

T-10431

T-10431

PERMIT AMENDMENT

Name Thomas Howard

Address P.O. Box 196 / 79552 Mule Cr Rd
Drewsey, OR 97904
541-493-2603 Fax is the same

Change in POA
Date Filed 7-2-07
Initial notice date 7-17-07
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 3-2-08 Vol 74 Page 307

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

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of Malheur Lake

Use IR County Harney
Quantity of water (CFS) _____ No. of Acres _____

Name of ditch			
App #	Per #	Cert #	PR Date
<u>6-15675</u>	<u>6-15252</u>		<u>2002</u>
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date

Y-J Ranch Crane Farm John Mansfield, Don Johnson
Thomas + Barbara Howard

Date	FEES PAID	
	Amount	Receipt #
<u>7-2-07</u>	<u>350.00</u>	<u>88504</u>
<u>7/9/07</u>	<u>50.00</u>	<u>88622</u>

Date	FEES REFUNDED	
	Amount	Receipt#

Assignments: _____

Irrigation District _____

Agent Barbara Howard Same address as above

CWRE _____
CC's list Harney County Court 400 N. Buena Vista Burns OR 97720

- Oversized map - Location



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

March 12, 2008

THOMAS HOWARD
BARBARA HOWARD
PO BOX 196
DREWSEY OR 97904

Reference: Permit Amendment Transfer 10431

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

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE CONDITIONS OUTLINED IN THE ORDER. All other terms and conditions of the permit remain the same.

If you have any questions, please call the Transfer Section, (503)986-0900.

Sincerely,

Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #10

Enclosure

Quantity: 3.99 CUBIC FEET PER SECOND (CFS)
Rate/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELLS #3 and #6, in the Malheur Lake Basin

Date of Complete Application of Water: OCTOBER 1, 2012

Authorized Points of Appropriation to be Amended:

Twp	Rng	Mer	Sec	¼ ¼	Location
24 S	33 E	WM	25	NE NW	Well 3 – 1310 feet South and 1310 feet West from the North ¼ corner of Section 25
24 S	33 E	WM	25	NE SW	Well 6 – 1330 feet North and 1310 feet West from the South ¼ corner of Section 25

Authorized Place of Use to be Amended:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
24 S	33 E	WM	25	NE NW	39.9
24 S	33 E	WM	25	NW NW	40.0
24 S	33 E	WM	25	SW NW	39.9
24 S	33 E	WM	25	SE NW	39.9
24 S	33 E	WM	25	NE SW	39.9
24 S	33 E	WM	25	NW SW	39.9
24 S	33 E	WM	25	SW SW	39.9
24 S	33 E	WM	25	SE SW	39.9
TOTAL:					319.3

6. Application T-10431 proposes to replace Wells #3 and #6 for the 319.3 acres of land described in Finding #5 above with the following wells described below:

Proposed Points of Appropriation

Twp	Rng	Mer	Sec	¼ ¼	Location	Approx. Distance from Existing Well #3	Approx. Distance from Existing Well #6
24 S	33 E	WM	25	NE NW	Well 13bh1 (Site #1) – Latitude N43.464272, Longitude W118.603980	1320 feet North	3850 feet North
24 S	33 E	WM	25	NE NW	Well 16bh1 (Site #2) – Latitude N43.462760, Longitude W118.599802	1420 feet Northeast	3500 feet Northeast

7. Notice of the application for the permit amendment was published in the Department’s weekly notice on July 17, 2007, and in the *Burns Times-Herald* newspaper on February 13, 20 and 27, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

8. The change would not result in injury to other water rights.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.

Conclusions of Law

The change in points of appropriation proposed in Permit Amendment Application T-10431 is consistent with the requirements of ORS 537.211.

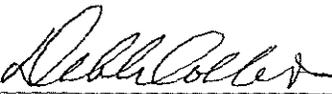
Now, therefore, it is ORDERED:

1. The change in points of appropriation proposed in Permit Amendment Application T-10431 is approved.
2. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
3. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

4. Water shall be acquired from the same ground water source as the original points of appropriation.
5. All other terms and conditions of Permit G-15252 remain the same.
6. Permit G-15252, in the names of John Mansfield for Don Johnson, 4-J Ranch/Crane Farm and Thomas M. Howard and Barbara Howard, is amended as described herein.

Dated at Salem, Oregon this 7th day of March, 2008.



Phillip C. Ward, Director

Mailing date: MAR 13 2008

Permit Amendment Checklist

Permit Amendment: T-10431

Transfer Specialist: Lisa Jaramillo

Permit Amendment Type: POA

Applicant Name/Address: Thomas M. and Barbara Howard, PO Box 196, Drewsey, OR 97904

Agent Name/Address: NONE

CWRE Name/Number: NONE

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov't's Name/Address: Harney County Court, 450 N Buena Vista, Burns, OR 97720

Commentors Name/Address: NONE

Permits Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.
<input type="checkbox"/>	<input type="checkbox"/>	G-15675	G-15252

Key Dates & Initial Actions

Rec'd: 7-2-07	Proposed Action(s): POA	
Fees Pd: \$400.00	WM District: 10	ODFW District: N/A
Initial Notice: 7-17-07	WM Review sent: 7-12-07	ODFW Review sent: N/A
Acknowledgement Letter Sent: <input checked="" type="checkbox"/>	GW Review sent: 7-12-07	

Processing Dates & Actions

Deficiency Contacts: N/A	Newspaper Pub Affid. Due: 3-19-08 <input type="checkbox"/> not required
Affid of Pub Rec'd: 2-29-08 Last Day Published: 2-27-08	Affidavit Reminder Sent: N/A
Reminder Deadline: -----	

Final Order

- Electronic Files uploaded
- Newspaper Notice Cover letter
- Newspaper Notice
- File Assigned/ ModPod updated
- Fee Refund Due

Draft Order Review (Optional)	Final Order Review (Salem)
Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Reviewer: _____ Date: <u>BJP</u> Coordinator: <u>3/7/08</u> Date: _____

Comments/Special Issues:
 POA Change Only. GW Section found no injury.

Special Order Volume: Vol: 24, Pages 307 Final Order Signature Date: 3-7-08
 Notice of FO e-mailed to processors: Lisa J.

T.24S, R.33E, WM
Section 25

RECEIVED

JAN 28 2008

WATER RESOURCES DEPT
SALEM, OREGON

REVISED MAP -
WELL LOCATIONS



Long. W118.60398, Lat. N43.464272

Long. W118.599802, Lat. N43.46276

Proposed
Well 13bh1
(Site #1)

Proposed
Well 16bh1
(Site #2)

Existing
Well #3

Existing
Well #6

NW NW 40.0 | NE NW 39.9
SW NW 39.9 | SE NW 39.9
NW SW 39.9 | NE SW 39.9
SW SW 39.9 | SE SW 39.9

NE 1/4

SE 1/4

Thomas Howard's initials: T.M.H

Date: _____

Barbara Howard's initials: S.Q.H

Date: 1-25-08

RECEIVED

JAN 28 2008

WATER RESOURCES DEPT
SALEM, OREGON

HOWARD RANCH, LLC

Tom & Barbara Howard
P.O. Box 196
79552 Mule Creek Road
Drewsey, OR 97904
Phone 541-493-2603
Fax 541-493-9522 or 541-493-2603
barbarahoward@centurytel.net

September 18, 2007

Water Resources Department
Attention: Kelly Starns
725 Summer Street NE, Suite A
Salem OR 97301

Sent by facsimile: 503-986-0903

Dear Kelly,

The two sites we have chosen are Site # 1 is 13bh1, GPS, Latitude N43.464272/ Longitude W118.603980
and Site # 2 is 16bh1, GPS Latitude N43.462760/ Longitude W118.599802.
These GPS numbers are taken from the Columbia Water Surveying report, pages 5, 7, and 8.

Copy of this letter will also be sent via US mail.

Sincerely,



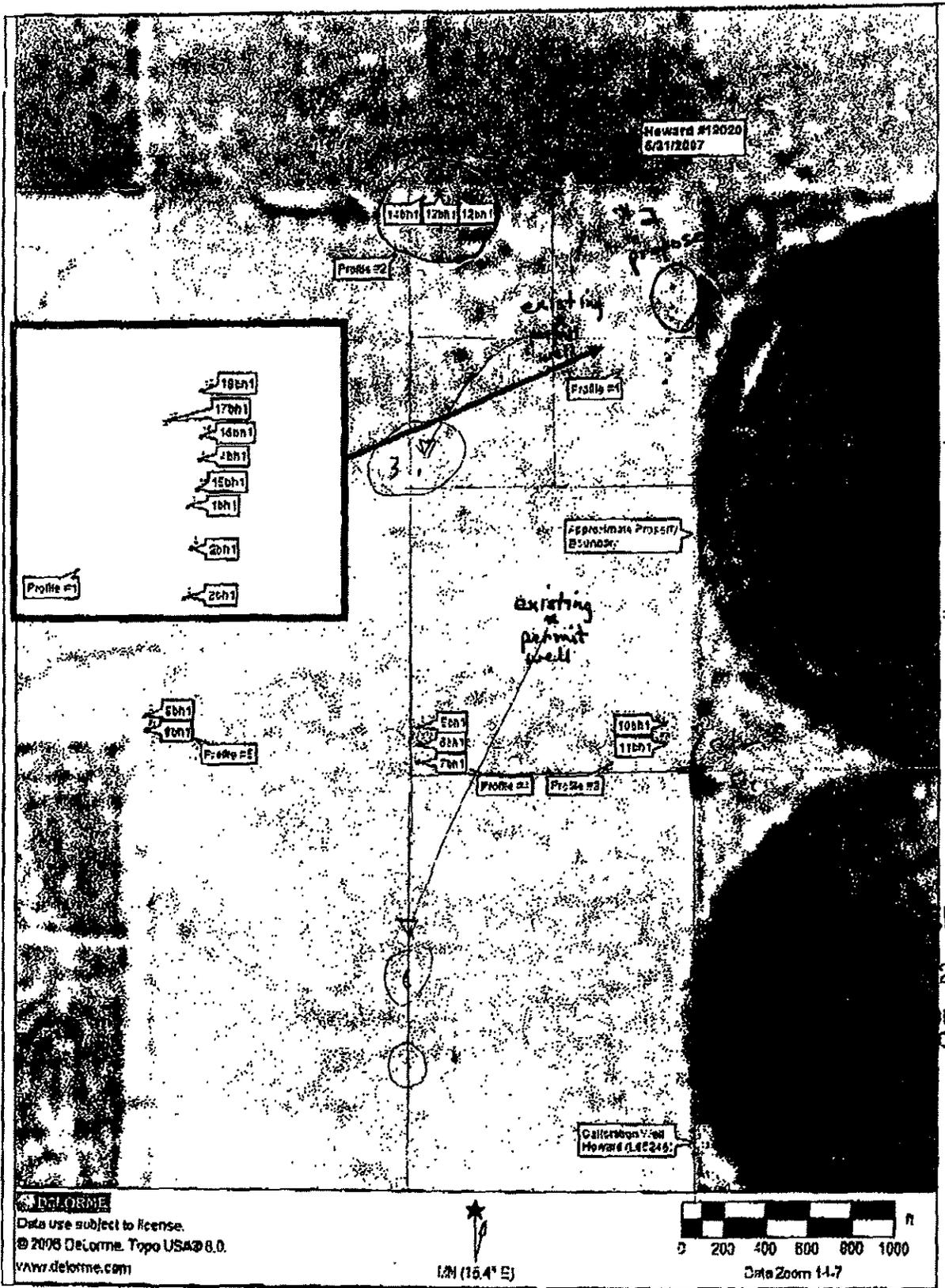
Barbara J Howard

RECEIVED

SEP 21 2007

WATER RESOURCES DEPT
SALEM OREGON

T24S, K33E, Sec. 25, W1/2



RECEIVED
 2007
 WATER RESOURCES DEPT
 OREGON

Figure 2 Survey location and sounding locations

JAN 28 2008

12 1-25-08
 B.Q.H.
 T.M.H.

1" = 1000'

WATER RESOURCES DEPT
 SALEM, OREGON

Original Permit Map

T 24 S, R 33 E, WM

RECEIVED

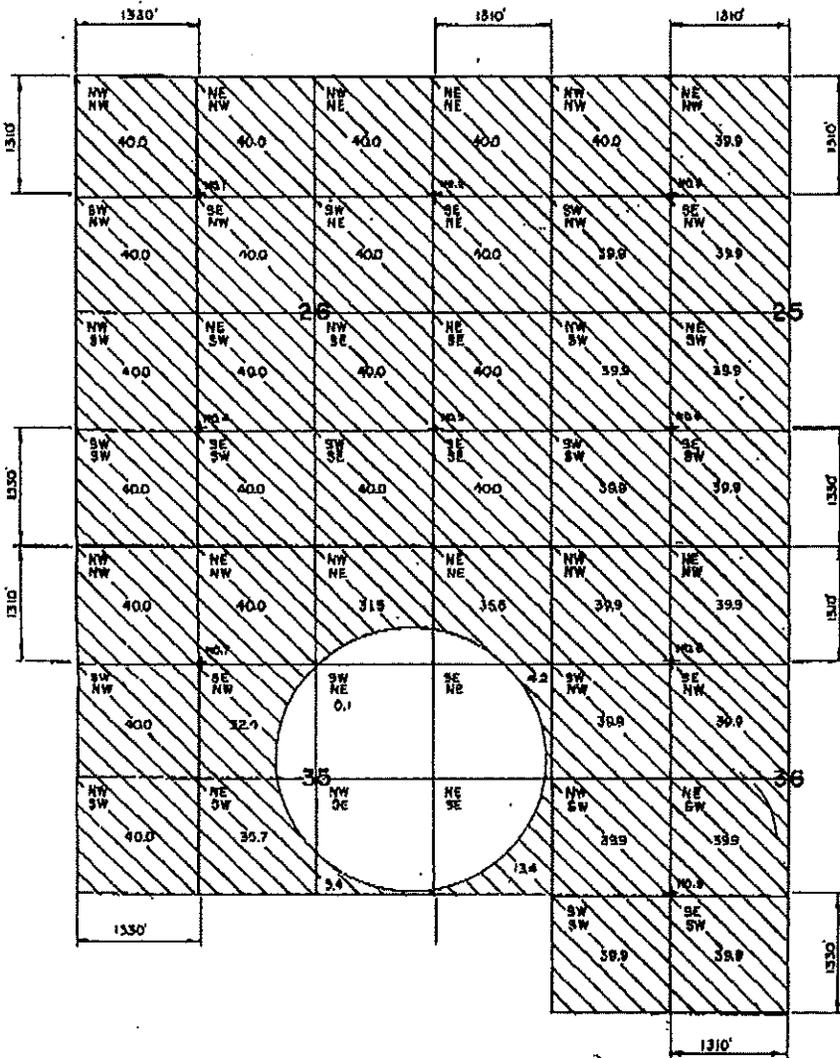
NOV 16 2001

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 03 2002

WATER RESOURCES DEPT.
SALEM, OREGON



Reduced Size

RECEIVED

JAN 28 2008

WATER RESOURCES DEPT.
SALEM, OREGON

WELL LOCATIONS

Well No.	N/S DPTH	E/W DPTH	Eqm. Cor.
1	1310' S	1330' E	NW of Sec. 26
2	1310' S	1310' W	NE of Sec. 26
3	1310' S	1310' W	N1/4 of Sec. 26
4	1310' N	1330' E	SW of Sec. 26
5	1350' N	1310' W	SE of Sec. 26
6	1330' N	1310' W	S1/4 of Sec. 25
7	1310' S	1330' E	NW of Sec. 35
8	1310' S	1310' W	N1/4 of Sec. 36
9	1330' N	1310' W	S1/4 of Sec. 36

SECTIONS 25 & 36 - TAX LOT 6900
SECTION 26 - TAX LOT 7900
SECTION 35 - TAX LOT 9100

159.7 A.c.

4 WELL LOCATIONS (TOTAL OF 9 WELLS)

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

1-25-08
BQ.H.
J.M.H.

Application No. G-15675
Permit No. G-1585a

	4J RANCH / CRANE	
	WATER RIGHT APPLICATION MAP	
Scale: 4" = 1 MILE	Date: 9-18-2001	Job: 2027
Dsn:	M.A. PALMER & SONS, INC. ENGINEERING & SURVEYING 711 Ponderosa Village - Box 81 Herm, Oregon 97729	SHI No.
Orn: CHRIS		of 1
Ckd:		

REVEN 1-1-2003

Permit Amendment Processing Log (ORS 537.211)

T- 10431

Reviewer's Name: [Signature] Date: 1-17-08

Transfer #: T-10431 Type of Change: POA

Originating Permit #: G-15252 (Appl #: G-15675) "C" Date: 10-1-2012

Date filed: 7-2-07
 County: Harney WM District: #10

Applicant's Name & Mailing Address: Thomas and Barbara Howard
PO Box 196 (79552 Mule Creek Rd.)
Drewsey, OR 97904

CWRE: _____

Transfer Workflow

File assigned to me? Yes.

Check Application

- Type of change indicated clearly? POA
 - Is the application signed by all the permit holder(s) of record? Yes No
 - If No... If there are other permit holders that have NOT signed the application, have they submitted a notarized statement consenting to the permit amendment application? Yes No
 - If signed by someone other than permit holder(s), is there a notarized statement allowing this person to act as an agent on behalf of the permit holder(s)? Yes No
 - Have the appropriate fees been paid? Yes No \$400 (\$350 paid 7-2-07 + \$50 paid 7-9-07)
 - If "No"... Fees due: _____
 - Refund due: _____
- (If to be REFUNDED, generate Request for Refund to be sent to Fiscal at time of Final Order.)*

- N/A If MU or QM for POU change (service boundary expansion), has Land Use form for "to" land signed by proper official been submitted?
- N/A If MU or QM for POU change (service boundary expansion), has evidence of use been submitted?
(Permit holder is capable of using all water within the service boundary in existence at time of permit issuance.)

- NO If a ditch company or district is involved, send them a copy of the application and map.
- NO If a POD is moving to a ditch owned by a company or organization, applicant may need to show permission from the ditch owner.

Check Ownership

- Is the POD/POA or POU being moved to land owned or controlled by the permit holder(s)? Yes No
 - If "No"... Deed is needed for land not under permit holders control or ownership.
 - (If "Yes"... all "to" area on permit holders land described in deed from original application for permit, no need to have another copy of the same deed.)*
 - Written Notice sent to lien holder (Farm Credit Serv.) dated 6-28-07.
- Assignment needed? ~~Yes~~ No
 - (If POU being moved to land NOT owned by permit holder, the owner of the "to" land must be assigned to permit)*
- Print copy of current tax lot map. *(If application is several years old, contact assessor's office for current landowner.)*
(Verify that Land Use and Deed in permit file record match POU identified in Permit Amendment... most likely OK if no POU change.)

Check Application Map... Same standards as Div 380 except does NOT have to be prepared by CWRE

- Is the size and scale accurate and appropriate as per OAR 690-380-3100(1)(b)(c)&(d)?
- Are all authorized and proposed POD's/POA's and POU's shown and clearly labeled?
- Do the metes and bounds for the POD's/POA's properly describe the location on the map?
- Do map acres match the tabulation on the permit?
- Do the POD/POA dimensions & 1/4 1/4 on map match the permit amendment application and permit descriptions?

OK Rev'd Revised Map on 1-28-08.
Need to plot proposed POA's on existing permit map & indicate (highlight) affected acres.

Is Application complete?

