	Applicat	ion No. G.	3083			FEES PAID	
Name HARRY PON By P. O. Box 1191 1113	Action in the second	mit No. G.	2000		Date	Amount	Receipt No.
By P. O. Box 1191 1113	Per	mit No. G.	20000	-	4-21-65	33,=	4647
Address Burns, Oregon 97700	Certific	ate No.	36990	-			
	DVA	Notificatio					
	Stream	Index, Page	No. 12-32				
					6/19/10	\$1 Cert. Fee	19475
Date filed April 21, 1965					FEI Date	ES REFUND	
					7-14-65	Amount \$585	Check No. 485
Priority April 21, 1965			AS	SSIGNMENTS			
Action suspended until OK Cent	Date		To Whom		Address	Volum	ne Page
Returned to applicant							
Date of approval June 25, 1965							
CONSTRUCTION				REMARKS			
Date for beginning June 25, 1966	1.7 c.f.s.,	Pon Well N	o. 20 (Foleys Slo	ugh) (Silvies	River) for the	supplement	al
Date for completion October 1, 1966	irrigation	of 138 acre	5.				
Extended to							
	OCT 1 6 19	67 CARD FO	R C				
Date for application of water October 1, 1967	JAN 151	968 FORM 10)				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Extended to							
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PROSECUTION OF WORK							•
Form "A" filed							
Form "B" filed completed							······································
Form "C" filed Jeb. 23, 1968							V
FINAL PROOF							••••••••••
Blank mailed MAY 1 1 1970						••••••	***************************************
Proof received AUGUST 3 1970							
Date certificate issued							
. All		SP*12920	-119				

(Address)

HEREOF, I have hereunto set my hand this

(Signature of Applicant)



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.wrd.state.or.us

April 12, 2016

CURT BLACKBURN 32055 HWY 20E BURNS, OR 97720

REFERENCE: Transfer Application T-11906

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 <u>only</u> 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@wrd.state.or.us.

Sincerely,

Marissa Andrews

Water Right Services Support

cc: J R. Johnson, Watermaster Dist. #10 (via email)

Scott D. Montgomery, Agent Landowners (other or receiving)

Irrigation Districts

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-11906, Harney County)	APPROVING A CHANGE IN POINTS
)	OF APPROPRIATION AND
)	ADDITIONAL POINTS OF
)	APPROPRIATION

Authority

Oregon Revised Statute (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 Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CURT BLACKBURN 32055 HWY 20E BURNS, OR 97720 curtjettblackburn@centurytel.net

Findings of Fact

- 1. On October 17, 2014, CURT BLACKBURN filed an application to change the points of appropriation and add additional points of appropriation under Certificates 35135, 36880, 49683, 83994, and 89445. The Department assigned the application number T-11906.
- 2. Notice of the application for transfer was published on October 28, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On November 4, 2014, the Department emailed the agent notifying them of the deficiencies in the application.
- 4. On November 19, 2014, the agent submitted a revised application and map correcting the deficiencies.
- 5. On July 21, 2015, the Department emailed the agent notifying them of the deficiencies in the application.

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.

- 6. On July 22, 2015, the agent submitted a revised application and map correcting the deficiencies.
- 7. On December 2, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11906 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 4, 2016, for the applicant to respond. The applicant requested that the completion date be extended to October 1, 2022 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.
- 8. On February 17, 2015, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11906 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 February 23, 2016, and in the Burns Times Herald newspaper on February 24 and March 2, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
 - The portion of the first right to be transferred is as follows:

Certificate: 35135 in the name of BURTT and JOSEPHINE SCRODER; (perfected

under Permit G-2316)

Use: SUPPLEMENTAL IRRIGATION OF 108.5 ACRES

Priority Date: DECEMBER 19, 1962

Rate: 1.3 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, 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: SCHRODER WELL 1 within the POISON CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q
22 S	31 E	WM	34	SW SW

Authorized Place of Use:

	SUPPLEN	IENTAI	IRRI	GATION	
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	34	SW SW	32.0
22 S	31 E	WM	34	SE SW	39.0
22 S	31 E	WM	34	SW SE	37.5
				Total	108.5

10. The proposed additional points of appropriation are described in the table below with the measured distances from the original (authorized) point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location
22 S	31 E	WM	33	sw sw	WELL #14 (HARN 129) - 530 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33	4200 ft.
22 S	31 E	WM	34	SE SW	WELL B (HARN 132) - 969.6 FEET NORTH AND 2641.7 FEET WEST FROM THE SE CORNER OF SECTION 34	2500 ft.
22 S	31 E	WM	33	SE SE	WELL C - 1165 FEET NORTH AND 145 FEET WEST FROM THE SE CORNER OF SECTION 33	260 ft.

