

T-14139

Permit Amendment

T-14139

Name Waibel Properties, LLC
clo Brad & Julie Waibel
 Address 601 Union St. Ste 3315
Seattle, WA 98101
2lcows.bw@gmail.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well
 Trib. of Deschutes River Basin

Use Irrigation County Crook
 Quantity of water (CFS) _____ No. of Acres _____
 Name of ditch _____

App#	Per #	Cert #	PR Date
<u>G-18384</u>	<u>G-18225</u>	<u>—</u>	<u>9/12/2016</u>
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 #
<u>1-5-2023</u>	<u>\$1,360.00</u>	<u>139854</u>

Change in POU
 Date Filed 1-5-2023
 Initial notice date 1-24-2023
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 6/26/2024 Vol 131 Page 473

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

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent Hayes McCoy - hayes@ham-engr.com

CWRE _____
 CC's list Crook County

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

June 26, 2024

Waibel Properties, LLC
C/O Brad and Julie Waibel
601 Union St., Suite 3315
Seattle, WA 98101

REFERENCE: Permit Amendment Application T-14139

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, Arla Davis, by telephone at (503) 979-3129 or by e-mail at Arla.I.davis@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Bill D. Nashem, Watermaster Dist. # 24 (via email)
Hayes McCoy, Agent
Crook County, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER APPROVING A CHANGE IN
T-14139, Crook County)	PLACE OF USE

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

BRAD AND JULIE WAIBEL
WAIBEL PROPERTIES 3, LLC
601 UNION ST STE 3315
SEATTLE, WA 98101

Findings of Fact

1. On January 5, 2023, WAIBEL PROPERTIES LLC; BRAD AND JULIE WAIBEL filed an application to change place of use under Permit G-18225. The Department assigned the application number T-14139.
2. On September 25, 2019, the Department approved a partial assignment of the permit to Waibel Properties 3, LLC and The Russell, LLC.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on January 24, 2023, pursuant to ORS 540.520(5).
4. On June 24, 2024, The Department contacted the agent for the applicant via phone and email regarding deficiencies in the application and application map, specifically Table 2 of the application is incomplete, and the map does not match Table 2.
5. On June 25, 2024, the agent for the applicant submitted amended Table 2 and an amended application map, satisfying the deficiency.

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 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 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-14139 proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	16 E	WM	24	NE SW	0.1
15 S	16 E	WM	24	SE SW	16.4
15 S	16 E	WM	24	NW SE	0.5
15 S	16 E	WM	24	SW SE	21.9
15 S	16 E	WM	24	SE SE	1.1
Total					40.0

Permit Amendment Review Criteria

7. The changes, as conditioned, 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 changes, as conditioned, do not enlarge the permit.
10. The changes do 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 place of use proposed by Permit Amendment Application T-14139 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-14139 is approved.
2. Approval of this permit amendment application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.
3. Permit G-18876, in the names of BRAD AND JULIE WAIBEL, WAIBEL PROPERTIES 3, LLC and THE RUSSELL LLC, is issued to replace Permit G-18225, and incorporates the amendments approved by this order and the assignment. Permit G-18225, in the name of WAIBEL PROP 3 LLC and THE RUSSELL, LLC, is no longer of any force or effect.
4. Installation of a totalizing flowmeter is required and must be installed prior to diversion of water consistent with the Department's Watermaster review. Approval of Permit Amendment T-14139 is contingent upon the implementation and use of a totalizing flowmeter.

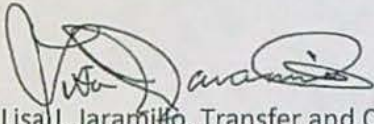
5. Water use measurement conditions:

- 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 appropriation.
- 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.

6. The former place of use shall no longer be irrigated as part of this permit.

7. All other terms and conditions of Permit G-18876 remain the same.

Dated in Salem, Oregon on JUN 26 2024.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: _____

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WAIBEL PROP 3 LLC
PO BOX 5350
BEND, OR 97708

THE RUSSELL LLC
PO BOX 5699
BEND, OR 97708

This superseding permit is issued to describe a change in place of use proposed under Permit Amendment Application T-14139 and approved by Special Order Vol. 131, Page 473, entered JUN 26 2024, and to describe a partial assignment approved September 25, 2019. This permit supersedes Permit G-18225.

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

APPLICATION FILE NUMBER: G-18384

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.266 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 12, 2016

WELL LOCATION:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	24	NE SE	1010 FEET SOUTH AND 240 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 24

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twtp	Rng	Mer	Sec	Q-Q	Acres
15 S	16 E	WM	24	NE SW	0.1
15 S	16 E	WM	24	SE SW	16.4
15 S	16 E	WM	24	NW SE	0.5
15 S	16 E	WM	24	SW SE	21.9
15 S	16 E	WM	24	SE SE	1.1
Total					40.0

Permit Amendment T-14139 Conditions:

Installation of a totalizing flowmeter is required and must be installed prior to diversion of water consistent with the Department's Watermaster review. Approval of Permit Amendment T-14139 is contingent upon the implementation and use of a totalizing flowmeter.

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 appropriation.
- 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.

