



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

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.

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



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 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 (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
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Total						76.1

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

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

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

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

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

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

Use: IRRIGATION OF 64.7 ACRES

Priority Date: FEBRUARY 14, 1978

Rate: 0.81 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

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

Authorized Place of Use:

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

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

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

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

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

Certificate: 67672 in the name of HELEN M. BARRUS (perfected under Permit G-10914)

Use: IRRIGATION OF 113.6 ACRES

Priority Date: MAY 23, 1989

Rate: 1.42 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: ONE WELL within the SAGE HEN CREEK BASIN

Authorized Point of Appropriation:

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

Authorized Place of Use:

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

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

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

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

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

Transfer Review Criteria (OAR 690-380-4010)

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

Determination and Proposed Action

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

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

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

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

Dated at Salem, Oregon this SEP 27 2018,

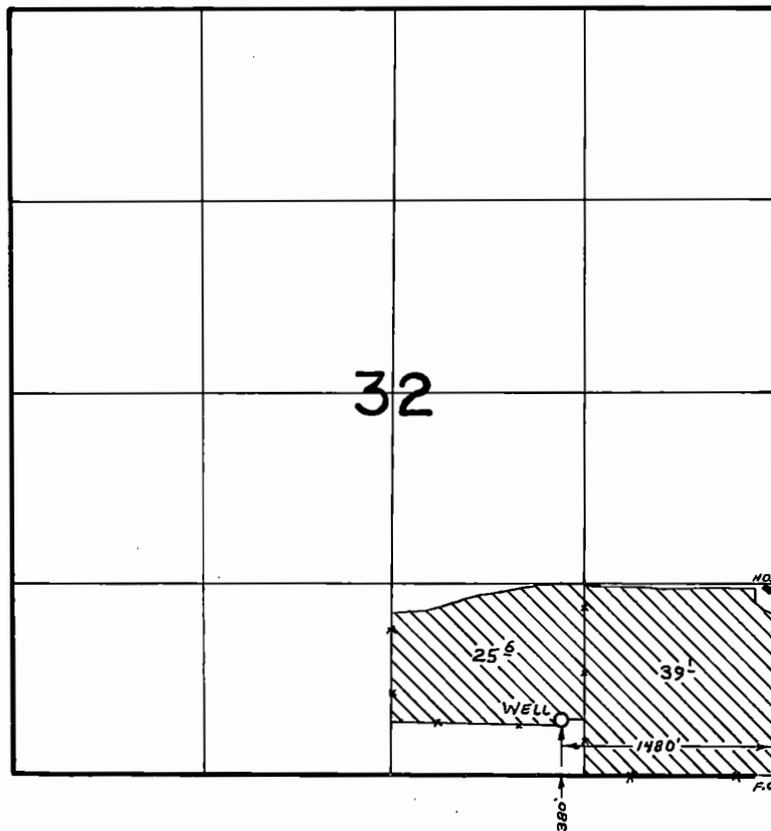

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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

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

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

T.24S.,R.31E.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. G-8645 Permit No. G-7992
IN NAME OF

CURLEY AND BLANCH ANGELL

Surveyed OCT. 6 1981, by L. TOLL

SECTION PLAT

Section 32 Township 24 S Range 31 E

County of HARNEY State of OREGON

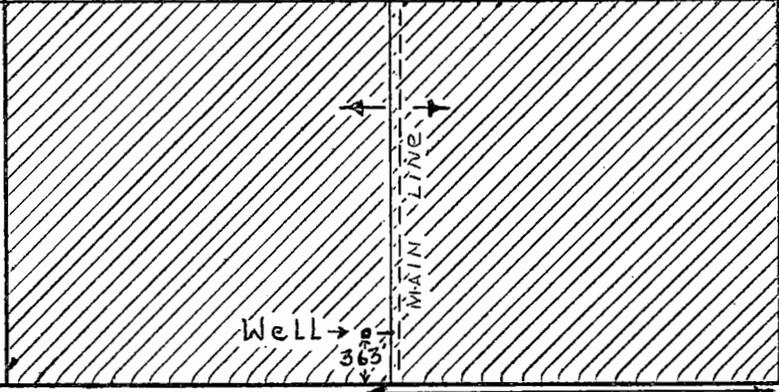
NORTH

RECEIVED
FEB 2 4 1978
LAND OFFICE
ASTORIA, OREGON

THIS MAP PREPARED BY:
[Signature]
FROM INFORMATION FURNISHED BY
THE APPLICANT.