- Application Form
- Well Logs
- Map
- Fees Paid

Refund? NO

May be needed on POU's...

- Deed (if POU moving to land not owned or controlled by permittee)
- Evidence of Use (if permit is MU or QM and want to change POU to expand service boundary footprint)
- Land Use form - (if POD/POA or POU is moving a great distance & off of land originally involved in permit)

Reviews/comments received?

- Watermaster
- ODFW N/A
- GW

OK - Rcvd Revised Appl & Map on 1-28-08.

Determining the "From" and "To" Lands (make working copy of application and permit to mark on)

- Are the permitted POD's/POA's and POU's to be transferred listed? *- Appl. needs to be revised.*
- Do application & permit tabulations match? (check off on application and permit copies and note corrections needed) *-> Appl. needs to be revised to match permit.*
- Mark proposed changes on permit copy.

Conflict Check

- Print plat card report for POU change. (POA Change Only)
- Are there conflicting water rights on "to" land? No POU change.
- Are there any rights coupled together (primary and supplemental) that must move along with subject permit? If so, identify: NO
- Are there any rights that need to be canceled or diminished to supplemental? If so, identify & prepare an affidavit: NO

Injury Determination

- Watermaster Injury: Yes No Conditions requested: Yes No
- ODFW Injury: Yes No Conditions requested: Yes No
- GW Injury: Yes No Conditions requested: Yes No

Note: Watermaster indicated that a meas. device is present & should be maintained. However, applicant said the wells are not drilled so there is no meter yet. Appl. is OK w/ requiring meas. device prior to use.

Conditions requested:

- Measurement devices: Required prior to use -or- "When in the judgment..."
- Fish screen (see ODFW comments) Other:

- Will the "from" land be able to be dried up? Yes No No POU Change
- Use Interactive Mapping to check for intervening PODs: Yes No See GW injury review - OK.

- Check relation to instream water rights: Moves into or within ISWR No problem - POA Δ
- Check movement related to reduction of flows to junior rights: OK. See GW injury review.

- Determination: Enlargement? Yes No
- Injury? Yes No
- Approve -or- Reject

Conditions from Permit

Deficiencies to be resolved:

Processing Benchmarks:

Request for Comments

WRD Notice date: 7-17-07 Comments received? ~~Yes~~ No

Deficiency Letter

Deficiency letter sent on _____ for _____

Response due date: _____

Newspaper Notice... (Required for POD or POA change with a distance of more than 1/4 mile from permitted POD/POA)

Is newspaper notice required? Yes No * See below.
 If Yes, generate a draft of the newspaper notice.

Final Order

FO (& refund request) draft date: _____ Reviewed by: _____

Remarks and Notes:

* Proposed Well 13 bh1 (site #1) is located approx...
- 1320 feet North of Well #3; and
- **3850** feet North of Well #6.

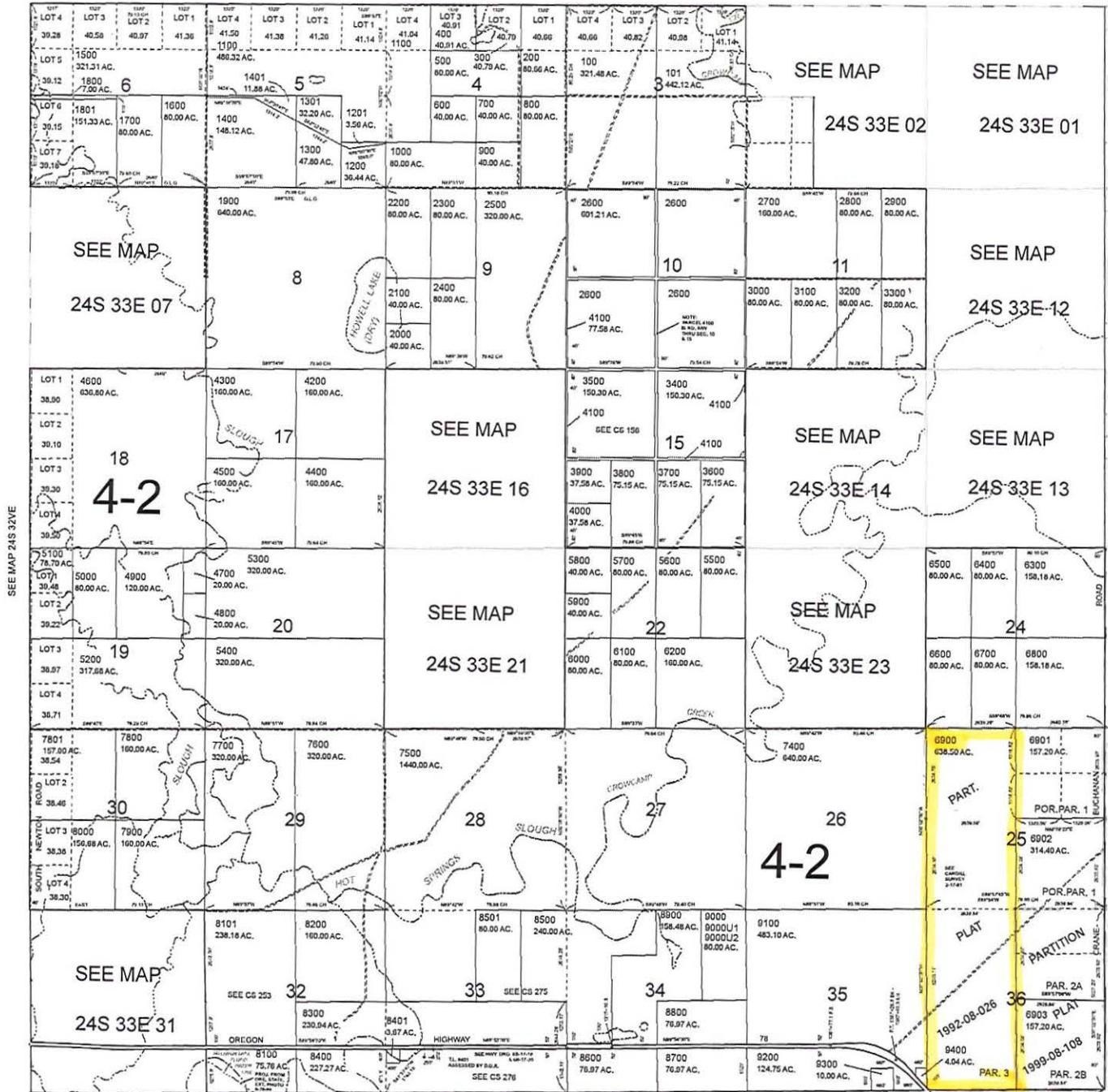
* Proposed Well 16 bh1 (site #2) is located approx...
- 1420 feet North East of Well #3; and
- 3500 feet North East of Well #6.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.24S. R.33E. W.M.
HARNEY COUNTY
1" = 2000'
SEE MAP 23S 33E

Printed: 1-17-08
by: L. Jaramillo

24S 33E
& INDEX



CANCELLED NO.
6901
7000
7100
7200
7200M1
7300
7300M1
9500
9600

SEE MAP 24S 31E

SEE MAP 24S 33E

SEE MAP 25S 33E

PRINTED ON
Jul 13, 2006
24S 33E
& INDEX

*L. Jaramillo
1-18-08*

Water Rights Platcard Report

Meridian: WILLAMETTE - Township: 24 - South - Range: 33 - East - Section: 25 - Records per Page: 10

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Permit:G 11230 CN	T9875	6/27/1990	IRRIGATION	CN				33.2	33.2	33.2	33.2													
Additional Info: JERRY MILLER App: G12154 Permit: G11230																								
Select Cert:60976 OR CN	T9670		IRRIGATION	CN																32	32.8	35.6	34.4	
Additional Info: ROBERT CARGILL App: G11105 Permit: G10396 Cert: 60976																								
Select Permit:G 15252 *	T10431	1/3/2002	IRRIGATION									39.9	40	39.9	39.9	39.9	39.9	39.9	39.9					
Additional Info: JOHN MANSFIELD App: G15675 Permit: G15252																								
<i>— Subject Right</i>																								
Select Permit:G 11230 *		6/27/1990	IRRIGATION					33.2	33.2	33.2	33.2													
Additional Info: JERRY MILLER App: G12154 Permit: G11230																								
Select Cert:82154 CF *			IRRIGATION																	32	32.8	35.6	34.4	
Additional Info: THOMAS HOWARD App: G11105 Permit: G10396 Cert: 82154																								

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

*— No other layered rights.
— No Conflicts. (No POU Change)*

PERMIT AMENDMENT

**NOTICE OF PERMIT
AMENDMENT T-10431**

T-10431 filed by Thomas and Barbara Howard, PO Box 196, Drewsey, OR 97904, proposes a change in points of appropriation for a portion of land under Permit G-15252. The permit allows the use of 19.96 cfs (priority date January 3, 2002) from nine wells in Sec. 25, 26, 35 and 36, T 24S, R 33E, W.M. (Malheur Lake Basin) for irrigation of 1597.0 acres in Sec. 25, 26, 35 and 36. The applicant proposes to change the points of appropriation for 319.3 acres of land authorized under the permit to two wells located between 1/4 and 3/4 mile north/northeast (Sec. 25, T 24S, R 33E, W.M.) from existing Wells #3 and #6. The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211. The last date of newspaper publication is February 27, 2008.

Publish February 13, 20 and 27, 2008

BURNS TIMES-HERALD

AFFIDAVIT OF PUBLICATION

STATE OF OREGON ()
(s.s.)

County of Harney

I, Susan Pedersen, being first and duly sworn, depose and say that I am the General Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times Herald that the

Public Notice: *Amendment T-10431*

a printed copy of which is hereto annexed, was published in the said newspaper for

3 successive and consecutive weeks in the following issues:

Dates of Publication: *FEBRUARY 13, 20 AND 27, 2008*

Signed

Susan Pedersen

By Susan Pedersen, General Manager
The Burns Times-Herald

Subscribed and sworn before me this 27th day of FEBRUARY 2008

Donna Clark
Notary Public for Oregon



STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 20____

Clerk

Deputy

from the Office of _____

Attorney for _____

RECEIVED

FEB 29 2008

**WATER RESOURCES DEPT
SALEM, OREGON**



355 N. Broadway, Burns, OR 97720 ☒ Ph: 541-573-2022 Fax: 541-573-3915

Water Resource Department
Dorothy I. Pedersen
North Mall Office Building
725 Summer St. NE Suite A
Salem, OR 97301-1266

RECEIVED
FEB 29 2008
WATER RESOURCES DEPT
SALEM, OREGON

Statement

DATE 2/27/09

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DATE	CHARGES AND CREDITS	BALANCE
2/13/08	Amendment T-10431	
2/20/08	Amendment T-10431	
2/27/08	Amendment T-10431	
	Howard	
	Total	

Please pay from this statement. Thank you!

T-10431

**Oregon Water Resources
Department**

Memo

Date: February 7, 2008
To: Permit Amendment Appl. T-10431
From: Lisa Jaramillo, Transfer Specialist
Re: Applicant's review of Draft Final Order

Today, I received a telephone message from Barbara Howard (one of the applicant's) indicating that the Draft Final Order looked good to the applicants. Mrs. Howard did, however, find one typographical error in the "Conclusions of Law" section. Under condition #5, the Draft Final Order contained the following language:

5. *"Permit G-15252, in the name of Thomas J. Howard and Barbara Howard, is amended as described herein."*

Mrs. Howard indicated that Thomas Howard's middle initial is M., not J. Additionally, I discovered that I failed to include the name of the other permit holder in condition #5. So, condition #5 in the "Conclusions of Law" section should state:

5. *"Permit G-15252 in the names of John Mansfield for Don Johnson, 4-J Ranch/Crane Farm and Thomas M. Howard and Barbara Howard, is amended as described herein."*



Oregon

Theodore R. Kulongoski, Governor

T-10431

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 4, 2008

THOMAS M. HOWARD
BARBARA HOWARD
PO BOX 196
DREWSEY, OR 97904

REFERENCE: Permit Amendment Application T-10431

Enclosed, please find a *draft* Final Order regarding Permit Amendment Application T-10431. The document reflects the Department's conclusion that, based on the information currently available, the permit amendment will be approved. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the permit amendment.

Additionally, because the new points of appropriation are more than $\frac{1}{4}$ mile from the authorized points of appropriation, the applicant is responsible for publishing notice of the permit amendment in a local newspaper having a general circulation in the area of the water use permit. The permit amendment notice must be published in a local newspaper in the general area of the permit (newspapers with statewide circulation such as the Capital Press, Journal of Commerce, etc. do not qualify). **The notice must be published *at least once a week for three consecutive weeks*.** A copy of the required notice is enclosed for your use. Please have the newspaper insert the appropriate final date of publication in the place indicated in the notice.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please request the affidavit of publication from the newspaper following publication and send it to me, Lisa Jaramillo, at the address at the top of the page.

Payment of the cost of publication is your responsibility; please do not send any billing to the Water Resources Department.

Upon receipt of the affidavit, processing will continue on the permit amendment application.

Please feel free to contact me at 503-986-0880 or Lisa.J.Jaramillo@ wrd.state.or.us, if you have questions.

Sincerely,

Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: T-10431
Watermaster, District #10

enc

Notice of Permit Amendment T-10431

T-10431 filed by Thomas and Barbara Howard, PO Box 196, Drewsey, OR 97904, proposes a change in points of appropriation for a portion of land under Permit G-15252. The permit allows the use of 19.96 cfs (priority date January 3, 2002) from nine wells in Sec. 25, 26, 35 and 36, T 24S, R 33E, W.M. (Malheur Lake Basin) for irrigation of 1597.0 acres in Sec. 25, 26, 35 and 36. The applicant proposes to change the points of appropriation for 319.3 acres of land authorized under the permit to two wells located between $\frac{1}{4}$ and $\frac{3}{4}$ mile north/northeast (Sec. 25, T 24S, R 33E, W.M.) from existing Wells #3 and #6. The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211. The last date of newspaper publication is *[DATE OF LAST PUBLICATION]*.

Priority Date: JANUARY 3, 2002

Quantity: 3.99 CUBIC FEET PER SECOND (CFS)

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

Source: WELLS #3 and #6, in the Malheur Lake Basin

Date of Complete Application of Water: OCTOBER 1, 2012

Authorized Points of Appropriation to be Amended:

Twp	Rng	Mer	Sec	¼ ¼	Location
24 S	33 E	WM	25	NE NW	Well 3 – 1310 feet South and 1310 feet West from the North ¼ corner of Section 25
24 S	33 E	WM	25	NE SW	Well 6 – 1330 feet North and 1310 feet West from the South ¼ corner of Section 25

Authorized Place of Use to be Amended:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
24 S	33 E	WM	25	NE NW	39.9
24 S	33 E	WM	25	NW NW	40.0
24 S	33 E	WM	25	SW NW	39.9
24 S	33 E	WM	25	SE NW	39.9
24 S	33 E	WM	25	NE SW	39.9
24 S	33 E	WM	25	NW SW	39.9
24 S	33 E	WM	25	SW SW	39.9
24 S	33 E	WM	25	SE SW	39.9
TOTAL:					319.3

6. Application T-10431 proposes to replace Wells #3 and #6 for the 319.3 acres of land described in Finding #5 above with the following wells described below:

Twp	Rng	Mer	Sec	¼ ¼	Location	Approx. Distance from Existing Well #3	Approx. Distance from Existing Well #6
24 S	33 E	WM	25	NE NW	Well 13bh1 (Site #1) – Latitude N43.464272, Longitude W118.603980	1320 feet North	3850 feet North
24 S	33 E	WM	25	NE NW	Well 16bh1 (Site #2) – Latitude N43.462760, Longitude W118.599802	1420 feet Northeast	3500 feet Northeast

7. Notice of the application for the permit amendment was published in the Department's weekly notice on July 17, 2007, and in the _____ newspaper on _____, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

8. The change would not result in injury to other water rights.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation proposed in Permit Amendment Application T-10431 appears to be consistent with the requirements of ORS 537.211.

If Application T-10431 is approved, the final order will include the following:

1. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.*
2. *Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.*

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

3. *Water shall be acquired from the same ground water source as the original points of appropriation.*
4. *All other terms and conditions of Permit G-15252 remain the same.*
5. *Permit G-15252, in the name of Thomas ^{M.} Howard and Barbara Howard, is amended as described herein. and John Mansfield for Don Johnson, 4-J Ranch / Crane Farm*

Dated at Salem, Oregon this _____ day of _____, 2008.

Handwritten initials and date: 2-7-08

DRAFT

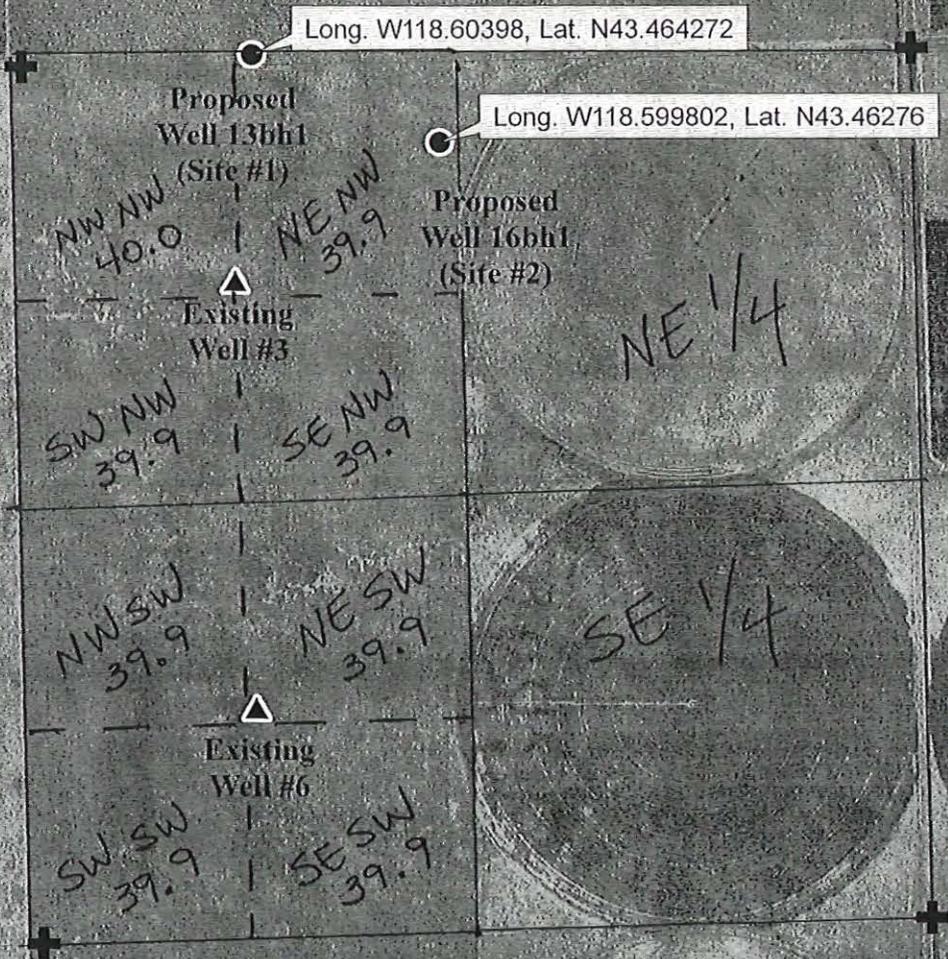
Phillip C. Ward, Director

COPY

**T.24S, R.33E,
Section 25**

Mailed to
Applicant
on 1-22-08.