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

Certificate:

36880 in the name of HARRY PON C/O BRADEEN BROTHERS

(perfected under Permit G-2880)

Use:

SUPPLEMENTAL IRRIGATION OF 86.3 ACRES

Priority Date: APRIL 21, 1965

Rate:

1.08 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:

PON WELL NO. 20 within the FOLEY SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	31 E	WM	33	NE NW	PON WELL NO. 20 (HARN 106): 230 FEET SOUTH AND 860 FEET EAST FROM THE NW CORNER OF NENW OF SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	NE SW	1.0
22 S	31 E	WM	33	SW SW	4.0
22 S	31 E	WM	33	SE SW	29.0
22 S	31 E	WM	33	NW SE	0.5
22 S	31 E	WM	33	SW SE	32.4
22 S	31 E	WM	33	SE SE	19.4
				Total	863

12. The proposed points of appropriation are described in the table below with the measured distances from the original (authorized) point of appropriation:

Twp	Twp Rng Mer Sec Q-Q		Q-Q	Measured Distances	Distance from original well location	
22 S	31 E	WM	33	sw sw	WELL #14 (HARN 129) - 530 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33	4400 ft.
22 S	31 E	WM	34	sw sw	WELL A (HARN 130) - 1120 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 34	5000 ft.
22 S	31 E	WM	34	SE SW	WELL B (HARN 132) - 969.6 FEET NORTH AND 2641.7 FEET WEST FROM THE SW CORNER OF SECTION 34	7000 ft.
22 S	31 E	WM	33	SE SE	WELL C - 1165 FEET NORTH AND 145 FEET WEST FROM THE SE CORNER OF SECTION 33	

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

Certificate:

49683 in the name of HARRY PON (perfected under Permit G-1808)

Use:

SUPPLEMENTAL IRRIGATION OF 167.3 ACRES

Priority Date: APRIL 3, 1961

Rate:

2.09 CUBIC FEET PER SECOND (CFS), BEING 1.06 CFS FROM WELL

5 AND 1.03 CFS FROM WELL 14

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.

Sources:

WELLS 5 AND 14, within the FOLEY SLOUGH BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	31 E	WM	28	SE SE	WELL #5 (HARN 107) - 100 FEET SOUTH AND 620 FEET WEST FROM THE NE CORNER OF THE SESE OF SECTION 28
22 S	31 E	WM	33	sw sw	WELL #14 (HARN 129) - 530 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

	SUPPLEM			GATION	
		WELI	_5		
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	NE SW	4.0
22 S	31 E	WM	33	SE SW	7.0
22 S	31 E	WM	33	NE SE	22.1
22 S	31 E	WM	33	NW SE	28.5
22 S	31 E	WM	33	SW SE	5.2
22 S	31 E	WM	33	SE SE	18.2
				Total	85.0

	SUPPLEM	WELL		JATTON	
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	NE SW	1.0
22 S	31 E	WM	33	SE SW	29.0
22 S	31 E	WM	33	NW SE	0.5
22 S	31 E	WM	33	SW SE	32.4
22 S	31 E	WM	33	SE SE	19.4
				Total	82.3

14. The proposed points of appropriation and additional points of appropriation are described in the table below with the measured distances from the original (authorized) points of appropriation:

Twp	22 S 31 E WM 34 SW SW AND 1		Q-Q	Measured Distances	Distance from origina well location		
•					Well 5	Well 14	
22 S			WELL A (HARN 130) - 1120 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 34		AND 150 FEET EAST FROM THE SW	5400 ft.	4200 ft.
22 S	31 E	wm	34	SE SW	WELL B (HARN 132) - 969.6 FEET NORTH AND 2641.7 FEET WEST FROM THE SW CORNER OF SECTION 34	6400 ft.	6750 ft.
22 S	31 E	WM	33	SE SE	WELL C - 1165 FEET NORTH AND 145 FEET WEST FROM THE SE CORNER OF SECTION 33	1	4000 ft.

	Supplement	tal Irriga	tion Lo	ocation and l	Proposed W	/ells
Twp	Rng	Mer	Sec	Q-Q	Acres	Well No.
22 S	31 E	WM	33	NE SW	4.0	A, B, C
22 S	31 E	WM	33	NE SW	1.0	14, A, B, C
22 S	31 E	WM	33	SE SW	29.0	14, A, B, C
22 S	31 E	WM	33	SE SW	7.0	A, B, C
22 S	31 E	WM	33	NE SE	22.1	A, B, C
22 S	31 E	WM	33	NW SE	28.5	A, B, C
22 S	31 E	WM	33	NW SE	0.5	14, A, B, C
22 S	31 E	WM	33	SW SE	32.4	14, A, B, C
22 S	31 E	WM	33	SW SE	5.2	A, B, C
22 S	31 E	WM	33	SE SE	19.4	14, A, B, C
22 S	31 E	WM	33	SE SE	18.2	A, B, C

