

T-13814

Permit Amendment

RA

T-13814

Name Silver Creek Ranches, LLC
c/o Wayne Evans
 Address 70194 Silver Creek Rd
Riley, OR 97758

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Silver Creek BasinUse Irrigation; Supplemental IR County Harney

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# G-14516 Per # G-13455 Cert # — PR Date 5/12/1997

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

| Date | Amount | Receipt # |
|------------|------------|-----------|
| 9-3-2021 | \$1,840.00 | 1310339 |
| 9-3-2021 | \$125.00 | 1316341 |
| 10-25-2021 | \$931.29 | 1316683 |

Change in POA
 Date Filed 9-3-2021
 Initial notice date 9-21-2021
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 2/14/2028 Vol 122 Page 486-8

FEES REFUNDED

| Date | Amount | Receipt # |
|-------|--------|-----------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

Assignments: _____

Irrigation District _____

Agent John A. Short - johnshort@usa.com

CWRE _____

CC's list Harney County☐ - Oversized map - Location _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 14, 2022

SILVER CREEK RANCHES LLC;
WAYNE EVANS
70194 SILVER CREEK RD
RILEY, OR 97758

REFERENCE: Permit Amendment Application T-13814

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Tamera Smith, by telephone at (503) 979-9607 or by e-mail at Tamera.L.Smith@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support

Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. # 10 (via email)
Harney County
John A. Short, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

| | | |
|-----------------------------------|---|--------------------------------|
| In the Matter of Permit Amendment |) | FINAL ORDER |
| T-13814, Harney County |) | APPROVING A CHANGE IN POINT OF |
| |) | APPROPRIATION |

Authority

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

Applicant

WAYNE EVANS
SILVER CREEK RANCHES, LLC
70194 SILVER CREEK RD.
RILEY, OR 97758

Findings of Fact

1. On September 3, 2021, WAYNE EVANS, SILVER CREEK RANCHES, LLC filed an application to change the point of appropriation under Permit G-13455. The Department assigned the application number T-13814.
2. On April 27, 2017, the applicant submitted an Application for Extension of Time to the Department, which was denied on May 1, 2018.
3. On June 12, 2018, the agent for the applicant submitted a request to withdraw the Application for Extension of Time.
4. On May 6, 2020, the applicant submitted an Application for Extension of Time to the Department, which was approved on June 4, 2021. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2002, to March 31, 2022.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on September 21, 2021, pursuant to ORS 540.520(5). No comments were filed in response to the notice.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. Permit Amendment Application T-13814 proposes to move the authorized point of appropriation approximately 662.3 feet from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 23 S | 26 E | WM | 26 | NE NE | HARN 50194 - 120 FEET SOUTH AND 380 FEET WEST FROM THE NE CORNER OF SECTION 26 |

Permit Amendment Review Criteria

7. The change would not result in injury to other water rights.
8. The proposed place of use is owned and/or controlled by the permit holder.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

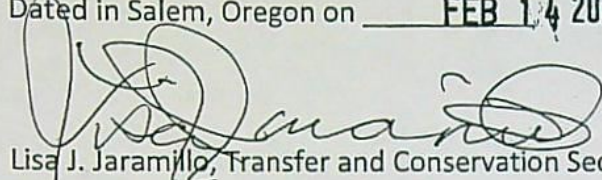
The change in point of appropriation proposed by Permit Amendment Application T-13814 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed by Permit Amendment Application T-13814 is approved.
2. Permit G-18740, in the name of SILVER CREEK RANCHES LLC, WAYNE EVANS, is issued to replace Permit G-13455, and incorporates the amendments approved by this order, and the extension of time. Permit G-13455, in the name of SILVER CREEK RANCHES LLC; WAYNE EVANS, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation (Well "ON"), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well "OFF").
4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-18740 remain the same.

Dated in Salem, Oregon on FEB 14 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: FEB 15 2022

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SILVER CREEK RANCHES, LLC, WAYNE EVANS
RILEY, OR 97758

This superseding permit is issued to describe an amendment to change the point of appropriation proposed under Permit Amendment Application T-13814 and approved by Special Order Vol. 122, Page ~~486~~, entered ~~FEB 14 2022~~, and to describe an extension of time for complete application of water approved June 4, 2021. This permit supersedes Permit G-13455.

