G-7056 with map.

378-3066

January 19, 1977

G-7608

George L. and Ella J. Roberts  
1305 NW Elgin  
Bend, OR 97701

Dear Mr. and Mrs. Roberts:

This will acknowledge receipt of your application  
No. G-7608.

Your application is now satisfactory and a permit  
will be issued in thirty to sixty days.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VG:db



378-3066

G-7608

12 January 1977

George L. & Ella J. Roberts  
1305 N.E. Elgin  
Bend, Oregon 97701

Dear Mr. and Mrs. Roberts:

We have received your map, fees of \$45.00 and application for a permit to use 450 gallons per minute of water from a well for irrigation of 80 acres. For reference, your application is No. G-7608.

A permit can be issued for your proposed use of water. However, Items No. 14 through 17 of the application must be completed. I am returning your application for the additional information. It is endorsed so that in order to retain its priority date, it must be received in this office on or before March 14, 1977.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VRG:lcj  
encl: Receipt No. 57245

WILLIAM D. CRAMER  
A. DUANE PINKERTON II

CRAMER & PINKERTON

ATTORNEYS AT LAW  
BURNS, OREGON 97720

P. O. BOX 646  
PHONE 573-2066

December 13, 1976

Mr. Chris Wheeler  
State Engineer  
1178 Chemeketa St. N. E.  
Salem, Oregon 97310

Re: George L. & Ella J. Roberts

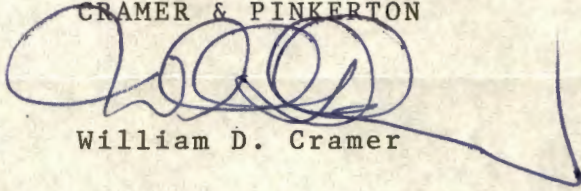
Dear Mr. Wheeler:

Enclosed herewith is Application for a permit to appropriate ground waters, together with map prepared by J. H. Creed. Mr. Roberts' check for \$45.00 is also enclosed for the filing fee.

We will appreciate receiving your acknowledgment of the receipt of this application. Thank you.

Very truly yours,

CRAMER & PINKERTON



William D. Cramer

ag.  
Enc. Orig. Appl. & Map  
Ck. \$45.00

Application No. G-7608  
Permit No.

RECEIVED  
DEC 15 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

G-7608

STATE OF OREGON

RECEIVED

MAR 24 1982

COUNTY OF

HARNEY

WATER RESOURCES DEPT  
SALEM, OREGON

Proof of Appropriation of Water

GEORGE L. and ELLA J. ROBERTS

of 1305 NW Elgin, Bend, State of Oregon 97701,  
has applied beneficially the waters of  
Roberts Well

a tributary of Malheur Lake Basin for the purpose of  
irrigation of 76.1 acres

under Permit No. G-7056 and that the use of said waters has been completed under the  
terms of said permit; that the priority of the right dates from

December 15, 1976  
that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
amount of

0.64 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well.  
The well is located in the Lot 1 (NE 1/4 NE 1/4), Section 5, T25S,  
R31E, WM; 60 feet South and 10 feet East from NW Corner, Lot 1 (NE 1/4  
NE 1/4), 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 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.

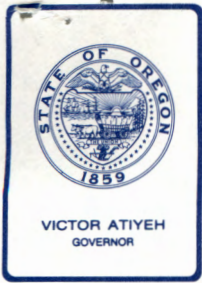
A description of the place of use under the right, and to which such right is appurtenant, is  
as follows:

37.2 acres Lot 1 (NE 1/4 NE 1/4)  
38.9 acres Lot 2 (NW 1/4 NE 1/4)  
Section 5  
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 22 day of March,  
1982

George L. Roberts  
Ella J. Roberts



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

March 8, 1982

Harney County Assessor  
Mary Anna Culp  
Burns, OR 97720

**RECEIVED**

MAR 11 1982

**WATER RESOURCES DEPT.  
SALEM, OREGON**

REFERENCE: File No. G-7608

Dear Ms. Culp:

Could you please provide this office with the name and address of the current owner of the lands shown on the enclosed map?

Your assistance is appreciated.

