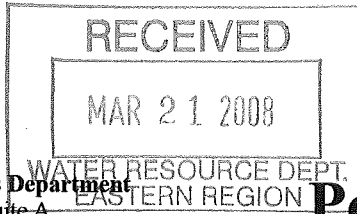




Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us



Application for Permit Amendment or Ground Water Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF APPLICATION

Please check one of the following:

Permit Amendment Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Kerns Rainbow Ranch, Inc.
First Last

Address: 45917 Quail Road

Haines Oregon 97833
City State Zip

Phone: 541-856-3449 541-856-3449
Home Work Other

Fax: 541-856-3250 E-Mail address: jkerns@bmi.net

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this application.)

Name: Jan Kerns
First Last

Address: 45917 Quail Road

Haines Oregon 97833
City State Zip

Phone: 541-856-3449 541-856-3449
Home Work Other

Fax: 541-856-3250 E-Mail address: jkerns@bmi.net

▪ If an agent is listed above, please check one of the following:

- Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
- Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

Permit Amendments

- *If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (NOTE: Concurrent changes to a water right must be filed separately on a transfer application.)*

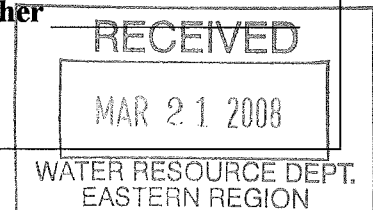
Ground Water Registration Modifications

- *You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (NOTE: Concurrent changes to a water right must be filed separately on a transfer application.)*

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the amendment or modification.) <input checked="" type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the amendment or modification.) <p style="text-align: center;"><i>Not Available for <u>Ground Water Registrations</u></i></p> <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.)	<input type="checkbox"/> All of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at the current authorized location will be discontinued.) <input type="checkbox"/> Only a portion of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)	<p style="text-align: center;"><i>Not Available for <u>Permit Amendments</u></i></p> <p>Change existing authorized use to the following proposed <u>new</u> use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic (indicate number of households): _____ <input type="checkbox"/> Other



- Reason(s) for amendment/modification(s): **We wish to be able to use all of the wells on all of our lands.** _____

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? Yes No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? Yes No
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? Yes No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

Powder Valley Water Control District

590 E

North Powder, OR 97867

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

Baker County Planning Department

Baker County Courthouse – 1995 3rd Street

Baker City, OR 97814

*This section is to be completed **only** for Permit Amendment applications.*

N/A – This is a Ground Water Registration Modification application.

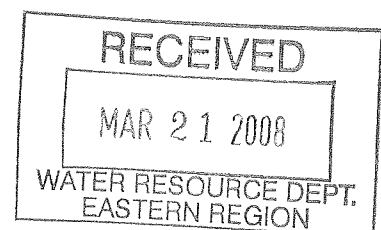
- Is the applicant the permit holder of record? Yes No

If "No", the applicant must either:

A. *Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;*

or

B. *Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.*



9. LAND OWNERSHIP

If for a Permit Amendment proposing a Change in Place of Use:

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? **N/A** Yes No

*If "No", the owner of the land **TO** which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed **Request for Assignment form** and the required statutory fee for an assignment.*

- Check one of the following:
 - The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

If for a Ground Water Registration Modification:

- Does the applicant own the lands **FROM** which the registration is being moved? Yes No

If "No", provide the following information:

Names of Current Landowner(s): N/A
First Last

Address: _____

City State Zip

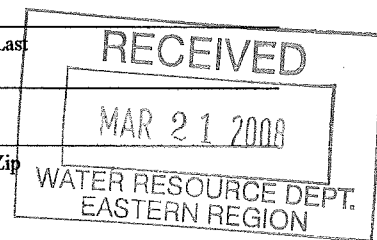
- Does the applicant own the lands **TO** which the registration is being moved? Yes No

If "No", provide the following information:

Names of Receiving Landowner(s): N/A
First Last

Address: _____

City State Zip

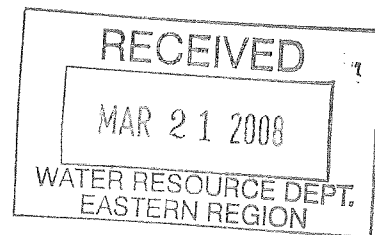


- Check one of the following:
 - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

10. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

<p>Map:</p> <p><input checked="" type="checkbox"/> A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.</p> <p>Land Use Information Form:</p> <p><input checked="" type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not required if all of the following are met:</p> <ul style="list-style-type: none">① In EFU zone or irrigation district;② Change in place of use only;③ No structural changes needed, including diversion works, delivery facilities, other structures; <i>and</i>④ Irrigation only. <p>Water Well Reports/Well Logs:</p> <p><input checked="" type="checkbox"/> The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.</p>	<p>Fees:</p> <p><input type="checkbox"/> Amount enclosed: \$ _____ See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.</p> <p><u>For Permit Amendments Only...</u></p> <p>Request for Assignment:</p> <p><input type="checkbox"/> Enclosed. The applicant is NOT the permit holder of record and needs to be assigned to the permit; OR the landowner of the proposed place of use is NOT the permit holder of record and needs to be assigned to the permit. <i>The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; or</i></p> <p><input checked="" type="checkbox"/> N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; OR the applicant is not the permit holder of record but is supplying an Affidavit of Consent from the permit holder.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> Enclosed. Because the applicant is NOT the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; <i>or</i></p> <p><input checked="" type="checkbox"/> N/A. Not required because the applicant is the permit holder of record.</p>
---	---



Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

11. SIGNATURES

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- For Ground Water Registration Modification Applications only, check the appropriate **one** and sign the application in the signature box below:

In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed modification provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the applicant is **not both** the person named on the ground water registration or the assignee **and** the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:
 - A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; **or**
 - B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee **and** the owner of the lands to which the registration is appurtenant.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- For both Permit Amendment **and** Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.

	KEVIN RAINBOW RAVEN, INC	3-21-08
applicant signature	name (print)	date
	JANICE L. KERNS	3-21-08
applicant signature	name (print)	date

TIM L. KERNS
3-21-08

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

<input checked="" type="checkbox"/> Permit to be Amended:	13157	10-01-2017
<input type="checkbox"/> Ground Water Registration to be Modified:	_____	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

Ground Water Registration Number

- Name on Permit or Registration: **Kerns Rainbow Ranch, Inc.**
- County: Baker _____
- Authorized Use(s) to be affected by this Amendment/Modification: **Supplemental irrigation of 581 acres (421 well #1; 160 acres well #2).**
- Priority Date(s): **8-23-1994**

If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- All Source(s) of Water to be affected by this Amendment/Modification: **Well #1 and #2.**

Tributary to: **Willow Creek Basin and Pine Creek Basin**

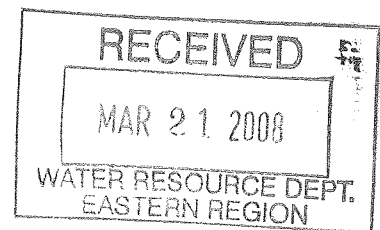
If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for Irrigation purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? Yes No N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).

- Remarks: **There are two #2 wells (P11773 and P13157). The #2 well on P13157 is called the Company Farm Well.**



The following information must be provided only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
BAKE 50701 (AKA well #3 Home Place)	Willow Creek basin 8-23-1994	8S	38E	WM	12	NENE	08S38 100	10' S'; 450' W from the NW corner Sec. 12
BAKE 50624 (AKA well #4 Company Farm)	Pine Creek basin 8-23-1994	8S	39E	WM	28	NWNW	08S39 6900	165' E; 660' S from the NW corner of Sec. 28

- Does the permit/registration being amended/modified involve a ground water source(s)?
 Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

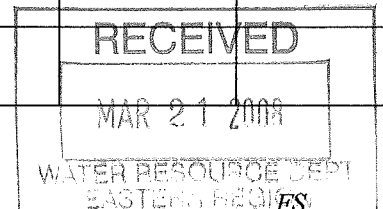
or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See attached well logs									



- ***The following information must be provided only for those places of use that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.***

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

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 WATER RESOURCE DEPT.
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6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)
 (NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
See attached table A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below.

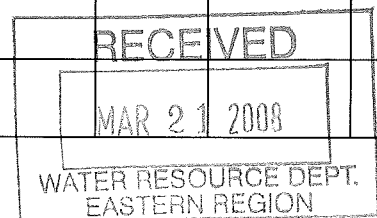
(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	See attached Table B									



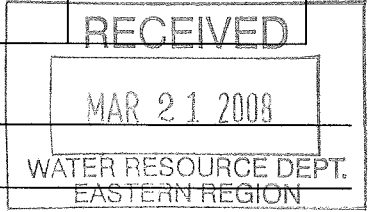
- Describe proposed changes to the permit or registration involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

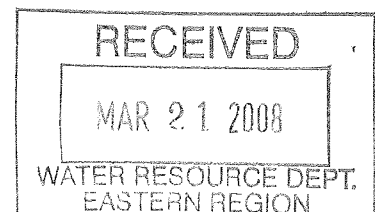
Remarks: N/A



Attachment "A"
(page 6)

Location of Proposed Authorized Point(s) of Appropriation to be added to Permit G-13157

Well No.	Our Well Name	Tsp	Range	Mer.	Sec.	¼¼	Tax Lot	Survey Coordinates
1	Boy's Place #1	8S	39E	WM	7	NENW	08S39 2100	1300' S; 30' W from N1/4 corner of Sec. 7
2	Bank Place	8S	38E	WM	18	SEnw	08S3918 300	1400' S; 50' W from N 1/4 corner of Sec. 18
5	Sackos Place	8S	38E	WM	12	NWSE	08S38 2201	10' S'; 330' E from <u>C</u> 1/4 corner of Sec. 12
6	Boy's Place #2	8S	38E	WM	7	SWSW	08S39 2000	1200' N; 50' E from SW corner Sec. 7
7	Ward 40 #1	8S	39E	WM	7	NENE	08S39 2300	1000' S; 1315' W from NE corner Sec. 7
8	Ward 40 #2	8S	39E	WM	7	NENE	08S39 2300	1310' S; 1310' W from NE corner Sec. 7



Permit Amendment – All Wells Used Applied on All Lands

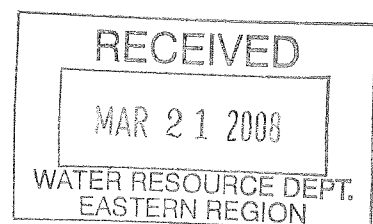
Attachment “B”

Permit	No. on Permit	Our List/Map No. & Name	C-Date	Drilled
G 11773	1	#1 – Boys Place #1	10-1-98	Yes
	2	#2 – Bank Place		No
G 13157	1	#3 – Home Place	10-1-2017	Yes
	2	#4 – Company Farm		Yes
G 13158	1	#5 – Sackos Place	10-1-2017	No
G 13159	1	#1 – Boy’s Place #1	10-1-98	Yes
G 15488	1	#1 – Boy’s Place #1	10-1-98	Yes
	2	#3 – Home Place	10-1-2017	Yes
	3	#6 – Boy’s Place #2	10-1-2017	Yes
	4	#7 – Ward Place #1	10-1-2017	No
G 16199	1	#8 – Ward Place #2	10-1-2011	No