15. The fourth right to be transferred is as follows:

Certificate: 83994 in the name of CURTIS AND KAEKO BLACKBURN AND

NORTHWEST FARM CREDIT SERVICES FLCA (perfected under Permit

G-7642)

Use: SUPPLEMENTAL IRRIGATION OF 77.9 ACRES

Priority Date: MAY 19, 1977

Rate: 0.97 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of

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

Source: A WELL within the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	31 E	WM	34	SW SE	WELL B (HARN 132) - 969.6 FEET NORTH AND 2641.7 FEET WEST FROM THE SW CORNER OF SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	34	NW SW	39.7
22 S	31 E	WM	34	SE SW	38.2

16. The proposed points of appropriation are described in the table below with the measured distances from the original (authorized) point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location
22 S	31 E	WM	33		WELL #14 (HARN 129) - 530 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33	6800 ft.
22 S	31 E	WM	34	sw sw	WELL A (HARN 130) - 1120 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 34	2500 ft.
22 S	31 E	WM	33	SE SE	WELL C - 1165 FEET NORTH AND 145 FEET WEST FROM THE SE CORNER OF SECTION 33	1

17. The fifth right to be transferred is as follows:

Certificate:

89445 in the name of CURT BLACKBURN (perfected under Permit

G-1808)

Use:

IRRIGATION OF 8.2 ACRES AND SUPPLEMENTAL IRRIGATION

OF 26.0 ACRES

Priority Date: APRIL 3, 1961

Rate:

0.43 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:

WELL 14 within the FOLEY SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	31 E	WM	33	sw sw	Well 14 (HARN 129): 530 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

		IRRIGA'	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	NE SW	8.2

	SUPPLEN	MENTAL	IRRIC	GATION	
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	31 E	WM	33	NE SE	10.0
22 S	31 E	WM	33	NW SE	16.0
				Total	260

18. The proposed points of appropriation are described in the table below with the measured distances from the original (authorized) point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from origina well location	
22 S	31 E	WM	34	sw sw	WELL A (HARN 130) - 1120 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 34	4200 ft.	
22 S	31 E	WM	34	SE SW	WELL B (HARN 132) - 969.6 FEET NORTH AND 2641.7 FEET WEST FROM THE SW CORNER OF SECTION 34	6750 ft.	
22 S	31 E	WM	33	SE SE	WELL C - 325 FEET SOUTH AND 4704 FEET WEST FROM THE SE CORNER OF SECTION 33	1	

Transfer Review Criteria (OAR 690-380-4010)

- 19. 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.
- 20. 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-11906.
- 21. The proposed change would not result in enlargement of the rights.
- 22. The proposed change would not result in injury to other water rights
- 23. All other application requirements are met.

Conclusions of Law

The change in points of appropriation and additional points of appropriation proposed in Transfer Application T-11906 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 change in points of appropriation and additional points of appropriation proposed in Transfer Application T-11906 are approved.
- 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 35135, 36880, 49683, 83994, and 89445 and any related decree.
- 3. Water right Certificates 83994 and 89445 are cancelled.
- 4. Water right Certificates 35135, 36880, and 49683 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.

- 5. The quantity of water diverted at the 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 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.
- If substantial interference with a senior water right occurs due to withdrawal of water from any well listed in this transfer, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
- If the number, location, source, or construction of any well deviates from that proposed in the transfer application or required by permit conditions, this transfer may be subject to cancellation, unless the Department authorizes the change in writing.
- Prior to using water from any well listed in this transfer, the applicant shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). A tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID, the applicant shall apply for one from the Department and attach it to the well within 60 days of the date the transfer is approved. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
- 10. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this transfer, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
- 11. Before water use may begin, the water user shall install a totalizing flow meter at each point of appropriation. The totalizing flow meter must be installed and maintained in good working order. In addition, the water user shall maintain a record of all water used each month, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. During the period of the limited license, the record of use shall be submitted to the Department annually, or more frequently as may be required by the Director, and shall be submitted to the Watermaster upon request.

- 12. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 13. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1**, **2022**. 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.
- 14. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

	1
DW	ight And
Dwight /	French, Water Right Services Administrator, for
Thomas	M. Byler, Director
Oregon!	Water Resources Department

Mailing date:_____

Dated at Salem, Oregon this ____ day of April, 2016.

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY PON c/o BRADEEN BROTHERS PO BOX 1113 BURNS, OR 97720

confirms the right to use the waters of PON WELL NO. 20 in the FOLEY SLOUGH (SILVIES RIVER) BASIN for SUPPLEMENTAL IRRIGATION OF 30.2 ACRES.