The former place of use shall no longer be irrigated as part of this permit.

Original Permit Conditions:**Water Use Measurement, Recording, and Reporting Condition:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Static Water Level Condition:

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

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

Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Groundwater Mitigation Conditions:

- a. Mitigation Obligation: 72.0 acre-feet (AF) of mitigation water in the Crooked River Zone of Impact (located anywhere in the Crooked River Basin above river mile 13.8).
- b. Mitigation Source: 72.0 AF has been offset by voluntary cancellation of Water Right Certificate 60424 by Special Order Volume 113 Pages 380-382.
- c. Mitigation water must be legally protected instream in the Crooked River Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
- d. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the appropriation has increased beyond that used to compute the volume of mitigation water originally.
- e. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.
- f. Failure to comply with these mitigation conditions shall result in the Department regulating the groundwater permit, or subsequent certificate(s), proposing to deny any permit extension application for the groundwater permit, and proposing to cancel the groundwater permit, or subsequent certificate(s).

Scenic Waterway Condition:

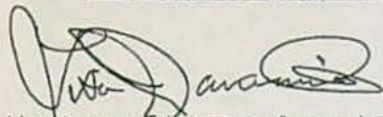
Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface-water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the mitigation required is maintained.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.
5. 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.
6. 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.
7. 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.
8. 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.
9. Construction of the well shall begin within five years of the original date of permit issuance, June 28, 2019. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
10. Complete application of the water shall be made within five years of the original date of permit issuance, June 28, 2019. 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.

11. 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.

Issued JUN 26 2024



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

**WATER RIGHTS
PERMIT AMENDMENT MAP**
SECTION 24, TOWNSHIP 15 SOUTH, RANGE 16 EAST,
W.M, CROOK COUNTY, OREGON. DECEMBER, 2022

T15S, R16E
SECTION 24

EXISTING POINT OF DIVERSION (WELL 7, CROO 54523)
FOR IRRIGATED LANDS UNDER PERMIT G-18225.
- LOCATED 1010 FEET SOUTH AND 240 FEET WEST FROM
EAST 1/4 CORNER OF SECTION 24, T15S, R16E, W.M.

NW-SW-S24

NE-SW-S24

TAX LOT 1300
(MAP 15S16E)

NW-SE-S24

NE-SE-S24

0.1 ACRES

0.4 ACRES

EXISTING GRAVEL ROAD

PROPOSED
PIPELINE

1.1 ACRES

RECEIVED
JAN 05 2023
OWRD

SE-SW-S24
16.4 ACRES

SW-SE-S24
22.0 ACRES

SE-SE-S24
TAX LOT 1302
(MAP 15S16E)

15 ACRE PIVOT

10 ACRE PIVOT

15 ACRE PIVOT

SE COR. SEC. 24

LEGEND

X.X ACRES

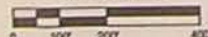
LANDS IRRIGATED UNDER POU

EXISTING WATER RIGHTS TO BE REMOVED,
23.2 TOTAL ACRES, PERMIT G-18225, PRIORITY 09/12/2016

EXISTING WATER RIGHTS TO REMAIN UNCHANGED,
16.8 TOTAL ACRES, PERMIT G-18225, PRIORITY 09/12/2016

PROPOSED PLACE OF USE, PRIMARY IRRIGATION
23.2 TOTAL ACRES

SCALE: 1" = 400'
FOR 11"x17" SHEETS



DRAWING STATUS:	DATE:	REVISION:	No.
<input checked="" type="checkbox"/> WATER RIGHTS	12/02/22		
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			



PROJECT: WABEL WATER RIGHTS
PROJECT LOCATION: CROOK COUNTY
CLIENT: THE RUSSELL LLC

SHEET TITLE:
WATER RIGHTS
PERMIT AMENDMENT
MAP

JOB NO. 18-108
DRAWN BY: JWW
DRAWING:
WR1.0



BBK

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Josh Newton
Partner
(541) 318-9817
josh.newton@bbklaw.com

June 21, 2024

VIA E-MAIL ONLY:

JEREMY.T.GIFFIN@WATER.OREGON.GOV
ANN.L.REECE@WATER.OREGON.GOV
SARAH.A.HENDERSON@WATER.OREGON.GOV

Jeremy Giffin
Watermaster - District 11
Oregon Water Resources Department
231 SW Scalehouse Loop, Suite 103
Bend, OR 97702

Ann Reece
Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: T-14139

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). The Department of Water Resources ("Department") has provided the Tribe with certain information concerning several transfer applications. This letter pertains to T-14139, which is further identified in Appendix A hereto (the "Application").

The Tribe has reviewed the Application, along with additional information about the Application provided by the Department. Based on that information, the Tribe does not object to the Department processing the Application in accordance with applicable law, and the Department's customary practice, *provided* that installation of a totalizing flowmeter is required and must be installed prior to diversion of water consistent with the Department's Watermaster review attached as Appendix B. The Tribe's position set forth in this letter is contingent upon the implementation and use of said totalizing flowmeter.

The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Application, including, but not limited to, whether the Application violates the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Please let us know if you have any questions.