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

APPLICATION FILE NUMBER: G-14516

SOURCE OF WATER: A WELL IN SILVER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 109.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 74.0 ACRES

MAXIMUM RATE: 2.29 CUBIC FEET PER SECOND (CFS), BEING 1.36 CFS FOR IRRIGATION AND 0.93 CFS FOR SUPPLEMENTAL

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31 FOR IRRIGATION AND MAY 1 THROUGH AUGUST 1 FOR SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: MAY 12, 1997

WELL LOCATION:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 23 S | 26 E | WM | 26 | NE NE | 120 FEET SOUTH AND 380 FEET WEST FROM THE NE CORNER OF SECTION 26 |

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:

| PRIMARY IRRIGATION | | | | | |
|--------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 23 S | 26 E | WM | 23 | NW SE | 5.0 |
| 23 S | 26 E | WM | 23 | SW SE | 6.0 |
| 23 S | 26 E | WM | 25 | NE NW | 40.0 |
| 23 S | 26 E | WM | 25 | NW NW | 33.2 |
| 23 S | 26 E | WM | 25 | SW NW | 1.3 |
| 23 S | 26 E | WM | 25 | SE NW | 20.0 |
| 23 S | 26 E | WM | 26 | NE NE | 3.5 |
| TOTAL | | | | | 109.0 |

| SUPPLEMENTAL IRRIGATION | | | | | |
|-------------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 23 S | 26 E | WM | 23 | NE SE | 34.5 |
| 23 S | 26 E | WM | 23 | NW SE | 13.2 |
| 23 S | 26 E | WM | 23 | SW SE | 2.2 |
| 23 S | 26 E | WM | 23 | SE SE | 19.1 |
| 23 S | 26 E | WM | 26 | NE NE | 5.0 |
| TOTAL | | | | | 74.0 |

Permit Amendment T-13814 Conditions:

The quantity of water diverted at the new point of appropriation (Well "ON" HARN 50194), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well "OFF" HARN 2007).

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions:

Limitations and Conditions

1. Permit Amendment Condition

The water user shall submit an Application for Permit Amendment requesting authorization of HARN 50194 as a point of appropriation under this permit within six months from the date of issuance of the Final Order of the Extension of Time.

If the required Permit Amendment is not submitted within the time required above, the extension of time will be terminated.

If authorization of HARN 50194 is not granted, the Extension of Time will be terminated.

2. Development Limitation

Development of Permit G-13455, and any subsequent permit issued resulting from a Permit Amendment is limited to a maximum rate of appropriation of 2.29 cfs of water from HARN 50194, being 1.24 cfs for irrigation of 99.0 acres, and 1.05 cfs for supplemental irrigation of 84.0 acres, as identified in the Claim of Beneficial Use submitted on November 8, 2018.

Original Permit Conditions:

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 diverted 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 any 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.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or 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 causing substantial interference with senior water rights. The water user shall not 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 well(s) 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.

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.

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 be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

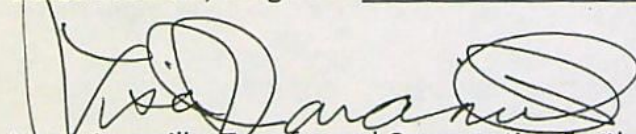
The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

Completion of construction and application of the water was to be made within five years of the date of permit issuance, when the original permit was issued August 12, 1998. By Extension of Time Final Order approved June 4, 2021, the completion of construction and application of water was extended to on or before March 1, 2022. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Dated in Salem, Oregon on FEB 14 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136339**

INVOICE # _____

RECEIVED FROM: Dry Mountain Ranch LLC

BY: _____

| | |
|-------------|----------------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | <u>T-13814</u> |

CASH: ☐ CHECK: # X 4039 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1840.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1840.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT:

136339

DATED:

9-3-2021

BY:

Mindy Carlson

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

SEP 03 2021

OWRD

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1**
List the Permits here: G-13455
Please include a separate Part 5 for each permit. (See instructions on page 6)
- ☒ Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☐ ☒ N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if 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 (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record.
- ☐ ☒ N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant **or** other permit holders of record that are not listed as applicants.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient ___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required ___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Permit Amendment Map Checklist