Well Number Kerns Names for Wells WRD Well Name Number

1	Boy’ Place Well #1 (BAKE 1897)	Boy’s Place Well #1
2	Bank Place -- Not drilled	
3	Home Place Well (BAKE 50701)	Home Place Well L-64
4	Company Farm Well (BAKE 50624)	Company Farm Well
5	Sackos Place Well -- Not drilled	
6	Boy’s Place Well #2 (BAKE 50955)	Boy’s Place Well #2
7	Ward 40 #1 (#4 well on G 15488) (not drilled)	
8	Ward 40 #2 -- Not drilled	

on this application



TAX LOTS – TABLE “C”

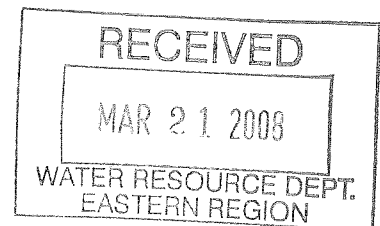
All Wells to be Applied to All Lands

Permit No.	Map No.	Tax Lot	Point of Appropriation
G-11773	08S39	2300	
	08S39	2100	Well #1 – Boy’s Place #1
	08S39	2600	
	08S38	100	
	08S3918	300	Well #2 – Bank Place
	08S3918	200	
	08S3818	203	
	08S3919	400	
	08S38	2700	
G-13157	08S39	2100	
	08S3801	100	Well #3 – Home Place
	08S3802	600	
	08S3802	500	
	08S3802	400	
	08S3802	700	
	08S39	6900	Well #4 – Company Farm
G-13158	08S39	2000	
	08S39	2100	Well #5 – Sackos Place
	08S38	2300	
G-13159	08S39	2000	
	08S39	2100	
	08S39	2600	
	08S3918	300	
	08S3918	200	
	08S3818	203	
G-15488	08S3802	400	
	08S3802	500	
	08S3802	600	
	08S3802	700	
	08S38	100	
	08S3801	501	
	08S38	2200	
	08S38	2201	
	08S38	2300	
	08S38	2600	
	08S38	2700	

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G-15488	08S3918	203	
(cont.)	08S3918	300	
	08S3918	400	
	08S3918D	600	
	08S3918D	700	
	08S3919	100	
	08S39	2600	
	08S39	2100	
	08S39	2000	Well #6 – Boy's Place #2
	08S39	2300	
G-16199	08S39	2300	Well #7 – Ward 40 #1 Well #8 – Ward 40 #2
	08S39	2000	
	08S39	2100	
	08S39	2600	

Note: Our names of wells corresponds to list of wells on Table B



STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KERNS RAINBOW RANCH, INC.
RT 1 BOX 30A
HAINES, OREGON 97833

(541) 856-3449

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

APPLICATION FILE NUMBER: G-13794

SOURCE OF WATER: WELL #1 IN WILLOW CREEK BASIN AND WELL #2 IN PINE CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 581.0 ACRES, BEING 421.0 ACRES FROM WELL #1 AND 160.0 ACRES FROM WELL #2

MAXIMUM RATE OF ALLOWED USE: 4.50 CUBIC FEET PER SECOND (CFS) TOTAL, BEING 2.50 CFS FROM EACH WELL #1 AND 2.0 CFS FROM WELL #2

PERIOD OF USE: WHEN NECESSARY FOR BENEFICIAL USE

DATE OF PRIORITY: AUGUST 23, 1994

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 1, T8S, R38E, W.M.; NW 1/4 NW 1/4, SECTION 28, T8S, R39E, W.M.; WELL #1 - 83 FEET EAST AND 83 FEET NORTH FROM THE E 1/16 CORNER OF SECTION 1; WELL #2 - 165 FEET EAST AND 660 FEET SOUTH FROM THE NW CORNER OF SECTION 28

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:

WELL #1
SW 1/4 NW 1/4 32.0 ACRES
SE 1/4 NW 1/4 38.0 ACRES
NE 1/4 SW 1/4 40.0 ACRES
NW 1/4 SW 1/4 40.0 ACRES
SW 1/4 SW 1/4 39.0 ACRES
SE 1/4 SW 1/4 24.0 ACRES
SW 1/4 SE 1/4 8.0 ACRES

SECTION 1

SW 1/4 NE 1/4	24.0 ACRES
SE 1/4 NE 1/4	40.0 ACRES
NE 1/4 SE 1/4	36.0 ACRES
NW 1/4 SE 1/4	19.0 ACRES
SE 1/4 SE 1/4	7.0 ACRES

SECTION 2

NE 1/4 NE 1/4	10.0 ACRES
NW 1/4 NE 1/4	8.0 ACRES
NE 1/4 NW 1/4	40.0 ACRES
NW 1/4 NW 1/4	16.0 ACRES

SECTION 12

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

WELL #2

NE 1/4 NW 1/4	40.0 ACRES
NW 1/4 NW 1/4	40.0 ACRES
SW 1/4 NW 1/4	40.0 ACRES
SE 1/4 NW 1/4	40.0 ACRES

SECTION 28

TOWNSHIP 8 SOUTH, RANGE 39 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.

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. *X*

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

Mar 1 - Mar 30

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. *X*

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
- (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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued June 27, 1997



for Martha O. Pagel, Director
Water Resources Department



STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D.# L. 0000064
START CARD # 103437

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number _____
Name TIM KERNS
Address 45 917 Quail Rd.
City HALES State OR Zip 97133

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 320 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL	
Diameter	From To	Material	From To
16	0 18	Bentonite	18 27
11.5	18 320		

How was seal placed: Method A B C D E
 Other Powered dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	320, 250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 320

(7) PERFORATIONS/SCREENS:

Perforations Method Molt
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele./pipe size	Casing	Liner
50	320	1/8"	4000	1.0		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Yield (gpm) _____ Drawdown _____
 Bailor Drawdown _____
 Air Drill stem at _____ Time _____
 Artesian Time _____

Temperature of water 54 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County BAKER Latitude _____ Longitude _____
Township 23 N or S Range 38E E or W. WM.
Section 1 54 1/4 SE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 4 mi SW of 45821 Schoolhouse Rd. Hales OR 97133

(10) STATIC WATER LEVEL:
32 ft. below land surface. Date 7-3-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 50

From	To	Estimated Flow Rate	SWL
50	60	50	32
100	110	50	32
160	320	200 + or -	32

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Soil	0	14	
Seal (Clay + bentonite)	14	50	32
Fill (clay + bentonite)	50	60	32
Seal (clay + bentonite)	60	100	32
Seal (clay + bentonite)	100	110	32
Seal + clay + bentonite	110	320	32
Large gravel + seal	320	320	32

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JUL 27 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 6-25-98 Completed 7-3-98
(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed Carl Peter WWC Number 494 Date 7-16-98

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed Carl Peter WWC Number 494 Date 7-16-98

bahe
50455

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Co Farm

BAKE
50624

JUN 23 1999

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WATER RESOURCES DEPT.
SALEM, OREGON

WELL I.D. # L 25701
START CARD # 115862

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number _____
Name Kearns Rainbow Ranch-Williams D. & H.
Address 13967 Hunt Mt. Court Canyon
City Baker City State OR Zip 97814

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 289 ft.
Explosives used Yes No Type _____ Amount _____

HOLE				SEAL			
Diameter	From	To	Material	From	To	Backfill	Weight
14	0	18	Bent.	0	18	TS	
10	18	312					

How was seal placed: Method A B C D E
 Other Day Bentonite 7/8
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+2	278	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 278.5

(7) PERFORATIONS/SCREENS:

Perforations Method Holtz Prof.
 Screens Type _____ Material _____

From	To	Slot	Number	Diameter	Tel./pipe	Casing	Liner
185	278	7	290	1/8	10	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
220	300	300	1 hr.
220	300	300	3 HR.

Temperature of water 54 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other too sandy
Depth of strata: 65-185

(9) LOCATION OF WELL by legal description:
County Baker Latitude _____ Longitude _____
Township 8 N or S Range 39 E or W. WM.
Section 28 NW 1/4 NE 1/4
Tax Lot 6900 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) CORNER OF WING LILIA ROAD + BROWN LAND

(10) STATIC WATER LEVEL:
28 ft. below land surface. Date 6-4-99
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 29

From	To	Estimated Flow Rate	SWL
29	65	5	28
65	185	50	
185	278	100	
278	275	20	
275	285	100	28

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
SOIL	0	1	
Lg Rock + Gravel + Sand	1	9	
Lg Rock + Gravel + Sand + Brown Clay	9	65	28
Rock + Gravel + Sand + Brown Clay	65	95	
Fine Sand + Brown Clay	95	185	
Lg Sand + Br Clay	185	210	
Small Gravel + Lg Sand + Brown Clay	210	236	
Brown Clay + Sand	236	239	
Small Gravel + Sand + Br Clay	239	265	
Lg Sand + Brown Clay	265	275	
Gravel + Sand	275	285	
Lg Sand + Brown Clay	285	290	
Fine Sand + Br Clay	290	312	28

Date started 5-13-99 Completed 6-4-99

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1655
Signed Robert D. Maynard Date 6-20-99

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

X	Permit to be Amended:	13158	10-01-2017
<input type="checkbox"/>	Ground Water Registration to be Modified:	_____	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>
		Ground Water Registration Number	

- Name on Permit or Registration: **Kerns Rainbow Ranch, Inc.**
- County: Baker _____
- Authorized Use(s) to be affected by this Amendment/Modification: **Supplemental irrigation of 287 acres.**
- Priority Date(s): **8-12-1994**

If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- All Source(s) of Water to be affected by this Amendment/Modification: **One well (well #2)**
Tributary to: **Willow Creek Basin**

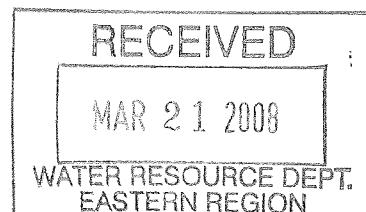
If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? Yes No N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, **the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).**

- Remarks: **There is one well on this permit. Our name for it is the Sackos Place well.**



The following information must be provided only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Not drilled yet	Willow Creek Basin	8S	38E	WM	12	NWSE	08S38 2201	10' S; 330 'E from the C ¼ corner of Sec. 12.

- Does the permit/registration being amended/modified involve a ground water source(s)?
 Yes No *(Surface water source only.)*

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. *Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map.*

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

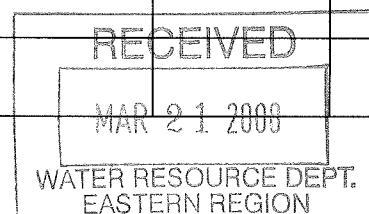
or

B. *If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Not drilled yet									



6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)
 (NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
See attached table A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below.