**REVISED MAP –
WELL LOCATIONS**



Thomas Howard's initials: _____
Date: _____

Barbara Howard's initials: _____
Date: _____

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: Barbara Howard
Date: 1-22-08
From: Lisa Jaramillo

Fax Number: 541-493-9522
Pages: 2, including cover sheet
Phone: 503-986-0880

Comments:

Revised Map - Second attempt
to fax.

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

Fax: 503-986-0903 or
503-986-0904

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

**T.24S, R.33E, WM
Section 25**

**REVISED MAP -
WELL LOCATIONS**



Long. W118.60398, Lat. N43.464272

Proposed
Well 13bhl
(Site #1)

Long. W118.599802, Lat. N43.46276

Proposed
Well 16bhl
(Site #2)

▲
Existing
Well #3

▲
Existing
Well #6

Thomas Howard's initials: _____

Date: _____

Barbara Howard's initials: _____

Date: _____

Oregon Water Resources Department

Faxed 08
1-22-08
@ 9:40 am



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: Barbara Howard
Date: 1-22-08
From: Lisa Jaramillo

Fax Number: 541-493-9522
Pages: 10, including cover sheet
Phone: 503-986-0880

Comments:

Barbara — Please review "Revised Application Pages 2, 4, 5, 6 and 7" and the "Revised Map-Well Locations." If all looks correct & accurate, please initial & date. (both your initials & Thomas' initials are needed.) Thank You,

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

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- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Lisa Jaramillo

*NOTE: I marked an asterik next to revisions on application.

* You may mail the revised pages back to me at the address above or fax them to me at 503-986-0903. Thanks.

REVISED APPLICATION PAGE 2

Permit Amendments

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

Ground Water Registration Modifications

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

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check all of the following that apply:

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

- Reason(s) for amendment/modification(s): Electrosismologists have located water in areas not designated on permit. No change in Place of Use is proposed. We are only changing the locations of two wells (Wells #3 and #6), as described, to be used for irrigation on lands located in the NW ¼ and SW ¼ of Section 25, T. 24 South, Range 33 East, W.M.

REVISED APPLICATION PAGE 4

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
* *	Well #3, 1-3-02	24 South	33 East	WM	25	NE NW		1310 feet South & 1310 feet West from the North ¼ corner of Section 25
* *	Well #6, 1-3-02	24 South	33 East	WM	25	NE SW		1330 feet North & 1310 feet West from the South ¼ corner of Section 25

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

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

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

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

or

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

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

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
No wells drilled yet by previous owner.									

REVISED APPLICATION PAGE 5

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

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

Location of Existing Authorized Place of Use to be Affected:

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

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
1-3-02	24 S	33 E	WM	25	NE NW		39.9
1-3-02	24 S	33 E	WM	25	NW NW		40.0
1-3-02	24 S	33 E	WM	25	SW NW		39.9
1-3-02	24 S	33 E	WM	25	SE NW		39.9
1-3-02	24 S	33 E	WM	25	NE SW		39.9
1-3-02	24 S	33 E	WM	25	NW SW		39.9
1-3-02	24 S	33 E	WM	25	SW SW		39.9
1-3-02	24 S	33 E	WM	25	SE SW		39.9
						TOTAL:	319.3



REVISED APPLICATION PAGE 6

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well 13bh1 (Site #1)	24 S	33 E	WM	25	NE NW		Lat. N43.464272, Long. W118.603980
Well 16bh1 (Site #2)	24 S	33 E	WM	25	NE NW		Lat. N43.462760, Long. W118.599802

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
NO		18"	12"	180' to 240'	N/A	N/A	N/A	N/A	N/A	180' to 240'

REVISED APPLICATION PAGE 7

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

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
 No change in Place of Use. We are only changing the location of wells, as described on the previous page.							

 Remarks: We wish to have the ability to use the proposed wells (Well 13bh1 – Site #1 and Well 16bh1 – Site #2), in any combination, for irrigation of the 319.3 acres of land located in the NW ¼ and SW ¼ of Section 25, T. 24 South, Range 33 East, W.M.

 Thomas Howard's initials: _____

Date: _____

Barbara Howard's initials: _____

Date: _____

**T.24S, R.33E, WM
Section 25**

**REVISED MAP –
WELL LOCATIONS**



Long. W118.60398, Lat. N43.464272

Proposed
Well 13bh1
(Site #1)

Long. W118.599802, Lat. N43.46276

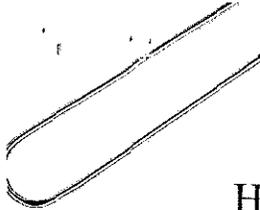
Proposed
Well 16bh1
(Site #2)

△
Existing
Well #5

△
Existing
Well #6

Thomas Howard's initials: _____
Date: _____

Barbara Howard's initials: _____
Date: _____



HOWARD RANCH, LLC

Tom & Barbara Howard
P.O. Box 196
79552 Mule Creek Road
Drewsey, OR 97904
Phone 541-493-2603
Fax 541-493-9522 or 541-493-2603
barbarahoward@centurytel.net

September 18, 2007

Water Resources Department
Attention: Kelly Starns
725 Summer Street NE, Suite A
Salem OR 97301

Sent by facsimile:503-986-0903

Dear Kelly,

The two sites we have chosen are Site # 1 is 13bh1, GPS, Latitude N43.464272/ Longitude W118.603980 and Site # 2 is 16bh1. GPS Latitude N43.462760/ Longitude W118.599802. These GPS numbers are taken from the Columbia Water Surveying report, pages 5, 7, and 8.

Copy of this letter will also be sent via US mail.

Sincerely,



Barbara J. Howard

RECEIVED
SEP 21 2007
WATER RESOURCES DEPT
SALEM OREGON

T24S, R33E, Sec. 25, W $\frac{1}{2}$

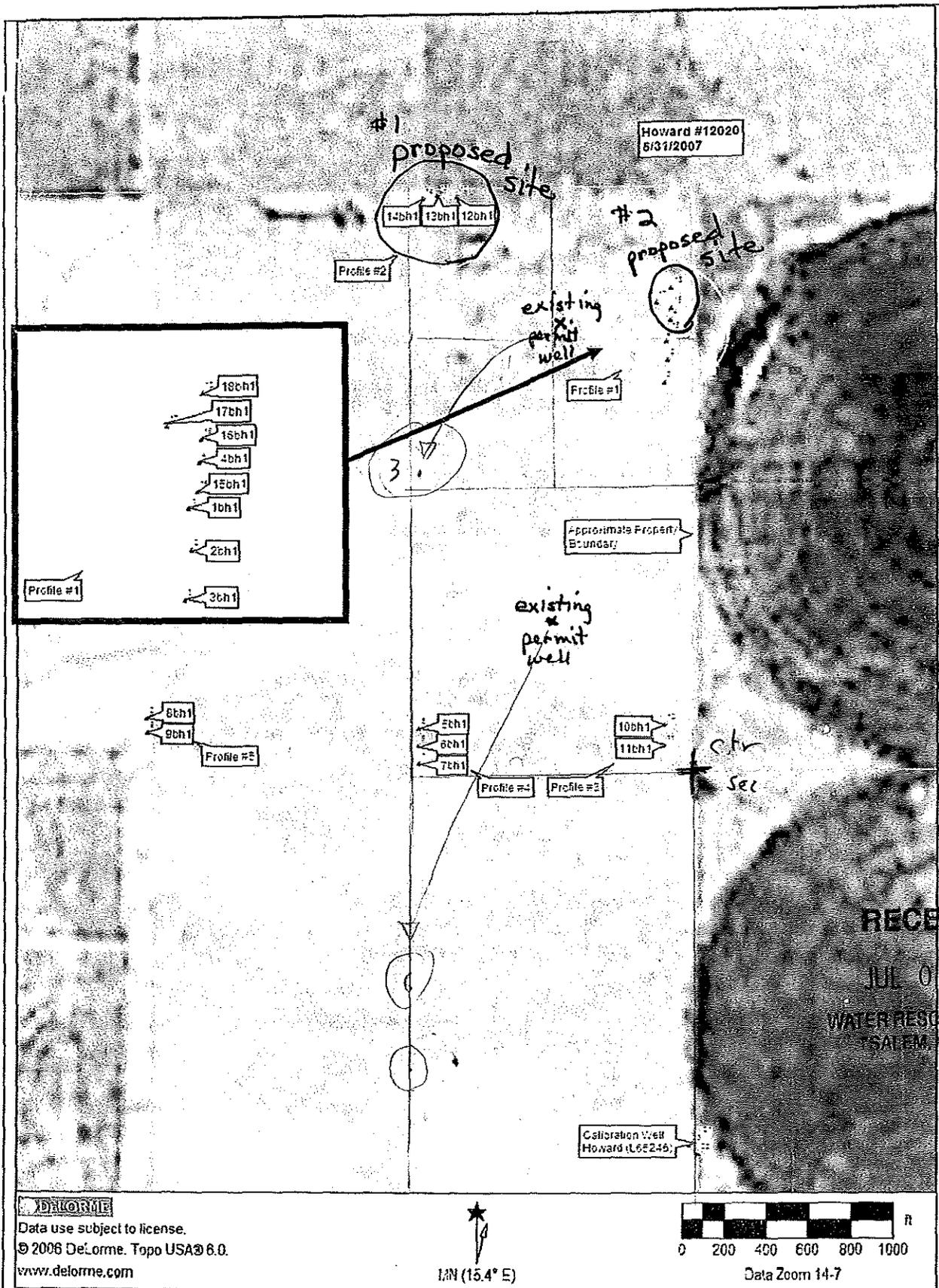


Figure 2. Survey location and sounding locations

1" = 660'

Original Permit Map

T 24 S, R 33 E, WM

RECEIVED

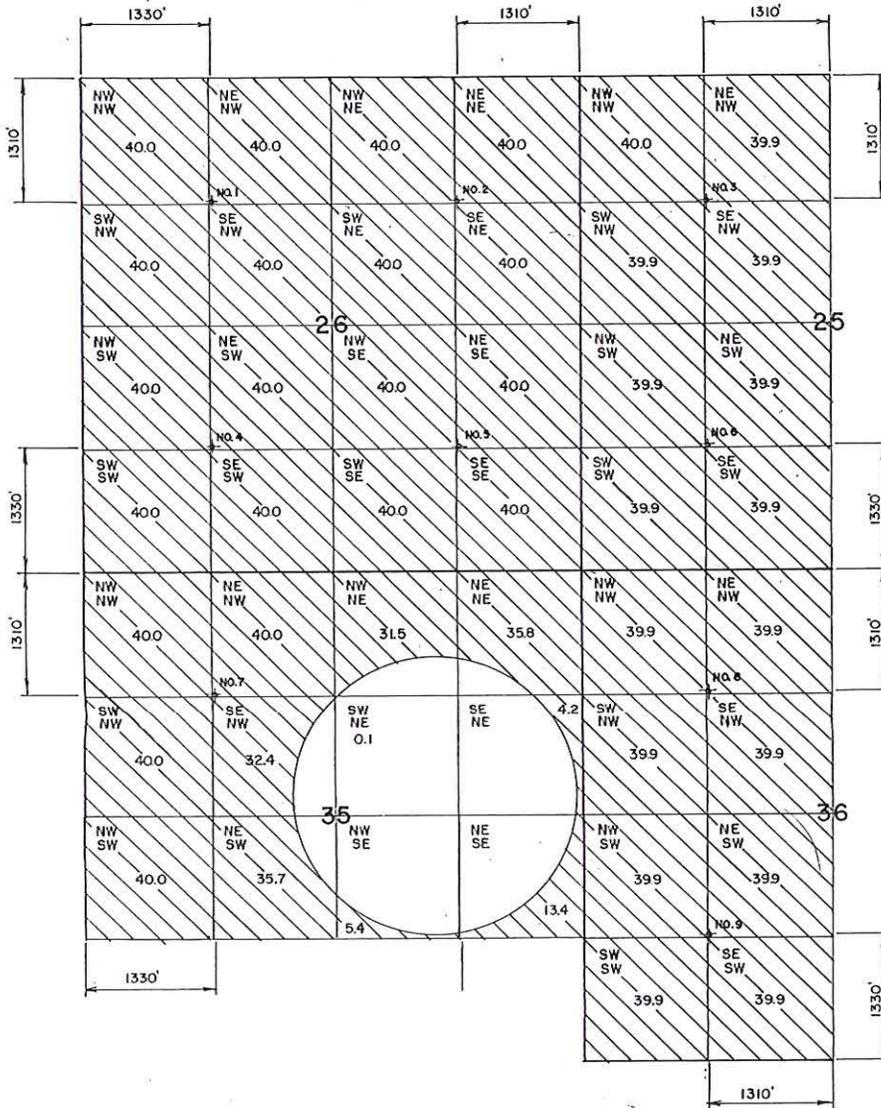
NOV 16 2001

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 03 2002

WATER RESOURCES DEPT.
SALEM, OREGON



Reduced Size

WELL LOCATIONS

Well No.	N/S Dist.	EW Dist.	From Cor.
1	1310' S	1330' E	NW of Sec. 26
2	1310' S	1310' W	NE of Sec. 26
3	1310' S	1310' W	N1/4 of Sec. 25
4	1310' N	1330' E	SW of Sec. 26
5	1330' N	1310' W	SE of Sec. 26
6	1330' N	1310' W	S1/4 of Sec. 25
7	1310' S	1330' E	NW of Sec. 35
8	1310' S	1310' W	N1/4 of Sec. 36
9	1330' N	1310' W	S1/4 of Sec. 36

SECTIONS 25 & 36 - TAX LOT 6900
SECTION 26 - TAX LOT 7400
SECTION 35 - TAX LOT 9100

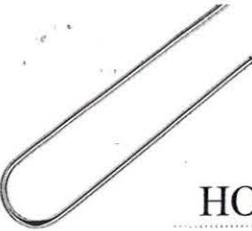
159.7 Ac

WELL LOCATIONS (TOTAL OF 9 WELLS)

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

Application No. 6-15675
Permit No. 6-1595a

	4J RANCH / CRANE	
	WATER RIGHT APPLICATION MAP	
	Scale: 4" = 1 MILE	Date: 9-15-2001
	Dsn:	Job: 2027
Drn: CHRIS	M.A. PALMER & SONS, INC. ENGINEERING & SURVEYING 711 Ponderosa Village - Box 61 Burns, Oregon 97720	Sht. No.
Ckd:	MAP'S	of 1



HOWARD RANCH, LLC

Tom & Barbara Howard
P.O. Box 196
79552 Mule Creek Road
Drewsey, OR 97904
Phone 541-493-2603
Fax 541-493-9522 or 541-493-2603
barbarahoward@centurytel.net

September 18, 2007

Water Resources Department
Attention: Kelly Starns
725 Summer Street NE, Suite A
Salem OR 97301

Sent by facsimile:503-986-0903

Dear Kelly,

The two sites we have chosen are Site # 1 is 13bh1, GPS, Latitude N43.464272/ Longitude W118.603980 and Site # 2 is 16bh1, GPS Latitude N43.462760/ Longitude W118.599802. These GPS numbers are taken from the Columbia Water Surveying report, pages 5, 7, and 8.

Copy of this letter will also be sent via US mail.

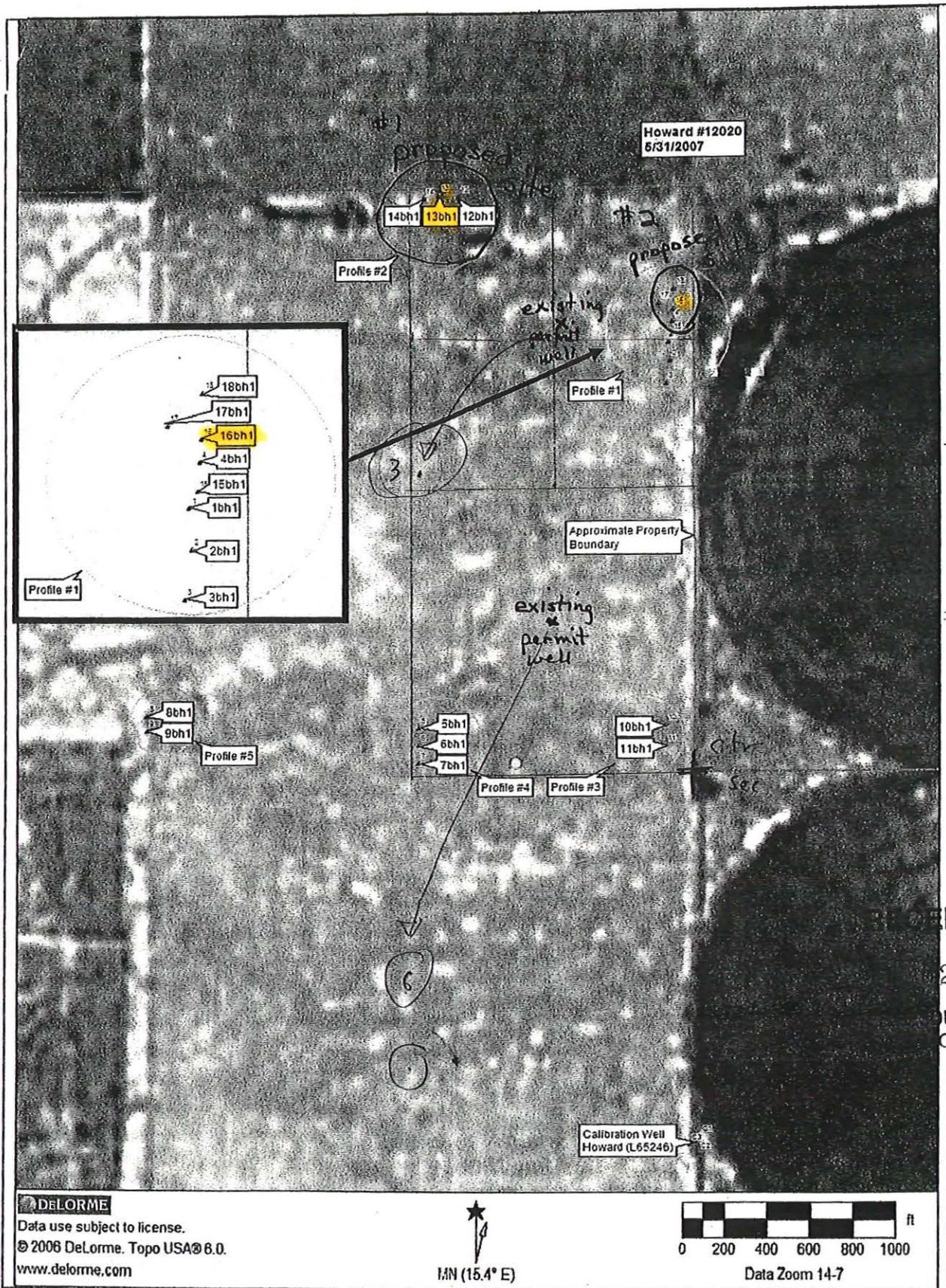
Sincerely,



Barbara J Howard

RECEIVED
SEP 21 2007
WATERRESOURCES DEPT
SALEM OREGON

T24S, R33E, Sec. 25, W1/2



RECEIVED
2007
SOURCES DEPT
OREGON

Figure 2. Survey location and sounding locations

10431

1" = ~ 660'

Lisa Jaramillo

From: Lisa Jaramillo
Sent: Monday, January 14, 2008 9:29 AM
To: barbarahoward@centurytel.net
Subject: Status of your Permit Amendment Application T-10431

Hello Barbara,

My name is Lisa Jaramillo and I process permit amendment and water right transfer applications with the Water Resources Department. I am responding to a phone message you left with Doug Woodcock as to the status of your pending permit amendment application T-10431. Both of the Watermaster and Ground Water Section injury reviews are now complete, so the file is now with me for processing. Given my current workload, I will likely be processing your application in the next month or so. Please feel free to contact me anytime by telephone at 503-986-0880 or by e-mail.