This right was perfected under Permit G-2880. The date of priority is APRIL 21, 1965. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.38 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	31 E	WM	33	NE NW	230 FEET SOUTH AND 860 FEET EAST FROM THE NW CORNER OF THE NE½NW¼ OF SECTION 33

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 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 to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		
22 S	31 E	WM	32	SE SE	3.2		
22 S	31 E	WM	33	SWSW	27.0		
				Total	30.2		

This certificate describes that portion of the water right confirmed by Certificate 36880, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _______ APR 0.7 2016 ______, approving Transfer Application T-11906.

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

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

WITNESS the signature of the Water Resources Director, affixed ______APR 0 7 2016

Dwight French, Water Right Services Administrator, for

Thomas M. Byler, Director

Oregon Water/Resources Department

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY PON PO BOX 1191 BURNS, OR 97720

confirms the right to use the waters of WELL NO. 5 in the EAST BRANCH FOLEY SLOUGH (SILVIES RIVER) BASIN for SUPPLEMENTAL IRRIGATION OF 166.0 ACRES.

This right was perfected under Permit G-1808. The date of priority is APRIL 3, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.07 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	31 E	WM	28	SE SE	WELL NO. 5 - 100 FEET SOUTH AND 620 FEET WEST FROM THE NE CORNER OF THE SE'4SE'4 OF SECTION 28

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 to which this right is appurtenant is as follows:

	SUPPLEN	MENTAL	IRRIC	GATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	
22 S	31 E	WM	28	SE SE	27.2	
22 S	31 E .	WM	33	NE NE	38.6	
22 S	31 E	WM	33	NW NE	6.0	
22 S	31 E	WM	33	SW NE	27.0	
22 S	31 E	WM	33	SE NE	40.0	
22 S	31 E	WM	33	NE SE	17.9	
22 S	31 E	WM	33	NW SE	9.3	
				Total	166.0	

This certificate describes that portion of the water right confirmed by Certificate 49683, State Record of Water Right Certificates NOT modified by the provisions of an order of the Water Resources Director entered ______, approving Transfer Application T-11906.

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

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

APR 0 7 2016

WITNESS the signature of the Water Resources Director, affixed ______.

Dwight French, Water Right Services Administrator, for

Thomas M Byler, Director

Oregon Water Resources Department

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BURTT AND JOSEPHINE SCHRODER BURNS, OR 97720

confirms the right to use the waters of SCHRODER WELL NO. 2 in the POISON CREEK (SILVIES RIVER) BASIN for SUPPLEMENTAL IRRIGATION OF 75.8 ACRES.

This right was perfected under Permit G-2316. The date of priority is DECEMBER 19, 1962. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.92 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	31 E	WM	3	NW NW	WELL NO. 2 - 200 FEET SOUTH AND 110 FEET EAST FROM THE NW CORNER OF SEC. 3

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 to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	
23 S	31 E	WM	3	NE NW	3	38.0	
23 S	31 E	WM	3	NW NW	4	37.8	

This certificate describes that portion of the water right confirmed by Certificate 35135, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered ____APR 0 7 2016 ____, approving Transfer Application T-11906.

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

The right to the use of the water for the above purpose is restricted to of use described.	beneficial use on the lands or pla	.ce
WITH THOSE IS A SECOND TO THE	APR 07 2016	
WITNESS the signature of the Water Resources Director, affixed	-	
Dwight French, Water Right Services Administrator, for		
Dwight French, Water Right Services Administrator, for		
Thomas M Byler Director		





Proof of Appropriation of Water

HARRY PON

c/o Bradeen Brothers
of P. O. Box 1113, Burns,
has applied beneficially the waters of
Pon Well No. 20

, State of Oregon

a tributary of Foley Slough (Silvies River) supplemental irrigation of 116.5 acres

for the purpose of

under Permit No. G-2880 of the State Engineer, and that the use of said waters has been completed under the terms of said permit; that the priority of the right dates from April 21, 1965

that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of 1.46 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NEW NWW, Section 33, T. 22 S., R. 31 E., W. M. Well located: 230 feet South and 860 feet East from NW Corner, NEW NWW, Section 33.

