



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 9, 2016

Larry and Joan Sees
PO Box 238
Beatty, OR 97621

Re: Split a Permit Application T-12453

Enclosed please find the draft Proposed Final Order proposing approval of the application to Split a Permit and Request for Issuance of Replacement Permits. Also enclosed are copies of the draft replacement permits.

Subsequent to the mailing of this draft Proposed Order, notice of the application will be published in the Department's weekly notice on September 13, 2016. Anyone can comment to the application within 30 days of the date of publication.

Please do not hesitate to contact me at 503-986-0827 or tracy.l.fox@ wrd.state.or.us, if you should have any questions or concerns.

Sincerely,

Ms. Tracy Fox

Transfer and Conservation Section

Enclosures

cc w/enc.: Adkins Consulting Engineering, LLP, agent *(via e-mail)*
David Kruegar, 35000 Sprague River Rd, Sprague River, OR 97639
Tyler Martin, District #17 Watermaster *(via e-mail)*

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

In the Matter of Permit G-12527,
Klamath County

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DRAFT

PROPOSED FINAL ORDER
APPROVING ASSIGNMENT OF
WATER RIGHT PERMIT AND
ISSUANCE OF REPLACEMENT
WATER RIGHT PERMITS

Authority

Oregon Revised Statutes (ORS) 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. Oregon Administrative Rules (OAR) chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use, to assign all or part of the water right permit and to issue a replacement permit to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

Larry and Joan Sees
PO Box 238
Beatty, OR 97621

Findings of Fact

Background

1. On August 1, 2016, LARRY AND JOAN SEES filed an application for partial assignment of Water Right Permit G-12527 and requested issuance of replacement permits. The Department assigned the application number T-12453.
2. On October 2, 2000, the Department approved an assignment of Permit G-12527 from Terry and Dessa Lea Hager to Winding Sprague River LLC.
3. On August 6, 2008, the Department approved an assignment of Permit G-12527 from Winding Sprague River LLC to Joan Amaral Sees and Larry J. Sees.

Pursuant to OAR 690-325-0100, any person may file a protest or standing statement within 45 days after the date of publication of notice of this Proposed Final Order.
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4. On April 8, 2010, the Department approved a partial assignment of Permit G-12527 from Joan Amaral Sees and Larry J. Sees to David Krueger.
5. On October 5, 2012, the Department approved an assignment of Permit G-12527 from Larry J. and Joan A. Sees and Michael and Eve Bechtholdt to Larry J. and Joan A. Sees.
6. On July 10, 2014, the Department approved an assignment of Permit G-12527 from Larry J. and Joan A. Sees and Michael and Eve Bechtholdt to Larry J. and Joan A. Sees and David M. Krueger.
7. On July 14, 2009, the Department approved an extension of time for complete application of water to October 1, 2012.
8. On September 12, 2014, the Department approved an extension of time for complete application of water to October 1, 2017.
9. On November 18, 2010, the Department approved two Permit Amendments affecting Permit G-12527, T-10970 and T-11029, Special Order Volume 83, pages 81-84.
10. The Applicants identified the following landowner within the authorized place of use, who is not participating in the request for assignment:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Sec	Q-Q	Tax Lot
David Kruegar 35000 Sprague River Rd Sprague River, OR 97639	20.0	0.50	36 S	12 E	22	NW SW	600
	20.0		36 S	12 E	22	SW SW	

11. The Permit to be modified and assigned is as follows:

Permit: G-12527 in the name of TERRY AND DESSA LEA HAGER (assigned to LARRY J. AND JOAN A. SEES)

Use: IRRIGATION of 309.24 ACRES

Priority Date: APRIL 13, 1992

Rate: 3.87 CUBIC FEET PER SECOND (CFS)

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: THREE WELLS in the SPRAGUE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE NW	WELL 1 (KLAM 2081): 930 FEET SOUTH AND 2430 FEET EAST FROM THE NW CORNER OF SECTION 22
36 S	12 E	WM	22	NE SW	WELL 5 (KLAM 2078): 50 FEET SOUTH AND 2750 FEET WEST FROM THE E1/4 OF SECTION 22

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	28	NE NE	WELL 4 (KLAM 10447): SOUTH 1 DEGREE 27 MINUTES 40 SECONDS WEST, 784 FEET FROM THE NE CORNER OF SECTION 28

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
36 S	12 E	WM	22	NE NW	1.30	1
36 S	12 E	WM	22	SW NW	6.50	1
36 S	12 E	WM	22	SE NW	35.41	1
36 S	12 E	WM	22	NW SW	9.59	4
36 S	12 E	WM	22	NW SW	20.00	5
36 S	12 E	WM	22	SW SW	20.00	5
36 S	12 E	WM	22	SW SW	19.21	4
36 S	12 E	WM	27	NW NW	19.59	4
36 S	12 E	WM	27	SW NW	19.57	4
36 S	12 E	WM	28	NE NE	40.22	4
36 S	12 E	WM	28	SW NE	40.06	4
36 S	12 E	WM	28	SE NE	40.53	4
36 S	12 E	WM	28	NE SE	36.80	4
36 S	12 E	WM	28	NW SE	0.46	4
Total:					309.24	