Thank you,
Lisa

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15675

Final Order
Extension of Time for Permit Number G-15252

Appeal Rights

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.

Application History

The Department issued Permit G-15252 on October 31, 2002. The permit called for complete application of water to beneficial use by October 1, 2007. On July 2, 2007, Thomas M. and Barbara Howard submitted to the Department an Application for Extension of Time for Permit G-15252. In accordance with OAR 690-315-0050(2), on September 18, 2007, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2012. The protest period closed November 2, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Monitoring and Reporting Plan Condition

Prior to any water use, the water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the final order approving the extension of time is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a

program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared.

2. Static Water Level Measurement and Reporting Condition

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

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

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

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

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.

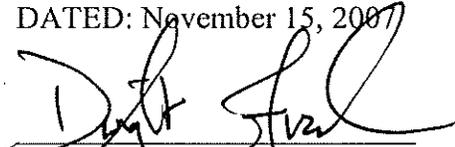
The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed 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.

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

Order

The extension of time for Application G-15675, Permit G-15252, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2012.

DATED: November 15, 2007


Dwight French, Administrator of
Water Rights and Adjudications

for

Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

TO: TRANSFER SECTION DATE: 7-12-07

FROM: _____ WATERMASTER, DISTRICT # _____
X _____ GROUNDWATER SECTION

(SIGNATURE) Mike Zwart *date signed 9/14/07*

SUBJECT: PERMIT AMENDMENT # 10431

A change in: POU POD POA of water.

In the name(s) of Thomas Howard

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion . . .
- _____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files Date: September 14, 2007

From: Michael J. Zwart

Subject: Application Review: T-10431, Thomas and Barbara Howard, Permit Amendment

This application proposes a change in POA. Two of the nine proposed wells (#3 and #6) are now proposed to be relocated, based on a report following a geophysical survey that was conducted at various locations on the property. The wells will develop the same aquifer in interbedded sediments and volcanoclastic sediments as was proposed in the original application, G-15675. I requested and obtained a fax of the entire report on September 13th, which includes a page stamped by Suzanne Dudziak, registered as a geologist in Oregon (G 1273).

The application included a map from the geophysical report. The applicants modified the map to show locations of well #3, well #6 and areas proposed for the new well sites. The original well sites are mislocated as if the map scale is 1" = 1320', whereas the actual scale is approximately 1" = 660'. No specific new well sites were identified, but two circles were hand drawn to enclose areas where the proposed wells would be located. These include the most favorable geophysical sounding sites as discussed in the above report. The cover for the fax stated that the applicants will select well sites at one (two?) of the sites circled in the report. Page 5 of the report includes GPS locations for all of the geophysical soundings. These appear to meet one of our acceptable locational requirements, per a conversation with Kelly Starnes, and once the applicants select final well sites, the application should be complete.

These proposed well sites are closer to the north and east property boundaries than are the original sites. As a result, there will be incrementally greater potential for interference with existing ground-water users to the north and northeast of the proposed wells than would be the case if the wells were constructed at the original permitted locations. Within the past several years, the Department has received a few complaints regarding loss of well production and interference between wells in this area. The complaints were primarily from an individual water user to the east and southeast of the permitted subject wells here. Approval of this proposal would result in final well locations more distant from this water user than are the currently permitted locations.

Ground Water Section staff have recently (late 2006) set up a continuous recording instrument on a nearby unused well. There is not yet a long enough period of record to make any conclusions regarding permit or transfer application reviews in the vicinity. It appears unlikely that this proposal will result in injury to existing rights.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 12, 2007

THOMAS HOWARD
PO BOX 196
DREWSEY OR 97904

Reference: Permit Amendment T- 10431

On July 2, 2007 we received your request for permit amendment. The application was accompanied by \$350.00. Our receipt 88504 is enclosed. On July 9, 2007 the Department received additional fees in the amount of \$50.00; receipt 88622 is enclosed as well.

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 change.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use, or from the new point of appropriation, until we issue a final order approving the application.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #10
Groundwater
Barbara Howard, Agent (79552 Mule Creek Road, Drewsey, OR 97904)
Harney County Court (450 N Buena Vista, Burns OR 97720)

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 07/17/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Harney
Transfer: T -10431
Water Right: Permit:G 15252
Priority Date: 2002
Name: THOMAS HOWARD
Address: PO BOX 196; DREWSEY OR 97904
Change: POA
Source: A WELL > MALHEUR LAKE
Authorized POA: T24S R33E 25
Proposed POA: T24S R33E 25

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



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

Application for Permit Amendment or Ground Water Registration Modification

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

COPY

1. TYPE OF APPLICATION

Please check **one** of the following:

- Permit Amendment Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Thomas Howard
First Last
 Address: P.O. Box 196 / 79552 Mule Creek Rd.
Drewsey OR 97904
City State Zip
 Phone: 541-493-2603 SAME
Home Work Other
 Fax: 541-493-2603 E-Mail address: howardranch @ centurytel.net

3. AGENT INFORMATION

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

Name: Barbara Howard
First Last
 Address: P.O. Box 196 / 79552 Mule Creek Rd.
Drewsey OR 97904
City State Zip
 Phone: 541-493-2603 SAME
Home Work Other
 Fax: 541-493-2603 E-Mail address: howardranch @ centurytel.net

- If an agent is listed above, please check one of the following:
 - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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Permit Amendments

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

Ground Water Registration Modifications

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

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check all of the following that apply:

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

- Reason(s) for amendment/modification(s): Electrogeologists have located water in areas not designated on permits

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5. CURRENT PERMIT OR REGISTRATION INFORMATION

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

<input checked="" type="checkbox"/> Permit to be Amended:	<u> G-15252 </u> <small>Permit Number</small>	<u> 10-01-07 </u> <small>Current Completion Date of Permit</small>
<input type="checkbox"/> Ground Water Registration to be Modified:	<hr/> <small>Ground Water Registration Number</small>	<small>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</small>

- Name on Permit or Registration: Thomas M. + Barbara Howard
- County: Harney
- Authorized Use(s) to be affected by this Amendment/Modification: Point of appropriation, change location of original platted wells
- Priority Date(s): January 3, 2002
If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.
- All Source(s) of Water to be affected by this Amendment/Modification: None Known

Tributary to: None

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

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

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

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

- Remarks: _____

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
# 3	1-3-02	24S	33E	WM	25	NW 1/4	6900	not drilled
# 6	1-3-02	24S	33E	WM	25	SW 1/4	6900	not drilled

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

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

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

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

or

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

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

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
No wells drilled yet, by previous owner.									

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6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	24S	33E	WM	25	NW	6900	see map #1 site
	24S	33E	WM	25	NW	6900	see map #2 site

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
NO		18"	12"	180' - 240'	N/A	N/A	N/A	N/A	N/A	180' + 240'

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

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

Harney County Court
450 N. Buena Vista
Burns, OR 97720

8. PERMIT HOLDER OF RECORD

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

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

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

If "No", the applicant must either:

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

or

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

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WATER RESOURCES DEPT
SALEM, OREGON

10. ATTACHMENTS

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

<p>Map:</p> <p><input checked="" type="checkbox"/> A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.</p> <p>Land Use Information Form:</p> <p><input type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not required if all of the following are met:</p> <ul style="list-style-type: none"> ❶ In EFU zone or irrigation district; ❷ Change in place of use only; ❸ No structural changes needed, including diversion works, delivery facilities, other structures; <i>and</i> ❹ Irrigation only. <p>Water Well Reports/Well Logs: <i>Not drilled yet</i></p> <p><input type="checkbox"/> The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.</p>	<p>Fees:</p> <p><input checked="" type="checkbox"/> Amount enclosed: \$ 350.00 See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.</p> <p><u>For Permit Amendments Only...</u></p> <p>Request for Assignment:</p> <p><input type="checkbox"/> Enclosed. The applicant is NOT the permit holder of record and needs to be assigned to the permit; OR the landowner of the proposed place of use is NOT the permit holder of record and needs to be assigned to the permit. <i>The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; <i>or</i></i></p> <p><input checked="" type="checkbox"/> N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; OR the applicant is <i>not</i> the permit holder of record but is supplying an Affidavit of Consent from the permit holder.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> Enclosed. Because the applicant is NOT the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; <i>or</i></p> <p><input checked="" type="checkbox"/> N/A. Not required because the applicant is the permit holder of record.</p>
---	--

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JUL 02 2007

WATER RESOURCES DEPT
SALEM, OREGON

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

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

11. SIGNATURES

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

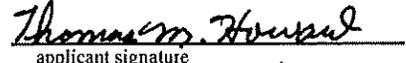
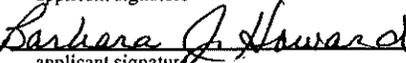
In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership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

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

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

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

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

 applicant signature	<u>Thomas M. Howard</u> name (print)	<u>6-27-07</u> date
 applicant signature	<u>Barbara J. Howard</u> name (print)	<u>6-27-07</u> date

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STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN MANSFIELD, FOR DON JOHNSON, 4-J RANCH / CRANE FARM
HC 73 BOX 2681
BURNS, OREGON 97720

(541) 496-2792

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

APPLICATION FILE NUMBER: G-15675

SOURCE OF WATER: NINE WELLS IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 1597.0 ACRES

MAXIMUM RATE: 19.96 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 3, 2002

WELL LOCATIONS:

WELL 1: NE ¼ NW ¼, SECTION 26, T24S, R33E, W.M. 1310 FEET SOUTH & 1330 FEET WEST FROM NW CORNER, SECTION 26

WELL 2: NE ¼ NE ¼, SECTION 26, T24S, R33E, W.M. 1310 FEET SOUTH & 1310 FEET WEST FROM NE CORNER, SECTION 26

WELL 3: NE ¼ NW ¼, SECTION 25, T24S, R33E, W.M. 1310 FEET SOUTH & 1310 FEET WEST FROM N1/4 CORNER, SECTION 25

WELL 4: NE ¼ SW ¼, SECTION 26, T24S, R33E, W.M. 1330 FEET NORTH & 1330 FEET EAST FROM SW CORNER, SECTION 26

WELL 5: NE ¼ SE ¼, SECTION 26, T24S, R33E, W.M. 1330 FEET NORTH & 1310 FEET WEST FROM SE CORNER, SECTION 26

WELL 6: NE ¼ SW ¼, SECTION 25, T24S, R33E, W.M. 1330 FEET NORTH & 1310 FEET WEST FROM S1/4 CORNER, SECTION 25

WELL 7: NE ¼ NW ¼, SECTION 35, T24S, R33E, W.M. 1310 FEET SOUTH & 1330 FEET EAST FROM NW CORNER, SECTION 35

WELL 8: NE ¼ NW ¼, SECTION 36, T24S, R33E, W.M. 1310 FEET SOUTH & 1310 FEET WEST FROM N1/4 CORNER, SECTION 36

WELL 9: NE ¼ SW ¼, SECTION 36, T24S, R33E, W.M. 1330 FEET NORTH & 1310 FEET WEST FROM S1/4 CORNER, SECTION 36

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:

NE ¼ NW ¼ 39.9 ACRES
 NW ¼ NW ¼ 40.0 ACRES
 SW ¼ NW ¼ 39.9 ACRES
 SE ¼ NW ¼ 39.9 ACRES
 NE ¼ SW ¼ 39.9 ACRES
 NW ¼ SW ¼ 39.9 ACRES
 SW ¼ SW ¼ 39.9 ACRES
 SE ¼ SW ¼ 39.9 ACRES
 SECTION 25

NE ¼ NE ¼ 40.0 ACRES
 NW ¼ NE ¼ 40.0 ACRES
 SW ¼ NE ¼ 40.0 ACRES
 SE ¼ NE ¼ 40.0 ACRES
 NE ¼ NW ¼ 40.0 ACRES
 NW ¼ NW ¼ 40.0 ACRES
 SW ¼ NW ¼ 40.0 ACRES
 SE ¼ NW ¼ 40.0 ACRES
 NE ¼ SW ¼ 40.0 ACRES
 NW ¼ SW ¼ 40.0 ACRES
 SW ¼ SW ¼ 40.0 ACRES
 SE ¼ SW ¼ 40.0 ACRES
 NE ¼ SE ¼ 40.0 ACRES
 NW ¼ SE ¼ 40.0 ACRES
 SW ¼ SE ¼ 40.0 ACRES
 SE ¼ SE ¼ 40.0 ACRES
 SECTION 26

NE ¼ NE ¼ 35.8 ACRES
 NW ¼ NE ¼ 31.5 ACRES
 SW ¼ NE ¼ 0.1 ACRES
 SE ¼ NE ¼ 4.2 ACRES

NE ¼ NW ¼ 40.0 ACRES
 NW ¼ NW ¼ 40.0 ACRES
 SW ¼ NW ¼ 40.0 ACRES
 SE ¼ NW ¼ 32.4 ACRES
 NE ¼ SW ¼ 35.7 ACRES
 NW ¼ SW ¼ 40.0 ACRES
 NE ¼ SE ¼ 13.4 ACRES
 NW ¼ SE ¼ 5.4 ACRES
 SECTION 35

NE ¼ NW ¼ 39.9 ACRES
 NW ¼ NW ¼ 39.9 ACRES
 SW ¼ NW ¼ 39.9 ACRES
 SE ¼ NW ¼ 39.9 ACRES
 NE ¼ SW ¼ 39.9 ACRES
 NW ¼ SW ¼ 39.9 ACRES
 SW ¼ SW ¼ 39.9 ACRES
 SE ¼ SW ¼ 39.9 ACRES
 SECTION 36

TOWNSHIP 24 SOUTH, RANGE 33 EAST, W.M.

Measurement, recording and reporting conditions:

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

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels

within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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

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

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

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

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

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

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

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued October 31, 2002


Paul R. Cleary, Director
Water Resources Department



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

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

T24S, R33E, Sec. 25, W $\frac{1}{2}$

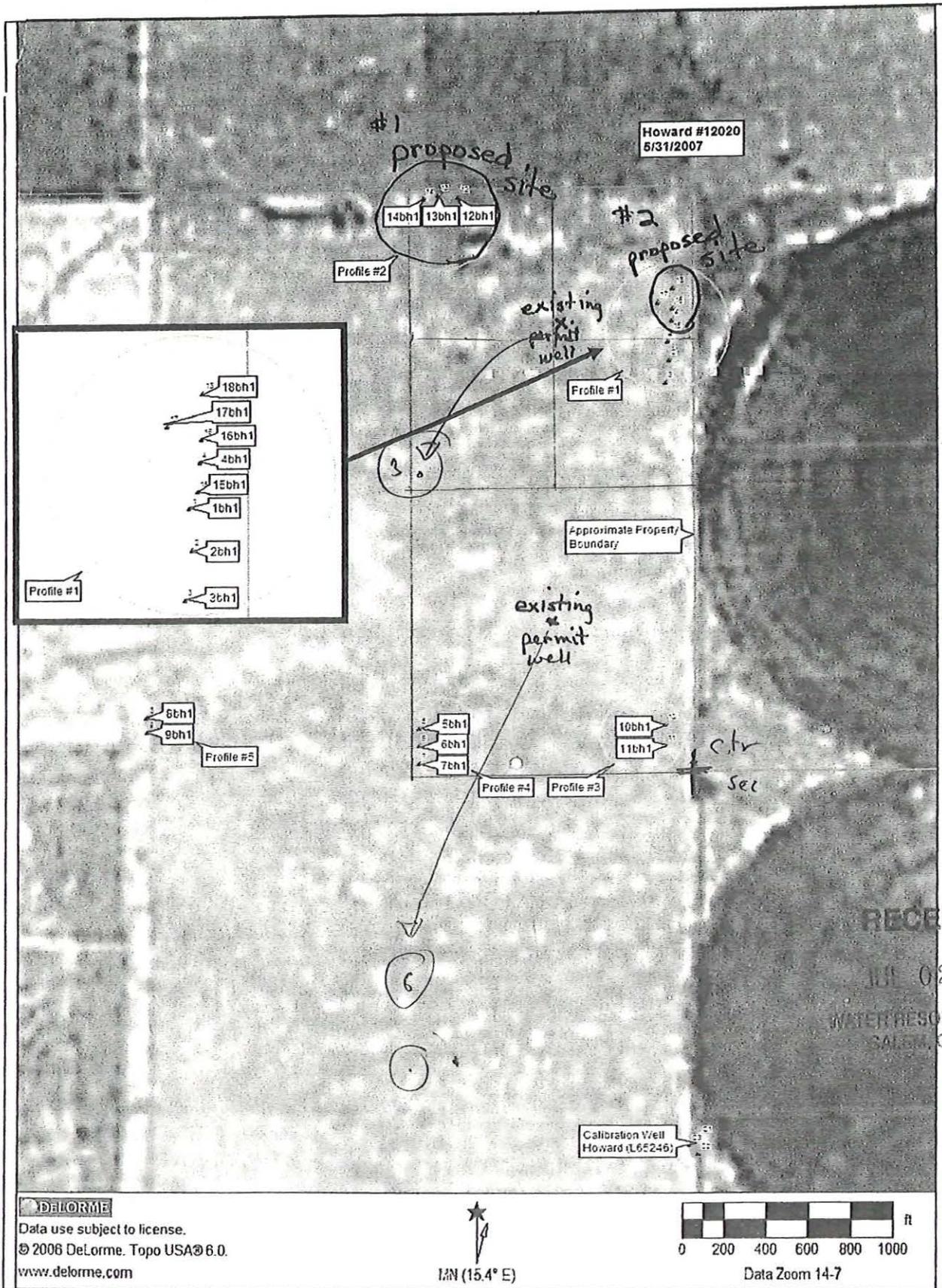


Figure 2. Survey location and sounding locations

10431

1" = ~ 660'
copied from
file: MSZ
a113107

FAX COVER SHEET

HOWARD RANCH, LLC
 Tom & Barbara Howard
 P.O. BOX 196
 Drewsey, OR 97904

541-493-2603 PHONE
 541-493-9522 FAX

SEND TO Company name	From
WATER RESOURCES DEPARTMENT	BARBARA HOWARD
Attention	Date
MIKE ZWART	09-13-07
Office location	Office location
SALEM OR	DREWSEY, OR
Fax number	Phone number
503-986-0902	541-493-2603

Uraent Replv ASAP Please comment Please review For your information

Total pages, including cover: 21

COMMENTS

Mike.

This may come in two faxes if my fax machine doesn't hold enough memory for the first time.

If we have to choose a specific site for a well it would be one of the sites circled in the report as they recomende I was the one to circle them.

On page 4, I wrote the name Morlan in to be able to identify the well. I did talk with the watermaster and she hel We were not aware of any wells close to us at the north end of our property. The watermaster figured it was ove

If you have any more questions, please call me. I will be going to Bend, OR tomorrow, but my cell phone is 541-

Thanks, Barbara Howard

Barbara Howard

RECEIVED

SEP 13 2007

WATER RESOURCES DEPT
 SALEM, OREGON

SEISMOELECTRIC SURVEY

Survey Service Agreement Number: 12020

FINAL REPORT

Client:

Howard Ranch LLC
PO Box 196
Drewsey OR 97904
Phone: 1.541.493.2603



Columbia Water Surveying
2450 Wallula Av
Walla Walla WA 99362
Phone: 1.877.994.9100

June 14, 2007

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APPENDIX A The Seismoelectric Survey Method.