Sincerely,

Josh Newton
of BEST BEST & KRIEGER LLP

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14139

Review Due Date: 02/18/2023

Applicant Name: Waibel Ranches

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): William Nashem

Date of Review: 08/01/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☒ Yes ☒ No If "Yes", explain:

Portions of the existing POU are not being transferred.

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☒ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

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/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14139



In order to avoid enlargement of the right or injury to other rights, a **totalizing flowmeter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: William Nashem

District: 24

Address: 231 SW Scalehouse Loop, Suite 103

City/State/Zip: Bend, OR 97792

Phone: 541/639-4109

Email: william.d.nashem@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

 Watermaster signature

 District

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

Places of Use from Water Rights in the Same Area

The following rights have acreage in the same quarter-quarter as Xfer Filed: T 14139 CF (AMN)

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
PERMIT: G 18225 *	WAIBEL PROP 3 LLC	G-18384	G-18225			9/12/2016	NC	IR	15.00S-16.00E-24-SESE			1.4000
								IR	15.00S-16.00E-24-NESE			2.6000
								IR	15.00S-16.00E-24-NWSE			14.1000
								IR	15.00S-16.00E-24-SWSE			21.9000
APP: G 18628 *	BOB WILLIAMS	G-18628				3/22/2018	NC	IR	15.00S-16.00E-24-NWSE			19.3000
								IR	15.00S-16.00E-24-SWSE			6.7000
								IS	15.00S-16.00E-24-SWSE			21.9000
								IS	15.00S-16.00E-24-NWSE			14.1000
								IS	15.00S-16.00E-24-SESE			1.4000
								IS	15.00S-16.00E-24-NESE			2.6000
APP: P 77048 *	LES SCHWAB TIRE CENTERS OF OREGON INC.	P-77048				12/30/1994	NC	LV	15.00S-16.00E-24-NESE			
								LV	15.00S-16.00E-24-NWSE			

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WAIBEL PROPERTIES 3 LLC
THE RUSSELL LLC
PO BOX 5350
BEND OR 97708

BOB WILLIAMS
3672 SE JUNIPER CANYON RD
PRINEVILLE OR 97754

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

APPLICATION FILE NUMBER: G-18384

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.266 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 12, 2016

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	24	NE SE	1010 FEET SOUTH AND 240 FEET WEST FROM E1/4 CORNER, SECTION 24

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	16 E	WM	24	NE SE	2.6
15 S	16 E	WM	24	NW SE	14.1
15 S	16 E	WM	24	SW SE	21.9
15 S	16 E	WM	24	SE SE	1.4

1. Water Use Measurement, Recording, and Reporting Condition:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Static Water Level Condition:

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

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

3. Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

4. Groundwater Mitigation Conditions:

- a. Mitigation Obligation: 72.0 acre-feet (AF) of mitigation water in the Crooked River Zone of Impact (located anywhere in the Crooked River Basin above river mile 13.8).
- b. Mitigation Source: 72.0 AF has been offset by voluntary cancellation of Water Right Certificate 60424 by Special Order Volume 113 Pages 380-382.
- c. Mitigation water must be legally protected instream in the Crooked River Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
- d. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the appropriation has increased beyond that used to compute the volume of mitigation water originally.
- e. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.

- f. Failure to comply with these mitigation conditions shall result in the Department regulating the groundwater permit, or subsequent certificate(s), proposing to deny any permit extension application for the groundwater permit, and proposing to cancel the groundwater permit, or subsequent certificate(s).

5. Scenic Waterway Condition:

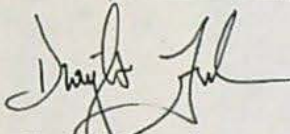
Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface-water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the mitigation required is maintained.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.
5. 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.
6. 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.
7. 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.

8. 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.
9. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
10. Complete application of the water shall be made within five years of the date of permit issuance. 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.
11. 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.

Issued JUN 28 2019



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



Permit Amendment Checklist

Transfer: T- 14139

Transfer Specialist: *ARL*

Transfer Type: Permit Amendment

Applicant Name/Address/email: WAIBEL PROPERTIES, LLC BRAD AND JULIE WAIBEL 601 UNION ST STE 3315 SEATTLE, WA 98101	Agent Name/Address/email: HAYES MCCOY 1180 SW LAKE RD 201 REDMOND, OR 97756	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: Crook County
Commentor(s): Name/Address:	Current Landowner Name/Address (if different than applicant):	

Permit(s) Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Superseding Permit No.
<input type="checkbox"/>	<input type="checkbox"/>	G-18384	G-18225	G-18876

Key Dates & Initial Actions

Rec'd: January 5, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1360.00	WM District: 24	ODFW District: <i>N/A</i>
Initial Notice: UNAVAILABLE	WM Review sent: Done:	ODFW Review sent: Done: <i>N/A</i>
Acknowledgement Letter Sent: <input checked="" type="checkbox"/> Date: January 19, 2023		GW Review sent: Done: <i>N/A</i>

Processing Dates & Actions

Deficiency Contact(s): _____

Newspaper: _____

☐ not required

Date quote requested: _____

Request for news \$ sent: _____

News \$ received: _____

Request to publish sent to newspaper: _____

Affidavit of publication received: _____

Dates of publication: _____

Draft Mailed: _____

If yes, date rec'd okay from agent/applicant: _____

☐ ODFW contact sheet sent; need? Yes ☐ or No ☐

☐ WM measurement sheet sent; need?