12. The Applicants request Permit G-12527 be split and replacement permits be issued as follows:

Permit A:

Use: IRRIGATION of 269.24 ACRES

Priority Date: APRIL 13, 1992

Rate: 3.37 CFS

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: TWO WELLS in the SPRAGUE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE NW	WELL 1 (KLAM 2081): 930 FEET SOUTH AND 2430 FEET EAST FROM THE NW CORNER OF SECTION 22
36 S	12 E	WM	28	NE NE	WELL 4 (KLAM 10447): SOUTH 1 DEGREE 27 MINUTES 40 SECONDS WEST, 784 FEET FROM THE NE CORNER OF SECTION 28

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
36 S	12 E	WM	22	NE NW	1.30	1
36 S	12 E	WM	22	SW NW	6.50	1

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
36 S	12 E	WM	22	SE NW	35.41	1
36 S	12 E	WM	22	NW SW	9.59	4
36 S	12 E	WM	22	SW SW	19.21	4
36 S	12 E	WM	27	NW NW	19.59	4
36 S	12 E	WM	27	SW NW	19.57	4
36 S	12 E	WM	28	NE NE	40.22	4
36 S	12 E	WM	28	SW NE	40.06	4
36 S	12 E	WM	28	SE NE	40.53	4
36 S	12 E	WM	28	NE SE	36.80	4
36 S	12 E	WM	28	NW SE	0.46	4
Total:					269.24	

Permit B:

Use: IRRIGATION of 40.0 ACRES

Priority Date: APRIL 13, 1992

Rate: 0.50 CFS

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

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: ONE WELL in the SPRAGUE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE SW	WELL 5 (KLAM 2078): 50 FEET SOUTH AND 2750 FEET WEST FROM THE E1/4 OF SECTION 22

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	12 E	WM	22	NW SW	20.00
36 S	12 E	WM	22	SW SW	20.00
Total:					40.00

13. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on September 6, 2016, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

Split a Permit Review Criteria

14. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Sec	Q-Q	Tax Lot
Larry and Joan Sees PO Box 238 Beatty, OR 97621	1.3	3.37	36 S	12 E	22	NE NW	100
	6.5		36 S	12 E	22	SW NW	
	35.41		36 S	12 E	22	SE NW	
	9.59		36 S	12 E	22	NW SW	
	19.21		36 S	12 E	22	SW SW	
	19.59		36 S	12 E	27	NW NW	
	19.57		36 S	12 E	27	SW NW	
	40.22		36 S	12 E	28	NE NE	
	40.06		36 S	12 E	28	SW NE	
	40.53		36 S	12 E	28	SE NE	
	36.80		36 S	12 E	28	NE SE	
	0.46		36 S	12 E	28	NW SE	
David Kruegar 35000 Sprague River Rd Sprague River, OR 97639	20.0	0.50	36 S	12 E	22	NW SW	600
	20.0		36 S	12 E	22	SW SW	
Total:	309.24	3.87					

OAR 690-325-0070(1)(a).

16. The deeds supplied with the application, match the properties proposed for assignment. OAR 690-325-0070(1)(b).
17. The applicant affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit. OAR 690-325-0070(1)(c).
18. The assignment and issuance of replacement permits, as outlined in Finding of Fact No. 12 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
19. The assignment and issuance of replacement permits, as outlined in Finding of Fact No. 12 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
20. The assignment and issuance of replacement permits does not alter any other terms of Permit G-12527.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12453 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If no protests are filed, an Order will be issued which will include the following:

Now, therefore, it is ORDERED:

1. *The assignment and issuance of replacement permits proposed by Application T-12453 are approved.*

2. *Permit G-12527, name of TERRY AND DESSA LEA HAGER, is cancelled. Permit X-XXXXX, in the name of LARRY J. AND JOAN A. SEES, and Permit X-XXXXX in the name of DAVID KRUEGAR, are issued to supersede Permit G-12527.*
3. *All other terms and conditions under Permit G-12527 are incorporated into Permits X-XXXXX and X-XXXXX.*

Dated at Salem, Oregon this _____ day of _____, 2016.

Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

Mailing Date: _____

This Proposed Final Order was prepared by Tracy Fox. If you should have any questions, please do not hesitate to contact me at 503-986-0827 or tracy.l.fox@wr.state.or.us.

Protest Rights:

A record landowner, an applicant, an assignee, an affected water right permit holder, or other interested person may protest the Proposed Final Order. Pursuant to OAR 690-325-0100, protests must: 1) provide a detailed explanation of why the proposed order does not conform with the criteria under ORS 537.225, and a description of the changes to the order that are necessary to correct the nonconformity; and 2) raise all reasonably ascertainable issues at the time the protest is filed. The issues must directly pertain to whether the replacement water right permits are authorized under and in conformance with ORS 537.225. In addition, protests must be accompanied by the appropriate protest fees. Protests must be received by the Department no later than 45 days after the notice is published in the Department's weekly notice. If no protests are filed, the Department will issue a final order consistent with the Proposed Final Order.

