



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

# Application to Split A Permit and Request for Issuance of Replacement Permits (ORS 537.225)

## Part 1 of 5 – Minimum Requirements Checklist

**This application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

**Check all items included with this application.**

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Completed Application with non-refundable \$125.00 Application Fee, Applicant(s) Information and Signature(s).
- Part 4 – Other Landowner Information and proportionate rate(s).
- Part 5 – Water Right Permit Information. List the permit number to be assigned here: **G-13748**.

**Attachments:**

- Completed application map prepared by Certified Water Right Examiner (CWRE).
- Completed Affidavit(s) from the applicant(s):
  - Certifying the permit has not been conveyed or withheld, and remains appurtenant to the applicant's land.
  - Certifying the applicant has read the permit.
- Copy(s) of current recorded deed(s) showing that the applicant(s) is/are an owner of the land(s) to which the permit is appurtenant.

### INSTRUCTIONS for editing the Application Form

Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g., Page 5 of 9 10).

You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

For Staff Accounting Purposes Only – PCA #46110 Object # \_\_\_\_\_

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Part 2 of 4 - Application Map Checklist

This application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit is based upon the original water right application map or permit amendment map and includes all the items listed below and meets the requirements of OAR 690-325-0050. Check all boxes that apply.

The map shall not include any unauthorized change to the authorized place of use outside of its original perimeters as exhibited on the original water right application map or approved permit amendment map nor any unauthorized change to the location of the point(s) of diversion or appropriation as exhibited on the original water right application map or approved permit amendment map.

- Certified Water Right Examiner (CWRE) Stamp and Signature. For a list of CWRE's, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/).
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one additional paper copy and an electronic copy in a .pdf, .tiff or .jpg format is required.
- A north arrow, a legend, and scale. The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- The place of use of each applicant's portion of the water right permit shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- The place of use of any part of the permit **not** being assigned shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- Each applicant's portion of the permit shall be referenced, by either alphabet letter or number, to each applicant(s) listed in the application form.
- The rate and any applicable acre-feet allowance of water use under the permit for each applicant's portion of the permit shall be clearly labeled on the map.
- The location of each authorized point of diversion or appropriation.

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## Part 3 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME ROCK CREEK CROSSING, LLC			MAP ID (LETTER OR NUMBER) A	PHONE NO. 503-869-1385	ADDITIONAL CONTACT NO.
ADDRESS 64771 UPPER ROCK CREEK ROAD					FAX NO.
CITY ARLINGTON	STATE OR	ZIP 97182	E-MAIL		
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.					

**Agent Information** – This agent is authorized to represent the above applicant in all matters relating to this application

AGENT/BUSINESS NAME TENNESON ENGINEERING CORP ATTN: LARRY TOLL			PHONE NO. 541-296-9177	ADDITIONAL CONTACT NO.
ADDRESS 3775 CRATES WAY				FAX NO.
CITY THE DALLES	STATE OR	ZIP 97058	E-MAIL LTOLL@TENNESONENG.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

*ORS 536.050(1)(aa) authorizes the Oregon Water Resources Department (OWRD) to collect fees based upon the actual cost of work to process an application under ORS 537.225.*

I (we) understand the following:

- Upon receipt of my complete application and the non-refundable application fee in the amount of \$125.00, OWRD will, within fifteen (15) days, notify me in writing of the estimate of the cost of work.
- The non-refundable \$125.00 fee covers the cost of OWRD's staff to evaluate and provide the cost of work estimate for processing the application.
- Upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost of work in advance to initiate the processing of the application.
- If I decline to enter into a formal contract, OWRD will close my application.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- OWRD does not guarantee a favorable review of the application.

**I (we) affirm that the most recent water use (if any) under my (our) portion of the permit has been exercised within the relevant terms and conditions of the permit.**

**I (we) affirm that the information contained in this application is true and accurate.**



  
Applicant signature

David L. Cummings      June 20, 2017  
 Manager, Rock Creek Crossing      Date  
 Name (and title if applicable) (print)

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Name (and title if applicable) (print)

\_\_\_\_\_  
Date

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## Part 4 of 5 – Other Landowner Information

Please list the owner(s) of land under the permit who are not submitting the assignment and request for issuance of replacement water right permit.