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

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- ☐ ☒ N/A If **more than three** permits are involved, separate maps for each permit.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- ☐ ☒ N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

[illegible]

*Example for Line 5a calculation to transfer 45.0 acres of Primary Permit S-12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Permit S-87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each permit involved as follows:
 - a. Divide total authorized cfs by total acres in the permit (for S-12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be changed to get the application cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right permit does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For S-87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each "on the ground" acre included in the application. (In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

| | | | | |
|---|--------------------|---------------------|----------------------------------|------------------------|
| APPLICANT/BUSINESS NAME WAYNE EVANS / SILVER CREEK RANCHES, LLC | | | PHONE NO. 541-589-1202 | ADDITIONAL CONTACT NO. |
| ADDRESS 70194 SILVER CREEK RD | | | FAX NO. | |
| CITY RILEY | STATE OR | ZIP 97758 | E-MAIL | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

| | | | | |
|---|--------------------|---------------------|------------------------------------|------------------------|
| AGENT/BUSINESS NAME JOHN A. SHORT / WATER RIGHT SERVICES, LLC | | | PHONE NO. 541-389-2837 | ADDITIONAL CONTACT NO. |
| ADDRESS PO BOX 1830 | | | FAX NO. | |
| CITY BEND | STATE OR | ZIP 97709 | E-MAIL JOHNSHORT@USA.COM | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

Explain in your own words what you propose to accomplish with this permit amendment; and why:
CHANGE POINT OF APPROPRIATION BECAUSE ORIGINAL WELL LOCATION COULD NOT BE REPAIRED.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the permit holder of record? ☒ Yes ☐ No

If NO, include either:

- ☐ A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), OR
- ☐ An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

Has the Completion ("C") Date of the permit(s) in this application expired? ☐ Yes ☒ No

If YES, this application will not be accepted by the Department.

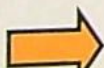
If NO, what are the completion dates of the permit(s)? _____

- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.

By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: **BURNS TIMES-HERALD**

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



Wayne Evans
Applicant Signature

WAYNE EVANS
Print Name (and Title if applicable)

8-30-21
Date

Applicant Signature

Print Name (and Title if applicable)

Date

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Check one of the following:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

Check the appropriate box, if applicable:

- ☐ Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

| | | |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS | |
| CITY | STATE | ZIP |

- ☐ Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

| | | |
|---|------------------------------------|---------------------|
| ENTITY NAME HARNEY COUNTY PLANNING DEPARTMENT | ADDRESS 360 N ALVORD AVE | |
| CITY BURNS | STATE OR | ZIP 97720 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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Part 5 of 5 – Water Use Permit Information

Please use a separate Part 5 for each permit being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

PERMIT # G-13455

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

SEP 03 2021

(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized by the permit or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-) | Twp | Rng | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|-------------|-------------|-----------|--------------|---------------------------|--|
| WELL "OFF" | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | HARN 2007 | 23 S | 26 E | 26 | NE NE | | 80' S, 1040' W OF NE COR SEC 26 |
| WELL "ON" | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | HARN 50194 / L-11234 | 23 S | 26 E | 26 | NE NE | | 120' S, 380' W OF NE COR SEC 26 |

OWRD

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|--|
| <input type="checkbox"/> Place of Use (POU) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

Will all of the proposed changes affect the entire water use permit?

- ☒ **Yes** Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ **No** Complete all of Table 2 to describe the portion of the permit to be changed.

For 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?

☒ **Yes** ☐ **No**

If NO, the landowner 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.

Is the proposed place of use contiguous to the authorized place of use? ☒ **Yes** ☐ **No**