Sincerely,

Thomas E. Shook  
Senior Water Rights Examiner

TES/jw

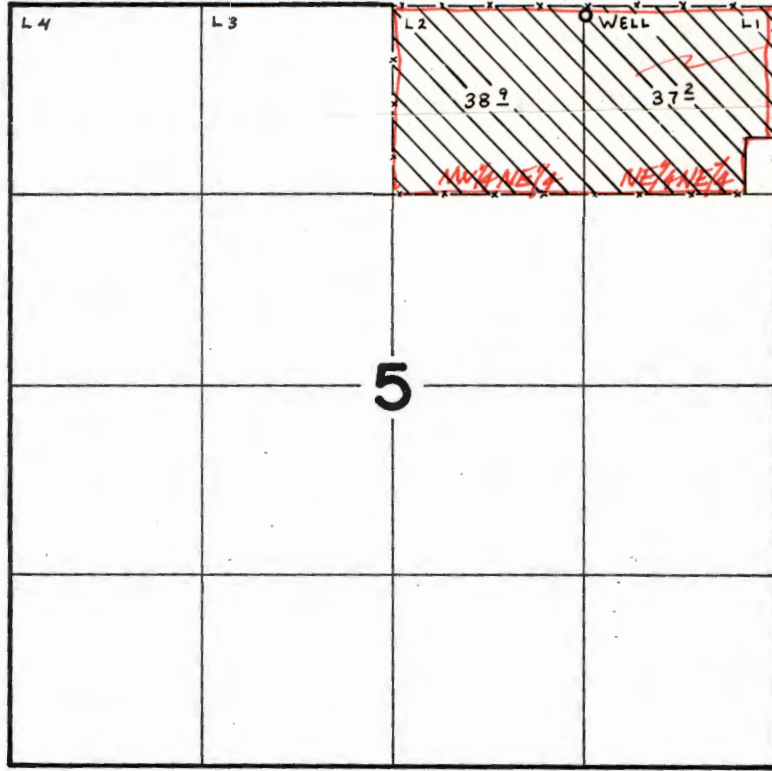
Enclosure

*George L. & Ella J. Roberts  
Box 445  
Burns, OR 97720*

*Mailed Broof again  
to above address on  
3-12-82  
ju*

T25S. R31E. WM.

M127



*area in question*

WELL Loc: 60' S. & 10' E. fr. N.W. Cor. of NE. 1/4 NE. 1/4 Sec. 5.

*Scale 4" = 1 mi.*

*Q-7608*

INFO IS THAT THIS APPLICANT WITH FLOW INFORMATION, ROBERTS OWNER Lot 1 1/2 of Sec 5. MAKE SURVEY OF LAND TO BE IRR. OF NENE & NWNE of Sec 5.

# Abstract of Permit No. G-7056

Application No. G-7608 Certificate No.

Name **George L. & Ella J. Roberts**  
 Address **1305 N.W. Elgin Bend, Oregon 97701**

Source of water supply **Roberts Well TRIB OF MALHEUR LAKE BASIN**

Use **Irrigation of 76 1/2 Acres**

Point of diversion **60'S & 10'E from NW cor., SW 1/4 sec. 5, being within NW 1/4 SW 1/4 sec. 5, T.25S., R.31E., W.M.; Harney County**

Number of acres **80.0**

## 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	
25 S	31 E	5	40	40															
		6				L1			38.79										40.0
						L2			38.73										
			<b>S L1 (NENE) (LOT 1)</b>								<b>37.2</b>								
			<b>L2 (NWNE) (LOT 2)</b>								<b>38.2</b>								
			<b>TOTAL</b>								<b>76 1/2 Ac.</b>								

Priority date **December 15, 1976**

Amount of water **1.0 c.f.s.**

*Capacity of system*

Time limit to begin construction **2-3-78**

Time limit to complete construction **10-1-78 extended to extended to**

Time limit to completely apply water **10-1-79 extended to extended to**

Remarks: Limitations: **1/80th c.f.s., 3 a.f.**

Chain Survey 8/25/78 ELH

cgm

Basin 12 of Alko.

Basin 12, Volume 1

Info: Mr. Roberts. All is irrigated as applied except the SE cor around trailers and haystacks.

Source: A well. Depth 80'. Pumping level - 60'. 12" casing.  
pump - US 15HP @ 1760RPM turbine 5" disch.