Yes ☐ or No ☐

Final Order

<p>Draft Order & Superseding Permit Review (Optional)</p> <p>Reviewer: _____</p> <p>Date: _____</p> <p>Coordinator: _____</p> <p>Date: _____</p> <p>Signature Bin Date: _____</p>	<p>Final Order & Superseding Permit Review (Salem)</p> <p>Reviewer: _____</p> <p>Date: _____</p> <p>Coordinator: _____</p> <p>Date: _____</p> <p>Signature Bin Date: _____</p>
<p>Comments/Special Issues: _____</p>	

Special Order Volume: Vol: _____, Pages _____

Final Order Signature Date: _____

Notice of FO e-mailed to processors: _____

Application

PR CW

- ☐ ☐ The type of change is clearly indicated.
- ☐ ☐ The application is appropriately signed.
- ☐ ☐ Appropriate fees were paid. N/A ☐ If overpayment, Refund Request submitted _____
- ☐ ☐ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's) _____
- ☐ ☐ N/A Ditch company, district, and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ ☐ All required attachments received.
- ☐ ☐ Check application file and WRIS for assignment(s) and/or extension(s). _____

Application Map

PR CW

- ☐ ☐ The map size and scale are accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ ☐ All authorized and proposed POD's/POA's and POU are properly described on the map.
- ☐ ☐ The POD/POA location description(s) on the map match the PA application and permit descriptions.
- ☐ ☐ Map acres (to, from and rr, if applicable) match Table 2 on the PA application and as applicable, on the permit
- ☐ ☐ Have permit map(s).

Determining the "From" and "To" Lands (make working copy of application and permit(s))

PR CW

- ☐ ☐ Only the authorized POD's/POA's and/or POU's to be transferred are listed (Tables 1 & 2).
- ☐ ☐ PA application and permit tabulations (acreage) match. (Mark on appl. and permit copies and note corrections needed)
- ☐ ☐ ALL Mark on permit the acreage and amount of water being transferred.

Permit Ownership

- ☐ ☐ The applicant(s) is/are the holder(s) of the permit.
- ☐ ☐ All holders of the permit have signed the application or
- ☐ ☐ N/A If necessary, there is a notarized, signed statement of consent from permit holders other than applicant.
- ☐ ☐ N/A If necessary, the permit has been assigned to permit amendment applicant.

Evaluation Materials

- | | | | |
|---|-------------------------------------|--|--|
| <input type="checkbox"/> Application complete | <input type="checkbox"/> Permit | <input type="checkbox"/> Land Use form | <input type="checkbox"/> N/A Plat card |
| <input type="checkbox"/> Amendment Map | <input type="checkbox"/> Permit Map | <input type="checkbox"/> Fees paid | <input type="checkbox"/> N/A Well logs |

Reviews/comments/conditions received? ☐ ☐ Watermaster ☐ ☐ N/A ODFW ☐ ☐ N/A GWN/A Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainN/A Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Type of device, if applicable: _____ totalizing flow meter: at new at existing and new

Injury: ☐ Yes ☐ NoEnlargement: ☐ Yes ☐ No

Conditions to avoid enlargement/injury –

ODFW conditions: _____

GW Conditions: _____

PHILLIPS Stacy H * WRD

From: Bob Williams <21cows.bw@gmail.com>
Sent: Friday, September 22, 2023 1:05 PM
To: PHILLIPS Stacy H * WRD
Subject: Re: T-14139 Russell Permit Amendment
Attachments: image003.png

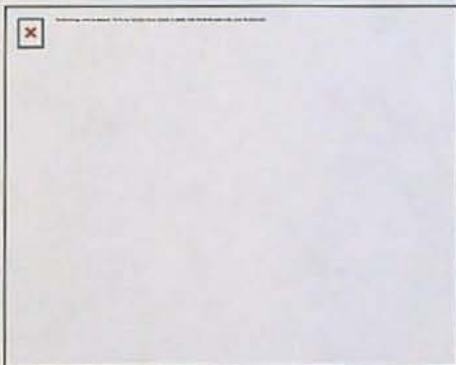
They're one and the same.

On Fri, Sep 22, 2023, 9:59 AM PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov> wrote:

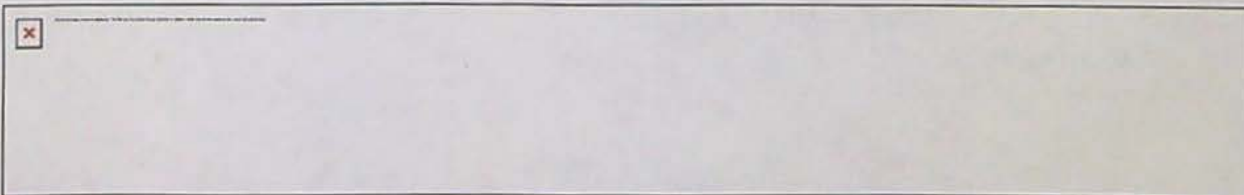
Good Morning Hayes,

Thanks for reaching out about this permit amendment. I actually did have a question regarding the ownership of the water right. I was just about to reach out myself to ask, so I'm glad that you did.