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

and shall

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

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

3.2 acres SE% SE% Section 32

1.0 acres NE% SW% SW% 29.0 acres SE% SW% O.5 acre NW% SE%

32.4 acres SWA SEW 19.4 acres SEW SEW

Section 33

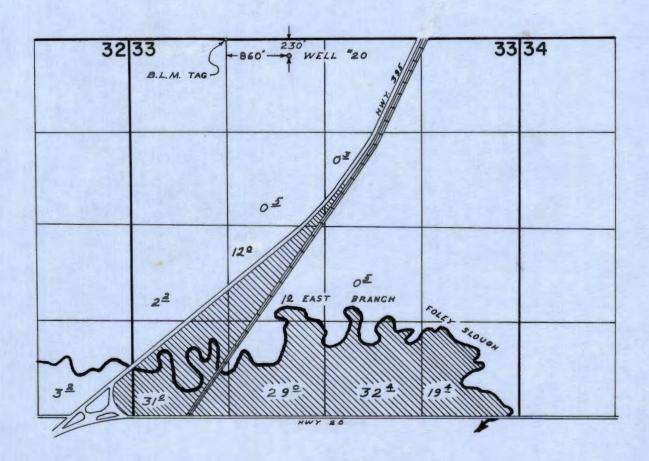
T. 22 S., R. 31 E., W. M.

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.

19.....

Harry ton

T. 22S.R.3IE.W.M.



FINAL PROOF SURVEY

Application No.	G-3083 Permit IN NAME OF	No. G-2880

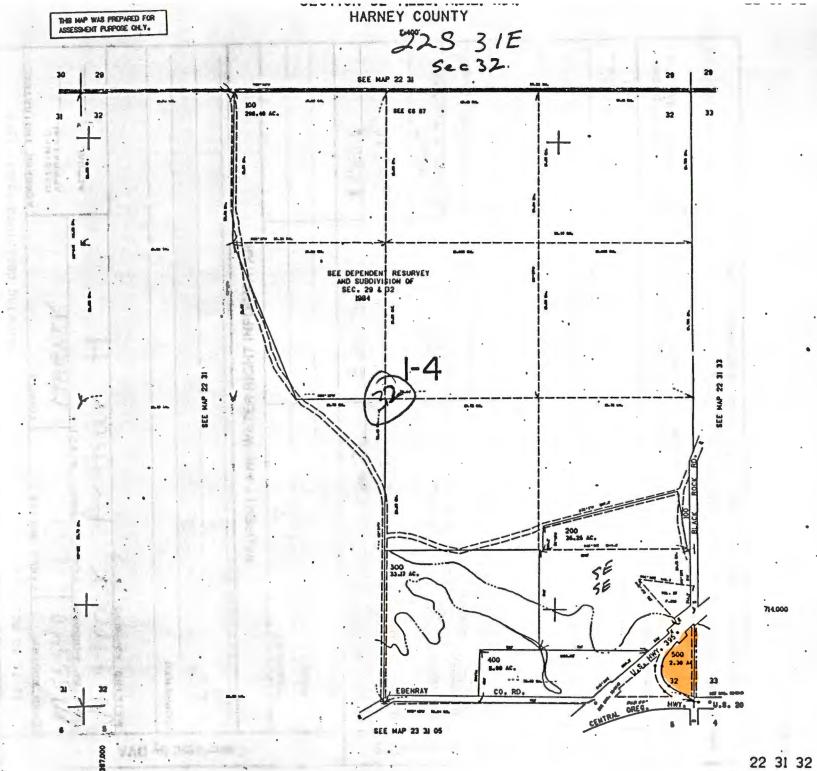
HARRY PON

Surveyed SEPT.16 1968, by W. J. RUPPERT

OREGON Department of Veterans' Affairs

NOTICE OF INTEREST IN WATER RIGHT

то	3850 Po		er Resources oad N.E.	DATE RETURNED TO DVA	APR 1 8 1986 WATER RESOURCES DEPT. SALEM, OREGON
by DVA	M 555 NAME OF BO			in the following d	escribed water right: ACREAGE IRRIGATED: ORIGINAL APPRAISAL ACTUAL
Completed by DVA	111		PROPERTY AND WAT	TER RIGHT INFORMAT	TION
	TOWNS	IIP	225		
	RANGE	PROPERTY AN TOWNSHIP RANGE SECTION PLICATION NUMBER: NUMBER: ACRES: STATUS: RTIFICATE PROPERTY AN 225 31 E 32, 33 PLICATION NUMBER: Vol 9 P 203 RTIFICATE NUMBER: ACRES: AC	31E		
	SECTION		32,33		
	APPLICATION		Silvies River Dou	63083	38836
RESOURCES	PERMIT	ACRES:	Vol 9 p 203	6 2880	28891
SOL	CERTIFICATE		42AC	36880 42 AC 544P	35225 Approx 154c Supp
œ !	IRRIGATION DISTRICT DOMESTIC	NUMBER:	191704	covers other prope	1 11
Completed by WATE	COMMENTS				LJ-22-86
					DM
and Sum	hereby request	s that no ac E., Salem, C	tion be taken to diminish the wa pregon 97310 Attention: Butcl	ter right without notifying th	terest in the above-described property ne Department of Veterans' Affairs, 700 pliance Manager.