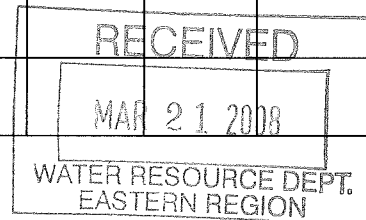
(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	See attached Table B									



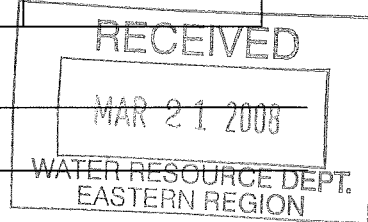
- Describe proposed changes to the permit or registration involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

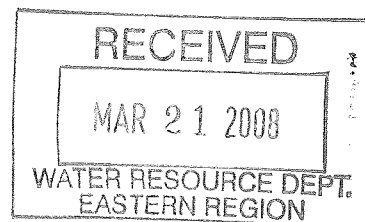
Remarks: N/A



Attachment "A"
(page 6)

Location of Proposed Authorized Point(s) of Appropriation to be added to Permit G-13158

Well No.	Our Well Name	Tsp	Range	Mer.	Sec.	¼¼	Tax Lot	Survey Coordinates
1	Boy's Place #1	8S	39E	WM	7	NENW	08S39 2100	1300' S; 30' W from N1/4 corner of Sec. 7
2	Bank Place	8S	38E	WM	18	SENW	08S3918 300	1400' S; 50' W from N1/4 corner of Sec. 18
3	Home Place	8S	38E	WM	1	SWSE	08S38 100	83' E; 83' N from E corner of Sec. 1
4	Company Farm	8S	39E	WM	28	NWNW	08S39 6900	165' E; 660' S from NW corner of Sec. 28
6	Boy's Place #2	8S	38E	WM	7	SWSW	08S39 2000	1200' N; 50' E from SW corner Sec. 7
7	Ward 40 #1	8S	39E	WM	7	NENE	08S39 2300	1000' S; 1315' W from NE corner Sec. 7
8	Ward 40 #2	8S	39E	WM	7	NENE	08S39 2300	1310' S; 1310' W from NE corner Sec. 7



Permit Amendment – All Wells Used Applied on All Lands

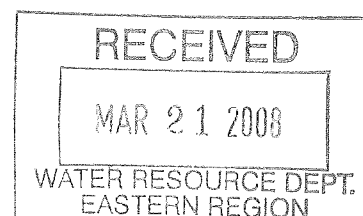
Attachment “B”

Permit	No. on Permit	Our List/Map No. & Name	C-Date	Drilled
G 11773	1	#1 – Boys Place #1	10-1-98	Yes
	2	#2 – Bank Place		No
G 13157	1	#3 – Home Place	10-1-2017	Yes
	2	#4 – Company Farm		Yes
G 13158	1	#5 – Sackos Place	10-1-2017	No
G 13159	1	#1 – Boy’s Place #1	10-1-98	Yes
G 15488	1	#1 – Boy’s Place #1	10-1-98	Yes
	2	#3 – Home Place	10-1-2017	Yes
	3	#6 – Boy’s Place #2	10-1-2017	Yes
	4	#7 – Ward Place #1	10-1-2017	No
G 16199	1	#8 – Ward Place #2	10-1-2011	No

Well Number Kerns Names for Wells WRD Well Name Number

1	Boy’ Place Well #1 (BAKE 1897)	Boy’s Place Well #1
2	Bank Place -- Not drilled	
3	Home Place Well (BAKE 50701)	Home Place Well L-64
4	Company Farm Well (BAKE 50624)	Company Farm Well
5	Sackos Place Well -- Not drilled	
6	Boy’s Place Well #2 (BAKE 50955)	Boy’s Place Well #2
7	Ward 40 #1 (#4 well on G 15488) (not drilled)	
8	Ward 40 #2 -- Not drilled	

On this application



TAX LOTS – TABLE “C”

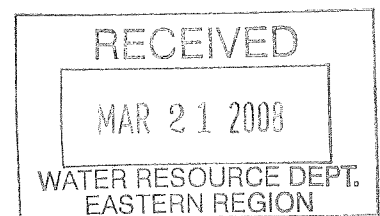
All Wells to be Applied to All Lands

Permit No.	Map No.	Tax Lot	Point of Appropriation
G-11773	08S39	2300	
	08S39	2100	Well #1 – Boy’s Place #1
	08S39	2600	
	08S38	100	
	08S3918	300	Well #2 – Bank Place
	08S3918	200	
	08S3818	203	
	08S3919	400	
	08S38	2700	
G-13157	08S39	2100	
	08S3801	100	Well #3 – Home Place
	08S3802	600	
	08S3802	500	
	08S3802	400	
	08S3802	700	
	08S39	6900	Well #4 – Company Farm
G-13158	08S39	2000	
	08S39	2100	Well #5 – Sackos Place
	08S38	2300	
G-13159	08S39	2000	
	08S39	2100	
	08S39	2600	
	08S3918	300	
	08S3918	200	
	08S3818	203	
G-15488	08S3802	400	
	08S3802	500	
	08S3802	600	
	08S3802	700	
	08S38	100	
	08S3801	501	
	08S38	2200	
	08S38	2201	
	08S38	2300	
	08S38	2600	
	08S38	2700	

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 EASTERN REGION

G-15488	08S3918	203	
(cont.)	08S3918	300	
	08S3918	400	
	08S3918D	600	
	08S3918D	700	
	08S3919	100	
	08S39	2600	
	08S39	2100	
	08S39	2000	Well #6 – Boy’s Place #2
	08S39	2300	
G-16199	08S39	2300	Well #7 – Ward 40 #1 Well #8 – Ward 40 #2
	08S39	2000	
	08S39	2100	
	08S39	2600	

Note: Our names of wells corresponds to list of wells on Table B



STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KERNS RAINBOW RANCH, INC.
RT 1 BOX 30A
HAINES, OREGON 97833

(541) 856-3449

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

APPLICATION FILE NUMBER: G-13790

SOURCE OF WATER: WELL #2 WITHIN WILLOW CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 287.0 ACRES

MAXIMUM RATE: 3.25 CUBIC FEET PER SECOND

PERIOD OF USE: WHEN NECESSARY FOR BENEFICIAL USE

DATE OF PRIORITY: AUGUST 12, 1994

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 12, T8S, R38E, W.M.;
10 FEET SOUTH AND 330 FEET EAST FROM THE C 1/4 CORNER OF SECTION 12

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 NE 1/4 22.0 ACRES
SE 1/4 NE 1/4 7.0 ACRES
SE 1/4 NW 1/4 13.0 ACRES
NE 1/4 SW 1/4 35.0 ACRES
NW 1/4 SW 1/4 7.0 ACRES
NW 1/4 SE 1/4 18.0 ACRES
SW 1/4 SE 1/4 30.0 ACRES

SECTION 12

NW 1/4 NE 1/4 30.0 ACRES

SECTION 13

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

SW 1/4 SW 1/4 37.0 ACRES

SE 1/4 SW 1/4 37.0 ACRES

SECTION 6

NE 1/4 NW 1/4 26.0 ACRES
 NW 1/4 NW 1/4 25.0 ACRES
 SECTION 7
 TOWNSHIP 8 SOUTH, RANGE 39 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.

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 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

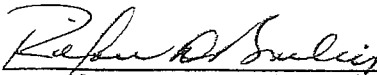
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued June 29, 1997


 Martha O. Pagel, Director
 Water Resources Department

Application G-13790 Water Resources Department
 Basin 09 Volume 1, WILLOW CREEK & MISC.
 MGMT.CODES 7BG, 7BR, 7CG, 7CR

PERMIT G-13158
 District 08

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (*check and complete one of the following*):

X	Permit to be Amended:	13159	10-01-2017
<input type="checkbox"/>	Ground Water Registration to be Modified:	_____	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>
		Ground Water Registration Number	

- Name on Permit or Registration: Tim L. and Janice L. Kerns
- County: Baker
- Authorized Use(s) to be affected by this Amendment/Modification: **Supplemental irrigation of 218 acres.**
- Priority Date(s): 2-23-1995

If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- All Source(s) of Water to be affected by this Amendment/Modification: **One Well**
Tributary to: **Willow Creek Basin**

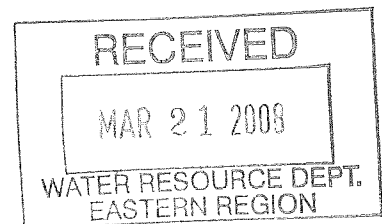
If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for Irrigation purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? Yes No N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).

- Remarks: This well is also known as Boy’s Place #1 well.



The following information must be provided only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
BAKE 1897	Willow Creek basin 2-23-1995	8S	39E	WM	7	NENW	08S39 2100	1237' S; 83' W from the N 1/4 corner of Sec. 7

- Does the permit/registration being amended/modified involve a ground water source(s)?
 Yes No *(Surface water source only.)*

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. *Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map.*

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

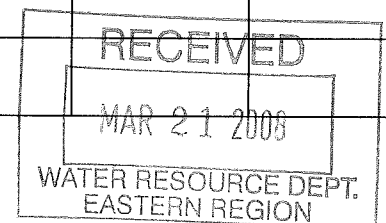
or

B. *If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See attached well logs									



- *The following information must be provided only for those places of use that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.*

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¹ / ₄ ¹ / ₄ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

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EASTERN REGION

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
See attached table A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below.

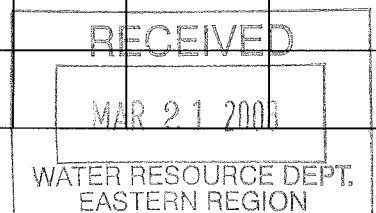
(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	See attached Table B									



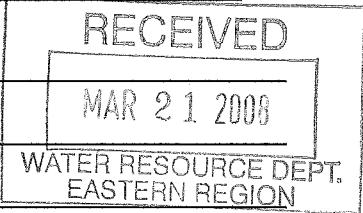
- Describe proposed changes to the permit or registration involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

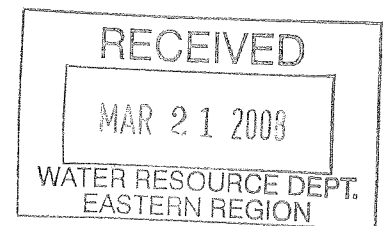
Remarks: N/A



Attachment "A"
(page 6)

Location of Proposed Authorized Point(s) of Appropriation to be added to Permit G-13159

Well No.	Our Well Name	Tsp	Range	Mer.	Sec.	¼ ¼	Tax Lot	Survey Coordinates
2	Bank Place	8S	38E	WM	18	SENW	08S3919 300	1400' S; 50' W from N1/4 corner of Sec. 18
3	Home Place	8S	38E	WM	12	NENE	08S38 100	10'S; 450' W from NE corner of Sec. 12
4	Company Farm	8S	39E	WM	28	NWNW	08S39 6900	165'E; 660'S from NW corner of Sec. 28
5	Sackos Place	8S	38E	WM	12	NWSE	08S39 2201	10' S'; 330' E from <u>C</u> 1/4 corner of Sec. 12
6	Boy's Place #2	8S	38E	WM	7	SWSW	08S39 2000	1200' N; 50' E from SW corner Sec. 7
7	Ward 40 #1	8S	39E	WM	7	NENE	08S39 2300	1000' S; 1315' W from NE corner Sec. 7
8	Ward 40 #2	8S	39E	WM	7	NENE	08S39 2300	1310' S; 1310' W from NE corner Sec. 7