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer

Table 2. Description of Changes to Water Use Permit # G-13455

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed. | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | |
|--|-----|-----|------------|---------|----------------|----------------------|--|---------------|-------------|---|--|-----|------------|---------|----------------|----------------------|--|---------------|--|--|
| Twp | Rng | Sec | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acre (if applicable) | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | | Rng | Sec | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acre (if applicable) | POD(s) or POA(s) to be used (from Table 1) | Priority Date | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E 15 NE NW | 100 | | 15.0 | POD #1 POD #2 | | POU/POD | 2 | S | 9 | E 15 NW NW | 100 | 1 | 10.0 | POD #5 | | | |
| | | | | | | | | | POU | 23 | S | 26 | E 23 NE SE | 3800 | | 34.5 IS | POU "ON" | 1997 | | |
| | | | | | | | | | " | " | " | " | " NW SE | " | | 5.0 IR, 13.2 IS | " | " | | |
| | | | | | | | | | " | " | " | " | " SW SE | " | | 6.0 IR, 2.2 IS | " | " | | |
| | | | | | | | | | " | " | " | " | " SE SE | " | | 19.1 IS | " | " | | |
| | | | | | | | | | " | " | " | " | 25 NE NW | " | | 40.0 IR | " | " | | |
| | | | | | | | | | " | " | " | " | " NW NW | " | | 33.2 IR | " | " | | |
| | | | | | | | | | " | " | " | " | " SW NW | " | | 1.3 IR | " | " | | |
| | | | | | | | | | " | " | " | " | " SE NW | " | | 20.0 IR | " | " | | |
| | | | | | | | | | " | " | " | " | 26 NE NE | " | | 3.5 IR, 5.0 IS | " | " | | |
| TOTAL ACRES | | | | | | | | | TOTAL ACRES | | | | | | | 74.0 IS, 109.0 IR | | | | |

Additional remarks: _____.

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Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? ☒ Yes ☐ No

If YES, list the other certificate, permit, or ground water registration numbers: C-14063 & C-14054



If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well, OWRD Well ID Tag No. L-____ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| N/A | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

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TACS

Land Use Information Form

Applicant(s): WAYNE EVANS / SILVER CREEK RANCHES, LLC

Mailing Address: 70194 SILVER CREEK RD

City: RILEY

State: OR

Zip Code: 97758

Daytime Phone: _____

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A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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: |
|------------|------------|-------------------------|-------|-------------|---|--|--|--|--------------------|
| <u>23S</u> | <u>26E</u> | <u>23, 25, & 26</u> | _____ | <u>3800</u> | <u>EFRU-1</u> | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>IR & IS</u> |
| _____ | _____ | _____ | _____ | _____ | _____ | <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, and/or used or developed:

HARNEY COUNTY

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 2.29 ☒ 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 IS (SUPPLEMENTAL IRRIGATION)

Briefly describe:

CHANGING TO A NEW POINT OF APPROPRIATION.

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

See bottom of Page 3. →

For Local Government Use Only

OWRD

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HCZO 3.010 / EFLU-1
- ☐ Land uses to be served by the 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 |


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: Brandon McMullen Title: Planning Director

Signature: [Signature] Phone: (541) 573-6655 Date: 8/23/2021

Government Entity: Hannay County

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.