00 21 22

AFFIDAVIT

STATE	OF	OREGON)	
County	of	Harney)	55.

I, Harry Pon, being first duly sworn, depose and say that I am the owner of a water right and the land to which it is appurtenant which is for the use of not to exceed 1.46 cubic foot of water per second from Pon Well No. 20 for the supplemental irrigation of:

3.2 acres in the SE¹₄ SE¹₄ Section 32

1.0 acre in the NE₁ SW₂ SW₂ 31.0 acres in the SW₄ SW₂ 29.0 acres in the SE₁ SW₂ SE₂ 0.5 acre in the NW₂ SE₂ 32.4 acres in the SW₄ SE₄ SE₄ 19.4 acres in the SE₄ SE₄

Section 33
Township 22 South, Range 31 East, W.M.

under a priority date of April 21, 1965, as evidenced by the certificate recorded at Page 36880, Volume 28, State Record of Water Right Certificates; that I have abandoned any and all interests in and to said water right and request same be canceled.

ay of _	IN WITNESS WHEREOF, I have hereunto set my hand this, 1971.
	Subscribed and sworn to before me this day of
	. 1971.

My commission expires

June 30, 1971

Harry Pon % Bradeen Brothers P. O. Box 1113 Burns, Oregon 97720

Dear Mr. Pon:

I am enclosing an affidavit, which when properly completed before a notary public and returned to this office, will provide for the cancelation of the right to the use of water as evidenced by certificate 36880 as requested in your letter of June 24, 1971.

Very truly yours,

WAYNE J. OVERCASH Assistant

WJO:reo Enclosure

BRADEEN BROTHERS

Realtors - - Insurance

PHONE 573-6431

RES. 573-6414

355 N. BROADWAY

BURNS, Harney County, OREGON

June 24, 1971

Chris L. Wheeler State Engineer 560 Public Service Bldg Salem, Oregon 97310



Dear Sir:

It is my desire to have Permit No. G-2880 Certificate No. 36880 cancelled for the reason that Permit G-2338 Certificate No. 35223 has a prior right from well No. 20 and requires the full flow of water from said well No. 20 to irrigate the lands designated in Permit G-2338 Certificate No. 35223.

Thank you.

Sincerely

% Bradeen Brothers

P P 0 Box 11/13

Burns, Oregon / 97720

HP/rb

Harry Pon c/o Bradeen Brothers P. O. Box 1113 Burns, Oregon 97720

Dear Sire

On May 11, 1970, we mailed you copies of proofs of the certificates in connection with the incomplete water rights represented by your permits numbered G-2880, G-2881 and G-3904 for the use of water from Pon Well No. 20, Pon Wells No. 15 and 15-A and a well, together with the instructions that the statement at the bottom of each page be signed and the copies be returned to this office accompanied by the certificate recording fees in the amount of \$3.00.

To date these forms have not been received nor has any correspondence regarding reasons for not returning them been received. This is to notify you that unless we receive the signed final proof forms and the certificate recording fees, or a request for additional time within thirty days from the date of this letter, we will be required to take steps toward the cancelation of these permits.

Very truly yours,

Myron V. Bish Assistant

MVB:cjs Enclosures



STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310
May 11, 1970

G-3083 G-4152 G-3084

REFER TO FILE No.

Harry Pon c/o Bradeen Brothers P. O. Box 1113 Burns, Oregon 97720

Dear Sir:

Enclosed is the final proof in connection with the incomplete water right represented by your permit No.s. G-2880, G-3904, and G-2881.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,

lie L. Helen

CHRIS L. WHEELER State Engineer

Form 117

Enclosure

"PLEASE SUBMIT \$1.00 FOR EACH PERMIT"

cjs



3-3083

3084

REFER TO

FILE NO.

STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

February 25, 1968

Harry Pon c/o Bradeen Brothers P. O. Box 1113 Burns, Oregon 97720

Gentlemen:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No.s G-2880 and G-2881.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,

CHRIS L. WHEELER State Engineer

Form 128

ks



REFER TO G-3083

STATE ENGINEER WATER RESOURCES DEPARTMENT 516 PUBLIC SERVICE BUILDING **SALEM 97310** January 15, 1968

Harry Pon 'c/o Bradeen Brothers P. O. Box 1113 Burns, Oregon 97720

.Dear Mr. Pon:

According to the terms of your permit No. G-2880 which is for the appropriation of 1.7 c.f.s., Pon Well No. 20 from Foleys Slough tributary of Silvies River for the supplemental irrigation of 138 acres complete application of water was to have been made by October 1, 1967.