32

Application No. G-8645
Permit No. G 7992



Remarks scale - 8" = 1 mile - 660) - 12" WELL 1465' WEST 363' NORTH
SE 1/4

*AK
change add.*

STATE OF OREGON

RECEIVED

COUNTY OF

HARNEY

DEC 18 1986

WATER RESOURCES DEPT.
SALEM, OREGON

Proof of Appropriation of Water

CURLEY AND BLANCH ANGELL

204 Sunset Valley Rd.

of ~~Box 119~~, Star Route 1, Burns, State of OR 97720,
has applied beneficially the waters of
a well

a tributary of Harney Lake for the purpose of
irrigation of 64.7 acres

under Permit No. G-7992 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
February 14, 1978
that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.81 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 SW 1/4 SE 1/4, Section 32, T24S, R31E, WM;
380 feet North and 1480 feet West from SE corner Section 32.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be
further limited to a diversion of not to exceed 3.0 acre-feet per acre for
each acre irrigated during the irrigation season of each year,

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

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

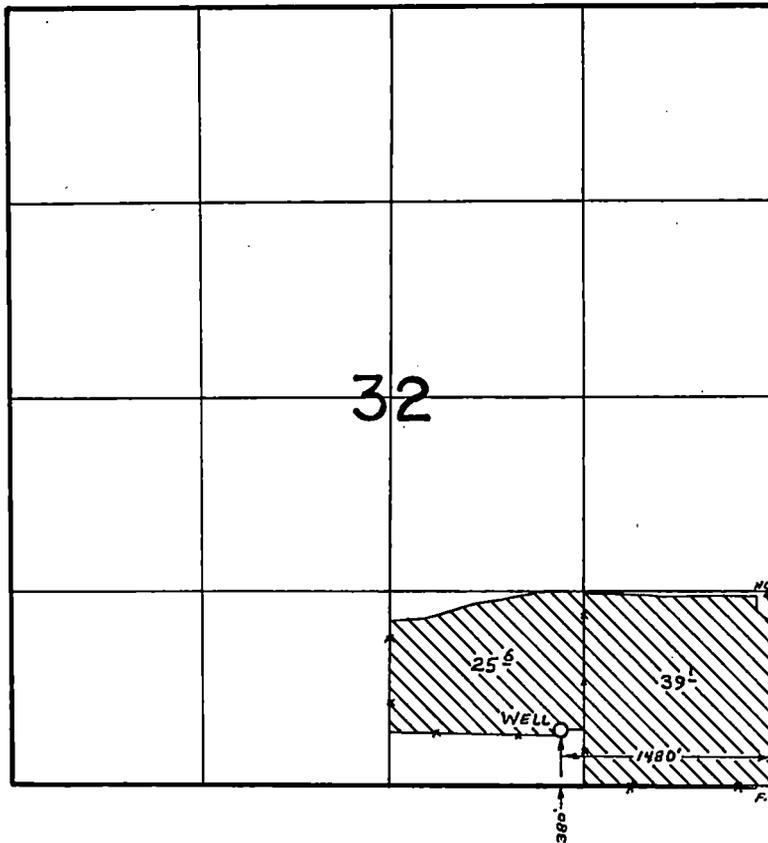
25.6 acres SW 1/4 SE 1/4
39.1 acres SE 1/4 SE 1/4
Section 32
Township 24 South, Range 31 East, WM

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 16 day of Dec.,
1986.

Curley Angell
Blanch Angell

T.24S.,R.31E.,W.M.

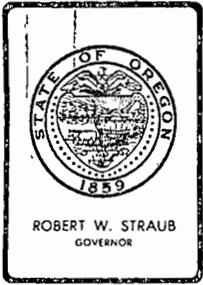


FINAL PROOF SURVEY
UNDER

Application No. G-8645 Permit No. G-7992
IN NAME OF

CURLEY AND BLANCH ANGELL

Surveyed OCT. 6. 1981., by L. TOLL.....



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

September 27, 1978

File No. G-8645

Curly & Blanch Angell
Box 119, Star Route 1
Burns, OR 97720

Dear Mr. & Mrs. Angell:

According to the report submitted by our field engineer, you have not made use of water to the extent intended within the limits of your permit number G-7992, although the project was indicated as completed when the application was filed.

Under the terms of your permit, the date for complete application of water is October 1, 1980; therefore, you have more time to irrigate the balance of the land.

I am enclosing another Form C for your use in reporting the completion of your project when applicable.

Sincerely,

Larry Toll,
Water Rights Engineer.

LT:cm
Enclosure

Curley and Blanch Angell
Box 119, Star Route # 1
Burns, OR 97720

April 14, 1978

G 8645

G 7992



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

G-8645

March 15, 1978

Curley and Blanch Angell
Box 119, Star Route 1
Burns, OR. 97720

Dear Mr. and Mrs. Angell:

We have received a map, fees of \$45.00 and an application for a permit to use 800 gallons of water per minute from a well for the irrigation of 80.0 acres. This application has been numbered G-8645.

Your application is satisfactory for the issuance of a permit.