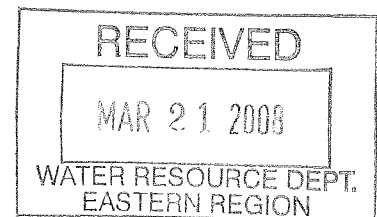


Permit Amendment – All Wells Used Applied on All Lands

Attachment “B”

Permit	No. on Permit	Our List/Map No. & Name	C-Date	Drilled
G 11773	1	#1 – Boys Place #1	10-1-98	Yes
	2	#2 – Bank Place		No
G 13157	1	#3 – Home Place	10-1-2017	Yes
	2	#4 – Company Farm		Yes
G 13158	1	#5 – Sackos Place	10-1-2017	No
G 13159	1	#1 – Boy’s Place #1	10-1-98	Yes
G 15488	1	#1 – Boy’s Place #1	10-1-98	Yes
	2	#3 – Home Place	10-1-2017	Yes
	3	#6 – Boy’s Place #2	10-1-2017	Yes
	4	#7 – Ward Place #1	10-1-2017	No
G 16199	1	#8 – Ward Place #2	10-1-2011	No

Well Number	Kerns Names for Wells	WRD Well Name Number
1	Boy’ Place Well #1 (BAKE 1897)	Boy’s Place Well #1
2	Bank Place -- Not drilled	
3	Home Place Well (BAKE 50701)	Home Place Well L-64
4	Company Farm Well (BAKE 50624)	Company Farm Well
5	Sackos Place Well -- Not drilled	
6	Boy’s Place Well #2 (BAKE 50955)	Boy’s Place Well #2
7	Ward 40 #1 (#4 well on G 15488) (not drilled)	
8	Ward 40 #2 -- Not drilled	



TAX LOTS – TABLE “C”

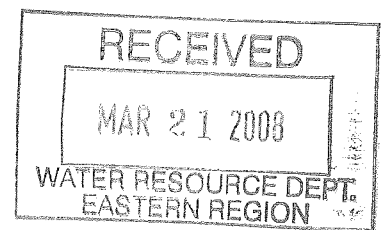
All Wells to be Applied to All Lands

Permit No.	Map No.	Tax Lot	Point of Appropriation
G-11773	08S39	2300	
	08S39	2100	Well #1 – Boy’s Place #1
	08S39	2600	
	08S38	100	
	08S3918	300	Well #2 – Bank Place
	08S3918	200	
	08S3818	203	
	08S3919	400	
	08S38	2700	
G-13157	08S39	2100	
	08S3801	100	Well #3 – Home Place
	08S3802	600	
	08S3802	500	
	08S3802	400	
	08S3802	700	
	08S39	6900	Well #4 – Company Farm
G-13158	08S39	2000	
	08S39	2100	Well #5 – Sackos Place
	08S38	2300	
G-13159	08S39	2000	
	08S39	2100	
	08S39	2600	
	08S3918	300	
	08S3918	200	
	08S3818	203	
G-15488	08S3802	400	
	08S3802	500	
	08S3802	600	
	08S3802	700	
	08S38	100	
	08S3801	501	
	08S38	2200	
	08S38	2201	
	08S38	2300	
	08S38	2600	
	08S38	2700	

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G-15488	08S3918	203	
(cont.)	08S3918	300	
	08S3918	400	
	08S3918D	600	
	08S3918D	700	
	08S3919	100	
	08S39	2600	
	08S39	2100	
	08S39	2000	Well #6 – Boy's Place #2
	08S39	2300	
G-16199	08S39	2300	Well #7 – Ward 40 #1 Well #8 – Ward 40 #2
	08S39	2000	
	08S39	2100	
	08S39	2600	

Note: Our names of wells corresponds to list of wells on Table B



STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIM L. AND JANICE L. KERNS
RT 1 BOX 30A
HAINES, OREGON 97833

(541) 856-3449

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

APPLICATION FILE NUMBER: G-13988

SOURCE OF WATER: WELL #1 WITHIN WILLOW CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 218.0 ACRES

MAXIMUM RATE: 2.25 CUBIC FEET PER SECOND

PERIOD OF USE: WHEN NECESSARY FOR BENEFICIAL USE

DATE OF PRIORITY: FEBRUARY 23, 1995

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 7, T8S, R39E, W.M.;
1237.0 FEET SOUTH AND 83 FEET WEST FROM THE N 1/4 CORNER OF SECTION 7

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 31.0 ACRES
SE 1/4 SW 1/4 31.0 ACRES
SECTION 6

NE 1/4 NW 1/4 10.0 ACRES
NW 1/4 NW 1/4 10.0 ACRES
SW 1/4 NW 1/4 7.0 ACRES
SE 1/4 NW 1/4 7.0 ACRES
SECTION 7

SW 1/4 NW 1/4 30.0 ACRES
SE 1/4 NW 1/4 31.0 ACRES
NE 1/4 SW 1/4 31.0 ACRES
NW 1/4 SW 1/4 30.0 ACRES
SECTION 18

TOWNSHIP 8 SOUTH, RANGE 39 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.

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

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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 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

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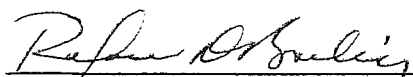
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

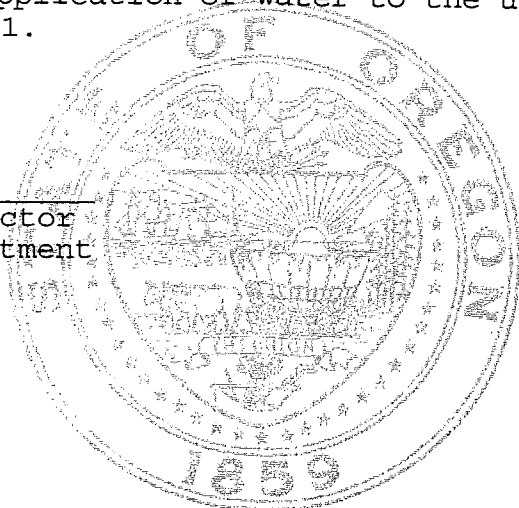
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued June 27, 1997


for Martha O. Pagel, Director
Water Resources Department



STATE OF OREGON
WATER WELL REPORT
 (as required by ORS 537.765)

BAKE
1897

AUG 21 1992

85/39E/760
17308

WATER RESOURCES DEPT. (START CARD) SALEM, OREGON

(1) OWNER:

Name Kenn Rainbow Ravel Jones Well Number _____
 Address RT 1 Box 30A
 City Hained State OR Zip 97753

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD

Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 300 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
14	0 18	Bentonite	0 18	25 Bags
10	18 300			

How was seal placed: Method A B C D E

Other Poured Dry

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	11	300	260	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoes) 300

(7) PERFORATIONS/SCREENS:

Perforations Method air Holt type
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
280	300	1/8	400	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>
40	280	1/8	6000	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
1000+		290	1 hr.

Temperature of water 54 Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Baker Latitude _____ Longitude _____
 Township 39 N or S Range 39E E or W, W.M. _____
 Section 7 NE 1/4 NW 1/4
 Tax Lot 1100 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) Crocker LN Hained 0977533

(10) STATIC WATER LEVEL:

17 ft. below land surface. Date 6-9-92
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 22

From	To	Estimated Flow Rate	SWL
22	26	10 gpm	17

(12) WELL LOG:

Material	From	To	SWL
Soil & clay	0	22	
gravel & shells	22	26	17
clay & gravel	26	41	
gravel & shells & clay	41	200	
gravel & shells & silt	200	280	
clay & gravel	280	280	
gravel & shells	280	300	17

Date started 3-27-92 Completed 6-9-92

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Carpenter WWC Number 4994
 Date 6-20-92

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed Carpenter WWC Number 4994
 Date 6-20-92

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

<input checked="" type="checkbox"/> Permit to be Amended:	15488	10-01-2017
<input type="checkbox"/> Ground Water Registration to be Modified:	_____	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>
	Ground Water Registration Number	

- Name on Permit or Registration: **Kerns Rainbow Ranch, Inc./Janice L. Kerns**
- County: Baker _____
- Authorized Use(s) to be affected by this Amendment/Modification: **Supplemental irrigation of 572.5 acres; and irrigation of 22.4 acres**
- Priority Date(s): **5-13-1999**

If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- All Source(s) of Water to be affected by this Amendment/Modification: **Well #1, 2, 3, 4.**

Tributary to: **Willow Creek Basin**

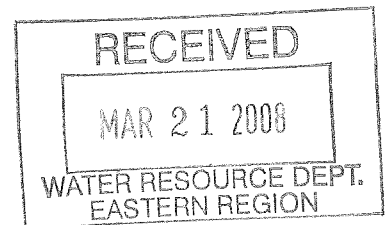
If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for Irrigation purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? Yes No N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).

- Remarks: None



The following information must be provided only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
BAKE 50701 (AKA well #3 Home Place)	Willow Creek basin 8-23-1994	8S	38E	WM	1	SWSE	08S38 100	10' S; 450' W from the NE corner Sec. 12
BAKE 50955 (AKA well #6 Boy's Place #2)	Willow Creek basin 5-13-1999	8S	39E	WM	6	SWSW	08S39 2000	1120' N; 50'E from the SW corner Sec. 6
Not drilled yet (AKA well #7 Ward 40 #1)	Willow Creek basin 5-29-1992	8S	39E	WM	7	NENE	08S39 2300	1000' S; 1315' W of the NE corner Sec. 7
BAKE 1897 (AKA well #1 Boy's Place #1)	Willow Creek basin 5-13-1999	8S	39E	WM	7	NENW	08S39 2100	1300' S; 30' W from N 1/4 corner Sec. 7

- Does the permit/registration being amended/modified involve a ground water source(s)?
 Yes No (Surface water source only.)

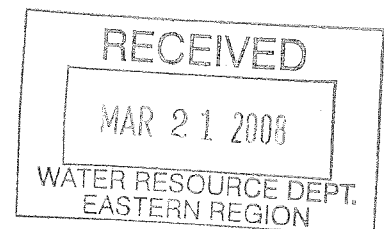
If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

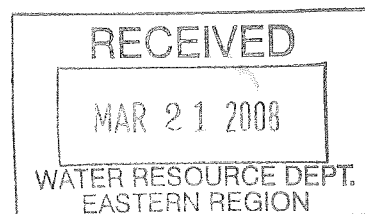
or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.



Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)
Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See attached well logs 1-3									
Well #4 not Drilled yet									



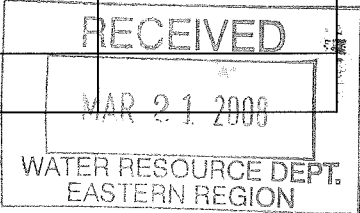
- *The following information must be provided only for those places of use that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.*

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							



6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
See attached table A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

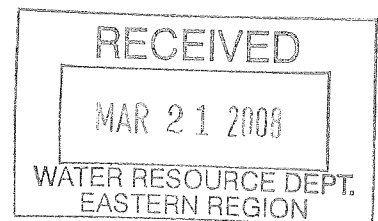
Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	See attached Table B									

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Attachment "A"
(page 6)

Location of Proposed Authorized Point(s) of Appropriation to be added to Permit G-15488

Well No.	Our Well Name	Tsp	Range	Mer.	Sec.	¼¼	Tax Lot	Survey Coordinates
2	Bank Place	8S	38E	WM	18	SENW	08S3918 300	1400' S; 50' W from N1/4 corner of Sec. 18
4	Company Farm	8S	39E	WM	28	NWNW	08S39 6900	165'E; 660'S from NW corner of Sec. 28
5	Sackos Place	8S	38E	WM	12	NWSE	08S38 2201	10' S'; 330' E from <u>C</u> 1/4 corner of Sec. 12
8	Ward 40 #2	8S	39E	WM	7	NENE	08S39 2300	1310' S; 1310' W from NE corner Sec. 7

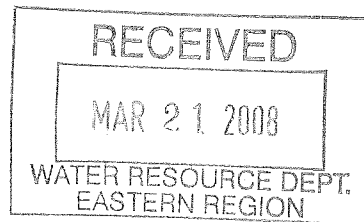


Permit Amendment – All Wells Used Applied on All Lands

Attachment “B”

Permit	No. on Permit	Our List/Map No. & Name	C-Date	Drilled
G 11773	1	#1 – Boys Place #1	10-1-98	Yes
	2	#2 – Bank Place		No
G 13157	1	#3 – Home Place	10-1-2017	Yes
	2	#4 – Company Farm		Yes
G 13158	1	#5 – Sackos Place	10-1-2017	No
G 13159	1	#1 – Boy’s Place #1	10-1-98	Yes
G 15488	1	#1 – Boy’s Place #1	10-1-98	Yes
	2	#3 – Home Place	10-1-2017	Yes
	3	#6 – Boy’s Place #2	10-1-2017	Yes
	4	#7 – Ward Place #1	10-1-2017	No
G 16199	1	#8 – Ward Place #2	10-1-2011	No

Well Number	Kerns Names for Wells	WRD Well Name Number
1	Boy’ Place Well #1 (BAKE 1897)	Boy’s Place Well #1
2	Bank Place -- Not drilled	
3	Home Place Well (BAKE 50701)	Home Place Well L-64
4	Company Farm Well (BAKE 50624)	Company Farm Well
5	Sackos Place Well -- Not drilled	
6	Boy’s Place Well #2 (BAKE 50955)	Boy’s Place Well #2
7	Ward 40 #1 (#4 well on G 15488) (not drilled)	
8	Ward 40 #2 -- Not drilled	



TAX LOTS – TABLE “C”

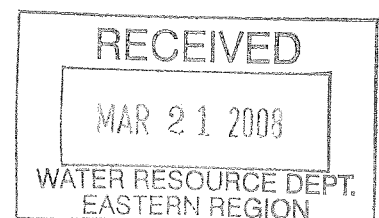
All Wells to be Applied to All Lands

Permit No.	Map No.	Tax Lot	Point of Appropriation
G-11773	08S39	2300	
	08S39	2100	Well #1 – Boy’s Place #1
	08S39	2600	
	08S38	100	
	08S3918	300	Well #2 – Bank Place
	08S3918	200	
	08S3818	203	
	08S3919	400	
	08S38	2700	
G-13157	08S39	2100	
	08S3801	100	Well #3 – Home Place
	08S3802	600	
	08S3802	500	
	08S3802	400	
	08S3802	700	
	08S39	6900	Well #4 – Company Farm
G-13158	08S39	2000	
	08S39	2100	Well #5 – Sackos Place
	08S38	2300	
G-13159	08S39	2000	
	08S39	2100	
	08S39	2600	
	08S3918	300	
	08S3918	200	
	08S3818	203	
G-15488	08S3802	400	
	08S3802	500	
	08S3802	600	
	08S3802	700	
	08S38	100	
	08S3801	501	
	08S38	2200	
	08S38	2201	
	08S38	2300	
	08S38	2600	
	08S38	2700	

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G-15488	08S3918	203	
(cont.)	08S3918	300	
	08S3918	400	
	08S3918D	600	
	08S3918D	700	
	08S3919	100	
	08S39	2600	
	08S39	2100	
	08S39	2000	Well #6 – Boy's Place #2
	08S39	2300	
G-16199	08S39	2300	Well #7 – Ward 40 #1 Well #8 – Ward 40 #2
	08S39	2000	
	08S39	2100	
	08S39	2600	

Note: Our names of wells corresponds to list of wells on Table B



STATE OF OREGON

#1 Suppl. #1
#2 Annul Pl.
#3 Sup Pl #2
#4 - Ward 40 #1

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KERNS RAINBOW RANCH INC.
JANICE L. KERNS
45917 QUAIL ROAD
HAINES, OREGON 97833

(541)856-3449

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

APPLICATION FILE NUMBER: G-14984

SOURCE OF WATER: FOUR WELLS IN WILLOW CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 22.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 572.5 ACRES

MAXIMUM RATE: 7.46 CUBIC FEET PER SECOND (CFS), BEING 0.28 CFS FOR IRRIGATION AND 7.18 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 13, 1999

POINT OF DIVERSION LOCATION: ² NE 1/4 NE 1/4, SECTION 12, T8S, R38E, W.M.; ³ SW 1/4 SW 1/4, SECTION 6, NE 1/4 NE 1/4, NE 1/4 NW 1/4, SECTION 7, T8S, R39E, W.M.; WELL 2 - 10 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER SECTION 12, T8S, R38E, W.M.; WELL 3 - 1120 FEET NORTH AND 50 FEET EAST FROM THE SW CORNER SECTION 6; WELL 4 - 1000 FEET SOUTH AND 1315 FEET WEST FROM THE NE CORNER SECTION 7; WELL 1 - 1300 FEET SOUTH & 30 FEET WEST FROM N1/4 CORNER, SECTION 7, T8S, R39E, W.M.

Ward 40
Sup Pl #2
Annul Pl

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NW 1/4		6.7 ACRES
SW 1/4 SW 1/4		0.5 ACRES
SE 1/4 SW 1/4		1.6 ACRES

SW 1/4 SE 1/4		4.9 ACRES
SE 1/4 SE 1/4		35.0 ACRES
SECTION 1		
NE 1/4 NE 1/4		12.0 ACRES
NW 1/4 NE 1/4		5.0 ACRES
NE 1/4 SE 1/4		1.7 ACRES
NW 1/4 SE 1/4		5.0 ACRES
SE 1/4 SE 1/4		10.0 ACRES
SECTION 2		
NE 1/4 NE 1/4		11.0 ACRES
SECTION 11		
NE 1/4 NE 1/4		29.9 ACRES
SE 1/4 NE 1/4		17.0 ACRES
NW 1/4 NW 1/4		2.0 ACRES
SE 1/4 NW 1/4		1.0 ACRES
NE 1/4 SW 1/4		31.0 ACRES
NW 1/4 SW 1/4		4.0 ACRES
NW 1/4 SE 1/4		18.0 ACRES
SW 1/4 SE 1/4	5.0 ACRES	30.0 ACRES
SECTION 12		
NW 1/4 NE 1/4	5.0 ACRES	30.0 ACRES
SW 1/4 NE 1/4		25.0 ACRES
SE 1/4 NW 1/4		4.0 ACRES
NE 1/4 SE 1/4		30.0 ACRES
NW 1/4 SE 1/4		4.0 ACRES
SW 1/4 SE 1/4		0.4 ACRES
SE 1/4 SE 1/4		25.0 ACRES
SECTION 13		
NE 1/4 NE 1/4		20.0 ACRES
SECTION 24		
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.		
SW 1/4 SW 1/4		8.1 ACRES
SE 1/4 SW 1/4		9.0 ACRES
SECTION 6		
NE 1/4 NE 1/4		5.0 ACRES
NW 1/4 NW 1/4	3.4 ACRES	17.6 ACRES
SECTION 7		

SW 1/4 NW 1/4	9.0 ACRES	
SE 1/4 NW 1/4		7.0 ACRES
NE 1/4 SW 1/4		7.0 ACRES
NW 1/4 SW 1/4		10.0 ACRES
SW 1/4 SW 1/4		40.0 ACRES
SE 1/4 SW 1/4		35.0 ACRES
NW 1/4 SE 1/4		16.0 ACRES

SECTION 18

NE 1/4 NW 1/4		20.0 ACRES
NW 1/4 NW 1/4		35.0 ACRES

SECTION 19

TOWNSHIP 8 SOUTH, RANGE 39 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.

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 three or more feet per year for five consecutive years; or
- (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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

Actual construction of the well shall begin by July 28, 2001. Complete application of the water to the use shall be made on or before October 1, 2004. 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).

This permit is issued to correctly describe the point of appropriation for a well located in the NE 1/4 NE 1/4, Section 12, T8S, R38E, W.M. Permit G-13855, dated November 9, 2000 is superseded by this instrument and is of no further force or effect.

Issued August 21, 2003


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14984
Basin 9
AMH

Water Resources Department
Volume 1 WILLOW CR & MISC
MGMT.CODES 7BG 7BR 7CG 7CR

PERMIT G-15488
District 8

STATE OF OREGON
WATER WELL REPORT
 (as required by ORS 537.765)

AUG 21 1992

86/39E/760
 17308

WATER RESOURCES DEPT.

(START CARD) #

(1) OWNER:

Name Kerns Rainbow Ranch Inc Well Number: SALEM, (11-11-11)
 Address RT 1 Box 30A
 City Hained State OR Zip 97753

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD

Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 300 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
14	0 18	Benloch	0 18	25 Bags	
10	18 300				

How was seal placed: Method A B C D E

Other Poured Dry

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Casing	Diameter	From	To	Gauge	Steel				Plastic				Welded				Threaded			
					✓															
	10	11	300	250																

Final location of shoe(s) 300

(7) PERFORATIONS/SCREENS:

Perforations Method air Holt type
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
280	300	1/8	400	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>
40	280	1/4	6000	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
1000+		290	1 hr.

Temperature of water 54 Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Baker Latitude _____ Longitude _____
 Township 33 N or S. Range 39E E or W. W.M. _____
 Section 2 NE 1/4 NW 1/4
 Tax Lot 2100 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) Cooper LN Hained 0197833

(10) STATIC WATER LEVEL:

17 ft. below land surface. Date 6-9-92
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 22

From	To	Estimated Flow Rate	SWL
22	26	10 gpm	17

(12) WELL LOG:

Material	From	To	SWL
soil & clay	0	22	
gravel & silt	22	26	17
clay & gravel	26	41	
gravel & silt & clay	41	200	
gravel & silt	200	220	
clay & gravel	220	280	
gravel & silt	280	300	17

Date started 3-27-92 Completed 6-9-92

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Carpenter WWC Number 494
 Date 6-20-92

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed Carpenter WWC Number 494
 Date 6-20-92

lake
50455

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # L. 0000064
START CARD # 103437

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number _____
Name TIM KERNS
Address 45917 Quail Rd.
City HALES State OR Zip 97133

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 320 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL	
Diameter	From To	Material	From To
16	0 18	Bentonite	18 27
11.5	18 320		

How was seal placed: Method A B C D E
 Other Powered dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	320	300	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 320

(7) PERFORATIONS/SCREENS:

Perforations Method Molt
 Screens Type _____ Material _____

From	To	Slot	Number	Diameter	Tube/pipe size	Casing	Liner
50	320	1/8"	4000	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailor Air Flowing
Yield 250 gal/min Drawdown _____ Drill stem at _____ Time _____ 1 hr.