Use: Irrigation of haycrop, grains

Equip: pipe - 6" main - 1200' Alum  
-  $\frac{1}{4}$  mi - 4" Alum wheelline  
-  $\frac{1}{4}$  mi - 3" Alum laterals

heads - RB 30's  $\frac{5}{32} \times 0$  (66 max)

Lift: zero to +15' @ SE edge

Tie: Chain survey. See Appl. map.

@ 35 psi

$$\text{pump} - \frac{(15)(6.85)}{(75) + (88.9)} = .587 \text{ cfs}$$

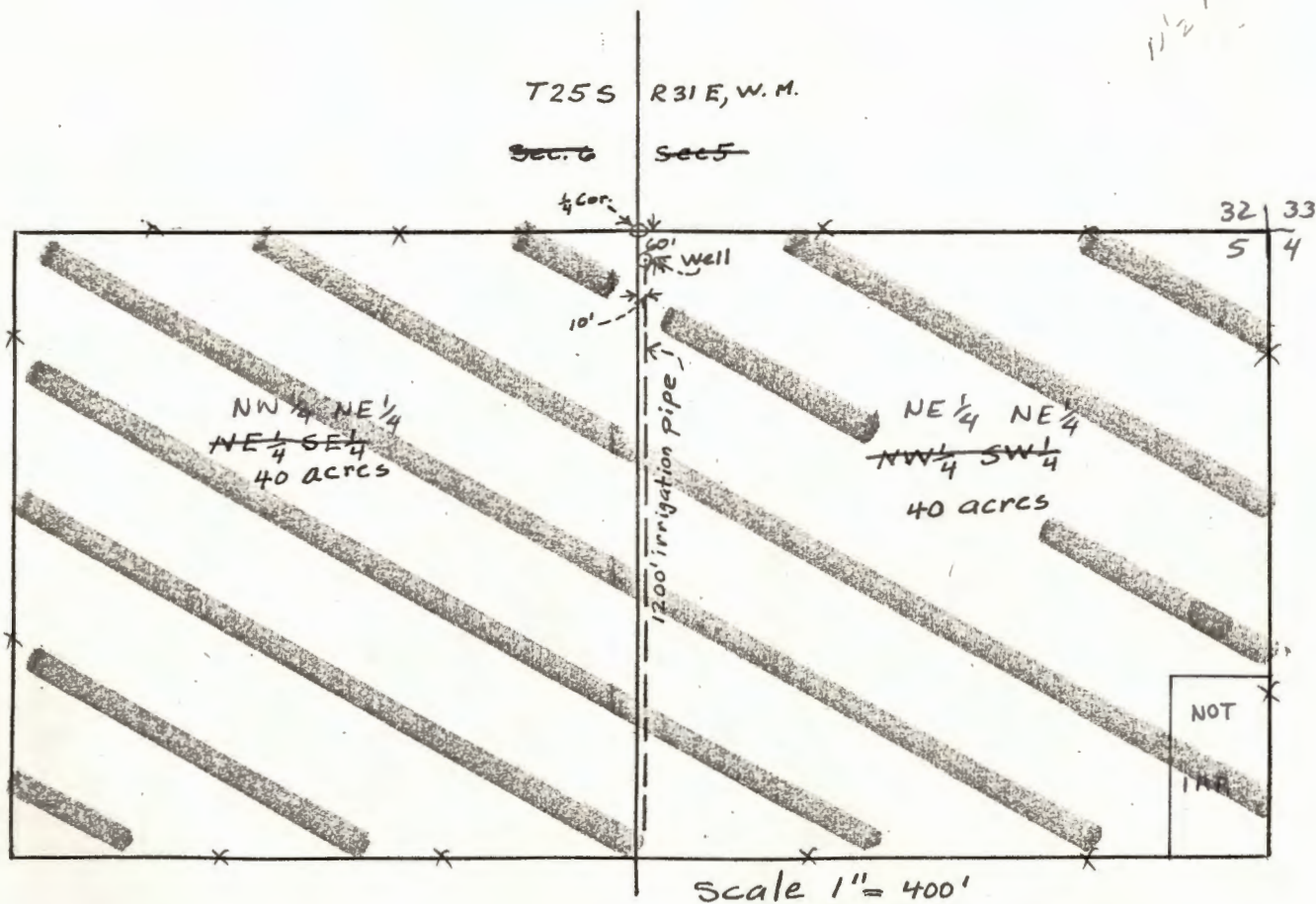
$$\text{heads} - \frac{(66)(4.10)}{450} = .601 \text{ cfs}$$

Chris Hughes

FE

8/25/78

MAP TO ACCOMPANY APPLICATION  
 BY GEORGE L.<sup>and</sup> ELLA J. ROBERTS  
 TO APPROPRIATE AND USE  
 GROUND WATER IN SECTIONS  
 5<sup>and</sup> 6 T25S R31E, W.M.