Sincerely,

VESTAL R. GARNER
Water Rights Engineer

VRG:tld
ENCL: Receipt No. 1124
cc: Bill Beal, Watermaster

Application No. G-8645
Permit No.

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. G-8645

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Curley Blanch Angell, the holder of Permit No. _____

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1 day of July, 1977.

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of Feb, 1978.

Curley Angell (Signature of Applicant) Box 119 Star Rt #1 Burns, Oregon 97720 (Address)

Form B

Application No. G-8645

NOTICE OF COMPLETION OF CONSTRUCTION

I, Curley + Blanch Angell, the holder of Permit No. _____

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 1 day of July, 1977.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of Feb, 1978.

Curley Angell (Signature of Applicant) Box 119 Star Rt #1 Burns, Oregon (Address)

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

Form A

Application No. G-8645

NOTICE OF BEGINNING OF CONSTRUCTION

I, Curley + Blanch Angell, the holder of Permit No. _____

to appropriate the public waters of the state of Oregon, began the actual construction of the works described herein on the 1 day of May, 1977.

Remarks: _____
The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed and the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of Feb, 1978.

Curley Angell (Signature of Applicant) Box 119 Star Rt #1 Burns, Oregon (Address)

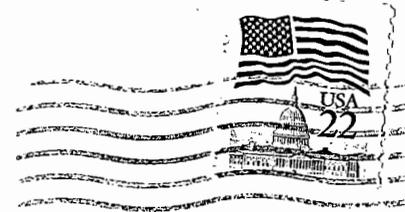
Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is begun.

RECEIVED
FEB 14 1978
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
FEB 14 1978
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
FEB 14 1978
WATER RESOURCES DEPT.
SALEM, OREGON

Blanch & Curley Angell
Star Rt 1, 204 Sunset Valley Rd.
Burns, Oregon 97720



Water Resources Department
3850 PORTLAND ROAD NE
Salem Oregon 97310

Application No. 6-8645

Permit No. G 7992

G 7992

STATE OF OREGON WATER RESOURCES DEPARTMENT

FCS 1-1-1978

Application for a Permit to Appropriate Ground Water

I, CURLEY AND BLANCH ANGELL
(Name of Applicant)

of BOX 119 Star Hotel BURNS OREGON
(Mailing Address) (City)

State of OREGON 97720 Phone No. 573-7764 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 inch and an estimated depth of 85 feet.

2. The well or other source is to be located 363 N and 1436 W
(N. or S.) (E. or W.)

from the S.E. corner of SEC. 32
(Public Land Survey Corner)

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

being within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of

Sec. 32 Tp. 24S 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 $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
<u>24S</u>	<u>31E</u>	<u>32</u>	<u>SW$\frac{1}{4}$ or SE$\frac{1}{4}$</u>	<u>40</u> <u>232</u>
<u>24S</u>	<u>31E</u>	<u>32</u>	<u>SW$\frac{1}{4}$ or SE$\frac{1}{4}$</u>	<u>40</u> <u>392</u>

THIS APPLICATION PREPARED BY
[Signature]
FROM INFORMATION FURNISHED BY
THE APPLICANT.

4. It is estimated that 60 feet of the well will require 12" casing.
(Kind)

5. Depth to water table is estimated 25 Well drilled by 0
(Feet)

G-7608

7447 D

PTS 1981-L
10-6-81 LMT

Pre-C
8/25/78-cl4

64-134

[Handwritten initials]

Application No. G-8645

Permit No. G-7992

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 1.0 ~~0.61~~ 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 a well

TRIB OF HARNEY LAKE

The use to which this water is to be applied is irrigation of 647 ac

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year;

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 February 14, 1978

Actual construction work shall begin on or before April 11, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1979

Complete application of the water to the proposed use shall be made on or before October 1, 1980