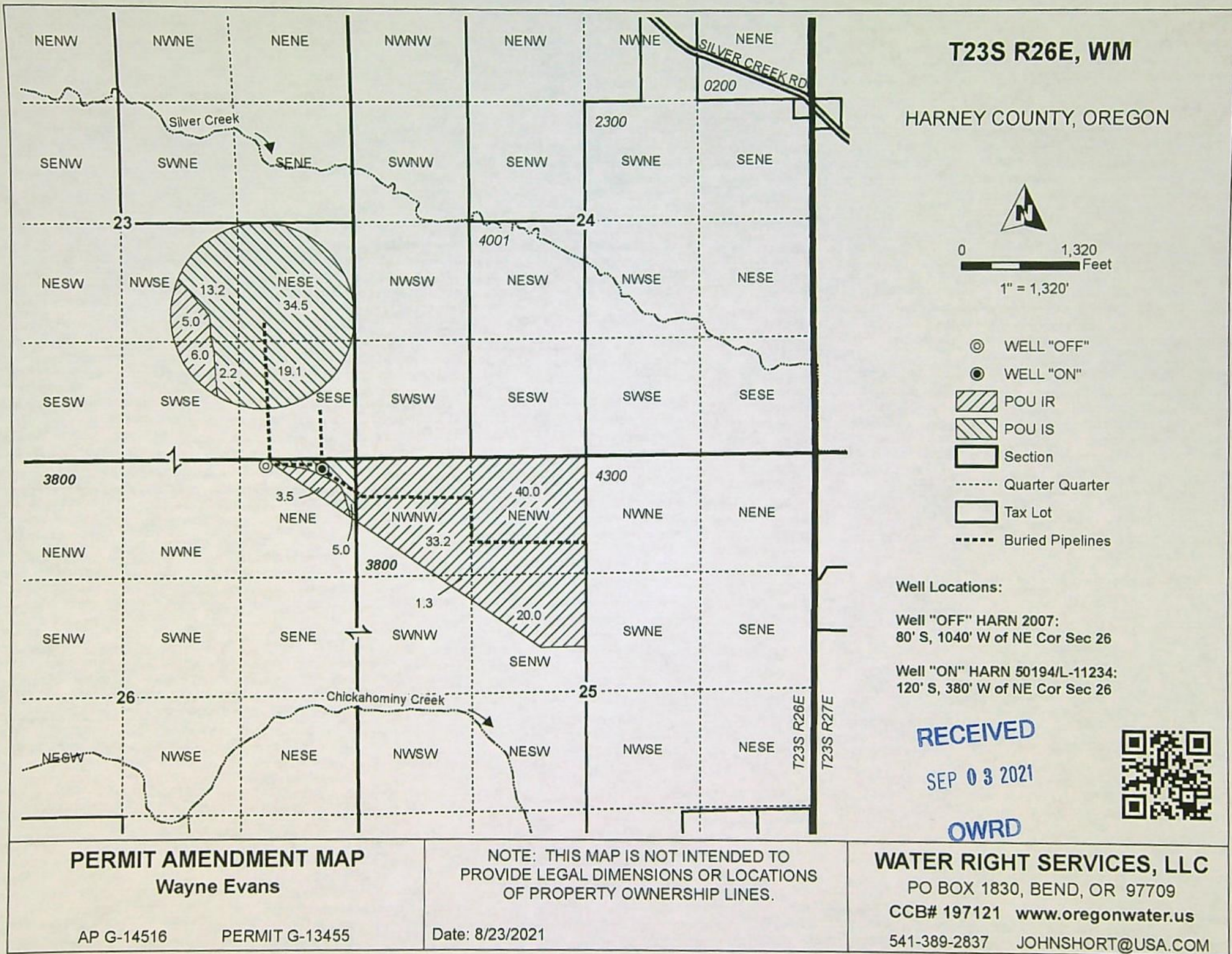


Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **136683**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Dry Mountain Ranch LLC

BY: _____

APPLICATION

PERMIT

TRANSFER

T-13814

CASH: ☐ CHECK: # X 6065 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 931.29

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

47124

\$

0412

OTHER:

(IDENTIFY)

R11322-23
Reimbursement Authority

\$

931.29

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

0210

MONITORING WELLS

\$

CARD#

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT: **136683**

DATED: 10-25-2021

BY: [Signature]

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-322-23**

RECEIVED

OCT 25 2021

OWRD

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Silver Creek Ranches, LLC, hereafter Applicant, hereafter known together as the parties.

| OWRD Information | Applicant's Information | Applicant's Representative |
|---|--|---|
| Contact: Kelly Starnes | Name: Silver Creek Ranches, LLC | Name: Water Right Services, LLC |
| Title: Transfer Advisor | Contact: Wayne Evans | Contact: Bryce Withers |
| Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266 | Address: 70194 Silver Creek Rd. Riley, OR 97758 | Address: PO Box 1830 Bend, OR 97709 |
| Phone: 503 986-0886 | Phone: | Phone: (541) 389-2837 |
| Fax: 503 986-0901 | Fax: | Fax: |
| Email: patrick.k.starnes@oregon.gov | Email: | Email: johnshort@usa.com |

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-13814**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$931.29**. Applicant agrees to pay the full amount of **\$931.29** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
IMPORTANT: Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

Wendy Owen - Mgr
Name/Title:

10-21-21
Date

For OWRD:

Dwight French
Dwight French – Administrator

10-28-2021
Date

Mail signed Agreement to:

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

RECEIVED
OCT 25 2021
OWRD

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **136341**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Dry Mountain Ranch LLC

BY: _____

| | |
|-------------|---------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | 1-13814 |

CASH: ☐ CHECK: # 4060 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

| | | |
|---|----------------------------------|------------------------|
| 0407 COPIES <u>47134</u> | <u>811330-23</u> | \$ |
| <u>0412</u> OTHER: (IDENTIFY) <u>Transfer Reimbursement Authority</u> | | \$ <u>125.00</u> |
| 0243 I/S Lease _____ | 0244 Muni Water Mgmt. Plan _____ | 0245 Cons. Water _____ |