Application No. G-7608  
 Permit No. G 7056

RECEIVED  
 DEC 15 1976  
 WATER RESOURCES DEPT  
 SALEM, OREGON

AS APPLIED



CONTRACT—REAL ESTATE

H-3747

THIS CONTRACT, Made the 2nd day of July, 1976, between GUY C. LYONS and GERTRUDE R. LYONS, husband and wife, or survivor,

of the County of Harney and State of Oregon hereinafter called the first party, and GEORGE L. ROBERTS and ELLA J. ROBERTS, husband and wife, or survivor, of the County of Deschutes and State of Oregon hereinafter called the second party,

WITNESSETH, That in consideration of the stipulations herein contained and the payments to be made as hereinafter specified, the first party hereby agrees to sell, and the second party agrees to purchase, the following described real estate, situate in the County of Harney, State of Oregon to wit:

Land in Harney County, Oregon, as follows: In Twp. 25 S., R. 31 E., W.M.: Sec. 5: Lots 1 and 2.

Together with the following irrigation equipment: 1 - 15 h.p. turbine pump, One-half mile 3 inch line, One-fourth mile main line.

One trailer house frame for storage shed.

Said real property subject to mineral reservations of record.

For the sum of Twenty Thousand and no/100 Dollars (\$ 20,000.00) on account of which Five Thousand and no/100 Dollars (\$ 5,000.00) is paid on the execution hereof (the receipt of which is hereby acknowledged by the first party), and the remainder to be paid to the order of the first party with interest at the rate of eight per cent per annum from July 2, 1976, on the dates and in amounts as follows:

Balance of \$15,000.00 payable in monthly installments of not less than \$100.00, including interest at 8% per annum from July 2, 1976. First payment due August 2, 1976, and a like payment on the 2nd day of each month thereafter, until the whole sum of principal and interest is paid in full.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals at the County of Harney, State of Oregon, this 2nd day of July, 1976.

IMPORTANT NOTICE: Delay, by filing out, whichever phrase and whichever sentence (A) or (B) is not applicable. If sentence (A) is applicable, and if the seller is a creditor, or both, as defined in the Truth-in-Lending Act and Regulation Z, the seller MUST comply with the Act and Regulation by making required disclosures. For this purpose, see Stevens-Neal Form No. 1206 or similar unless the contract will become a part of the purchase of a dwelling in which event see Stevens-Neal Form No. 1207 or similar.

Guy C. Lyons & Gertrude R. Lyons Box 937 Hines, Oregon 97738

George L. Roberts & Ella J. Roberts 1305 NW Elgin Ave. Bend, Oregon 97701

After recording return to: Cramer & Pinkerton, Attorneys, Box 646, Burns, Oregon 97720

Until a change is requested all law statements shall be sent to the following address: George L. Roberts & Ella J. Roberts 1305 NW Elgin Ave. Bend, Oregon 97701

STATE OF OREGON County of Harney I, certify that the within instrument was received for record on the 4th day of August, 1976, at 3:20 o'clock P.M., and recorded in book 101 on page 497 or as file/reel number 166 335 Record of Deeds of said county. Witness my hand and seal of County affixed: Dan C. Siltescu Recording Officer By Vera A. Delano Deputy

SPACE RESERVED FOR RECORDED & INDEXED

Bruce

Contract of sale  
between Lyon &  
Roberts 15 mo.  
prior to submitting  
app should be  
conclusive evidence  
of ownership &  
~~at~~ intent. records  
should be marked  
to show intended  
location. also

call Bill Beal  
so he can know  
use in lots 1 & 2

OK —

Uno .