FIGURES

Figure 1. Two photographs showing the site conditions

Figure 2. Site location and sounding locations

Figure 3. Selected results from the seismoelectric soundings

1. SUMMARY

A Geophysical survey was conducted on May 31 and June 1, 2007 at Crane-Buchanan Rd., near Crane, OR. The survey consisted of eighteen soundings in five separate profiles. The sounding that showed the greatest potential was 16bh1. At this location the estimated depth to the base of the aquifer was 245 feet below ground surface (bgs) and the estimated yield from a well drilled into the aquifer at this site is Category O [450 to 850 gallon/minute (gpm)]. Refer to the complete report below for specific details on the survey.

2. INTRODUCTION

Client: Howard Ranch LLC, Barbara Howard

Location of Survey: Crane-Buchanan Rd, approximately 1½ miles northwest of Crane OR (Harney County). Township 24S, Range 33E, Section 25.

Description of Property: The survey property was a 1600 acre parcel. It was situated on the valley floor at the eastern edge of the Malheur Valley. The surface conditions on the property were sagebrush range. Figure 1 shows two photos of the site conditions.

Purpose: The purpose of the survey was to determine the predominant location, depth to the base of, and potential yield of aquifers on the property. If located, one or more wells are proposed to provide agricultural water.

3. BACKGROUND

General Geology: The geology in this area, which is taken from well reports and local geologic maps, consists of upper unconsolidated layers of topsoil and clay, a thin sand layer, a second clay layer, then a deep sand layer. All of the geologic information used in this report is taken from geologic maps provided by the United States Geological Survey (USGS) and/or local well logs obtained from the State of Oregon, Water Resources Department. These are used to provide the geologic information relevant to this survey and in particular the rock types, from which velocity information is used to assist in the interpretation of the data recorded in this survey.

Existing Well Information: Table 1 shows the results of research conducted prior to the field survey on existing well in the area. It shows recorded well logs from 20 wells within the area around the survey site. The well logs indicate that the depth of wells in this area range from 48 to 510 feet bgs. Reported yields from these wells range from 15 to 2000 gpm. Static levels at the wells range from 10 to 58 feet bgs. These well logs do not represent all of the logs from wells drilled in this area since we were unable to locate the well logs for known wells near the survey site.

Owner	Tag	Depth	SL	Yield	Twn	Rng	Sec	Qtr	Qtr-Qtr	Date
MORLAN		148	21	25	24S	33E	24	NE	NE	4/10/1979
MORLAN		402	16.4	820	24S	33E	24	NE	NE	3/26/1979
STRAW		48	16	30	24S	33E	24	NE	NE	8/24/1967
STRAW		340	10	500	24S	33E	24	NE	NE	5/17/1966
O'CONNOR		143	16	30	24S	33E	24	SE	NW	8/20/1973
CHOTARD		349	15	1150	24S	33E	24	SE	NE	5/17/1976
Morlan	51745	325	36	100	24S	33E	24	NW	SE	5/10/2002
LINDSEY	47385	135	42	15	24S	33E	25	SE		11/11/1988
LINDSEY		156	26	2000	24S	33E	25	NE	SW	5/16/1988
HOWARD	65246	170	55	100	24S	33E	25	SE	SW	4/7/2004
LINDSEY		157	31	850	24S	33E	36	NE	NW	6/10/1989
LINDSEY		70	31		24S	33E	36	NE	NE	5/15/1989
LINDSEY		200	26.5	30	24S	33E	36	SE	NW	5/11/1989
LINDSEY		385	28	200	24S	33E	36	SE	NW	4/22/1988
CARGILL		100	25	250	24S	33E	36	SE		4/4/1981
CARGILL		117	25	450	24S	33E	36	SE		3/20/1981
CARGILL	47384	145	28	1000	24S	33E	36	NE	NW	5/6/1981
HOWARD	38045	100	58	15	24S	33E	36	SE	SE	10/24/2000
MAUPIN	71064	505	44	200	24S	33E	36	SE	NW	10/12/2004
MAUPIN	71064	510	40	200	24S	33E	36	SE	NW	6/14/2006

Table 1: Nearby Existing Wells

4. DATA ACQUISITION and PROCESSING

Testing Methodology: The survey was conducted using the seismoelectric method. This technique has the potential to provide the approximate depth and yield of subsurface water bearing formations. The technique works because electrical signals are often produced when seismic compression waves encounter water-saturated rocks. In order to record the electrical signals four copper plated steel electrodes are inserted into the ground and connected to the receiver. The data was acquired using a Groundflow™ 2500 Seismoelectric Survey System. This method is sometimes referred to as the Electro-Kinetic Survey (EKS) method. The data were processed using software that is proprietary to the Groundflow™ Seismoelectric System. More details of this system and the basic theory of the seismoelectric method are provided in Appendix A.

Calibration Wells: A calibration well was used to assist with processing the data recorded during the survey. The calibration well was located approximately 1800 feet south of Profile #3, near the current survey site. The reported information from the well was: depth 170 feet bgs, static level 55 feet bgs, yield 500 gpm. The geology reported from the well indicated: topsoil and clay 0-60 feet bgs, sand 60-70 feet bgs, clay 70-78 feet bgs, sand 78-160 feet bgs, and clay 160-170 feet bgs. Water bearing layers were indicated at 60-160 feet bgs.

Survey Layout: A total of eighteen soundings were taken at five separate profile locations as shown in Figure 1. Profile #1, located along the eastern edge of the quarter

section, was a detailed profile consisting of eight soundings. Profile #2, located along the northern edge of the quarter section, was a sample profile consisting of three soundings. Profile #3, located near the southeast corner of the quarter section, was a sample profile consisting of two soundings. Profile #4, located near the along the southern edge of the quarter section, was a sample profile consisting of three soundings. Profile #5, located near the southwest corner of the quarter section, was a sample profile consisting of two soundings. The locations of the sites were chosen based on the client's request, but were predominantly located near the proposed location of the well. Global Positioning Satellite (GPS) coordinates for the specific soundings are presented in Table 2. Site locations are marked with numbered flags. At most of the sounding sites, several discrete soundings were recorded so as to verify the integrity of the Seismoelectric signals.

Site #	Latitude	Longitude	Site #	Latitude	Longitude
1bh1	N43.462353	W118.599902	10bh1	N43.457317	W118.599953
2bh1	N43.462109	W118.599878	11bh1	N43.457038	W118.599968
3bh1	N43.461826	W118.599931	12bh1	N43.464248	W118.603611
4bh1	N43.462625	W118.599822	13bh1	N43.464272	W118.603980
5bh1	N43.457281	W118.604358	14bh1	N43.464232	W118.604246
6bh1	N43.457050	W118.604357	15bh1	N43.462452	W118.599833
7bh1	N43.456807	W118.604346	16bh1	N43.462760	W118.599802
8bh1	N43.457434	W118.609194	17bh1	N43.462836	W118.600067
9bh1	N43.457240	W118.609188	18bh1	N43.463019	W118.599799

Table 2: GPS Coordinates of Test Sites
(Based on the WGM 84 map datum.)

Testing Conditions: Very sandy soil conditions tended to subdue to strength of the test shock. However, no major complications that adversely influenced the data acquisition were encountered.

5. RESULTS and INTERPRETATION

Although it is possible to interpret the depth to the top of the aquifer, the following results present only the interpreted depth to the bottom. This is because the interpreted yields assume that the full thickness of the aquifer is used to produce water, and that presenting the depth to the top only would not provide a realistic estimate of the actual drill depth required in order to obtain the interpreted yield. Another reason for presenting the depth to the bottom of an aquifer is that the depth to the top of an aquifer can vary depending on the time of year and longer term weather conditions, as well as other wells drawing water from the same aquifer. Thus, because the depth to the top of an aquifer may change due to the conditions described above, a well that is drilled only a short distance into an aquifer may have a yield that is more susceptible to these changes. An additional factor is that a cone of depression may occur around a well as it is pumped, further reducing the yield of a well that is only drilled for a short distance into an aquifer. The cone of depression may be more pronounced for wells drilled into low permeability formations.

The seismoelectric method does not have the resolving power to generally predict the depth within an aquifer where the best yield may occur. If however, a sufficient yield is obtained before the interpreted bottom of the aquifer is reached, then it may be reasonable to stop drilling before this depth is reached.

It should be noted that the depth estimates provided in this report rely on estimates of the seismic velocity of the rocks under the sounding site. Even for a well-defined rock type, such as Granite, or Sandstone, seismic velocities can vary considerably depending on many factors, including the degree of weathering of the rock, fracturing and, for sedimentary rocks, degree of consolidation. Rock velocities can also vary with the geologic age of the rock, with older rocks generally having higher velocities. The velocities used in order to calculate the depth estimates are, in general, averages of the velocity of the particular rock types suspected to exist at each sounding location.

Because many factors influence the interpreted yield, including the method used to drill a well, and in order to present the interpreted yields with accuracy that is realistic, the yield interpretation for each sounding is presented as one of a range of yields and is assigned an alphabetic label (category), as defined in Table 3.

Interpreted Yield (in gpm)	Category
0 - 3	A
2 - 6	B
5 - 10	C
8 - 15	D
12 - 25	E
18 - 35	F
25 - 50	G
35 - 65	H
50 - 95	I
70 - 130	J
100 - 180	K
140 - 250	L
200 - 350	M
300 - 550	N
450 - 850	O
650-1100	P
900-1400	Q
1200-1800	R
1600-2200	S
2000-2600	T
2400-3000	U

Table 3: Yield Categories

Figure 3 represents a selection of typical seismoelectric data (individual soundings) recorded during this survey. The interpreted yields were primarily obtained by using the proprietary software. They are based, in part, on assumptions regarding the static water level.

In this area, this level is estimated to vary between 50 and 60 feet bgs. This is an important variable for yield estimates. The yield assumes that the full thickness of the aquifer is used down to the base of the aquifer specified at each test site. At this site the values obtained are based primarily on research using the local well logs provided by the State, but which were somewhat limited.

The following provides the interpretation of the data from each seismoelectric sounding. Based on past statistics, all of the following interpreted depths may vary by $\pm 15\%$, or sometimes more. Yield estimates are based on a 12 inch diameter well, and will increase or decrease for larger or smaller diameters respectively.

At many of the test sites a shallow aquifer was detected, with a base of 50-70 feet bgs. At most of the surrounding wells this is a low yield aquifer. It may only be charged by the surrounding irrigation, and is not deemed to be reliable source of water. The focus of this survey will be on the deeper aquifer, where detected.

Profile #1 was located near the eastern edge of the north quarter section. It was a basically linear profile with eight soundings.

Site 3bh1 is located at the south end of the profile and indicates that the base of the aquifer is at a depth of approximately 165 feet bgs and has an interpreted yield of category K (100 to 180 gpm).

Site 2bh1 is located 100 feet north of 3bh1 and indicates that the base of the aquifer is at a depth of approximately 165 feet bgs and has an interpreted yield of category M (200 to 350 gpm).

Site 1bh1 is located 100 feet north of 2bh1 and indicates that the base of the aquifer is at a depth of approximately 195 feet bgs and has an interpreted yield of category N (300 to 550 gpm).

Site 15bh1 is located 50 feet north of 1bh1 and indicates that the base of the aquifer is at a depth of approximately 245 feet bgs and has an interpreted yield of category N (300 to 550 gpm).

Site 4bh1 is located 50 feet north of 15bh1 and indicates that the base of the aquifer is at a depth of approximately 180 feet bgs and has an interpreted yield of category N (300 to 550 gpm).

Site 16bh1 is located 90 feet north of 4bh1 and indicates that the base of the aquifer is at a depth of approximately 245 feet bgs and has an interpreted yield of category O (450 to 850 gpm).

Site 18bh1 is located 90 feet north of 16bh1 and indicates that the base of the aquifer is at a depth of approximately 195 feet bgs and has an interpreted yield of category O (450 to 850 gpm).

Site 17bh1 is in a "T" 100 feet off to the west of 16bh1 and indicates that the base of the aquifer is at a depth of approximately 230 feet bgs and has an interpreted yield of category K (100 to 180 gpm).

Profile #2 was located near the northern edge of the north quarter section. It was a linear profile with three soundings.

possible Site 2

Site 12bh1 is located at the east end of the profile and indicates that the base of the aquifer is at a depth of approximately 215 feet bgs.

Site 13bh1 is located 100 feet west of 12bh1 and indicates that the base of the aquifer is at a depth of approximately 215 feet.

Site 14bh1 is located 100 feet west of 13bh1 and indicates that the base of the aquifer is at a depth of approximately 180 feet bgs.

A preliminary estimate of the yield at this location is that it has good potential to produce a yield approximately equivalent to the calibration well.

Profile #3 was located near the southeast corner of the north quarter section. It was a basically linear profile with two soundings.

Site 10bh1 is located at the north end of the profile but indicates no significant deeper aquifer.

Site 11bh1 is located 100 feet south of 3bh1 but indicates no significant deeper aquifer.

A preliminary estimate of the yield at this location is that it has little potential to produce a viable agricultural well.

Profile #4 was located near the southern edge of the north quarter section. It was a basically linear profile with three soundings.

Site 5bh1 is located at the north end of the profile and indicates that the base of the aquifer is at a depth of approximately 165 feet bgs.

Site 6bh1 is located 100 feet south of 5bh1 and indicates that the base of the aquifer is at a depth of approximately 195 feet bgs.

Site 7bh1 is located 100 feet south of 6bh1 and indicates that the base of the aquifer is at a depth of approximately 165 feet bgs.

A preliminary estimate of the yield at location is that it has potential to produce a yield approximately one half of the calibration well.

Profile #5 was located near the southwest corner of the north quarter section. It was a basically linear profile with eight soundings.

Site 8bh1 is located at the north end of the profile but indicates no significant aquifer.

Site 9bh1 is located 100 feet south of 8bh1 and indicates that the base of the aquifer is at a depth of approximately 215 feet bgs.

A preliminary estimate of the yield at this location is that it has little potential to produce a viable agricultural well.

The interpreted yields are partially based on the calibration data collected at the calibration well which is discussed earlier in this report

CONCLUSIONS

The interpretation of the data indicates that groundwater is observed at fifteen of the sites.

For Profile #1 the interpreted depth to the base of the aquifer was from 165 to 245 feet bgs, with interpreted yields from category K (100 to 180 gpm) to category O (450 to 850 gpm).

For Profile #2 the interpreted depth to the base of the aquifer was from 180 to 215 feet bgs, with preliminary yield estimates approximately equivalent to the calibration well.

For Profile #3 there was no significant deep aquifer.

For Profile #4 the interpreted depth to the base of the aquifer was from 165-195 feet bgs, with preliminary yield estimates approximately on half of the calibration well.

For Profile #5 the interpreted depth to the base of the aquifer was 215 feet bgs, with preliminary yield estimate of little potential to produce an agricultural well.

It should be noted that the interpreted yields made by the Groundflow equipment involves many assumptions and should only be used as a guide for selecting drilling locations. Previous yield interpretations have been nearly exact in some instances but have also been lower, and higher, than that which was obtained after drilling had been completed. However, the values presented are only estimates based on the interpretation of the seismoelectric data.

RECOMMENDATIONS

The choice of which site to drill depends on many factors. It will be primarily decided by the client. However, the depth to the base of the aquifer and interpreted yield are two important factors.

For Profile #1, the sites with the highest interpreted yield (category O) are 16bh1 and 18bh1. The depth to the base of the aquifer of 16bh1, 245 feet bgs, is somewhat deeper than 18bh1, but within the error margin of the system. Of the two sites, 16bh1 is subjectively judged to have the stronger signal, and despite the possible deeper base, it may be the best location.

For Profiles #2-#5, these surveys were preliminary evaluations of these locations and additional soundings will be required to confirm or dispel the preliminary results, refine the depth estimations and provide sufficient data to fully analyze the potential yield of the aquifer.

Prior to drilling it should be ascertained that the drill operator has substantial experience with the drilling equipment that he, or she, operates the equipment correctly. In addition, the property owner should be present when drilling is done. It should be noted that drilling always causes some damage to the aquifer local to the drill site and this should be considered prior to drilling to an aquifer that has an interpreted low yield. This report should be used as a guide, along with the driller's experience with drilling in the area.

If a well is drilled at this location, part of its development should include a long flow test (often 4 to 12 hours in length) in an attempt to remove all of the sediment and air that may

have been introduced into the surrounding rock formation (aquifer) by the drilling process. These may restrict the flow of water into the well and therefore the subsequent yield. The flow test may need to be longer for less productive water bearing zones.

As stated earlier in this report, the interpreted depths in this report should be generally used as a maximum depth to drill. If the interpreted yield is obtained at a shallower depth than that provided by the interpretation, drilling to greater depths is not necessarily recommended.

Columbia Water Surveying does not recommend drilling in an area with an interpreted yield of less than 6 gpm. The drilling process can, at times, significantly and detrimentally affect the final yield of a low yield aquifer.

Since the aquifer conditions may be changing with time, it is possible that these changes could adversely affect its yield. We, therefore, suggest that if the client chooses to drill a well at any of the surveyed locations, the well should be drilled within 90 days of the survey completion date.

All of the data recording, analysis, interpretations and conclusions in this report has been prepared by persons who have had a rigorous training in the acquisition and analysis of seismoelectric data.

A minimum of 100 feet must be maintained between a domestic well and any septic field or designated future septic field. The area immediately adjacent to a domestic well should be fenced off from any livestock.