4270 WRD OPERATING ACCT

MISCELLANEOUS

| | |
|--------------------------------------|----|
| 0407 COPY & TAPE FEES | \$ |
| 0410 RESEARCH FEES | \$ |
| 0408 MISC REVENUE: (IDENTIFY) _____ | \$ |
| TC162 DEPOSIT LIAB. (IDENTIFY) _____ | \$ |
| 0240 EXTENSION OF TIME | \$ |

WATER RIGHTS:

| | | | |
|--------------------|----------|------|------------|
| 0201 SURFACE WATER | EXAM FEE | 0202 | RECORD FEE |
| 0203 GROUND WATER | \$ | 0204 | \$ |
| 0205 TRANSFER | \$ | | |

WELL CONSTRUCTION

| | | | |
|-----------------------------|----------|------|-------------|
| 0218 WELL DRILL CONSTRUCTOR | EXAM FEE | 0219 | LICENSE FEE |
| LANDOWNER'S PERMIT | \$ | 0220 | \$ |

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

| | | |
|---------------------------|----|-------|
| 0211 WELL CONST START FEE | \$ | CARD# |
| 0210 MONITORING WELLS | \$ | CARD# |
| OTHER (IDENTIFY) _____ | | |

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

| | | |
|--------------------------------|--|----|
| 0233 POWER LICENSE FEE (FWWRD) | | \$ |
| 0231 HYDRO LICENSE FEE (FWWRD) | | \$ |
| HYDRO APPLICATION | | \$ |

TREASURY OTHER / RDX

| | |
|-------------------|----------------|
| FUND _____ | TITLE _____ |
| OBJ. CODE _____ | VENDOR # _____ |
| DESCRIPTION _____ | \$ _____ |

RECEIPT: **136341**

DATED: 9-3-2021 BY: Mindy Carlson



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

| REQUEST | TYPE | FILE NUMBER |
|-------------------------------------|----------------------|--|
| <input checked="" type="checkbox"/> | Transfer Application | Transfer Number <u>T-13814</u> td |

| | Applicant Information | Applicant's Representative/Contact |
|-----------------|--|--|
| Name: | <u>Wayne Evans / Silver Creek Ranches</u> | <u>Water Right Services, LLC/Bryce Withers</u> |
| Address: | <u>70194 Silver Creek Rd</u> <u>Riley, OR 97758</u> | <u>PO Box 1830</u> <u>Bend, OR 97709</u> |
| Phone: | _____ | <u>541-389-2837</u> |
| Fax: | _____ | _____ |
| E-Mail Address: | _____ | <u>johnshort@usa.com</u> |

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

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I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Bryce Withers

Signature: Bryce Withers

OWRD USE ONLY: Reimbursement Authority Number: R11- 322 -23



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 15, 2021

SILVER CREEK RANCHES LLC
WAYNE EVANS
70194 SILVER CREEK RD
RILEY, OR 97758

Reference: Application T-13814

On September 3, 2021, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1840.00. Our receipt number 136339 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the application has been issued by the Department.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