SECTION PLAT

RECEIVED

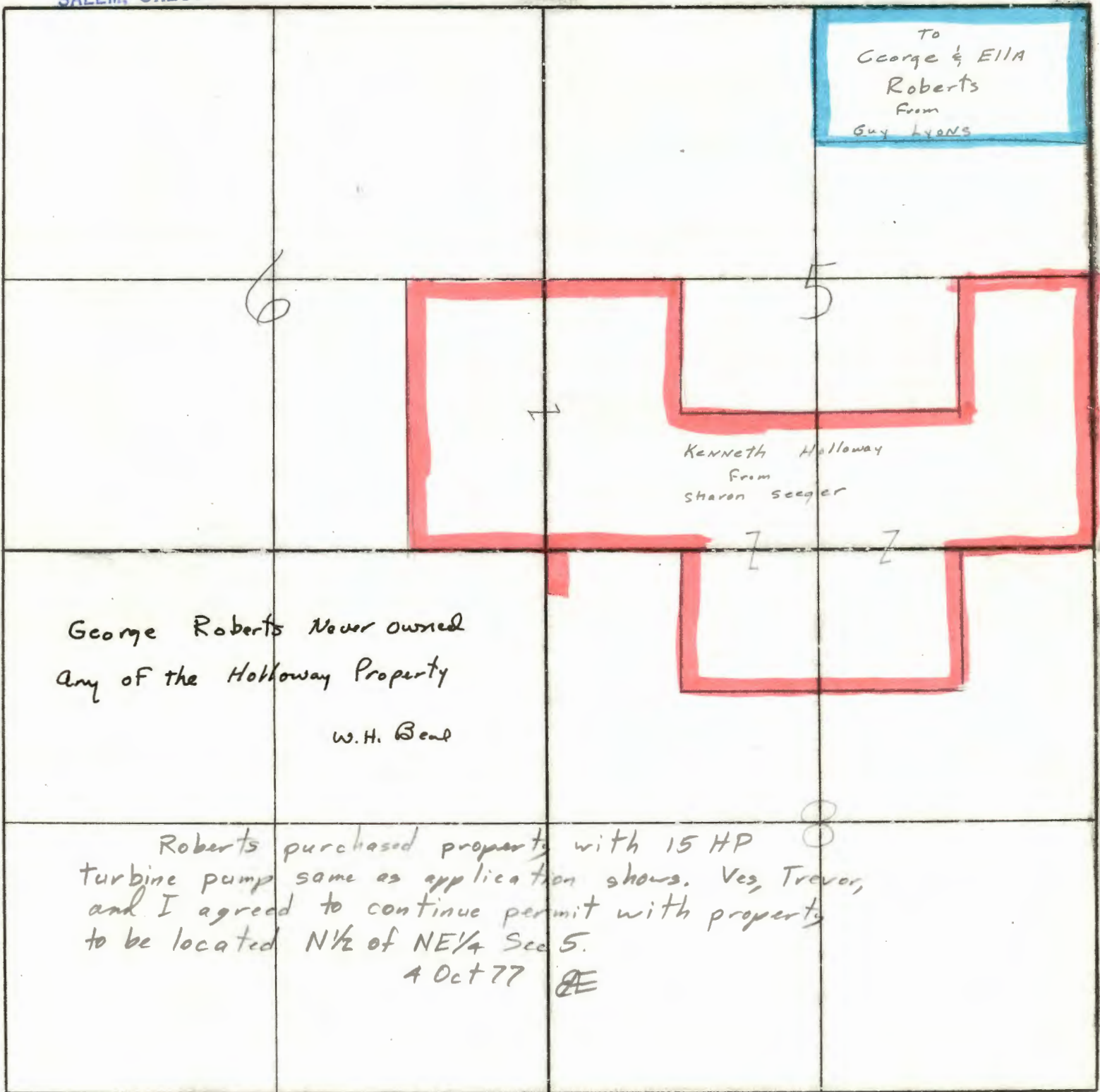
Section 5 & 6 Township 25 S Range 31 E

SEP 26 1977

County of HARNEY State of OREGON

WATER RESOURCES DEPT  
SALEM, OREGON

NORTH



To  
George & ELLA  
Roberts  
From  
Guy LYONS

6

5

Kenneth Holloway  
From  
Sharon Seeger

George Roberts Never owned  
Any of the Holloway Property

W.H. Bend

Roberts purchased property with 15 HP turbine pump same as application shows. Veg, Trevor, and I agreed to continue permit with property to be located N 1/2 of NE 1/4 Sec 5.