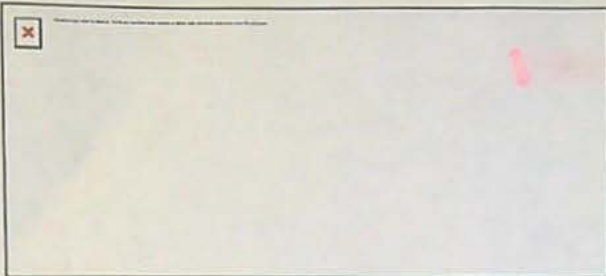
On the original water right (App: G-18384, Permit G-18225), the owners are listed as Waibel Prop 3 LLC and The Russell LLC. (See below)



We have an assignment on file for this application that was completed in September 2019. (See below)



And on the original permit, the permit holder of record shows both Waibel and The Russell as one in the same? (See below)



Ok, so with all that info, my question is, are Waibel Properties LLC (formerly Waibel Properties 3 LLC) and The Russell LLC the same applicant/permit holder/stakeholder/company? Or are Waibel Properties LLC and The Russell LLC two separate stakeholders?

Please let me know if you need me to clarify any of this information.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Hayes McCoy <hayes@ham-engr.com>
Sent: Wednesday, September 20, 2023 7:02 PM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: 'Bob Williams' <21cows.bw@gmail.com>
Subject: T-14139 Russell Permit Amendment

You don't often get email from hayes@ham-engr.com. [Learn why this is important](#)

Hello Stacy,

Early this year, we turned in a Permit Amendment which is filed as T-14139. Can you tell us the status of the Permit Amendment and whether OWRD is awaiting any information from the owner?

Hayes McCoy

H.A. McCoy Engineering & Surveying

(541)923-7554

PHILLIPS Stacy H * WRD

From: Hayes McCoy <hayes@ham-engr.com>
Sent: Friday, September 22, 2023 12:03 PM
To: PHILLIPS Stacy H * WRD
Cc: 'Bob Williams'
Subject: RE: T-14139 Russell Permit Amendment

Thank you Stacy.

Having the two LLCs listed together is acceptable.

Hayes McCoy
H.A. McCoy Engineering & Surveying
(541)923-7554

From: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Sent: Friday, September 22, 2023 11:43 AM
To: Hayes McCoy <hayes@ham-engr.com>
Cc: 'Bob Williams' <21cows.bw@gmail.com>
Subject: RE: T-14139 Russell Permit Amendment

Hi Hayes,

Thank you for confirming that for me. Just to clarify further (for my own piece of mind), the way the names are written on the original permit as.....

THIS PERMIT IS HEREBY ISSUED TO

WAIBEL PROPERTIES 3 LLC
THE RUSSELL LLC
PO BOX 5350
BEND OR 97708

They have the same PO Box address and are listed together. Is this acceptable? Or should they be separated with the different PO Boxes?

Timeframe of permit amendment completion: I am currently wrapping up the drafts of the final order and superseding permit. Once I am completed with those, it will go through 2-3 peer reviews before it can be issued. Depending on the workloads of each person reviewing it, I'm unsure of how long that will take until I get it back finalized. I am hopeful it will be back to me and issued before the end of the year. You are more than welcome to continue checking back during the next few months and I can give you a status update each time.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker
725 Summer Street NE, Suite A, Salem, OR 97301



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From: Hayes McCoy <hayes@ham-engr.com>
Sent: Friday, September 22, 2023 11:20 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: 'Bob Williams' <21cows.bw@gmail.com>
Subject: RE: T-14139 Russell Permit Amendment

Hello Stacy,

I believe these LLCs all have the same members, but I checked these out in the Oregon Business Registry. Here are links for [The Russell LLC](#) and [Waibel Properties, LLC](#).

Both of them have Charles (Brad) Waibel and Julie Waibel as members, so they are the same stakeholders.

Can you give me an idea of the timeframe to process the Permit Amendment?

Hayes McCoy
H.A. McCoy Engineering & Surveying
(541)923-7554

From: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Sent: Friday, September 22, 2023 9:59 AM
To: Hayes McCoy <hayes@ham-engr.com>
Cc: 'Bob Williams' <21cows.bw@gmail.com>
Subject: RE: T-14139 Russell Permit Amendment

Good Morning Hayes,

Thanks for reaching out about this permit amendment. I actually did have a question regarding the ownership of the water right. I was just about to reach out myself to ask, so I'm glad that you did.

On the original water right (App: G-18384, Permit G-18225), the owners are listed as Waibel Prop 3 LLC and The Russell LLC. (See below)

▼ **Contact information**

OWNER:
▷ WAIBEL PROP 3 LLC
PO BOX 5350
BEND, OR 97708

OWNER:
▷ THE RUSSELL LLC
PO BOX 5699
BEND, OR 97708

We have an assignment on file for this application that was completed in September 2019. (See below)

The partial assignment from Bob Williams to The Russell LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Waibel Properties 3 LLC, The Russell LLC as the permit holder of record.