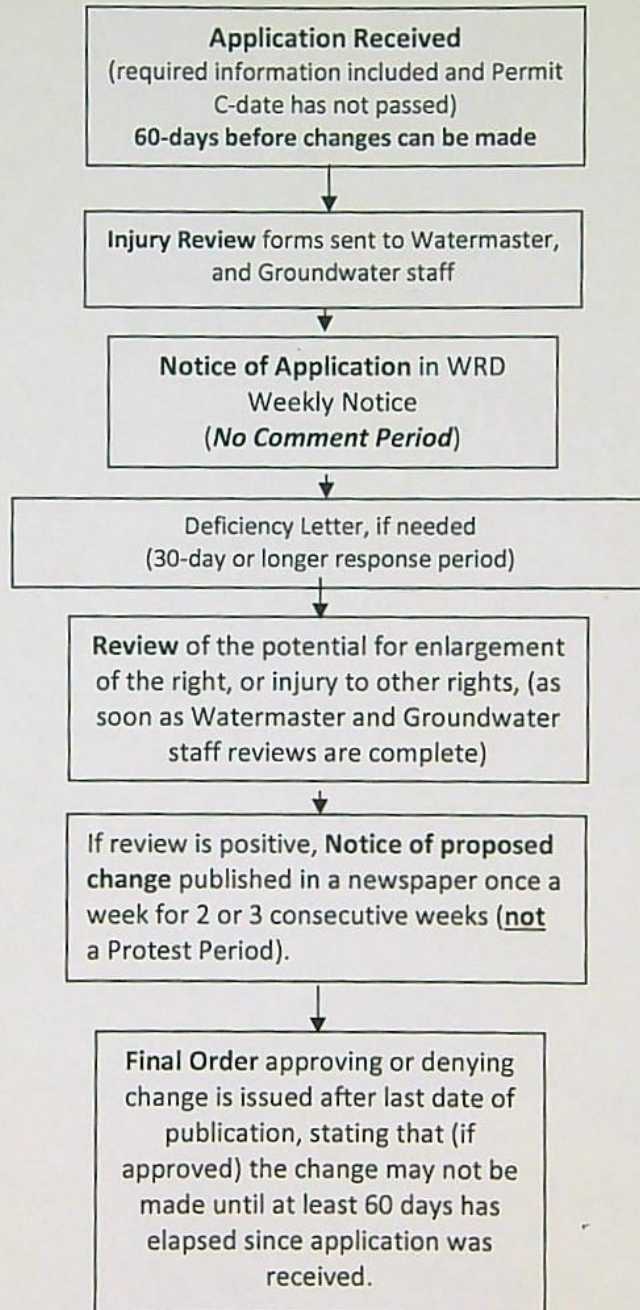
Cc: Watermaster Dist. #10, J R. Johnson (via email)
John A. Short, Agent
Harney County

Enclosure

Permit Amendment Process

ORS 537.211

Changes: POD/POA, Place of Use



Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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SEP 03 2021

OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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

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

AUG 21 1997

L 11234

WATER RESOURCES DEPT (START CARD) # 76987

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SEP 03 202

(1) OWNER: Well Number _____
Name SILVER CREEK RANCHES, LLC
Address P.O. Box 4458
City SUNRIVER State OR Zip 97708

(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 505 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Sacks or pounds
20 0 360 CEMENT _____ 220 SACKS
16 360 505 _____ _____

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____

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: 16 0 360 .250 ☒ ☐ ☒ ☐
Liner: _____ ☐ ☐ ☐ ☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method _____
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Tele/pipe size Casing Liner

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time
100 + _____ 500 1 hr.

Temperature of water 62° 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 HARNEY Latitude _____ Longitude _____
Township 23S N or S Range 26E E or W. WM.
Section 26 NE 1/4 NE 1/4
Tax Lot 3800 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
99.5 ft. below land surface. Date 6-10-97
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 77 FT

| From | To | Estimated Flow Rate | SWL |
|------------|------------|---------------------|-------------|
| <u>77</u> | <u>118</u> | <u>25 GPM</u> | <u>NA</u> |
| <u>372</u> | <u>505</u> | <u>100 +</u> | <u>99.5</u> |

(12) WELL LOG:
Ground Elevation _____

| Material | From | To | SWL |
|---------------------------------|------------|------------|-------------|
| <u>TOPSOIL</u> | <u>0</u> | <u>1</u> | |
| <u>SAND/GRAVEL BROWN</u> | <u>1</u> | <u>8</u> | |
| <u>CLAY, RED</u> | <u>8</u> | <u>73</u> | |
| <u>CLAY, BROWN/COBBLES</u> | <u>73</u> | <u>77</u> | |
| <u>CINDER, RED</u> | <u>77</u> | <u>104</u> | |
| <u>BASALT, BLACK</u> | <u>104</u> | <u>107</u> | |
| <u>BASALT, PURPLE</u> | <u>107</u> | <u>118</u> | |
| <u>CINDER, RED/CLAY, RED</u> | <u>118</u> | <u>250</u> | |
| <u>BASALT, BLACK</u> | <u>250</u> | <u>257</u> | |
| <u>LAVA ROCK, RED</u> | <u>257</u> | <u>350</u> | |
| <u>LAVA ROCK, BLACK</u> | <u>350</u> | <u>372</u> | |
| <u>LAVA ROCK, BLACK, BROKEN</u> | <u>372</u> | <u>390</u> | <u>99.5</u> |
| <u>BASALT, PURPLE, BROKEN</u> | <u>390</u> | <u>400</u> | |
| <u>BASALT, BLACK</u> | <u>400</u> | <u>410</u> | |
| <u>BASALT, BLACK/QUARTZ</u> | <u>410</u> | <u>428</u> | |
| <u>BASALT, BLACK</u> | <u>428</u> | <u>475</u> | |
| <u>CINDER, RED</u> | <u>475</u> | <u>505</u> | |