### Landowner Information

LANDOWNER/BUSINESS NAME GARY HIATT			MAP ID (LETTER OR NUMBER) B	
MAILING ADDRESS 65320 UPPER ROCK CREEK ROAD		CITY ARLINGTON	STATE OR	ZIP 97812
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 131.6	PROPORTIONATE RATE 1.64 CFS			

## Part 5 of 5 – Permit Information

**PERMIT #** G-13748

**Completion date of the permit:** 10/1/2020

**Name(s) currently appearing on permit:** GARY HIATT AND ROCK CREEK CROSSING, LLC

**Type(s) of use as listed on permit:** IRRIGATION

Note: Type of use must be one or more of the following uses approved for assignment under ORS 537.225(1) and OAR 690-325-0010: irrigation, nursery, temperature control, stock watering, or agricultural water use.

**Table 1. Location of Authorized Point(s) of Diversion (POD) or Appropriation (POA)**

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #1	GIL 17	1	S	21	E	14	SE	SE		810' N & 54' W from SE Cor. Sec. 14
Well #2	GIL 50652	1	S	21	E	24	SE	NE		3200' S & 800' W from NE Cor. Sec. 24

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**Table 2. Description of Permit #G-13748.**

List all parts of the permit (both assigned and unassigned). For the acreage or place(s) of use in each ¼ ¼, list the Map ID (letter or number from map and Parts 3 and 4) for each parcel. The acreage listed must equal the total acreage on the permit.

Description of Permitted Lands												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	Type of Use	POD(s) or POA(s) (name or number from Table 1)	Map ID (letter or number from map and Parts 3 and 4)		
2	S	9	E	15	NE	NW	100		15.0	IR	POD #1	"A"
2	S	9	E	15	NE	NW	200		4.0	NU	POD #2	"B"
↑EXAMPLE↑												
1	S	21	E	13	SW	SW			5.0	IR	WELL #1	B
				14	SW	NE			5.6	IR	WELL #1	B
					NE	SE			7.2	IR	WELL #1	B
					NW	SE			14.0	IR	WELL #1	B
					SW	SE			4.0	IR	WELL #1	B
					SE	SE			24.4	IR	WELL #1	B
				23	NE	NE			5.0	IR	WELL #1	B
				24	NW	NE			3.0	IR	WELL #1	B
					SW	NE			14.4	IR	WELL #1	B
					SW	NE			6.5	IR	WELL #2	A
					SE	NE			9.5	IR	WELL #2	A
					NE	NW			19.0	IR	WELL #1	B
					NW	NW			16.0	IR	WELL #1	B
					SE	NW			14.0	IR	WELL #1	B
					NE	SE			29.0	IR	WELL #2	A
					NW	SE			8.0	IR	WELL #2	A
					SE	SE			3.0	IR	WELL #2	A
TOTAL ACRES								187.6				

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**Check the appropriate box, if applicable:**

Check here if any portion of the permit is located within an irrigation or other water district.

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any portion of the permit is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

**Additional Remarks:**

Partial Assignment has already been recorded by OWRD on August 5, 2013. The partial assignment assigned Well #2 and 56.0 acres to Rock Creek Crossing LLC.

Rock Creek Crossing LLC proportional share of water right is 56.0 acres, rate of 0.70 cfs and duty of 168 acre feet.

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 Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

# Application to Split A Permit and Request for Issuance of Replacement Permits

## Affidavit of Non-Conveyance and Reading of Permit G-13748

State of Washington )  
 ) ss  
 County of Clark )

We, ROCK CREEK CROSSING, LLC, mailing address 64771 UPPER ROCK CREEK ROAD, ARLINGTON, OR 97182, telephone number (503) 869-1385, being first duly sworn depose and say:

1. Permit G-13748, has not been conveyed or withheld and remains appurtenant to our land.
2. We attest that we have read Permit G-13748.

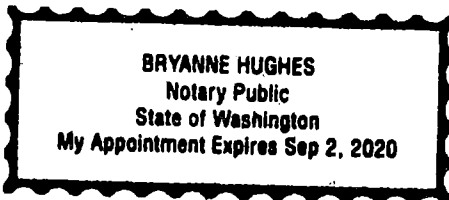
[Signature]  
 Signature of Affiant David L. Cummings  
Manager, Rock Creek Crossing LLC

June 20, 2017  
 Date

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 20<sup>th</sup> day of June, 2017.



[Signature]  
 Notary Public for Oregon-Wa

My Commission Expires: Sep 2, 2020

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**GRANTOR'S NAME AND ADDRESS:**

Claudia Jacobs  
64771 Upper Rock Creek Rd.  
Arlington, OR 97812

**GRANTEE'S NAME AND ADDRESS**

Rock Creek Crossing LLC  
20982 NW Millicomo Ct.  
Portland, OR 97229

**AFTER RECORDING RETURN TO:**

GILLIAM WHEELER ESCROW LLC  
PO BOX 474  
CONDON, OR 97823

**UNTIL CHANGE IS REQUESTED ALL  
TAX STATEMENTS SHOULD BE SENT  
TO THE FOLLOWING ADDRESS:**

GRANTEE

GILLIAM COUNTY, OREGON 2012-000214  
D-WD  
Cnt=1 Pgs=2 RENAK 05/23/2012 02:45:29 PM  
\$10.00 \$11.00 \$15.00 \$10.00 Total:\$46.00



00002512201200002140020027

I, Rena J. Kennedy, County Clerk for Gilliam County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.