And on the original permit, the permit holder of record shows both Waibel and The Russell as one in the same? (See below)

THIS PERMIT IS HEREBY ISSUED TO

WAIBEL PROPERTIES 3 LLC

THE RUSSELL LLC

PO BOX 5350

BEND OR 97708

Ok, so with all that info, my question is, are Waibel Properties LLC (formerly Waibel Properties 3 LLC) and The Russell LLC the same applicant/permit holder/stakeholder/company? Or are Waibel Properties LLC and The Russell LLC two separate stakeholders?

Please let me know if you need me to clarify any of this information.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Hayes McCoy <hayes@ham-engr.com>

Sent: Wednesday, September 20, 2023 7:02 PM

To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>

Cc: 'Bob Williams' <21cows.bw@gmail.com>

Subject: T-14139 Russell Permit Amendment

You don't often get email from hayes@ham-engr.com. [Learn why this is important](#)

Hello Stacy,

Early this year, we turned in a Permit Amendment which is filed as T-14139. Can you tell us the status of the Permit Amendment and whether OWRD is awaiting any information from the owner?

Hayes McCoy

H.A. McCoy Engineering & Surveying

(541)923-7554

**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 # **139854**

INVOICE # _____

RECEIVED FROM: HA McCoy Engineering & Surveying, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14139

CASH: ☐ CHECK: # 3407 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,360.00

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 \$ 1,360.00

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:

139854

DATED:

1-5-2023

BY:

[Signature]

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.

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-18225
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
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Map not included or incomplete
- ☐ Part _____ is incomplete

Other/Explanation _____

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

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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.

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- ☐ ☒ 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

FEE WORKSHEET for PERMIT AMENDMENT		
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	\$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>	
2	Multiply line 2b by \$1090 and enter »	0
	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in line 3a: <u>0 (3b)</u> <i>If only one permit this will be 0</i>	
3	Multiply line 3b by \$610 and enter »	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>0 (4a)</u> Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0 (4b)</u>	
4	Add line 4a to line 4b and enter »	0
	Do you propose to change the place of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see below*): <u>0.266 (5a)</u> Subtract 1.0 from the number in line 5a above: <u>0 (5b)</u> If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c)</u> and multiply 5c by \$350, then enter on line 5 »	
5		0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	1360
	Is this permit amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7	
7	If no box is applicable, enter 0 on line 7 »	0
8	Subtract line 7 from line 6 » Permit Amendment Fee:	1360

*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 Brad & Julie Waibel, Waibel Properties, LLC (by Bob Williams)			PHONE NO. (541)419-1853	ADDITIONAL CONTACT NO.
ADDRESS 601 Union Street, Ste. 3315			FAX NO.	
CITY Seattle	STATE WA	ZIP 98101	E-MAIL 21cows.bw@gmail.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.				

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

AGENT/BUSINESS NAME Hayes McCoy/H.A. McCoy Engineering & Surveying, LLC			PHONE NO. (541)923-7554	ADDITIONAL CONTACT NO.
ADDRESS 1180 SW Lake Road #201			FAX NO.	
CITY Redmond	STATE OR	ZIP 97756	E-MAIL hayes@ham-engr.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:
 Modify Permit G-18225's Place of Use for 3 small irrigation pivots.

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.

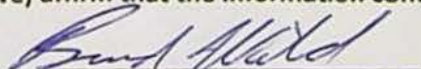
If NO, what are the completion dates of the permit(s)? _____

- 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: Central Oregonian

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


 Applicant Signature

Brad Waibel, Managing Member
 Print Name (and Title if applicable) Date

12-10-22

Applicant Signature

Print Name (and Title if applicable)

Date

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Brad & Julie Waibel, Waibel Properties, LLC (by Bob Williams)			PHONE NO. (541)419-1853	ADDITIONAL CONTACT NO.
ADDRESS 601 Union Street, Ste. 3315			FAX NO.	
CITY Seattle	STATE WA	ZIP 98101	E-MAIL 21cows.bw@gmail.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.				

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

AGENT/BUSINESS NAME Hayes McCoy/H.A. McCoy Engineering & Surveying, LLC			PHONE NO. (541)923-7554	ADDITIONAL CONTACT NO.
ADDRESS 1180 SW Lake Road #201			FAX NO.	
CITY Redmond	STATE OR	ZIP 97756	E-MAIL hayes@ham-engr.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:
Modify Permit G-18225's Place of Use for 3 small irrigation pivots.

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.

Received by OWRD

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.