Complete application of water means the application of water to beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 16, 1967.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the State Engineer proof of completion of the appropriation as required by ORS 537.230 and 537.250, the State Engineer may, after 60 days' notice by registered mail, order the cancelation of the permit. ****"

In accordance with the provisions of ORS 537.260, you are hereby

notified that unless proof of beneficia	
INSTRUCTIONS TO DELIVERING EMPLOYEE Show to whom and show to whom, date, and date delivered address where delivered to addressee (Additional charges required for these services)	(s) may be canceled without onger interested in the project
RECEIPT	iate it if you would so advise.
Received the numbered article described below.	is and any part of the project
REGISTERED NO. SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)	ly assign the permit to the new
CERTIFIED NO. Horry Pon	ess. An assignment form will be
S4060 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY INSURED NO. REPORT OF ADDRESSEE'S AGENT, IF ANY	truly yours,
DATE DELIVERED SHOW WHERE DELIVERED (only if requested)	En L Meleslar
1-16-68	L. WHEELER Engineer
ORM 100 055-10-71548-0 GPO	

6-3083 wernin Lecelbe Ledneseer

TJ: ks



FILE NO. G-3083

STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310
January 15, 1968

Harry Pon 'c/o Bradeen Brothers P. O. Box 1113 Burns, Oregon 97720

.Dear Mr. Pon:

According to the terms of your permit No. G-2880 which is for the appropriation of 1.7 c.f.s., Pon Well No. 20 from Foleys Slough tributary of Silvies River for the supplemental irrigation of 138 acres complete application of water was to have been made by October 1, 1967.

Complete application of water means the application of water to beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 16, 1967.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the State Engineer proof of completion of the appropriation as required by ORS 537.230 and 537.250, the State Engineer may, after 60 days' notice by registered mail, order the cancelation of the permit.****"

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit(s) may be canceled without further notice.

If for any reason you are no longer interested in the project described by the permit, we would appreciate it if you would so advise. If the property involved has changed hands and any part of the project has been completed, you should immediately assign the permit to the new owner and advise us of his name and address. An assignment form will be furnished upon request.

Very truly yours, Chan I Maeler

CHRIS L. WHEELER State Engineer

Form 100 Certified Return receipt requested kg

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable.

Mosten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN

AME OF SENDER

CHRIS L. WHEELER

STATE ENGINEER

STATE ENGINEER

STATE ENGINEER

SALEM, OREGON

November 27, 1967

Harry Pon c/o Bradeen Brothers P. O. Box 1113 Burns, Oregon 97720

Dear Sir:

This will acknowledge receipt of your letter dated November 16, 1967, in connection with permits numbered G-2880 and G-2881.

Permit G-2880 is for the appropriation of not to exceed 1.7 cubic feet per second of water from Pon Well No. 20 for supplemental irrigation of 138 acres, and permit G-2881 is for the appropriation of not to exceed 2.0 cubic feet per second of water from Pon Wells No. 15 and 15A for supplemental irrigation of 191 acres.

Under the terms of both permits, the date for complete application of water is October 1, 1967. Enclosed are Form C's for your use in reporting complete application of water for these permits.

Very truly yours.

CHRIS L. WHEELER State Engineer

Myron V. Bish Assistant

MVB:pju Enclosures

G-3083 G-3084

July 26, 1965

Harry Pon F. O. Box 1191 Burns, Oregon

s. G-3083 and G-3084, permit Nos. G-2880 and G-2881 with blueprint and refund check No. 485.

May 5, 1965

Mr. C. N. Young Harney County Surveyor Harney County Court House Burns, Oregon 97720

Dear Mr. Young:

This will acknowledge your letter submitting two applications in the name of Harry Pon (one for a permit to appropriate 1.7 cubic feet of water per second from a well for the supplemental irrigation of 138.0 acres and one for a permit to appropriate 2.0 cubic feet of water per second from a well for the supplemental irrigation of 191.0 acres), a tracing to accompany each application, and fees in the sum of \$63.30 for which our receipts numbered 4647 and 4648 are enclosed with the applicant's copy of this letter.

The applications, which have been filed under file numbers G-3083 and G-3084, appear to be in satisfactory form to be considered for approval by issuance of permits.