Rena J. Kennedy - County Clerk



FOR RECORDERS USE ABOVE LINE

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, That CLAUDIA JACOBS, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ROCK CREEK CROSSING LLC, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Gilliam and State of Oregon, described as follows, to-wit:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT "A"

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances; EXCEPT: Those of public record and exceptions as listed on page two of this deed.

Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$225,000.00. In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 18<sup>th</sup> day of MAY, 2012; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300,195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.**

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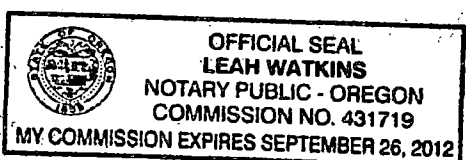
In Witness Whereof, the grantor has executed this instrument this 18th day of May, 2012; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

X Claudia Jacobs

STATE OF OREGON County of Gilliam )ss.
This instrument was acknowledged before me on May 18, 2012,
BY CLAUDIA JACOBS.

Leah Watkins
NOTARY PUBLIC FOR: Oregon
My commission expires: 9-26-12



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# Gilliam County Ownership Report

## REAL PROPERTY ACCOUNT NAMES

**Account Number:** 4737

**Map Tax Lot:** 01S21E0000-02801-R04737

**Owner:** 64771 UPPER ROCK CREEK RD  
ARLINGTON OR 97812

Party Name	Party Type	Ownership Percentage
ROCK CREEK CROSSING LLC	Owner	100
ROCK CREEK CROSSING LLC	Taxpayer	100

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STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVEN P. EMERICK  
64771 UPPER ROCK CREEK ROAD  
ARLINGTON, OREGON 97812

(541)454-2969

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: A WELL IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 187.6 ACRES

MAXIMUM RATE: 2.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, T1S, R21E, W.M.;  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	5.0 ACRES
SECTION 13	
SW 1/4 NE 1/4	5.6 ACRES
NE 1/4 SE 1/4	7.2 ACRES
NW 1/4 SE 1/4	14.0 ACRES
SW 1/4 SE 1/4	4.0 ACRES
SE 1/4 SE 1/4	24.4 ACRES
SECTION 14	
NE 1/4 NE 1/4	5.0 ACRES
SECTION 23	
NW 1/4 NE 1/4	3.0 ACRES

Application G-14840

Water Resources Department

PERMIT G-13748

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SW 1/4 NE 1/4 20.9 ACRES  
SE 1/4 NE 1/4 9.5 ACRES  
NE 1/4 NW 1/4 19.0 ACRES  
NW 1/4 NW 1/4 16.0 ACRES  
SE 1/4 NW 1/4 14.0 ACRES  
NE 1/4 SE 1/4 29.0 ACRES  
NW 1/4 SE 1/4 8.0 ACRES  
SE 1/4 SE 1/4 3.0 ACRES

## SECTION 24

TOWNSHIP 1 SOUTH, RANGE 21 EAST, W.M.

## Measurement, recording and reporting conditions:

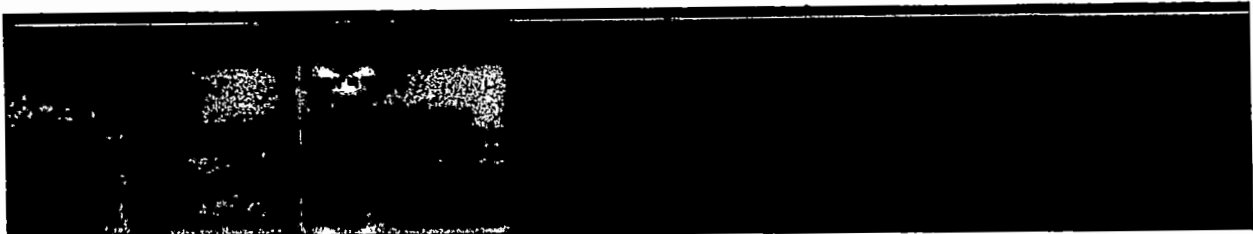
- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month 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.

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.