JAN 12 2023

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

Salem, OR

- 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: Central Oregonian

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



Brad Waibel
Applicant Signature

Brad Waibel, Managing Member
Print Name (and Title if applicable) Date

12-10-22

Julie Waibel
Applicant Signature

Julie Waibel
Managing member
Print Name (and Title if applicable) Date

1/11/23

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 Crook County	ADDRESS 300 NE 3rd Street, Room 12	
CITY Prineville	STATE OR	ZIP 97754

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-18225

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

(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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	111997	15 S	16 E	24	NE SE	1300	240'W, 1010' S of E1/4 of S24
NO CHANGE	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							RECEIVED
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							JAN 05 2023
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							OWRD

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input 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-18225

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	
"	"	"	"	"	"	"	"	"	EXAMPLE	"		"	2	S	9	E	15	SW	NW	200		5.0	POD #6	
15	S	16	E	24	NE	SE	1300		2.6	WELL	9/2016	POU	15	S	16	E	24						WELL	9/2016
15	S	16	E	24	SE	SE	1300		1.4	WELL	9/2016	POU	15	S	16	E	24						WELL	9/2016
15	S	16	E	24	SW	SE	1300		21.9	WELL	9/2016	POU	15	S	16	E	24						WELL	9/2016
15	S	16	E	24	NW	SE	1300		14.1	WELL	9/2016	POU	15	S	16	E	24						WELL	9/2016
TOTAL ACRES									40.0	TOTAL ACRES									40.0					

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: _____

 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

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**WATER RIGHTS
PERMIT AMENDMENT MAP**
SECTION 24, TOWNSHIP 15 SOUTH, RANGE 16 EAST,
W.M, CROOK COUNTY, OREGON. DECEMBER, 2022

T15S, R16E
SECTION 24

EXISTING POINT OF DIVERSION (WELL 7, CROO 54523)
FOR IRRIGATED LANDS UNDER PERMIT G-18225.
LOCATED 1010 FEET SOUTH AND 240 FEET WEST FROM
EAST 1/4 CORNER OF SECTION 24, T15S, R16E, W.M.

NW-SW-S24

NE-SW-S24

TAX LOT 1300
(MAP 15S16E)

NW-SE-S24

NE-SE-S24

EXISTING GRAVEL ROAD

PROPOSED
PIPELINE

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SW-SW-S24

SE-SW-S24
16.4 ACRES

SW-SE-S24
22.0 ACRES

SE-SE-S24
TAX LOT 1302
(MAP 15S16E)

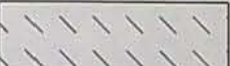


10 ACRE PIVOT

15 ACRE PIVOT

15 ACRE PIVOT

SE COR. SEC. 24

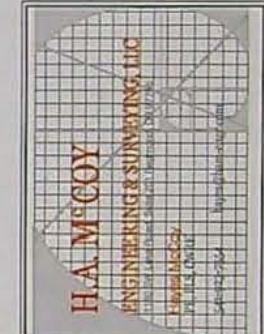
LEGEND

- | | |
|---|---|
| X.X ACRES | LANDS IRRIGATED UNDER POU |
|  | EXISTING WATER RIGHTS TO BE REMOVED,
23.2 TOTAL ACRES, PERMIT G-18225, PRIORITY 09/12/2016 |
|  | EXISTING WATER RIGHTS TO REMAIN UNCHANGED,
16.8 TOTAL ACRES, PERMIT G-18225, PRIORITY 09/12/2016 |
|  | PROPOSED PLACE OF USE, PRIMARY IRRIGATION
23.2 TOTAL ACRES |

SCALE: 1" = 400'
FOR 11"x17" SHEETS

FILE: 2:\wms Eng\18-108 Waibel Water Rights\CAD 2022\Permit App\121202-18108-PAM.dwg 12/2/2022 9:08 AM - Owner

DATE:	
REVISION:	
No.	
DATE:	12/02/22
DRAWING STATUS:	<input checked="" type="checkbox"/> WATER RIGHTS



PROJECT: WAIBEL WATER RIGHTS
PROJECT LOCATION: CROOK COUNTY
CLIENT: THE RUSSELL LLC

SHEET TITLE:
WATER RIGHTS
PERMIT AMENDMENT
MAP

JOB NO. 18-108
DRAWN BY: JJW
DRAWING:
WR1.0

Business Registry Business Name Search

[New Search](#)

Business Entity Data

01-11-2023

08:46

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
959416-97	DLLC	ACT	OREGON	08-22-2013	08-22-2023	
Entity Name	WAIBEL PROPERTIES LLC					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	8055 SW POWELL BUTTE HWY				
Addr 2					
CSZ	POWELL BUTTE	OR	97753	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	03-14-2022	Resign Date	
Of Record	344777-94	SW&W REGISTERED AGENTS DESCHUTES, INC.				
Addr 1	360 SW BOND ST STE 500					
Addr 2						
CSZ	BEND	OR	97702	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	360 SW BOND ST STE 500				
Addr 2					
CSZ	BEND	OR	97702	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Name	CHARLES		WAIBEL			
Addr 1	PO BOX 2401					
Addr 2						
CSZ	BOERNE	TX	78006		Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER				Resign Date	
Name	JULIE			WAIBEL			
Addr 1	PO BOX 2401						
Addr 2							
CSZ	BOERNE	TX	78006		Country	UNITED STATES OF AMERICA	

Type	MGR	MANAGER			Resign Date	
------	-----	---------	--	--	-------------	--

Name	JULIE		WAIBEL		
Addr 1	PO BOX 2401				
Addr 2					
CSZ	BOERNE	TX	78006	Country	UNITED STATES OF AMERICA