4 Oct 77 AE

S

Remarks scale - 8" = 1 mile - 650' -

RECEIVED

SEP 26 1977

163950

BOOK 100 PAGE 73

C O N T R A C T O F S A L E

THIS AGREEMENT made and entered into this 30<sup>th</sup> day of December, 1975, by and between SHARON SEEGER, a married woman, herein called Vendor and KENNETH C. HOLLOWAY, herein called Purchaser,

W I T N E S S E T H:

Vendor agrees to sell and Purchaser agrees to purchase the following described real property located in Harney County, Oregon, upon the terms and conditions contained herein:

Township 25 South, Range 31 E.W.M.:

Section 5: W $\frac{1}{2}$ SW $\frac{1}{2}$ ; SE $\frac{1}{2}$ SW $\frac{1}{2}$ ; SW $\frac{1}{2}$ SE $\frac{1}{2}$ ; E $\frac{1}{2}$ SE $\frac{1}{2}$ .

Section 6: E $\frac{1}{2}$ SE $\frac{1}{2}$ .

Section 8: NE $\frac{1}{2}$ NW $\frac{1}{2}$ ; NW $\frac{1}{2}$ NE $\frac{1}{2}$ .

**PURCHASE PRICE AND TERMS:** The purchase price of the property, which Purchaser agrees to pay, shall be the sum of \$20,000.00 (Twenty Thousand Dollars and no/100), payable as follows:

- a. The sum of \$1,000.00 which has previously been paid as earnest money.
- b. The remaining balance of \$19,000.00 will be paid in monthly installments of \$110.83 per month which represents the interest at the rate of 7% per annum on the said \$19,000.00, the first of such installments to be paid on the first day of December, 1975, and subsequent installments to be paid on or before the first day of each and every month thereafter until December 1, 1977 at which time Purchaser agrees to pay the entire balance of the purchase price then owing of \$19,000.00.

**INTEREST:** Interest on all unpaid balances shall commence on the first day of December, 1975.

**PREPAYMENT PRIVILEGES:** Purchaser shall have the privilege on any due date to increase any monthly payment or prepay the whole of the balance at any time.

CONTRACT—REAL ESTATE

13/137

H-3747

THIS CONTRACT, Made the 2nd day of July, 1976, between GUY C. LYONS and GERTRUDE R. LYONS, husband and wife, or survivor,

of the County of Harney and State of Oregon hereinafter called the first party, and GEORGE L. ROBERTS and ELLA J. ROBERTS, husband and wife, or survivor, of the County of Deschutes and State of Oregon hereinafter called the second party.

WITNESSETH, That in consideration of the stipulations herein contained and the payments to be made as hereinafter specified, the first party hereby agrees to sell, and the second party agrees to purchase, the following described real estate, situate in the County of Harney, State of Oregon, to-wit:

Land in Harney County, Oregon, as follows:

In Twp. 25 S., R. 31 E., W.M.:

Sec. 5: Lots 1 and 2.

Together with the following irrigation equipment:

- 1 - 15 h.p. turbine pump,
- One-half mile 3 inch line,
- One-fourth mile main line.

One trailer house frame for storage shed.

Said real property subject to mineral reservations of record.

for the sum of Twenty Thousand and no/100 Dollars (\$ 20,000.00) on account of which Five Thousand and no/100 Dollars (\$ 5,000.00) is paid on the execution hereof (the receipt of which is hereby acknowledged by the first party), and the remainder to be paid to the order of the first party with interest at the rate of eight per cent per annum from July 2, 1976, on the dates and in amounts as follows:

Balance of \$15,000.00 payable in monthly installments of not less than \$100.00, including interest at 8% per annum from July 2, 1976. First payment due August 2, 1976, and a like payment on the 2nd day of each month thereafter, until the whole sum of principal and interest is paid in full.

Taxes for the current tax year shall be prorated between the parties hereto as of the date of this contract. The second party, in consideration of the premises, hereby agrees to pay all taxes hereafter levied and all public and municipal liens and assessments hereafter lawfully imposed upon said premises, all promptly and before the same or any part thereof become past due, that he will keep all buildings now or hereafter erected on said premises insured in favor of the first party against loss or damage by fire (with extended coverage) in an amount not less than \$ none

in a company or companies satisfactory to first party, and will have all policies of insurance on said premises made payable to the first party as fast as such party's interest may appear and will deliver all policies of insurance on said premises to the first party as soon as issued. All improvements placed thereon shall remain, and shall not be removed before final payment be made for said above described premises.