Application G-14840 Water Resources Department

PERMIT G-13748



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**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. 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 three or more feet per year for five consecutive years; or

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- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 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.

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of  $1/80^{\text{th}}$  of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

#### 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.

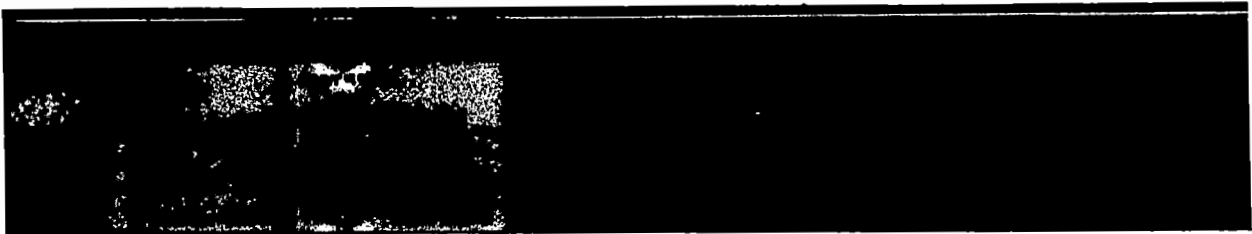
The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

Application G-14840 Water Resources Department

PERMIT G-13748



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.

Actual construction of the well shall begin by August 13, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

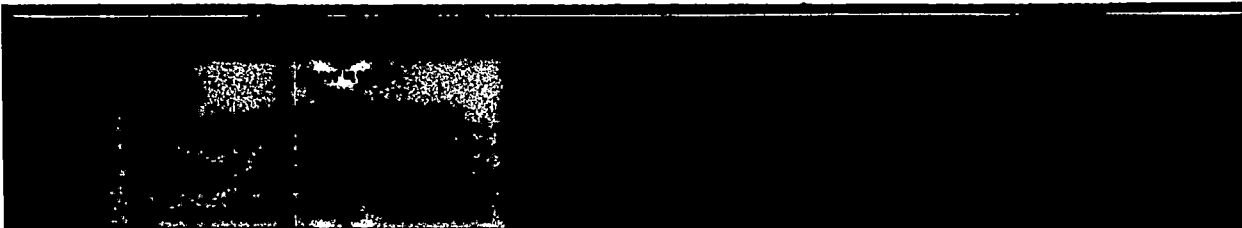
Issued October 29, 1999

*Martha O. Pagel*  
Martha O. Pagel, Director  
Water Resources Department

Application G-14840	Water Resources Department	PERMIT G-13748
Basin 6	Volume 1A ROCK CR MISC	District 4
AMH	MGMT.CODE 7BG 7BR 7EG 7ER 7JG 7JR *4CF *4CG	*Modified

ACCEPTED  
JUL 24 2017

12723



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

In the Matter of Permit Amendment )  
T-9572, Gilliam County, Oregon )  
)

**FINAL ORDER**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

Gary M. Wilde  
18048 Middle Rock Creek Lane  
Arlington, Oregon 97812

**Findings of Fact**

- 1. Gary M. Wilde, filed an application to add a point of appropriation under Permit G-13748. The Department assigned the application number T-9572.
- 2. The permit to be amended is as follows:

**Permit:** G-13748, in the name of Gary Wilde  
**Use:** Irrigation  
**Priority Date:** September 25, 1998  
**Quantity:** 2.34 cubic feet per second;  
**Rate/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 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 for each acre irrigated during the irrigation season of each year.  
**Acres:** 187.6 acres;  
**Source:** A well, in the Rock Creek Basin.  
**Date Of Complete Application of Water:** October 1, 2008

**ACCEPTED**  
JUL 24 2017

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.



**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
1	S	21	E	W.M.	14	SE	SE			810 feet North and 54 feet West from the SE Corner of Section 14.

**Authorized Place of Use:**

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
1	S	21	E	W.M.	13	SW SW	5.0
1	S	21	E	W.M.	14	SW NE	5.6
1	S	21	E	W.M.	14	NE SE	7.2
1	S	21	E	W.M.	14	NW SE	14.0
1	S	21	E	W.M.	14	SW SE	4.0
1	S	21	E	W.M.	14	SE SE	24.4
1	S	21	E	W.M.	23	NE NE	5.0
1	S	21	E	W.M.	24	NW NE	3.0
1	S	21	E	W.M.	24	SW NE	20.9
1	S	21	E	W.M.	24	SE NE	9.5
1	S	21	E	W.M.	24	NE NW	19.0
1	S	21	E	W.M.	24	NW NW	16.0
1	S	21	E	W.M.	24	SE NW	14.0
1	S	21	E	W.M.	24	NE SE	29.0
1	S	21	E	W.M.	24	NW SE	8.0
1	S	21	E	W.M.	24	SE SE	3.0

3. Application T-9572 proposes an additional point of appropriation to the permit located:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
1	S	21	E	W.M.	24	SE	NE			3200 feet South and 800 feet West from the NE Corner of Section 24.