Type	MGR/MANAGER			Resign Date	
Name	CHARLES		WAIBEL		
Addr 1	PO BOX 2407				
Addr 2					
CSZ	BOERNE	TX	78006	Country	UNITED STATES OF AMERICA







[New Search](#)




Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
WAIBEL PROPERTIES LLC	EN	CUR	08-22-2013	

Please read before ordering Copies.[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	08-03-2022		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	03-14-2022		FI	Agent	
	ANNUAL REPORT	07-30-2021		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	02-22-2021		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	08-31-2020		FI		
	ANNUAL REPORT PAYMENT	08-04-2020		SYS		
	ANNUAL REPORT PAYMENT	07-31-2019		SYS		
	ANNUAL REPORT PAYMENT	07-20-2018		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	07-18-2018		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-15-2017		FI		
	ANNUAL REPORT PAYMENT	07-25-2017		SYS		
	ANNUAL REPORT PAYMENT	07-15-2016		SYS		
	ANNUAL REPORT PAYMENT	08-20-2015		SYS		

	AMENDED ANNUAL REPORT	08-05-2014		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	09-17-2013		FI		
	ARTICLES OF ORGANIZATION	08-22-2013		FI	Agent	

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Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 19, 2023

WAIBEL PROPERTIES, LLC
BRAD AND JULIE WAIBEL
601 UNION ST STE 3315
SEATTLE, WA 98101

Reference: Application T-14139

On January 5, 2023, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1360.00. Our receipt number 139854 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.

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 in the new place of use 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.

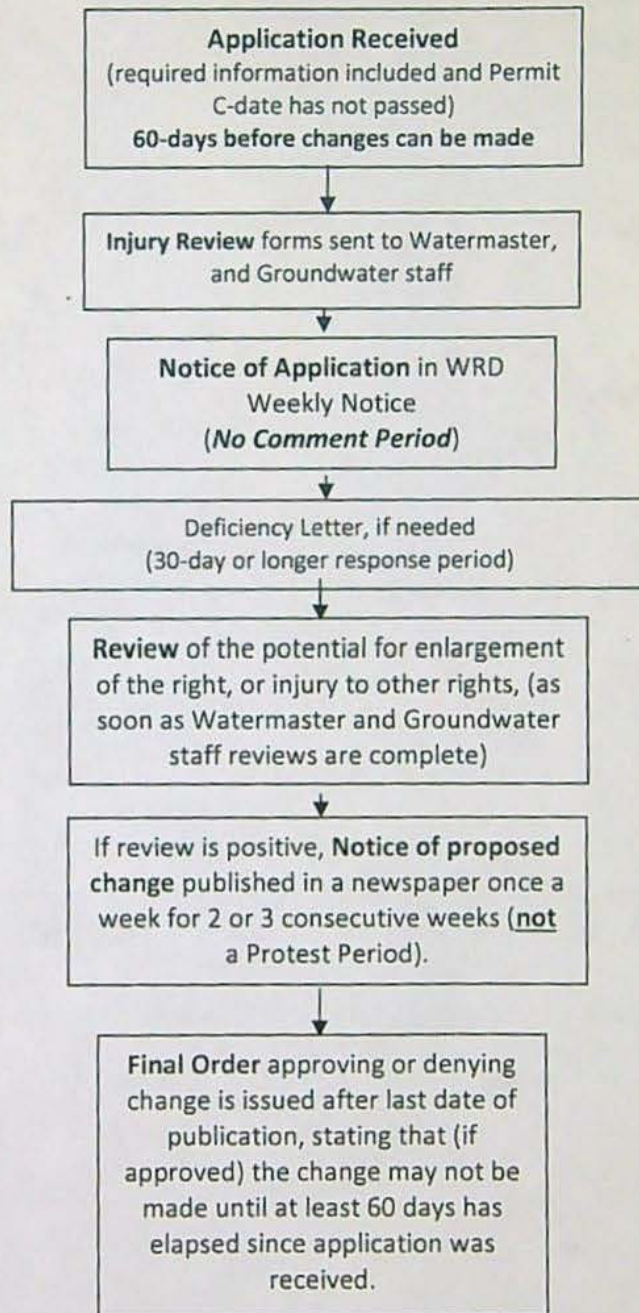
Cc: Watermaster Dist. #24, Bill D. Nashem (via email)
Hayes McCoy, Agent
Crook County

Enclosure

Permit Amendment Process

ORS 537.211

Changes: POD/POA, Place of Use





RECEIVED

JAN 05 2023

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Brad & Julie Waibel & Waibel Properties
601 Union St SE 3315, Seattle WA 98101

Transaction Type: Permit Amendment

Fees Received: \$ 1360.00

☐ Cash

☒ Check:

Check No. 3407

Name(s) on Check: HA McLaughlin Engineering & Surveying LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Lovrien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

Permit Amendment Application Checklist

Checked by Stacy

Date 1-6-2023

App # G-18384

Permit # G-18225

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: \$ 1360.00

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? Julie Waibel

- ☒ 5. Are the Permit completion date(s) current? 6-28-2024

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

- ☐ 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.