(Continued on reverse)

\*IMPORTANT NOTICE: Delete, by lining out whichever phrase and whichever warranty (A) or (B) is not applicable. If warranty (A) is applicable and if the seller is a creditor, as such word is defined in the Truth-in-Lending Act and Regulation Z, the seller MUST comply with the Act and Regulation by making required disclosures. For this purpose, use Stevens-Ness Form No. 1308 or similar unless the contract will become a first lien to finance the purchase of a dwelling in which event use Stevens-Ness Form No. 1307 or similar.

Guy C. Lyons & Gertrude R. Lyons

Box 937  
Hines, Oregon 97738  
SELLER'S NAME AND ADDRESS

George L. Roberts & Ella J. Roberts

1305 NW Elgin Ave.  
Bend, Oregon 97701  
BUYER'S NAME AND ADDRESS

After recording return to:

Cramer & Pinkerton, Attorneys,

Box 646  
Burns, Oregon 97720  
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

George L. Roberts & Ella J. Roberts

1305 NW Elgin Ave.  
Bend, Oregon 97701  
NAME, ADDRESS, ZIP

STATE OF OREGON,

County of Harney  
I, certify that the within instrument was received for record on the 4th day of August, 1976, at 3:20 o'clock P.M., and recorded in book 101 on page 497 or as file/reel number 166335. Record of Deeds of said county.

Witness my hand and seal of County affixed:

Don C. Felteau  
Recording Officer

By Vera A. Dalan Deputy

SPACE RESERVED FOR RECORDER'S USE

65

65

65

65

**RECEIVED**

SEP 26 1977

WATER RESOURCES DEPT  
SALEM, OREGON

Application No. ....

Permit No. G-7056 .....

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIVED

Application for a Permit to Appropriate Ground Water

JUL 11 1977

WATER RESOURCES DEPT  
SALEM, OREGON

I, George L. Roberts & E/A J. Roberts  
(Name of Applicant)

of 1305 NW Elin BEND ORE.  
(Mailing Address) (City)

State of OREGON, 97701 Phone No. .... do hereby  
(Zip Code)

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

1. The development will consist of 1 Well  
(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 12 and an estimated depth of 80 feet.

2. The well or other source is to be located 60 ft. S and 1310 ft. W  
(N. or S.) (E. or W.)

from the NW 1/4 corner of Section 5  
(Public Land Survey Corner)

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

being within the NE 1/4 of the NE 1/4 of  
Sec. 5 Tp. 25S R. 31E, 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 1/4 1/4 of Section	List use and/or number of acres to be irrigated
<u>25S</u>	<u>31E</u>	<u>5</u>	<u>NE 1/4, NE 1/4</u>	<u>40</u>
<u>25S</u>	<u>31E</u>	<u>5</u>	<u>NW 1/4, NW 1/4</u>	<u>40</u>

4. It is estimated that 18 feet of the well will require 12" casing.  
(Kind)

5. Depth to water table is estimated 40 Well drilled by OWNER  
(Feet)



6. The amount of water which the applicant intends to apply to beneficial use is 4 cubic feet per second or 400 gallons per minute.

7. The use to which the water is to be applied is IRRIGATION of PASTURE  
And ALFALFA

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.

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.

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.

15 HP Turbine (electric)

Pipe Length 1200' 5" for 300' 4" for 900'

11. Construction work will begin on or before

JAN 1, 1977

12. Construction work will be completed on or before

JULY 1, 1977

13. The water will be completely applied to the proposed use on or before

JUNE 1, 1978

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

Application No. ....

Permit No. ....

Remarks:.....

THIS APPLICATION PREPARED BY:

William H. Beal

FROM INFORMATION FURNISHED BY  
THE APPLICANT.

x George L. Roberts  
Signature of Applicant  
x Ellen Jane Roberts

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 ..... day of ....., 19....., at ..... o'clock

.....M.

Application No.....

Permit No.....

Application No.....

Permit No.....

### 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.....*