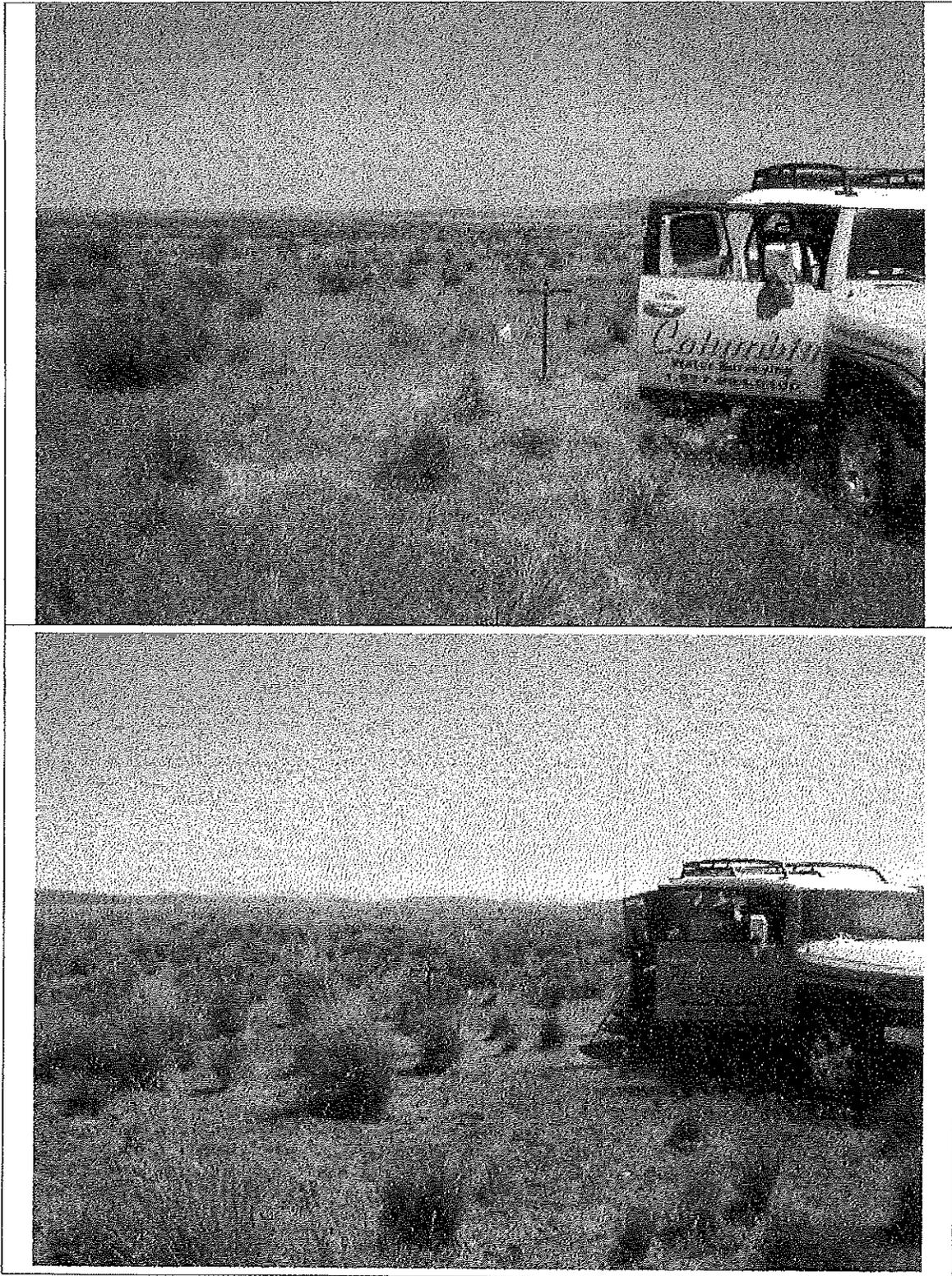


Figure 1. Two photographs showing the site conditions.

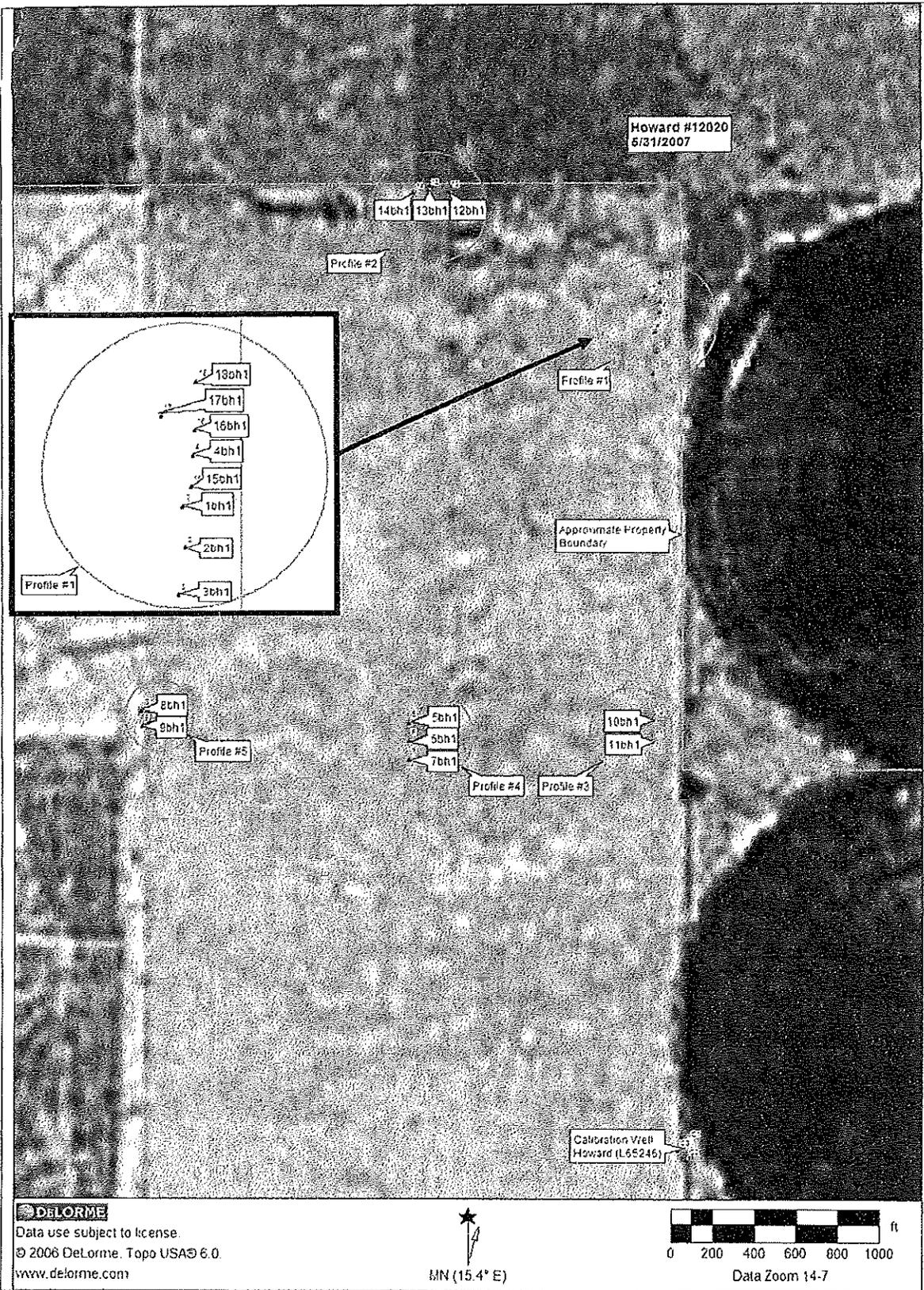


Figure 2. Survey location and sounding locations

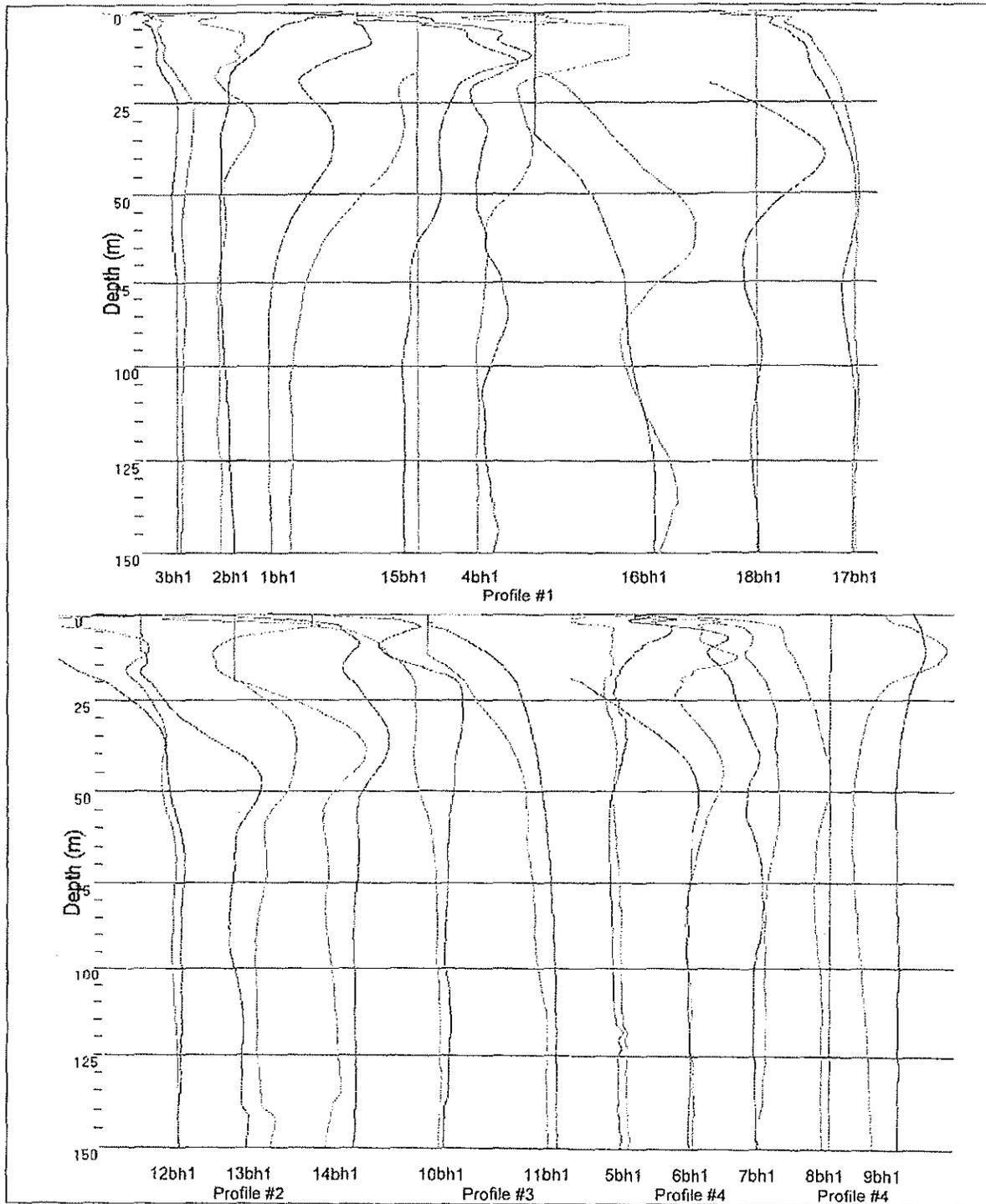


Figure 3. Selected results from the seismoelectric soundings.

The images above are a representation of the data collected at each test site. Accurate interpretation of this data requires training and experience and access to the proprietary software not available to the general public at this time. The inclusion of these images in the report is only intended to provide a basic illustration of the data collected at each test site.

The data provided in this report were acquired by *Columbia Water Surveying* whose signature appears below. Preliminary processing and interpretations were also conducted by *Columbia Water Surveying* and were checked, and modified where necessary, by the Hydrogeologist whose signature is provided below. This signature does not relieve any other person, including Columbia Water Surveying, of their responsibilities to abide by contractual agreements, applicable codes, standards, Federal, State or other regulations or ordinances including the requirement to obtain the signature of a Licensed Hydrogeologist, or Geoscientist, in any state where such a signature is required and where reciprocal agreements with the states of Oregon and Washington do not exist.

Signature *Daniel F. Vuis* (Columbia Water Surveying)
 President.

The Hydrogeologist certifies that, based its review of the documentation received, the data was recorded, and the interpretation completed, according to generally accepted hydrogeological standards.

The results presented in this report are **interpretations** based on the field data. These interpretations are opinions based on geophysical theory, experience and judgment and in no way do they imply or suggest a warranty by Hydrogeologist of such interpretations.

Suzanne Dudziak,
 Managing Member, Greylock Consulting, LLC.



APPENDIX A

The Seismoelectric Survey Method

Introduction

The Seismoelectric method, sometimes called the Electrokinetic Survey (EKS) method, is a geophysical technique that attempts to provide the depth to groundwater and an estimate of the permeability, and hence yield, that might be expected from a well drilled into the aquifer. The Physics of the method has been understood since the 1930's when Thompson (1936) and Ivanov (1939 and 1950) were the first to realize that a seismic compression wave (p-wave) impulse will provide sufficient oscillating pressure in rock pore fluids to produce a measurable oscillating electrical potential at the ground surface.

The Seismoelectric method is related to the commonly known phenomenon called streaming potential, where flowing subsurface water produces a voltage measurable on the ground surface. A more distant relative of the method, where rapidly rising air produces electrical charge separations, thus creating large potential differences, are thunderstorms.

Since the papers by Thompson and Ivanov were written, many investigations into the method have been completed and many papers have been published; the more significant of these are listed at the end of this document.

Until recently, the electrical signal from a seismic pulse impinging on subsurface groundwater was difficult to measure since electrical noise, especially powerline noise, contaminated the data. However, Groundflow Ltd, based in the UK, discovered a new detection method that is now patented both in the UK and USA. This method uses electrically isolated lines from each electrode pair, referencing their potentials to a floating virtual earth, and positioning the electrode pairs close to the seismic source, thereby achieving a significant improvement in the signal to noise ratio.

A significant amount of research is now being done into this method with organizations such as the Massachusetts Institute of Technology (MIT), Exxon Production and Research Company and the Australian Nuclear Science and Technology Organization becoming involved.

Basic Theory of the Method

Seismoelectric effects are initiated by seismic waves, usually p-waves, passing through a porous rock and inducing relative motion between the rock matrix and the fluid within the rock pores. Motion of ionic fluid through capillaries in the rock occurs with cations preferentially adhering to the capillary walls, so that the applied pressure and resulting fluid flow relative to the rock matrix separates the cations and anions thus producing an electric dipole. This is called the Seismoelectric effect.

This is illustrated in Figure 1. A seismic source produces a seismic compression wave, which then propagates into the ground at a speed depending on the rocks through which it passes. Generally this speed varies from about 5000 ft/sec to over 10,000 ft/sec in sedimentary rocks, but can be faster in igneous and metamorphic rocks. The wave spreads out to form a hemisphere as illustrated in Figure 1. When the initial pressure pulse reaches the water table, or a rock saturated with water, electrical charges are separated as described above, and the electrical signal is transmitted back to the ground surface at approximately the speed of light. Conversely, when the wavefront emerges from the saturated zone (aquifer) at depth into a layer with little water, the signal decays to zero. The signal also usually decays to zero if the water in the aquifer becomes saline. Generally, the amplitude of the signal will also decay slowly with depth, as the spreading seismic wave loses its high frequency components and its amplitude decreases due to spherical divergence along with other factors. The fundamental relationships between the spreading seismic wave, the resulting electrical dipoles (charge separations) and the voltage at the ground surface are complex.

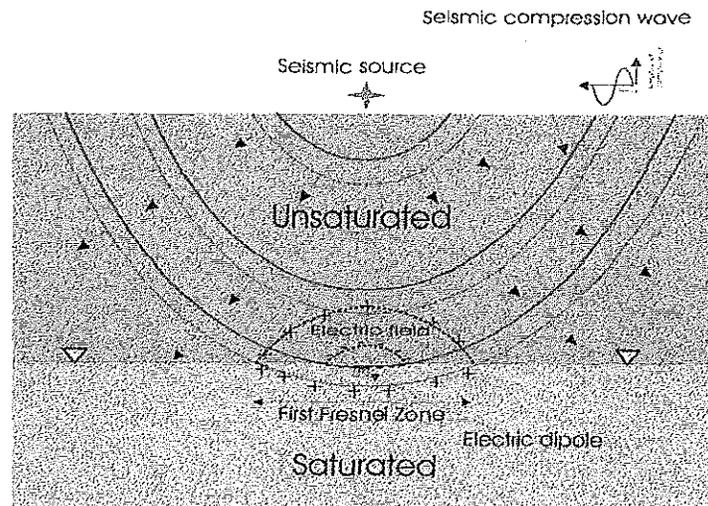


Figure 1. Schematic drawing illustrating the basic principles of the Seismoelectric method at the top of an aquifer. This diagram should be rotated about its axis (seismic source) by 180° to image the hemispherical nature of the seismic wave.

The circular area (in plan view) encompassed by the leading edge of the pulse when the negative part the pulse just intersects the interface is called the first Fresnel zone. As can be seen in Figure 2, the curvature of the wavefront and the Fresnel geometry ensures that the signal is focused back to the shot point.

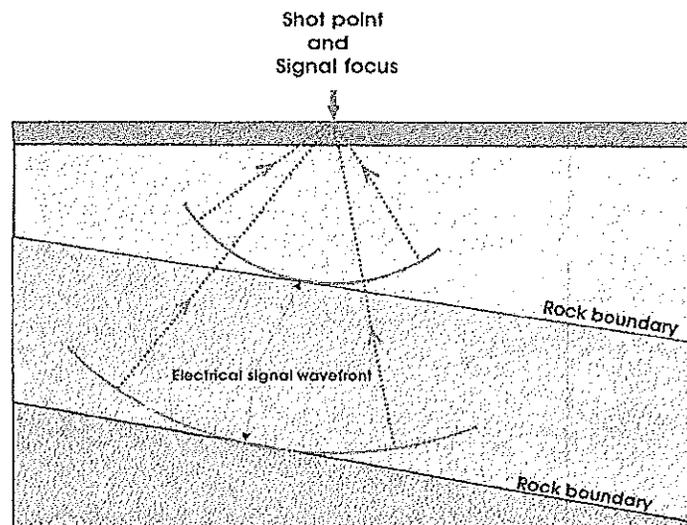


Figure 2. Schematic showing the focusing of the electrical signals back to the shot point.

Measuring the Seismoelectric Effect.

The geometry of the seismic source and electrode array used to measure the Seismoelectric effect are illustrated in Figure 3. The electrodes in the array are spaced symmetrically about the seismic source at distances from the source of about 2.5 and 8 feet. The seismic wave is created and the instrument measures the resulting electrical signal.

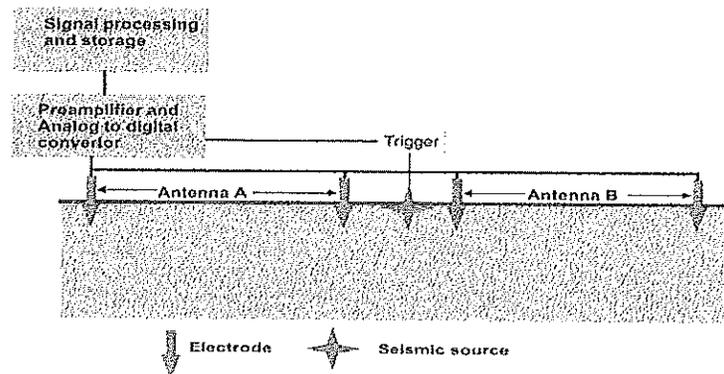


Figure 3. The geometry of the seismic source and electrodes used to measure the Seismoelectric effect.

One of the instruments used to measure the Seismoelectric effect is called the Groundflow 2500TM, or GF2500. This instrument incorporates the floating electrode system described earlier in this text.

Interpretation

Water can move within the pores of the rock easier in good aquifers (high permeability and porosity) than in poor ones and this provides the basis for assessing aquifer quality. If the water moves easily then it will move rapidly when under the influence of the seismic pulse. If the rock has a low permeability or hydraulic conductivity, then the water will move slowly. This causes the shape of the Seismoelectric signal to be different in these two cases. A good aquifer will produce a more rapid rise in the signal amplitude than a poor one, all else being equal. A steeper rise time implies that the signal contains higher frequencies than a slow rising signal and the signal is said to have a greater bandwidth. Water yield estimates can be obtained from the signal bandwidth and the calculations to do this are programmed into the GF2500 instrument. The depth to the top of the aquifer is found from the time taken for the seismic signal to travel to the aquifer, which can be found from the time to the first arrival of the Seismoelectric signal. Likewise, the depth to the bottom of the aquifer can be estimated from the time when the EKS signal decays to zero. In other words, the aquifer thickness can be found from the length of the Seismoelectric signal. The velocity of seismic waves in different rock types is generally well known from seismic surveys, although there can be significant variations in the velocity of rocks, depending on several factors.

Limitations of the Method

The main limitations of the Seismoelectric method relate to the depth of investigation and the depth resolution, the chemistry of the water, the geology of the aquifer and to the geometry of the signal generation array.