Very truly yours,

CHRIS L. WHEELER State Engineer

By Walter N. Perry, Assistant

egw Enclosures in applicant's copy

P.O. Box 1191 Burns, Oregon

C. N. YOUNG HARNEY COUNTY SURVEYOR HARNEY COUNTY COURT HOUSE BURNS, OREGON 97720

Office Phone 8191 Res. Phone 8591

April 20 1965

Mail Address P.O.Box 566

Chris L. Wheeler State Engineer 516 Public Service Bldg. Salem Oregon;



Dear Sirs;

I am enclosing applications to apply water on the Harry Pon lands as follows; From Well 15 & 15A to lands across Foley Slough to other lands inSec.5 Twp.23 S.Range 31 E. and From Well 20 to other lands in Sec. 33 Twp. 22 S. Range 31 for supplementary irrigation as theswa wells suply more water than for the lands that they are daxingdesignated for.

I did not have the logues on these wells, and if there has to be any changes in these applications you may return them to me correct

any decrepancies in them,

I much have C.N. Young

Previor FP. maps allowed

Abstract of Permit No. 6-2880

- 40 Bradu = 11

Application No. 6-3083

P. C. Box 1791 1/13

Burns, regen -

Certificate No.

Name

Address

Source of water supply

Use

Fem Hell No. 20, trib. Feley Slough, trib, Silvice Ry Supplemental irrigation - 1/6 85

Point of diversion

Number of acres

78' S. & 920' 5. from the car, of his hear, Jec. 33, being untimin HE: MW. Sec. 33, 7, 22 S., H. 31 K., W.M., County of Marney

Well Located 230'S & 860'E from NIN cor NE' NW Sec3:

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

		Danes	Sec.		NE	1/4			NW	71/4			SW	1/4			SE	1/4	
	Twp.	Range	Sec.	NE%	NW14		SEN	NE%	NW14	SW14	SE1/4	NE%	NW14	SW14	SE14	NE14	NW1/4	SW1/4	SE14
	223	31.8	II.	11	1	100	4.1			riar	27		3 3		38	FOUR	4	96	121100
		L	32	5	EJ	,54	1			3	6	1 - G	- 19	7.2		3	2	3	33
			33	15	カムナ	NE	12	206		10	10	di	Vol	9, 8	203	03		2	(De
	4	rus h	~	54	1	NH	沙			-	= 1	100	-	1		05			
SE	Of N	2,941	v to	NE	1	SW	1			50	(4-G	-19	12)		13	2		10
			6	NW	14,	SW	45	N. N.	N	> 3.	e, track	1	. Itela. C	1	desh	2=	50		
				SN	14	SW	10	2.3		310			11			310			31=
				SE	7	SW	4			36			11			29			29
				N	W¥,	SE	4			383	100	M	11			05			05
	Prior	ity dat	e	SN	V\$,	SE	14/8	pril	21,	375	1		11			32	4		32
•	Amor	int of	water		4,	SE	-	.46	.1.0	37	ours.		reday	-02	ilver	relen	13	13	19
	Time	limit 1	to bea	in con	struct	tion		170		966						-			116

Time limit to complete construction local extended to

extended to

Time limit to completely apply water water extended to

extended to

Remarks: This appropriation shall be limited to 1/50th of one cubic foot per second or its equivalent for each sere irrigated and shall be further limited to a diversion of not to exceed 3 more feet per mere for each mere irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and chall not exceed the limitation allowed herein, and shell be subject to such ressonable rotation system as may be ordered by the proper state officer.

I not Goil Storbuck -Manager

well - see log more to somedA

Motor · G.E. 30 Mp. 3 p 1765 APM

Pump - Peerless · 8" Disch Direct Drive Turbine

Booster - Motor - 30 40 Contury 30 3500 RM.

Pump - Berkeloy 8 37 PL 3/2" x 5" Orive Torbine.

Mr. Starbuck said that he van water

through irrigation pipe inder the high way

through a colvert (colvert is in) there

flooded land on west side of R.R. tracks

between tracks & huy. water then runs

into slough & irrigatos land south of slough.

See final proof maps. A# G-1972

A# G-2527

sept 16, 1968 Whypert

3.20+

Time limit to begin construction

3 1. 0 0 +

1.00+

Time limit to complete construction actended to

50+

Time limit to completely apply water 16-1-77 executed to

1 9.4 0 +

Remarks The same near trainguled and small be leading limited and second for continue limited and small be reading limited to second and second

1 1 6. 5 0 *

the bank near air was published their making over to player a localizate and all representations

men than all resident of finds have paletted on this methods but become ten historia

which was a may in course of the proper state or white

I, HEREBY CERTIFY THAT THIS
MAP WAS MADE BY A SURVEY
AND MAPS AND AERIAL PHOTO,
AND REPRESENTS LOCATION OF
A WELL AND LANDS TO APPROPRIATE
UNDERGROUND WATER FOR SUPPLEMENTARY IRRIGATION FROM WELL
NO. 20
DATED THIS 19 DAY OF APRIL
1965

COUNTY SURVEYOR
7-7-44 NO. 43 OREGON