Temperature of water 54 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County BAKER Latitude _____ Longitude _____
Township 93 N or S Range 37E E or W. WM.
Section 1 SW 1/4 SE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 4 mi SW of 45801 School House Rd. Hales OR 97133

(10) STATIC WATER LEVEL:
32 ft. below land surface. Date 7-3-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 50

From	To	Estimated Flow Rate	SWL
50	60	50	32
100	110	50	32
160	320	200 + or -	32

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Soil	0	14	
Soil (loam) + clay	14	50	32
Soil (loam) + silt + clay	50	60	32
Soil (loam) + clay	60	100	32
Soil (loam) + silt + clay	100	110	32
Soil + clay + gravel	110	300	32
Large gravel + silt + clay	300	320	32

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SALEM, OREGON

Date started 6-25-98 Completed 7-9-98
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed Carl Petch WWC Number 494 Date 7-16-98

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed Carl Petch WWC Number 494 Date 7-16-98

REBAKE 50955

AUG 02 2002

STATE OF OREGON WATER SUPPLY WELL REPORT (as required by ORS 537.765)

WATER RESOURCES DEPT SALEM, OREGON

WELL I.D. # L 50698 START CARD # 141867

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number Name KERNS RAINBOW RANCH Address 46917 QUAIL ROAD City HAINES State OR Zip 97133

(2) TYPE OF WORK: [X] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD: [] Rotary Air [] Rotary Mud [] Cable [] Auger [X] Other REVERSE ROTARY

(4) PROPOSED USE: [] Domestic [] Community [] Industrial [X] Irrigation [] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 370 ft. Explosives used [] Yes [X] No Type Amount

Table with columns: Diameter, From, To, Material, From, To, Sacks (pounds). Row 1: 25", 0, 391, BENTONITE, 0, 70, 18,250

How was seal placed: Method [] A [] B [] C [] D [] E [X] Other OVER BORE Backfill placed from 70 ft. to 391 ft. Material 3/8 MINUS

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Rows for Casing and Liner.

Final location of shoe(s) (7) PERFORATIONS/SCREENS: [] Perforations [X] Screens Method Type JOHNSON Material Mild Steel

Table for (7) PERFORATIONS/SCREENS with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour [] Pump [] Bailer [X] Air [] Artesian

Yield gal/min 150 Drawdown 240 Drill stem at 1 hr. Temperature of water 68 Depth Artesian Flow Found

(9) LOCATION OF WELL by legal description: County BAKER Latitude Longitude Township 8 N or S Range 39 E or W. WM. Section 6 SW 1/4 SW 1/4 Tax Lot 7355 Lot Block Subdivision Street Address of Well (or nearest address) SCHOOL HOUSE ROAD

(10) STATIC WATER LEVEL: 15' ft. below land surface. Date 7-23-02 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Depth at which water was first found 15'

Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: ALL SAND + GRAVELS below 15'

(12) WELL LOG: Ground Elevation

Table for (12) WELL LOG with columns: Material, From, To, SWL. Rows include TOPSOIL, SAND, RIVER ROCK, BROWN CLAY, etc.

Date started 7-9-02 Completed 7-23-02

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

Signed Justin Claver WWC Number 1764 Date 7-31-02

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above.

Signed WWC Number 1506 Date 7-31-02

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

<input checked="" type="checkbox"/> Permit to be Amended:	16199	10-01-2011
<input type="checkbox"/> Ground Water Registration to be Modified:	_____	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>
	Ground Water Registration Number	

- Name on Permit or Registration: **Kerns Rainbow Ranch, Inc.**
- County: Baker _____
- Authorized Use(s) to be affected by this Amendment/Modification: **Supplemental irrigation of 251.4 acres**
- Priority Date(s): **9-13-2005**

If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- All Source(s) of Water to be affected by this Amendment/Modification: **One well**
Tributary to: **Willow Creek Basin**

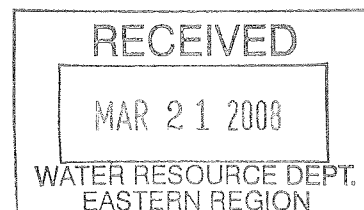
If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for Irrigation purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? Yes No N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).

- Remarks: No remarks.



The following information must be provided only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Not drilled yet (AKA well #8 Ward 40 #2)	Willow Creek basin 9-13-2005	8S	39E	WM	7	NENE	08S39 2300	1310' S; 1310'W from NE corner, Sec. 7

- Does the permit/registration being amended/modified involve a ground water source(s)?
 Yes No (Surface water source only.)

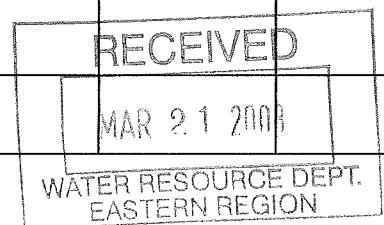
If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map.
 (NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)
- or
- B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Not drilled yet									



- **The following information must be provided only for those places of use that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.**

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

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6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
See attached table A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below.

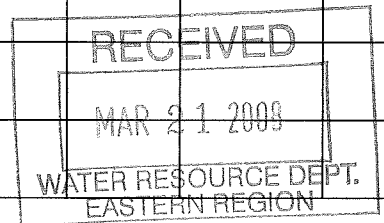
(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	See attached Table B									



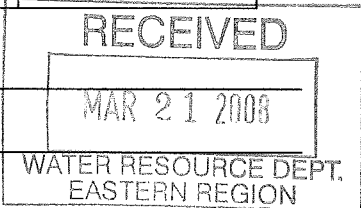
- Describe proposed changes to the permit or registration involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

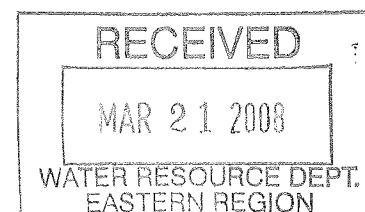
Remarks: N/A



Attachment "A"
(page 6)

Location of Proposed Authorized Point(s) of Appropriation to be added to Permit G-16199

Well No.	Our Well Name	Tsp	Range	Mer.	Sec.	¼¼	Tax Lot	Survey Coordinates
1	Boy's Place #1	8S	39E	WM	7	NENW	08S39 2100	1300' S; 30' W from N1/4 corner of Sec. 7
2	Bank Place	8S	38E	WM	18	SEnw	08S3918 300	1400' S; 50' W from N1/4 corner of Sec. 18
3	Home Place	8S	38E	WM	12	NENE	08S38 100	10'S; 450' W from NE corner of Sec. 12
4	Company Farm	8S	39E	WM	28	NWNW	08S39 6900	165'E; 660'S from NW corner of Sec. 28
5	Sackos Place	8S	38E	WM	12	NWSE	08S38 2201	10' S'; 330' E from <u>C</u> 1/4 corner of Sec. 12
6	Boy's Place #2	8S	38E	WM	7	SWSW	08S39 2000	1200' N; 50' E from SW corner Sec. 7
7	Ward 40 #1	8S	39E	WM	7	NENE	08S39 2300	1000' S; 1315' W from NE corner Sec. 7

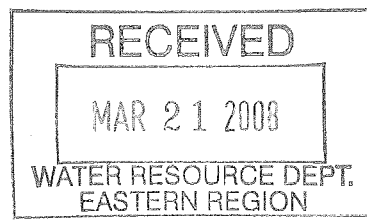


Permit Amendment – All Wells Used Applied on All Lands

Attachment “B”

Permit	No. on Permit	Our List/Map No. & Name	C-Date	Drilled
G 11773	1	#1 – Boys Place #1	10-1-98	Yes
	2	#2 – Bank Place		No
G 13157	1	#3 – Home Place	10-1-2017	Yes
	2	#4 – Company Farm		Yes
G 13158	1	#5 – Sackos Place	10-1-2017	No
G 13159	1	#1 – Boy’s Place #1	10-1-98	Yes
G 15488	1	#1 – Boy’s Place #1	10-1-98	Yes
	2	#3 – Home Place	10-1-2017	Yes
	3	#6 – Boy’s Place #2	10-1-2017	Yes
	4	#7 – Ward Place #1	10-1-2017	No
G 16199	1	#8 – Ward Place #2	10-1-2011	No

Well Number	Kerns Names for Wells	WRD Well Name Number
1	Boy’ Place Well #1 (BAKE 1897)	Boy’s Place Well #1
2	Bank Place -- Not drilled	
3	Home Place Well (BAKE 50701)	Home Place Well L-64
4	Company Farm Well (BAKE 50624)	Company Farm Well
5	Sackos Place Well -- Not drilled	
6	Boy’s Place Well #2 (BAKE 50955)	Boy’s Place Well #2
7	Ward 40 #1 (#4 well on G 15488) (not drilled)	
8	Ward 40 #2 -- Not drilled	



TAX LOTS – TABLE “C”

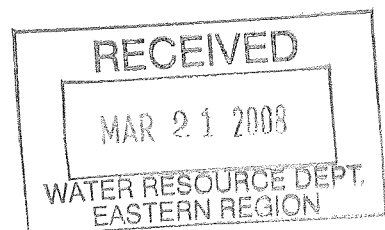
All Wells to be Applied to All Lands

Permit No.	Map No.	Tax Lot	Point of Appropriation
G-11773	08S39	2300	
	08S39	2100	Well #1 – Boy’s Place #1
	08S39	2600	
	08S38	100	
	08S3918	300	Well #2 – Bank Place
	08S3918	200	
	08S3818	203	
	08S3919	400	
	08S38	2700	
G-13157	08S39	2100	
	08S3801	100	Well #3 – Home Place
	08S3802	600	
	08S3802	500	
	08S3802	400	
	08S3802	700	
	08S39	6900	Well #4 – Company Farm
G-13158	08S39	2000	
	08S39	2100	Well #5 – Sackos Place
	08S38	2300	
G-13159	08S39	2000	
	08S39	2100	
	08S39	2600	
	08S3918	300	
	08S3918	200	
	08S3818	203	
G-15488	08S3802	400	
	08S3802	500	
	08S3802	600	
	08S3802	700	
	08S38	100	
	08S3801	501	
	08S38	2200	
	08S38	2201	
	08S38	2300	
	08S38	2600	
	08S38	2700	

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G-15488	08S3918	203	
(cont.)	08S3918	300	
	08S3918	400	
	08S3918D	600	
	08S3918D	700	
	08S3919	100	
	08S39	2600	
	08S39	2100	
	08S39	2000	Well #6 – Boy's Place #2
	08S39	2300	
G-16199	08S39	2300	Well #7 – Ward 40 #1 Well #8 – Ward 40 #2
	08S39	2000	
	08S39	2100	
	08S39	2600	

Note: Our names of wells corresponds to list of wells on Table B



STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KERNS RAINBOW RANCH INC
45917 QUAIL RD
HAINES, OR 97833

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

APPLICATION FILE NUMBER: G-16534

SOURCE OF WATER: A WELL IN WILLOW CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 251.4 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 13, 2005

WELL LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 7, T8S, R39E, W.M.; 1310 FEET SOUTH & 1310 FEET WEST FROM NE CORNER, SECTION 7

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 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 37.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.0 ACRES
SECTION 6

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 7

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. 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.