The Proposed Final Order may be viewed free of charge online at:

<http://apps.wrd.state.or.us/apps/wr/wrinfo/>. Persons interested in receiving a copy of a Proposed Final Order must pay a statutorily-required fee of \$25. Any person paying \$25 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.

Notice Regarding Servicemembers: Active duty service members have a right to stay proceedings under the federal Servicemembers 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>

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LARRY AND JOAN SEES
PO BOX 238
BEATTY, OR 97621

This superseding permit is issued to describe an application for an amendment for a change in point of appropriation, an additional point of appropriation and a change in place of use under Permit Amendment Applications T-10970 and T-11029, and approved by Special Order Volume 83, Page 81, entered on November 18, 2010; to describe two extensions of time for completion of construction and to complete application of water approved July 14, 2009, and September 12, 2014; an assignment of Permit G-12527 approved August 6, 2008; an assignment of a portion of Permit G-12527 approved April 8, 2010; assignments of Permit G-12527 approved October 5, 2012, and July 10, 2014; and for partial assignment under Application T-12453 approved by Special Order Volume 101, Page _____, entered on _____, 2016;. This permit, together with Permit G-_____, supersedes Permit G-12527.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12871

SOURCE OF WATER: TWO WELLS IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 269.24 ACRES

RATE OF USE: 3.37 CUBIC FOOT PER SECOND (CFS)

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

AUTHORIZED POINTS OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE NW	WELL 1 (KLAM 2081): 930 FEET SOUTH AND 2430 FEET EAST FROM THE NW CORNER OF SECTION 22
36 S	12 E	WM	28	NE NE	WELL 4 (KLAM 10447): SOUTH 1 DEGREE 27 MINUTES 40 SECONDS WEST, 784 FEET FROM THE NE CORNER OF SECTION 28

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
36 S	12 E	WM	22	NE NW	1.30	1
36 S	12 E	WM	22	SW NW	6.50	1
36 S	12 E	WM	22	SE NW	35.41	1
36 S	12 E	WM	22	NW SW	9.59	4
36 S	12 E	WM	22	SW SW	19.21	4
36 S	12 E	WM	27	NW NW	19.59	4
36 S	12 E	WM	27	SW NW	19.57	4
36 S	12 E	WM	28	NE NE	40.22	4
36 S	12 E	WM	28	SW NE	40.06	4
36 S	12 E	WM	28	SE NE	40.53	4
36 S	12 E	WM	28	NE SE	36.80	4
36 S	12 E	WM	28	NW SE	0.46	4
Total:					269.24	

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

July 14, 2009 Extension Conditions:**Annual Measurement Condition**

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

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter until the Department determines the measurements are no longer needed. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

- a. Associate each measurement with an owner's well name or number and a Department well log ID; and

- b. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- c. Specify the method of measurement; and
- d. Certify the accuracy of all measurements and calculations submitted to the Department.

September 12, 2014 Extension Condition:

This is the last extension to be granted for Permit G-12527.

Original Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference

level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. or more feet in any neighboring well with senior priority.

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

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The original permit was issued July 24, 1996. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final Order dated September 12, 2014, the deadline for completing construction and to apply water to full beneficial use within the terms and conditions of the permit was extended to October 1, 2017.

Issued _____, 2016

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

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID KRUEGER
35000 SPRAGUE RIVER ROAD
SPRAGUE RIVER, OR 97639

This superseding permit is issued to describe an application for an amendment for a change in point of appropriation, an additional point of appropriation and a change in place of use under Permit Amendment Applications T-10970 and T-11029, and approved by Special Order Volume 83, Page 81, entered on November 18, 2010; to describe two extensions of time for completion of construction and to complete application of water approved July 14, 2009, and September 12, 2014; an assignment of Permit G-12527 approved August 6, 2008; an assignment of a portion of Permit G-12527 approved April 8, 2010; assignments of Permit G-12527 approved October 5, 2012, and July 10, 2014; and for partial assignment under Application T-12453 approved by Special Order Volume 101, Page _____, entered on _____, 2016;. This permit, together with Permit G-_____, supersedes Permit G-12527.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12871

SOURCE OF WATER: ONE WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

RATE OF USE: 0.50 CUBIC FOOT PER SECOND (CFS)

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

AUTHORIZED POINT OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE SW	WELL 5 (KLAM 2078): 50 FEET SOUTH AND 2750 FEET WEST FROM THE E1/4 OF SECTION 22

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	12 E	WM	22	NW SW	20.00
36 S	12 E	WM	22	SW SW	20.00
Total:					40.00

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

July 14, 2009 Extension Conditions:**Annual Measurement Condition**

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

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter until the Department determines the measurements are no longer needed. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

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

September 12, 2014 Extension Condition:

This is the last extension to be granted for Permit G-12527.

Original Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. or more feet in any neighboring well with senior priority.

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

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The original permit was issued July 24, 1996. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final Order dated September 12, 2014, the deadline for completing construction and to apply water to full beneficial use within the terms and conditions of the permit was extended to October 1, 2017.

Issued _____, 2016

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