Date started APRIL 15 Completed JUNE 10

(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 773
Signed John Otter Date 8-11-97

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

SEP 30 1993

WATER RESOURCES DEPT.

(START CARD) #

32960

(1) OWNER: Hoyt + Sons Ranch Properties
Name PO. Box 437
Address Burns
City Oregon State Oregon Zip 97720

Well Number:

(2) LOCATION OF WELL by legal description:

County Harn Latitude _____ Longitude _____
Township 23-S Range 26 East/W. _____
Section 23 SE 1/4 SE 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Piley Oregon

(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 215 ft.
Explosives used Yes ☐ No ☒ Type _____ Amount _____

| HOLE | | SEAL | | Amount | |
|----------|---------|----------|---------|-----------------|--|
| Diameter | From To | Material | From To | sacks or pounds | |
| 18" | 0 30 | Cement | 0 30 | 27 | |
| 14" | 30 96 | | | | |
| 14" | 30 215 | | | | |

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☒ E

☐ Other _____

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 |
|----------|---------|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 14" | 0 96 | 250 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 14" | 96 215 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Final location of shoe(s) 215'

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Factory
☐ Screens Type _____ Material _____

| From To | Slot size | Number | Diameter | Tele/pipe size | Casing | Liner |
|---------|-----------|--------|----------|----------------|-------------------------------------|--------------------------|
| 66' 96' | 3/8" | 447 | 14" | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

☐ Pump ☒ Bailer ☐ Air ☐ Flowing ☐ Artesian

Yield gal/min 50 GPM Drawdown 0 Drill stem at Ground Time 1 hr.

Temperature of water 55 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:

100 ft. below land surface. Date 7-10-92
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 160'

| From | To | Estimated Flow Rate | SWL |
|------|------|---------------------|-----|
| 100' | 160' | 50 GPM | 100 |

(12) WELL LOG:

Ground elevation _____

| Material | From | To | SWL |
|-----------------------|------|-----|-----|
| Top Soil (sandy) | 0 | 5 | |
| Clay Brown | 5 | 35 | |
| Clay Gray Brown | 35 | 60 | |
| Rock Basalt | 60 | 100 | |
| Clay Stone | 100 | 115 | |
| Rock Broken Formation | 115 | 140 | |
| Clay Brown | 140 | 160 | 100 |
| Sandstone | 160 | 170 | |
| Rock Basalt | 170 | 215 | |

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Date started 6-18-93 Completed 9-21-93

(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 _____ WWC Number _____
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 well construction standards. This report is true to the best of my knowledge and belief.

Signed Joe Valentine WWC Number 1435
Date 9-22-93

Permit Amendment Application Checklist

Checked by FB

Date 9-7-21

App # 6-14156

Permit # 6-13455

Permit Amendments are authorized for changes in POD/POA, APOD/APOA, or POU.

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Is the name of the Permit Amendment applicant the same as the Water Right Permit holder(s) of record?

If not, one of the following must be included with the application:

- ___ a) An affidavit of consent from all Permit holder(s) or the other Permit holders that have not signed the Permit Amendment application form, consenting to the proposed Permit Amendment application; OR,
___ b) A completed Request for Assignment form (and statutory fee) to move all (or portion) of the permit into the Permit Amendment applicant's name.

If not, what is missing? _____

- ☒ 2. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? _____

- ☒ 3. Are fees included and correct? Fee Paid: 1810

If not, the correct fee would be: _____, so the amount missing is: _____

- ☒ 4. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?

If not, whose signature is missing? _____

- ☒ 5. Are the Permit completion date(s) current?

If the Permit completion date has expired, we **CANNOT** accept the application.

C date 3-31-22

- ☐ 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application **CANNOT** be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.