The depth of investigation depends on the strength of the seismic source and on the nature of the soil and subsoil. A soft soil and subsoil will attenuate the seismic signal and limit penetration depth. A hammer source can usually provide investigation depths to 250 or 300 feet. A buffalo source can investigate to depths of over 1500 feet.

Resolving the thickness of an aquifer depends on the length of the seismic pulse, which depends on the speed of seismic waves in the rocks. The higher the speed of the seismic pulse the longer is its wavelength and consequently, the lower is its resolution. In low speed rocks resolution may be 5 to 15 feet whereas in rocks with high velocities the resolution may be 15 to 45 feet, or even less.

Predicting the depth to an aquifer depends on knowing the seismic velocity of the rocks under the sounding site. Since the velocity of even well defined rocks, for example sandstone, can vary widely from site to site, unless these velocities are measured, then an estimate has to be used. If a local well is available where a sounding can be conducted, then this will provide a "calibration", and should make the interpreted depth more reliable.

If an aquifer contains saline water then the Seismoelectric signal is essentially "short circuited" and no signal is observed, hence Seismoelectric signals are only observed from fresh water aquifers.

The focusing effect of layered aquifers discussed earlier is advantageous when using the electrode array centered about the seismic source and works well for most layered, usually sedimentary, rocks. However, the method is not as effective in areas where the aquifer lies in cavities and large fractures although it can detect aquifers in fractured brittle rocks if they form layers. Limestone Karst terrain is an example of where the method is not usually successful.

Aquifers

An aquifer is a water saturated permeable geologic layer, or fracture zone, that is able to transmit significant quantities of water. A geologic layer that cannot transmit significant quantities of water is usually referred to as an aquiclude. An aquitard is a rock unit that generally has a low permeability and hence will transmit only very limited quantities of water and are generally not suitable for production wells. The terms Aquifer or aquitards can be used to define most geologic strata. The most common aquifers include permeable sedimentary rocks such as sandstones, limestones, sand and gravel layers, and highly fractured volcanic and crystalline rocks. Common aquitards are unfractured shales, clays and dense (unfractured) crystalline rocks.

Sedimentary aquifers form layers and usually have a large lateral extent, whereas aquifers in fracture zones in igneous and crystalline rocks may have a very limited lateral extent. When searching for water using any geophysical method, including the Seismoelectric method, the type of aquifer that may be present should be considered, both when planning a survey and especially when considering drilling.

The Seismoelectric method responds to a subsurface circular area whose radius depends on the dimensions of the first Fresnel zone and for practical purposes is approximately equal to one third of the depth to the aquifer. If the survey is conducted in an area where the aquifers reside in fracture zones, it is possible that the Seismoelectric signals will predict the occurrence of an aquifer, which occurs within a fractured area whose lateral extent is limited, but the drill hole may not intersect the fracture zone that provides the Seismoelectric signal. Since the radius of the circle of influence for the Seismoelectric method increases with the depth of the investigation, the difficulty of intersecting the fracture zone with a drill becomes greater as the depth to the aquifer increases.

References

The Massachusetts Institute of Technology (MIT) publications on this subject are listed on <http://eaps.mit.edu/erl/research/papers.html>. Of particular importance are papers by Stephen Pride, borehole experiments by Oleg Mikhailov and computer modeling by Matthew Haartsen.

The following lists some of the more significant references.

Beamish, D., Characteristics of near-surface Electro seismic coupling. 1999, *Geophys. J. Int.*, 137, 231-242

Biot, M. A., 1956, Theory of propagation of elastic waves in a fluid saturated porous solid, I and II: *J. Acoust. Soc. AM.*, 28, 168-191

Biot, M. A., 1962a, Mechanics of deformation and acoustic propagation in porous media: *J. Appl. Phys.*, 33, 1482-1498

Biot, M. A., 1962b, Generalized theory of acoustic propagation in porous dissipative media: *J. Acoust. Soc. Am.*, 34, 1254-1264

Butler, K. E., Russell, R. D., Kepic, A. W., and Maxwell, M., 1994, Mapping of a stratigraphic boundary by its seismoelectric response, SAGEEP Annual Meeting, 1994 Proceedings, 689-699

Clarke, R. H., and Millar, J. W. A., 1995, Fluid Detection Method, patent Application PCT/GB95/00844, Filed 13/4/95, based on UK 94 07649.4, filed 18/4/94.

Frenkel, J., 1944, On the theory of seismic and seismoelectric phenomenon in moist soil. *J. Phys.*, 8, 230-241

Hankin, S., and Waring, Chris, 1999, EKS Geophysical Survey of Sites Near Kerang, Victoria, Australia. Australian Nuclear Science and Technology Organization, ANSTO/C601.

Ivanov, A. G., 1939 Effect of electization of earth layers by elastic waves passing through them (in Russian): *Doklady Akademii Nauk. SSSR*, 24, 42-45

Ivanov, A. G., 1950 Method for studying seismoelectric effects (In Russian): *Izvestiya Akademii Nauk. SSSR ser. Geogr. I geofiz.*, 14, 542-546

Martner, S. T. and Sparks, N. R., 1959, The Electro seismic effect: *Geophysics*, 24, 297-308



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10431

Review Due Date: 07/16/2007

Applicant Name: Thomas Howard

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): June Miller

Date of Review: 07/16/07

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

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

4. Are there upstream water rights that would be affected by the proposed change?
 Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. 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: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
 Yes No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
8. For POU or USE changes, 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: _____
9. Are there other issues not identified through the above questions? Yes No If "Yes", explain: this is a permit amendment for ground water. There has been no wells to my knowledge drilled under the permit to date.

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

11. Have headgate notices been issued for the source that serves the right? Yes No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input checked="" type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

Per Barbara Howard... 1-14-08
 stated that well is not completed & that there is NOT a meter in place yet.
 -L. Jaramillo 1-14-08

So... will add a cond. to require installation of a suitable meas. device prior to diversion of any water.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
07/17/07**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Harney
Transfer: T -10431
Water Right: Permit:G 15252
Priority Date: 2002
Name: THOMAS HOWARD
Address: PO BOX 196; DREWSEY OR 97904
Change: POA
Source: A WELL > MALHEUR LAKE
Authorized POA: T24S R33E 25
Proposed POA: T24S R33E 25

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 12, 2007

THOMAS HOWARD
PO BOX 196
DREWSEY OR 97904

Reference: Permit Amendment T- 10431

On July 2, 2007 we received your request for permit amendment. The application was accompanied by \$350.00. Our receipt 88504 is enclosed. On July 9, 2007 the Department received additional fees in the amount of \$50.00; receipt 88622 is enclosed as well.

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 change.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use, or from the new point of appropriation, until we issue a final order approving the application.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #10
Groundwater
Barbara Howard, Agent (79552 Mule Creek Road, Drewsey, OR 97904)
Harney County Court (450 N Buena Vista, Burns OR 97720)

enclosure

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation

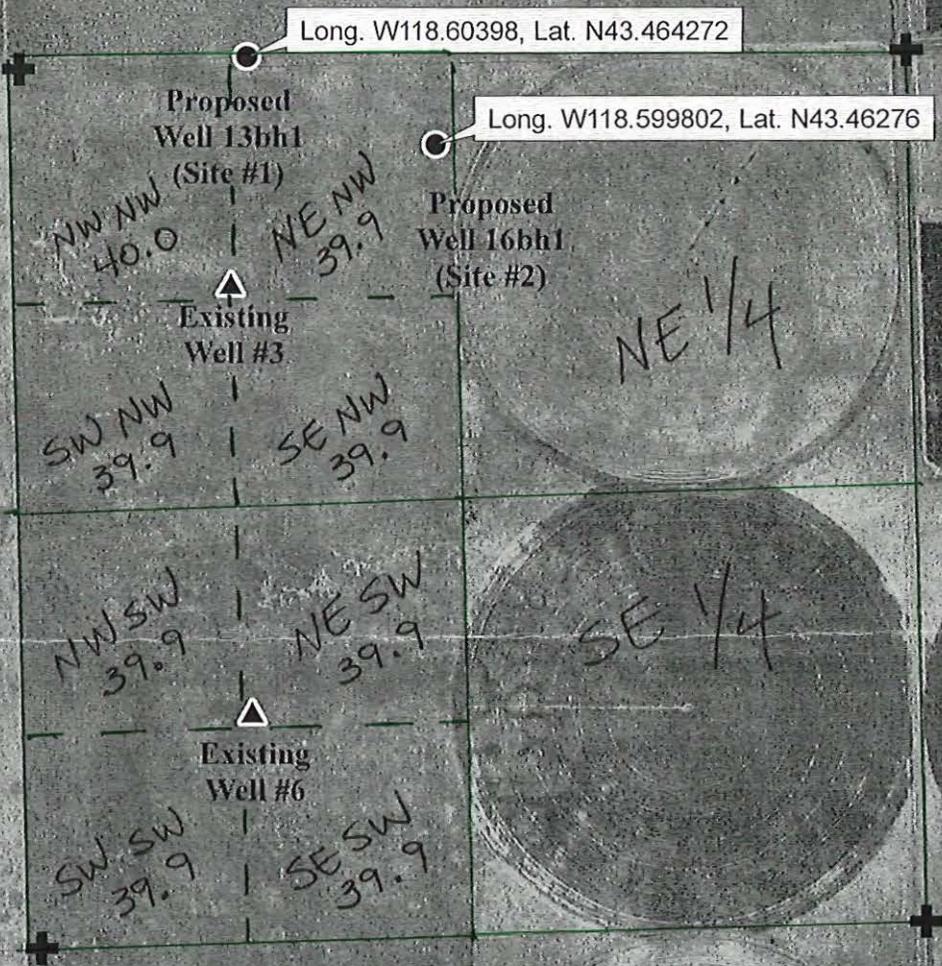
T.24S, R.33E, WM Section 25

RECEIVED

JAN 28 2008

WATER RESOURCES DEPT
SALEM OREGON

REVISED MAP -
WELL LOCATIONS



Thomas Howard's initials: TMH
Date: _____

Barbara Howard's initials: BQH
Date: 1-25-08

RECEIVED

JAN 28 2008

**WATER RESOURCES DEPT
SALEM, OREGON**



HOWARD RANCH, LLC

Tom & Barbara Howard
P.O. Box 196
79552 Mule Creek Road
Drewsey, OR 97904
Phone 541-493-2603
Fax 541-493-9522 or 541-493-2603
barbarahoward@centurytel.net

September 18, 2007

Water Resources Department
Attention: Kelly Starns
725 Summer Street NE, Suite A
Salem OR 97301

Sent by facsimile: 503-986-0903

Dear Kelly,

The two sites we have chosen are Site # 1 is 13bh1, GPS, Latitude N43.464272/ Longitude W118.603980 and Site # 2 is 16bh1, GPS Latitude N43.462760/ Longitude W118.599802. These GPS numbers are taken from the Columbia Water Surveying report, pages 5, 7, and 8.

Copy of this letter will also be sent via US mail.

Sincerely,

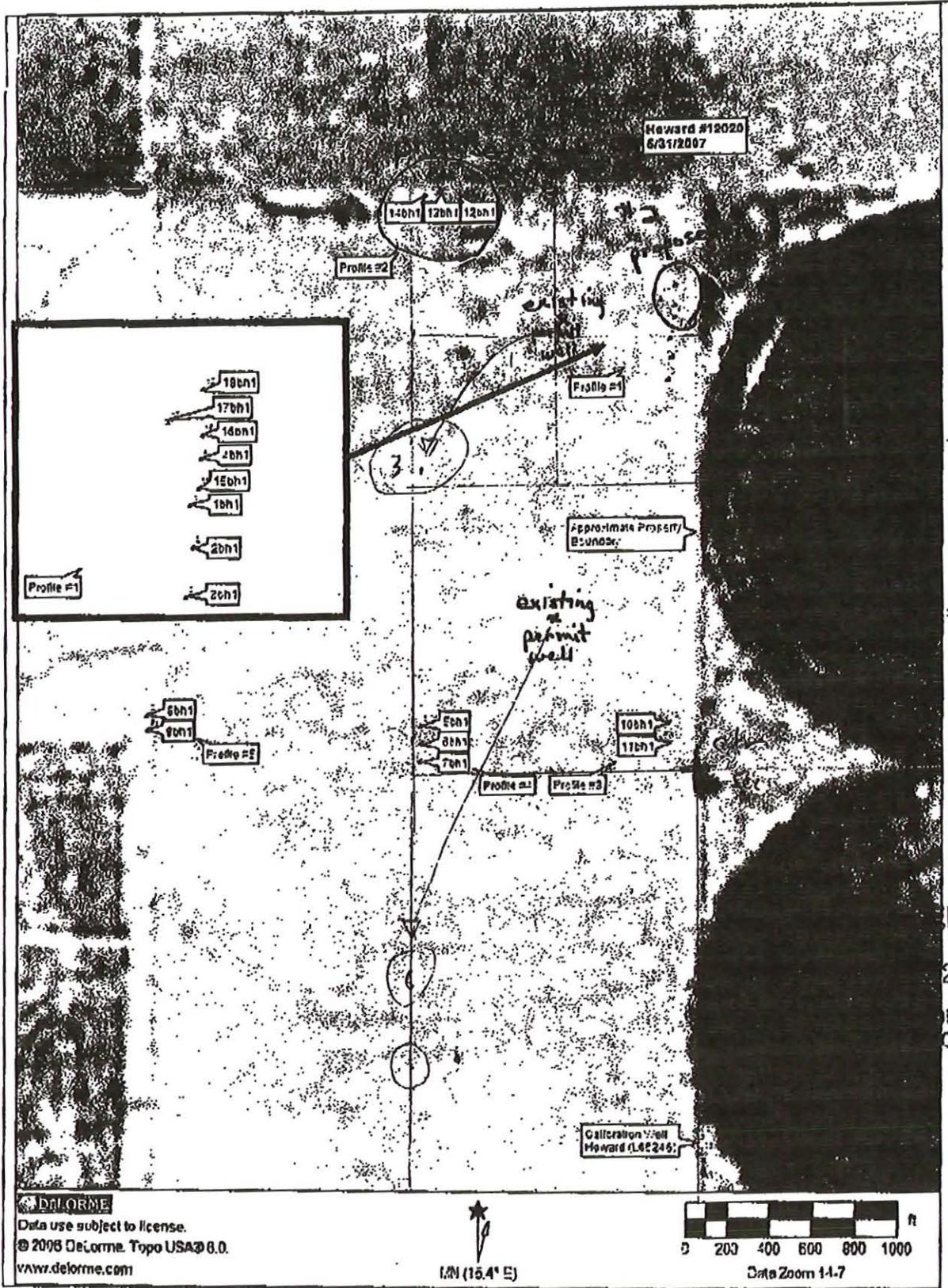
Barbara J Howard

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SEP 21 2007

**WATER RESOURCES DEPT
SALEM OREGON**

T24S, R33E, Sec. 25, W1/2



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 2007
 WATER RESOURCES DEPT
 OREGON

RECEIVED
 Figure 2. Survey location and sounding locations

JAN 28 2008

12

1-25-08
 B.O.H.
 T.M.H.

1" = 1000'

WATER RESOURCES DEPT
 SALEM, OREGON

Original Permit Map

T 24 S, R 33 E, WM

RECEIVED

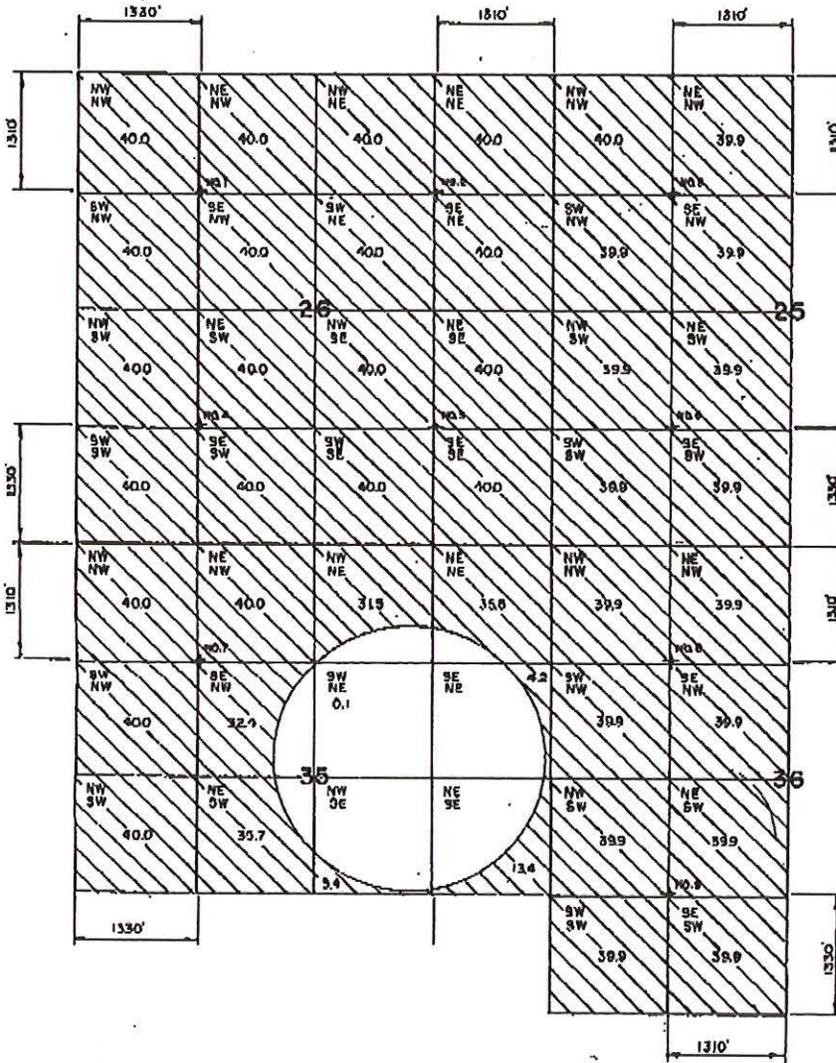
NOV 16 2001

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SALEM, OREGON

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JAN 03 2002

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SALEM, OREGON



Reduced Size

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JAN 28 2008

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SALEM, OREGON

WELL LOCATIONS

Well No.	N/S DIAL	E/W DIAL	Eqm. Cor.
1	1310' S	1330' E	NW of Sec. 26
2	1310' S	1310' W	NE of Sec. 28
3	1310' S	1310' W	N1/4 of Sec. 25
4	1310' N	1330' E	SW of Sec. 26
5	1310' N	1310' W	SE of Sec. 26
6	1330' N	1310' W	S1/4 of Sec. 25
7	1310' S	1330' E	NW of Sec. 35
8	1310' S	1310' W	N1/4 of Sec. 36
	1330' N	1310' W	S1/4 of Sec. 35

SECTIONS 25 & 36 - TAX LOT 4500
SECTION 28 - TAX LOT 7400
SECTION 35 - TAX LOT 9100

159.7 Ac

4 WELL LOCATIONS (TOTAL OF 9 WELLS)

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

*1-25-08
BQ.H.
J.M.H.*

Application No. G-15675
Permit No. G-15252

	4J RANCH / CRANE	
	WATER RIGHT APPLICATION MAP	
Scale: 4" = 1 MILE	Date: 9-15-2001	Job: 2027
Dsn:		Shi. No.
Om: CHRIS		of 1
Ckd:	M.A. PALMER & SONS, INC. ENGINEERING & SURVEYING 711 Ponderosa Village - Box 81 Astoria, Oregon 97120	

REOPEN 1-1-2003

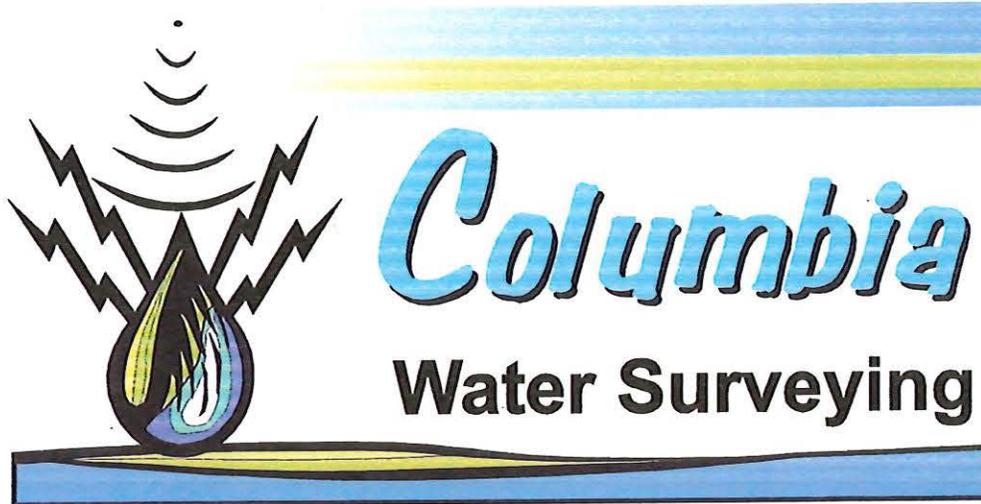
SEISMOELECTRIC SURVEY

Survey Service Agreement Number: 12020

FINAL REPORT

Client:

Howard Ranch LLC
PO Box 196
Drewsey OR 97904
Phone: 1.541.493.2603



Columbia Water Surveying
2450 Wallula Av
Walla Walla WA 99362
Phone: 1.877.994.9100

June 14, 2007

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JUL 02 2007

WATER RESOURCES DEPT
SALEM, OREGON

1. SUMMARY

A Geophysical survey was conducted on May 31 and June 1, 2007 at Crane-Buchanan Rd., near Crane, OR. The survey consisted of eighteen soundings in five separate profiles. The sounding that showed the greatest potential was 16bh1. At this location the estimated depth to the base of the aquifer was 245 feet below ground surface (bgs) and the estimated yield from a well drilled into the aquifer at this site is Category O [450 to 850 gallon/minute (gpm)]. Refer to the complete report below for specific details on the survey.