4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter all other terms of the permit.

## Conclusion of Law

The additional point of appropriation proposed by Permit Amendment Application T-9572 is consistent with the requirements of ORS 537.211.

Now, therefore, it is **ORDERED**:

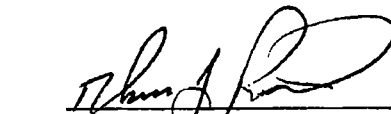
The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13748.
2. Prior to water use from the proposed additional point of appropriation, 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, and 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.

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.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-13748 remain the same.
5. Permit G-13748, in the name of Gary Wilde, is amended as described herein.

Dated at Salem, Oregon this 7<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
For Phillip C. Ward,  
Director

ACCEPTED  
JUL 24 2017

**Oregon Water Resources Department  
Water Right Services Division**

Water Rights Application  
Number G-14840

**Final Order  
Extension of Time for Permit Number G-13748  
Permit Holder: Gary Hiatt**

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file 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.

**Application History**

Permit G-13748 was issued by the Department on October 29, 1999, to Steven P. Emerick. On January 25, 2002, the permit was assigned to Gary Wilde. On May 14, 2009, the permit was assigned to Gary Hiatt. The permit was modified by Permit Amendment T-9572 on January 7, 2005. The permit called for complete application of water to beneficial use by October 1, 2003. On October 11, 2011, Gary Hiatt submitted to the Department an Application for Extension of Time for Permit G-13748. In accordance with OAR 690-315-0050(2), on December 27, 2011, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2016. The protest period closed February 10, 2012, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated December 27, 2011.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

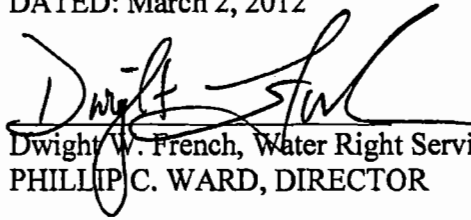
**ACCEPTED**  
JUL 24 2017

12723

Order

The extension of time for Application G-14840, Permit G-13748, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2008 to October 1, 2016.

DATED: March 2, 2012



Dwight W. French, Water Right Services Administrator, *for*  
PHILLIP C. WARD, DIRECTOR

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- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

**APPLICATION FOR EXTENSION OF TIME  
TO THE WATER RESOURCES DIRECTOR OF OREGON**

I, GARY M. WILDE  
NAME

18048 Middle Rock Creek Lane Arlington, Ore 97812  
ADDRESS CITY STATE ZIP PHONE  
541-454-2995

owner of record, or duly authorized agent, of Application No. 614840, Permit No. 613748,  
do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of  
the equipment necessary to the use of water, which time now expires on October 1, 2003,  
be extended to October 1, 2008,

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time  
now expires on October 1, \_\_\_\_\_, be extended to October 1, \_\_\_\_\_.

**NOTE:**

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension application. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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SEP 26 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON

**ACCEPTED**  
JUL 24 2017

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

YES

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

YES

A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

flow meter in place  
water level measurement taken

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

drilled one well.  
installed pump  
(approx 3 miles) buried & completed mainline (8 inch to 6 inch) system  
installed and using hand lines, wheel line and 1 circle.

**RECEIVED**

SEP 26 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

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4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

2 CFS water used.

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B) Number of Acres Irrigated (if an irrigation permit):

187.6 acres irrigated

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5. Cost of project to date \$50,000.00. Estimated remaining cost to complete the project \$60,000.00

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. Yes -

When project began we believed one well would be sufficient; however, we now know that a second well is necessary.

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SEP 26 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

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JUL 24 2017

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B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. *Yes -*

*Finances needed for second well*

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project. *No*

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. *YES*

*Some mainline lost to flooding - had to be re-done.*

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

*Gary Milde*  
Signature

*Sept 23, 2003*  
Date

**MAIL COMPLETED APPLICATION *and* STATUTORY FEE OF \$100 TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES DEPARTMENT  
158 - 12<sup>th</sup> STREET NE  
SALEM, OREGON 97301-4172

revised: September 18, 2002

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SEP 26 2003  
WATER RESOURCES DEPT  
SALEM, OREGON