The use described herein may be considered primary irrigation at the time of perfection of the appropriation, provided the underlying water right has been canceled, diminished, or transferred to other lands, and if the water has been beneficially used as the primary source for the use as described in this permit. Issuance of this permit does not confirm the validity of any underlying right or claim.

The well shall be continuously cased and continuously sealed to a minimum depth of 110 feet below land surface. The well may not be completed in such a manner that it allows ground water to be developed from shallower sands and gravels. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the water user can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, requested modification will not be approved. The new well depth and construction specifications will be incorporated into any certificate issued for this permit.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 5, 2007

 for

Phillip C. Ward, Director
Water Resources Department



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Kerns Rainbow Ranch, Inc.
Mailing Address: 45917 Quail Road
City: Haines State: OR Zip: 97833 Day Phone: 651-856-3449

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See Attached						<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Ag
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Baker

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Allocation of Conserved Water
- Permit Amendment or Ground Water Registration Modification
- Water-Right Transfer
- Limited Water Use License
- Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 19.46 (all permits) cubic feet per second gallons per minute acre-feet

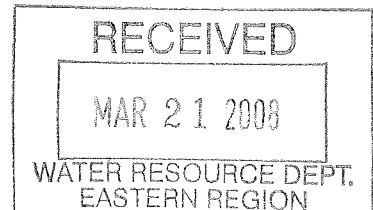
Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-municipal Instream Other _____

Briefly describe: Apply all wells to all lands

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCZO Sec 314

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

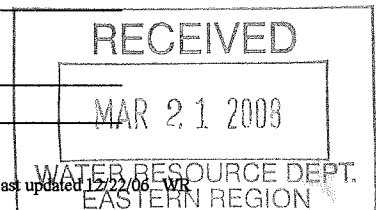
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: DONNA L. Thibodeau Title: PLANNING TECH
 Signature: *Donna L. Thibodeau* Phone: 523-8219 Date: 3.21.08
 Government Entity: Baker County Planning

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



TAX LOTS – TABLE “C”

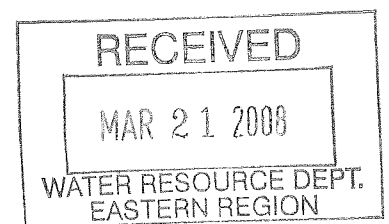
All Wells to be Applied to All Lands

Permit No.	Map No.	Tax Lot	Point of Appropriation
G-11773	08S39	2300	
	08S39	2100	Well #1 – Boy’s Place #1
	08S39	2600	
	08S38	100	
	08S3918	300	Well #2 – Bank Place
	08S3918	200	
	08S3818	203	
	08S3919	400	
	08S38	2700	
G-13157	08S39	2100	
	08S3801	100	Well #3 – Home Place
	08S3802	600	
	08S3802	500	
	08S3802	400	
	08S3802	700	
	08S39	6900	Well #4 – Company Farm
G-13158	08S39	2000	
	08S39	2100	Well #5 – Sackos Place
	08S38	2300	
G-13159	08S39	2000	
	08S39	2100	
	08S39	2600	
	08S3918	300	
	08S3918	200	
	08S3818	203	
G-15488	08S3802	400	
	08S3802	500	
	08S3802	600	
	08S3802	700	
	08S38	100	
	08S3801	501	
	08S38	2200	
	08S38	2201	
	08S38	2300	
	08S38	2600	
	08S38	2700	

RECEIVED
 MAR 21 2008
 WATER RESOURCE DEPT.
 EASTERN REGION

G-15488	08S3918	203	
(cont.)	08S3918	300	
	08S3918	400	
	08S3918D	600	
	08S3918D	700	
	08S3919	100	
	08S39	2600	
	08S39	2100	
	08S39	2000	Well #6 – Boy's Place #2
	08S39	2300	
G-16199	08S39	2300	Well #7 – Ward 40 #1 Well #8 – Ward 40 #2
	08S39	2000	
	08S39	2100	
	08S39	2600	

Note: Our names of wells corresponds to list of wells on Table B



To: Carrie Jones

FROM: Jan Kern

Per your request -

Kerns Rainbow Ranch, Inc.
45917 Quail Road
Haines, OR 97833
Sept. 20, 2010

*also filed
in T 8262
file folder*

Mr. Dwight French, Administrator
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RE: G-11773 and T 8262

Dear Mr. French,

By this letter, I am reporting the status of the well(s) permit T 8262, which also included G-11773. T 8262 will allow us to use All Well on All Lands. There are 4 wells on the permit(s) still to be drilled, which was the reason for the extension request.

Last year, our youngest son and his wife wanted out of the ranch business. On December 31, 2009, we underwent a very complicated, and expensive, business restructuring.

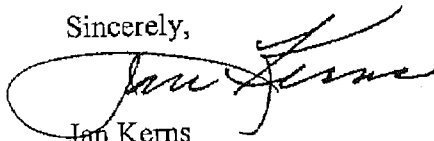
Therefore, we were financially unable to proceed with drilling the next well in 2010, as had been planned. All the former lands making up the Kerns Rainbow Ranch operating base are now being operated under different business entities so all the previous work must be re-evaluated for new water applications of the existing wells, per the corporation restructuring, as well as the still-to-be-drilled wells.

It is still our intention to drill at least part, if not all, of the wells on the permits, but we must have time to assess business viability and new delivery systems. This will be a complicated procedure. We intend to meet the deadline of Oct. 1, 2017.

I left a voice message for Scott Kudlemyer last week, asking what kind of progress report needed to be submitted. Since I've not heard from him, I'm sending this letter to you in order to meet the intent of meeting the Oct. 1, 2010 deadline. I do not have any forms on which to properly report. Since we begin potato harvest this Tuesday, my time is going to be very directed, and limited, until potato harvest is completed.

If this letter does not meet the general reporting requirements, please consider it a "placeholder" until the proper forms are provided. Thank you for your assistance.

Sincerely,



Jan Kerns
Kerns Rainbow Ranch, Inc.
jkerns@rconnects.com (541-856-3449 or cell 541-403-0823)

3-08

T 8262 amended
ALL WELLS / ALL LANDS

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2010 and 2015. *Forms will be enclosed with your Final Order.*

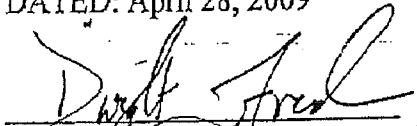
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-12939, Permit G-11773, therefore, is approved subject to conditions contained herein. The deadline for completing construction and applying water to full beneficial use is extended to October 1, 2017.

DATED: April 28, 2009


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
- 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

Carrie Jones

From: Jan Kerns [jkerns@bmi.net]
Sent: Friday, March 28, 2008 9:10 AM
To: Carrie Jones
Subject: Location of well #1 -- G 11773

Hi Carrie,

Tim double checked the well location on G-11773 (also well #1 - G-15488)

The survey coordinates that was done by Hanley Engineering (May 17, 1998) is correct. The final proof submitted by them says ... "Well is located 960 feet South and 2160 feet East from the Northwest corner of Section 7, T. 8 S, R 38 E., W.M."

Tim's GPS coordinates are N 44 53.263
W 117 59.077

When he converted the coordinates to feet, he was within the variance considering that he was on the county road when he did the work.

As I recall, we were allowed to move the actual location from the permit description since we were inside the same quarter -- and did not need to file for a change in point of appropriation.

Sorry to be late on getting this to you, but the GPS was going to be much more accurate than having big-Tim run the distance with his measuring wheel.Jan

2

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

BAKER
1897

AUG 21 1992

85/39E/76a
17308

WATER RESOURCES DEPT.

(START CARD)

(1) OWNER:

Name Kerns Rainbow Ranch Inc.
Address RT 1 Box 30A
City Haines State OR Zip 97833

SALEM, OREGON

(9) LOCATION OF WELL by legal description:

County Baker Latitude _____ Longitude _____
Township 8S N or S. Range 39E E or W. WM. _____
Section 7 NE 1/4 NW 1/4
Tax Lot 2100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Creech LN
Haines 97833

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD

Rotary Air Rotary Mud Cable
 Other _____

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 300 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
14	0	18	Bentonite	0	18	2.5 Bags
10	18	300				

How was seal placed: Method A B C D E

Other Poured Dry

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Casing/Liner	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
	10	1	300	160	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 300

(7) PERFORATIONS/SCREENS:

Perforations Method air Holt type
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
280	300	1/8	400	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>
40	280	1/8	6400	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
1600 +		290	1 hr.

Temperature of water 54 Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(10) STATIC WATER LEVEL:

17 ft. below land surface. Date 6-9-92
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
22	26	10 gpm	17

(12) WELL LOG:

Material	From	To	SWL
Soil & clay	0	22	
gravel & clay	22	26	17
clay & gravel	26	41	
gravel & sand & clay	41	200	
gravel & sand & silt	200	280	
clay & gravel	280	280	
gravel & sand	280	300	17

Date started 5-27-92 Completed 6-9-92

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Carpenter WWC Number 4924
Date 6-20-92

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed Carpenter WWC Number 4924
Date 6-20-92

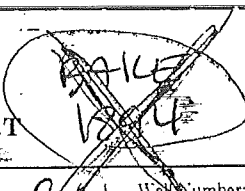
RECEIVED

8S/39E/76a

JUL 31 1992

(START CARD) # 17308

STATE OF OREGON WATER WELL REPORT (as required by ORS 537.765)



(1) OWNER: Name Kerns Rainbow Ranch, Address RT 1 Box 30A, City Haines, State OR, Zip 97783

(9) LOCATION OF WELL by legal description: Township 8S, Range 39E, Section 7, NE 1/4 NW 1/4, Tax Lot 2100, Street Address of Well Haines 0797833

(2) TYPE OF WORK: [X] New Well, [] Deepen, [] Recondition, [] Abandon

(3) DRILL METHOD: [X] Rotary Air, [] Rotary Mud, [] Cable, [] Other

(4) PROPOSED USE: [] Domestic, [] Community, [] Industrial, [X] Irrigation, [] Thermal, [] Injection, [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval Yes No, Depth of Completed Well 310 ft., Explosives used [] [] Type Amount

Table with columns: HOLE Diameter, SEAL Material, Amount sacks or pounds. Row 1: 14 to 18, Bentonite, 17. Row 2: 10 to 18, 320.