WITNESS my hand this 11th day of April, 1978

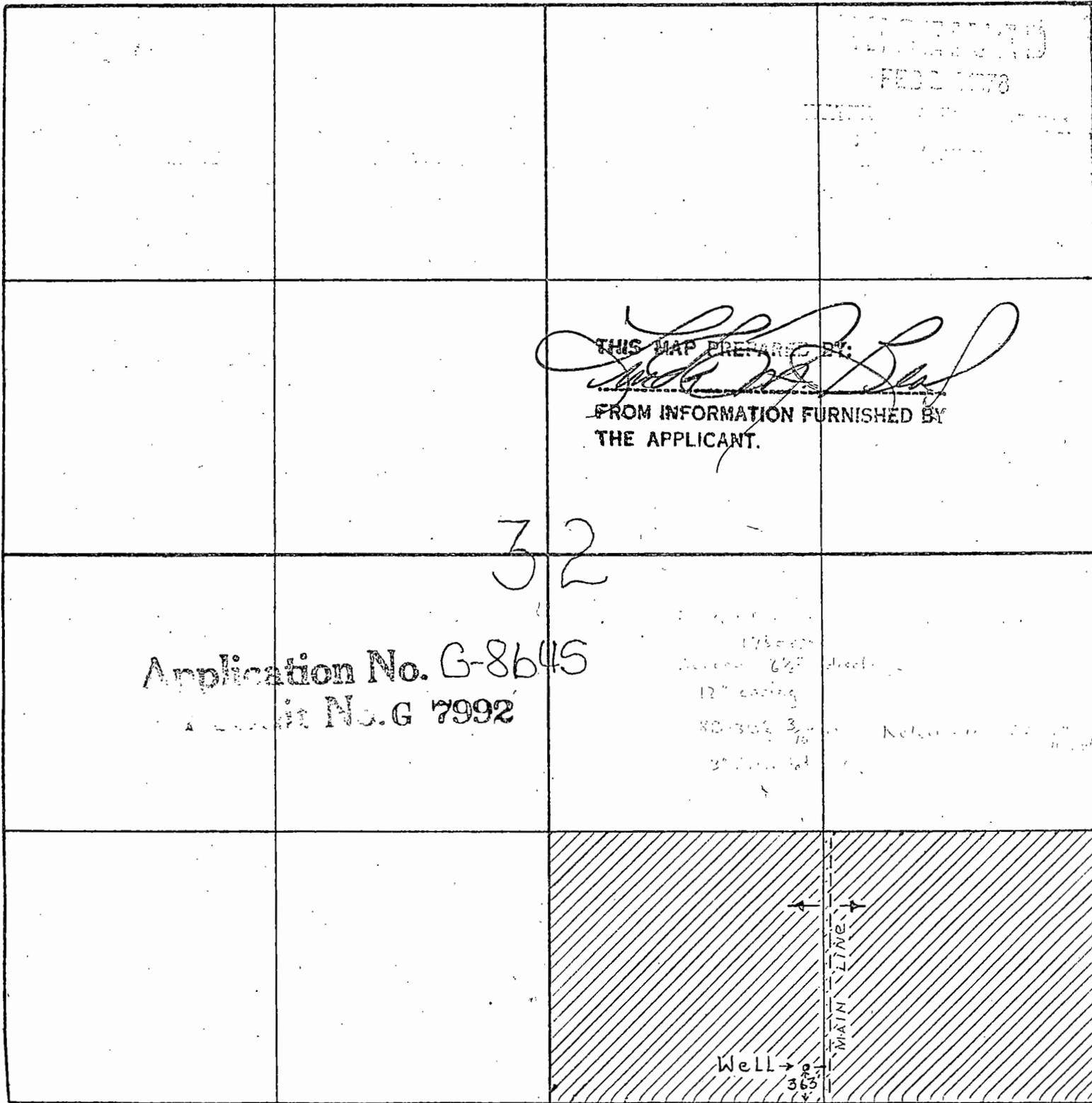
James E. Seaton
Water Resources Director

SECTION PLAT

Section 32 Township 24 S Range 31 E

County of HARNEY State of OREGON

NORTH



Remarks scale - 8" = 1 mile - 660) - 12" WELL 1465' WEST 363' NORTH SE 1/4

Mr. Angell says he hasn't irrigated SW cor yet,
but he plans to. Gave C form Chris Hughes 8/25/78.

INFO - CURLEY ANGELL - SAME LAND IRRIGATED AS
WHEN CHRIS MADE CONTACT. SW COR AND
SOME HILLSIDE ALONG NORTH LINE NOT
IRRIGATED.

WELL - DRILLED FOR MR. ANGELL

12" CASING

PUMP - AURORA DDTURB 6" DISCH

MOTOR - GE 30 H.P. @ 1750 RPM

PIPE - 1040 8" Alum MAIN PORT
360' 6" Alum MAIN PORT
2-~~4~~" 1/4 mile wheel lines
1320' 3" Alum Lat Port

HEADS - 33 RB 30 $\frac{3}{16} \times 0$
66 RB 30 $\frac{5}{32} \times 0$ on wheel lines

(All Max)

~~HEADS~~ USE - ARKATA $\frac{1}{2}$ BARLEY

LIFT - 810 + 10

TIE - SE COR SEC 32 (1 1/2" IRON PIPE)

$$\frac{647}{80} = 0.81 \text{ OK}$$

Jerry
RS
8/6/81

at spec

$$\frac{30(6.6)}{+127} \Rightarrow \text{to obtain } 1.264 \text{ SWL } + 100 \text{ would be } 29.6 \text{ ft very reasonable for area}$$

$$\frac{66(5.0) + 33(7.2)}{448.8} = 1.264 \text{ cfs}$$