How was seal placed: Method [] A [] B [] C [] D [] E, [X] Other Foundation, Backfill placed from ft. to ft., Material, Gravel placed from ft. to ft., Size of gravel

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Row 1: 10, +2, 306, 250, [X], [], [X], []

Final location of sheets: 306

(7) PERFORATIONS/SCREENS: [X] Perforations Method Perforator air type, [] Screens Type Material

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Row 1: 300, 250, 1/8, 480, 10, [X], []

(8) WELL TESTS: Minimum testing time is 1 hour. [] Pump, [] Bailer, [X] Air, [] Flowing Artesian

Table with columns: Yield gal/min, Drawdown, Drill stem at, Time. Row 1: +1000, 290, 1 hr.

Temperature of water 52, Depth Artesian Flow Found, Was a water analysis done? [] Yes By whom, Did any strata contain water not suitable for intended use? [] Too little, [] Salty [] Muddy [] Odor [] Colored [] Other, Depth of strata:

(10) STATIC WATER LEVEL: 17 ft. below land surface, Date 6-17-92, Artesian pressure lb. per square inch., Date

(11) WATER BEARING ZONES: Depth at which water was first found 20

Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: 40, 200, 200, 17. Row 2: 250, 300, 400, 17.

(12) WELL LOG: Ground elevation

Table with columns: Material, From, To, SWL. Rows include: Soil clay + gravel (0-20), Sand + gravel w/ clay + silt (20-22), Sand + gravel + clay (22-40), Sand + gravel + little clay (40-200), Sand w/ silt + gravel (200-270), Sand + gravel + clay (270-280), Sand + gravel (280-300).

Date started 6-2-92 Completed 6-17-92

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Signed Carl P. [Signature] WWC Number 494 Date 6-19-92

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. Signed Carl P. [Signature] WWC Number 494 Date 6-19-92

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIM L. AND JANICE L. KERNS
ROUTE 1, BOX 30A
HAINES, OREGON 97833

Well #1 = Baker 18977
Well #2 = Not Drilled

503-856-3449

to use the waters of WELLS 1 AND 2 in the WILLOW CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 360.0 ACRES.

This permit is issued approving Application G-12939. The date of priority is MAY 29, 1992. The use is limited to not more than 4.50 CUBIC FEET PER SECOND (CFS), BEING 2.25 CFS FROM EACH WELL, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

WELL 1 - NE 1/4 NW 1/4, SECTION 7, WELL 2 - SE 1/4 NW 1/4, SECTION 18, T 8 S, R 39 E, W.M.; WELL 1 - 1300 FEET SOUTH AND 30 FEET WEST FROM THE N 1/4 CORNER OF SECTION 7, WELL 2 - 1400 FEET SOUTH AND 50 FEET WEST FROM THE N 1/4 CORNER OF SECTION 18.

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, provided further that although declared herein to be for supplemental irrigation, the right may be exercised at times when water is available for the primary underlying right and the total quantity diverted from all sources does not exceed the limitations allowed herein. The period of allowed use is March 1 through October 31 of each year.

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

A description of the proposed place of use under this permit is as follows:

WELL 1

SE 1/4 SW 1/4 16.0 ACRES

SW 1/4 SE 1/4 32.0 ACRES

SECTION 1

NW 1/4 NE 1/4 32.0 ACRES

SECTION 12

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 NE 1/4 35.0 ACRES

SW 1/4 NW 1/4 32.0 ACRES

SE 1/4 NW 1/4 33.0 ACRES

SECTION 7

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

WELL 2

SE 1/4 SE 1/4 10.0 ACRES

SECTION 13

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

SEE NEXT PAGE

SW 1/4 NW 1/4 30.0 ACRES
 SE 1/4 NW 1/4 31.0 ACRES
 NE 1/4 SW 1/4 31.0 ACRES
 NW 1/4 SW 1/4 30.0 ACRES
 SW 1/4 SW 1/4 37.0 ACRES
 SE 1/4 SW 1/4 11.0 ACRES

SECTION 18

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

The well 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.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring devices for measuring and recording the quantity of water diverted from the well and stream which is being used to transport water to the place of use 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.

Discharge facilities where water is to be discharged into a stream and diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

No water may be discharged into a natural water course and no water may be transported by means of a natural water course under this right, without the expressed written consent of the Oregon Department of Environmental Quality, a copy of which shall be submitted to the Director.

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.

Actual construction work shall begin on or before July 25, 1995 and shall be completed on or before October 1, 1996. Complete application of the water shall be made on or before October 1, 1997.

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.

PAGE THREE

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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.

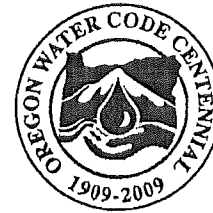
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued this date, July 25, 1994.

/s/ A. REED MARBUT for

Water Resources Department
Martha O. Pagel
Director

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-12939

Final Order
Extension of Time for Permit Number G-11773

Appeal Rights

This is a final order in 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-11773 was issued by the Department on July 5, 1994. The permit called for completion of construction by October 1, 1996 and complete application of water to beneficial use by October 1, 1997. On May 29, 2008, Tim L. and Janice L. Kerns submitted to the Department an Application for Extension of Time for Permit G-11773. In accordance with OAR 690-315-0050(2), on March 10, 2009, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2017 and the time to fully apply water to beneficial use to October 1, 2017. The protest period closed April 24, 2009, in accordance with OAR 690-315-0060(1). No protest was filed.

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 the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2010 and 2015. Forms will be enclosed with your Final Order.**

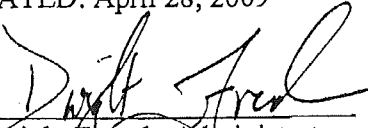
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-12939, Permit G-11773, therefore, is approved subject to conditions contained herein. The deadline for completing construction and applying water to full beneficial use is extended to October 1, 2017.

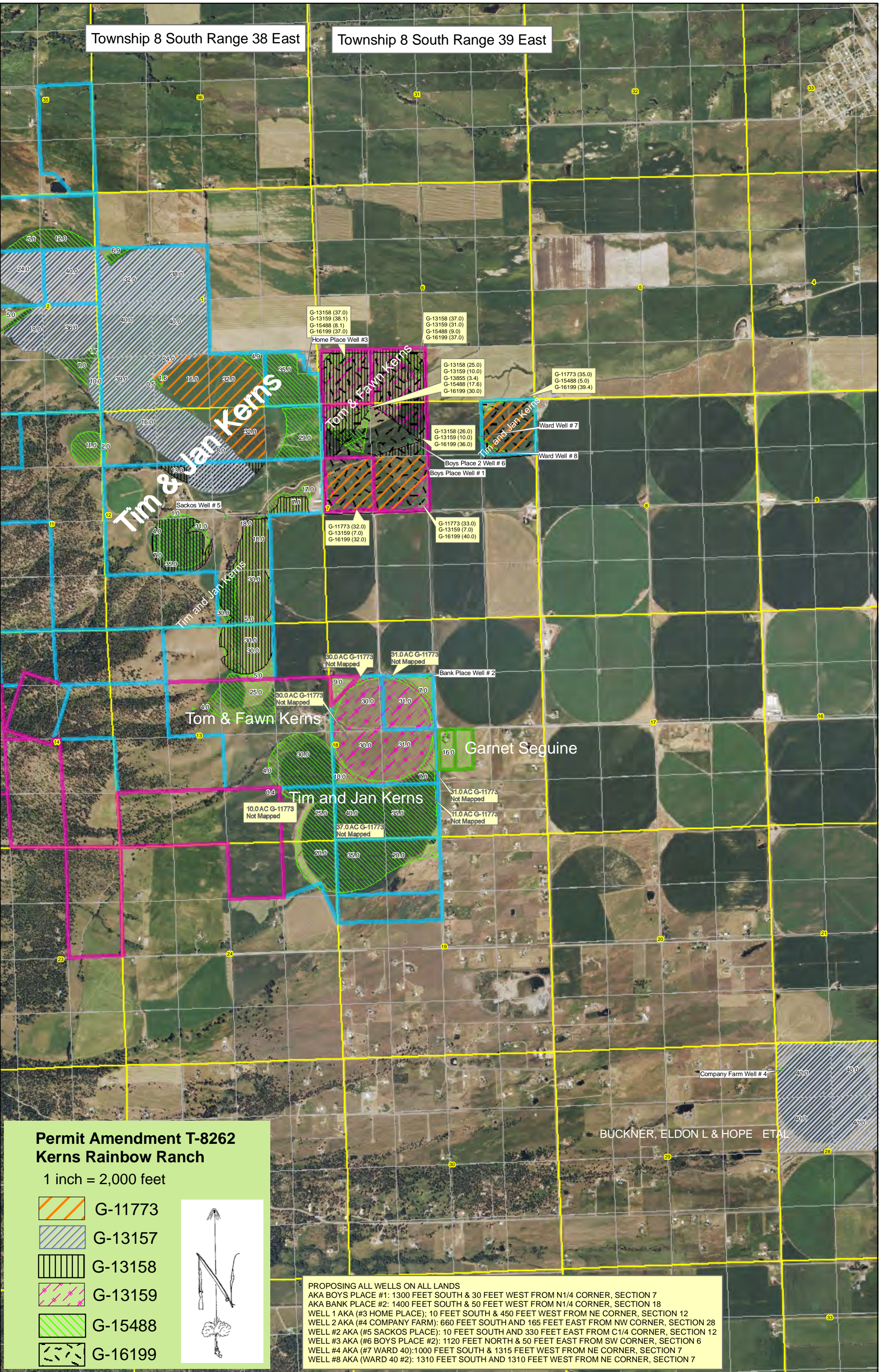
DATED: April 28, 2009


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

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- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - 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

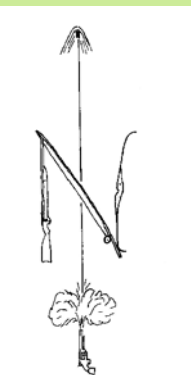
Township 8 South Range 38 East

Township 8 South Range 39 East



Permit Amendment T-8262
Kerns Rainbow Ranch
 1 inch = 2,000 feet

	G-11773
	G-13157
	G-13158
	G-13159
	G-15488
	G-16199



PROPOSING ALL WELLS ON ALL LANDS
 AKA BOYS PLACE #1: 1300 FEET SOUTH & 30 FEET WEST FROM N1/4 CORNER, SECTION 7
 AKA BANK PLACE #2: 1400 FEET SOUTH & 50 FEET WEST FROM N1/4 CORNER, SECTION 18
 WELL 1 AKA (#3 HOME PLACE): 10 FEET SOUTH & 450 FEET WEST FROM NE CORNER, SECTION 12
 WELL 2 AKA (#4 COMPANY FARM): 660 FEET SOUTH AND 165 FEET EAST FROM NW CORNER, SECTION 28
 WELL #2 AKA (#5 SACKOS PLACE): 10 FEET SOUTH AND 330 FEET EAST FROM C1/4 CORNER, SECTION 12
 WELL #3 AKA (#6 BOYS PLACE #2): 1120 FEET NORTH & 50 FEET EAST FROM SW CORNER, SECTION 6
 WELL #4 AKA (#7 WARD 40): 1000 FEET SOUTH & 1315 FEET WEST FROM NE CORNER, SECTION 7
 WELL #8 AKA (WARD 40 #2): 1310 FEET SOUTH AND 1310 FEET WEST FROM NE CORNER, SECTION 7

BUCKNER, ELDON L & HOPE ETAL