2. INTRODUCTION

Client: Howard Ranch LLC, Barbara Howard

Location of Survey: Crane-Buchanan Rd, approximately 1½ miles northwest of Crane OR (Harney County). Township 24S, Range 33E, Section 25.

Description of Property: The survey property was a 1600 acre parcel. It was situated on the valley floor at the eastern edge of the Malheur Valley. The surface conditions on the property were sagebrush range. Figure 1 shows two photos of the site conditions.

Purpose: The purpose of the survey was to determine the predominant location, depth to the base of, and potential yield of aquifers on the property. If located, one or more wells are proposed to provide agricultural water.

3. BACKGROUND

General Geology: The geology in this area, which is taken from well reports and local geologic maps, consists of upper unconsolidated layers of topsoil and clay, a thin sand layer, a second clay layer, then a deep sand layer. All of the geologic information used in this report is taken from geologic maps provided by the United States Geological Survey (USGS) and/or local well logs obtained from the State of Oregon, Water Resources Department. These are used to provide the geologic information relevant to this survey and in particular the rock types, from which velocity information is used to assist in the interpretation of the data recorded in this survey.

Existing Well Information: Table 1 shows the results of research conducted prior to the field survey on existing well in the area. It shows recorded well logs from 20 wells within the area around the survey site. The well logs indicate that the depth of wells in this area range from 48 to 510 feet bgs. Reported yields from these wells range from 15 to 2000 gpm. Static levels at the wells range from 10 to 58 feet bgs. These well logs do not represent all of the logs from wells drilled in this area since we were unable to locate the well logs for known wells near the survey site.

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JUL 02 2007

WATER RESOURCES DEPT
SALEM, OREGON

Superseded by
Revised Map
Rcvd
1-28-08.

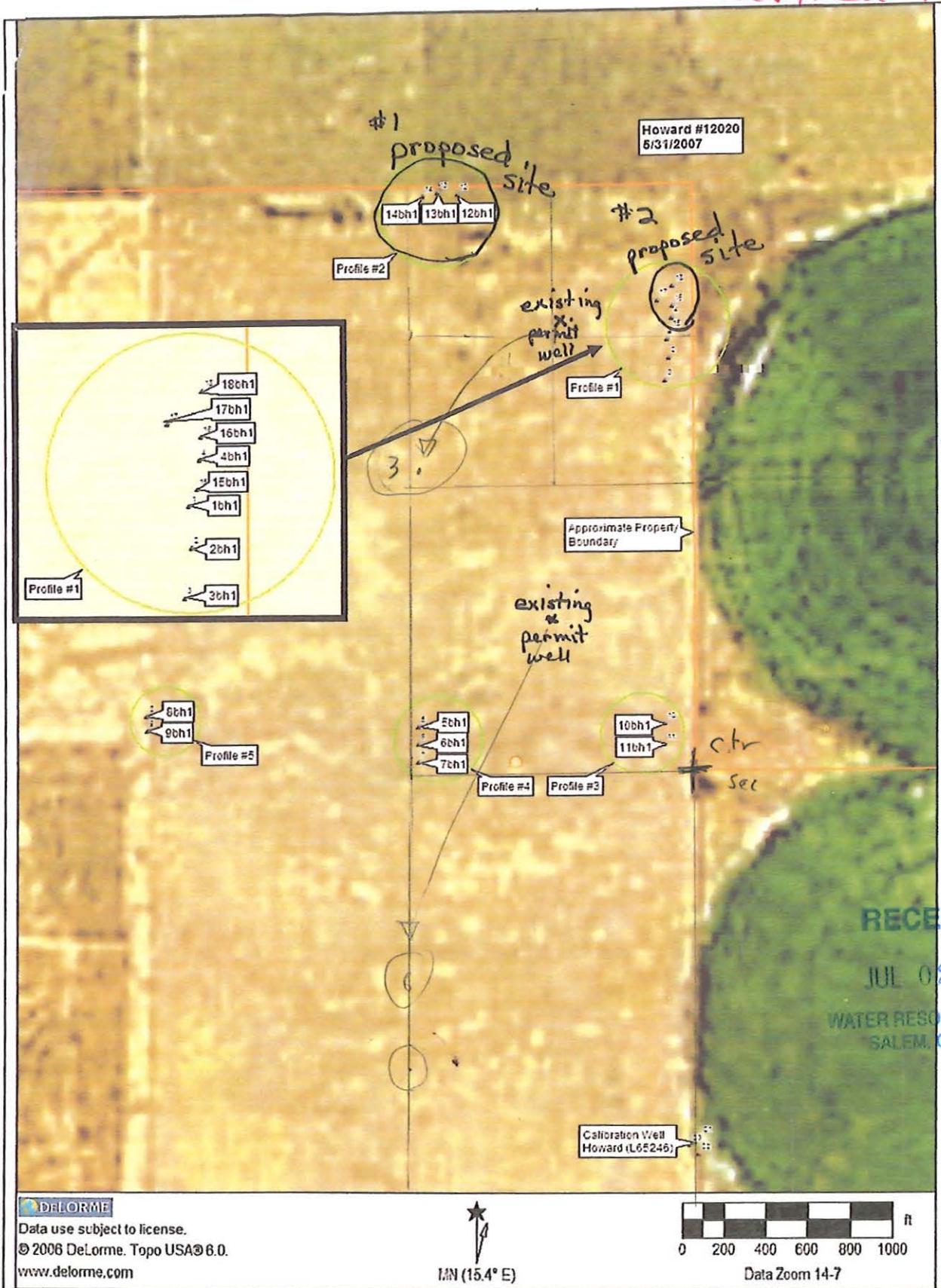


Figure 2. Survey location and sounding locations

T 10431

1" = ~ 660'

T24S, R33E, Sec. 25, W $\frac{1}{2}$

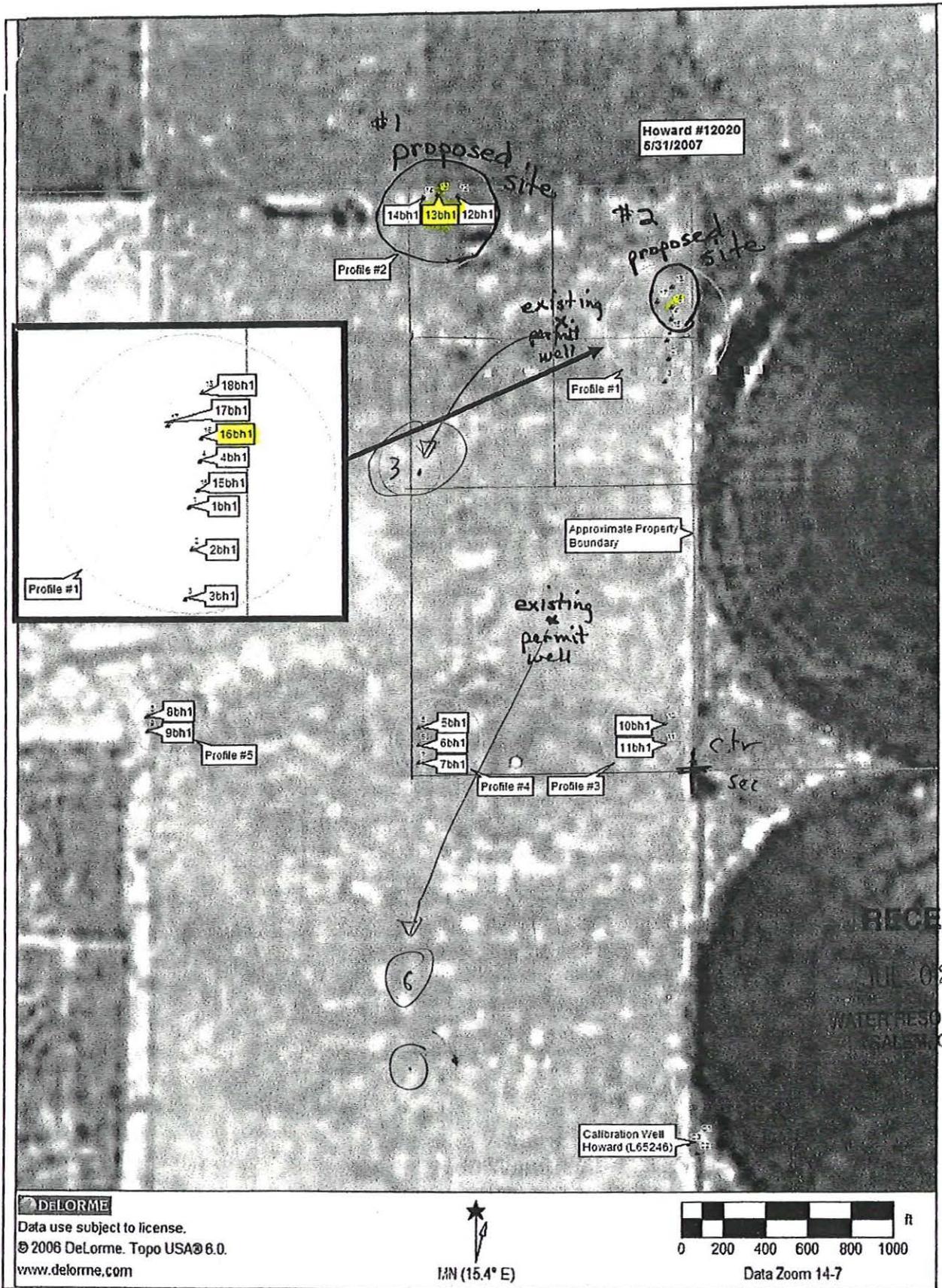


Figure 2. Survey location and sounding locations

10431

1" = ~ 660'

HOWARD RANCH, LLC

Tom & Barbara Howard
P.O. Box 196
79552 Mule Creek Road
Drewsey, OR 97904
Phone 541-493-2603
Fax 541-493-9522 or 541-493-2603
barbarahoward@centurytel.net

September 18, 2007

Water Resources Department
Attention: Kelly Starns
725 Summer Street NE, Suite A
Salem OR 97301

Sent by facsimile:503-986-0903

Dear Kelly,

The two sites we have chosen are Site # 1 is 13bh1, GPS, Latitude N43.464272/ Longitude W118.603980 and Site # 2 is 16bh1. GPS Latitude N43.462760/ Longitude W118.599802. These GPS numbers are taken from the Columbia Water Surveying report, pages 5, 7, and 8.

Copy of this letter will also be sent via US mail.

Sincerely,

Barbara J. Howard

Barbara J Howard

7 1/4 mi
pun yes



HOWARD RANCH, LLC

Tom & Barbara Howard
P O Box 196
Drewsey, OR 97904

Phone Number 541-493-2603
Fax Number 541-493-2603 or 541-493-9522

Web Address N/A
Email barbarahoward@centurytel.net

FAX TRANSMITTAL FORM

To: WATER RESOURCES DEPARTMENT
Name: KELLY
CC:
Phone:
Fax: 503-986-0903

From: Barbara Howard
Date Sent: 09-18-07
Number of Pages: 2

HOWARD RANCH, LLC

Tom & Barbara Howard
P.O. Box 196
79552 Mule Creek Road
Drewsey, OR 97904
Phone 541-493-2603
Fax 541-493-9522 or 541-493-2603
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Copy of this letter will also be sent via US mail.

Sincerely,



Barbara J Howard

RECEIVED
SEP 21 2007
WATERRESOURCES DEPT
SALEM OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **88504**

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

INVOICE # _____

RECEIVED FROM: Howard Ranch, LLC APPLICATION _____

BY: _____ PERMIT _____
 TRANSFER **T-10431**

CASH: CHECK: # 6187 OTHER: (IDENTIFY) TOTAL REC'D \$ **350.00**

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 **PCA 46111**

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC-162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ 350.00		

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 (FWWRD) \$ _____
 0231 HYDRO LICENSE FEE (FWWRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **88504**

DATED: 7/2/07 BY: Diana Duchin

**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 # **88622**

INVOICE # _____

RECEIVED FROM: <u>Howard Ranch</u>	APPLICATION
BY: _____	PERMIT
CASH: <input type="checkbox"/>	TRANSFER <u>T-10431</u>
CHECK: # <input checked="" type="checkbox"/> <u>6203</u>	TOTAL REC'D <u>\$ 50.00</u>
OTHER: (IDENTIFY) <input type="checkbox"/>	

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:		RECORD FEE
0201 SURFACE WATER	EXAM FEE \$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$ <u>50.00</u>	
WELL CONSTRUCTION		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	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 (FWWRD)	\$
0231 HYDRO LICENSE FEE (FWWRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

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

RECEIPT: **88622**

DATED: 7/9/07 BY: [Signature]



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

Application for Permit Amendment or Ground Water Registration Modification

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

1. TYPE OF APPLICATION

Please check **one** of the following:

- Permit Amendment Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Thomas Howard
First Last

Address: P.O. Box 196 / 79552 Mule Creek Rd.
Drewsey OR 97904
City State Zip

Phone: 541-493-2603 SAME
Home Work Other

Fax: 541-493-2603 E-Mail address: howardranch @
centurytel.net

3. AGENT INFORMATION

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

Name: Barbara Howard
First Last

Address: P.O. Box 196 / 79552 Mule Creek Rd.
Drewsey OR 97904
City State Zip

Phone: 541-493-2603 SAME
Home Work Other

Fax: 541-493-2603 E-Mail address: howardranch @
centurytel.net

- If an agent is listed above, please check one of the following:
 - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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WATER RESOURCES DEPT
SALEM, OREGON

REVISED APPLICATION PAGE 2

Permit Amendments

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

Ground Water Registration Modifications

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

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check all of the following that apply:

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

- * Reason(s) for amendment/modification(s): Electrosiesmologists have located water in areas not designated on permit. No change in Place of Use is proposed. We are only changing the locations of two wells (Wells #3 and #6), as described, to be used for irrigation on lands located in the NW ¼ and SW ¼ of Section 25, T. 24 South, Range 33 East, W.M.

1-25-08
B.D.H.
T.M.H.

Superseded by Revised Pg. 2 Rcvd 1-28-08

Permit Amendments

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

Ground Water Registration Modifications

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

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

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

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

- Reason(s) for amendment/modification(s): Electrogeologists have located water in areas not designated on permit

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SALEM, OREGON

5. CURRENT PERMIT OR REGISTRATION INFORMATION

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

<input checked="" type="checkbox"/> Permit to be Amended:	<u>G-15252</u> Permit Number	<u>10-01-07</u> Current Completion Date of Permit
<input type="checkbox"/> Ground Water Registration to be Modified:	_____ Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: Thomas M. + Barbara Howard
 - County: Harney
 - Authorized Use(s) to be affected by this Amendment/Modification: Point of appropriation, change location of original platted wells
 - Priority Date(s): January 3, 2002
- If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*
- All Source(s) of Water to be affected by this Amendment/Modification: None Known

Tributary to: None

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

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

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

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

- Remarks: _____

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SALEM, OREGON

REVISED APPLICATION PAGE 4

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L...)	Source and Priority Date	Township	Range	Mer.	Sec.	Gov. Lot	Tax Lot, D.L.G. or Gov. Lot	Survey Coordinates (coordinates from a recognized survey corner)
* Well #3, 1-3-02	24 South	33 East	WM	25	NE NW			1310 feet South & 1310 feet West from the North 1/4 corner of Section 25
* Well #6, 1-3-02	24 South	33 East	WM	25	NE SW			1330 feet North & 1310 feet West from the South 1/4 corner of Section 25

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

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

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

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

or

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

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

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Well access path or measuring device	Total Well Depth
No wells drilled yet by previous owner.									

1-25-08
BQ.H.
I.M.H

Superseded by Revised Pg. 4 Rcvd 1-28-08

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
# 3	1-3-02	24S	33E	WM	25	NW¼	6900	not drilled
# 6	1-3-02	24S	33E	WM	25	SW¼	6900	not drilled

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

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

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

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

or

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

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

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
No wells drilled yet. by previous owner.									

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REVISED APPLICATION PAGE 6

WATER RESOURCES DEPT
SALEM, OREGON

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

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

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

Source	Township	Range	Mer	Sec	Section	Table of D.U. or G.W. Plot	Survey Coordinates (coordinates from a recognized survey corner)
* Well 13bh1 (Site #1)	24 S	33 E	WM	25	NE NW		Lat. N43.464272, Long. W118.603980
* Well 16bh1 (Site #2)	24 S	33 E	WM	25	NE NW		Lat. N43.462760, Long. W118.599802

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
NO		18"	12"	180' to 240'	N/A	N/A	N/A	N/A	N/A	180' to 240'

1-25-08
BQ.N.
T.M.H

Superseded by Revised Pg. 6 Rcvd 1-28-08

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	24S	33E	WM	25	NW	6900	see map #1 site
	24S	33E	WM	25	NW	6900	see map #2 site

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
NO		18"	12"	180' - 240'	N/A	N/A	N/A	N/A	N/A	180' ± 240'

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JAN 28 2008

WATER RESOURCES DEPT
SALEM, OREGON

REVISED APPLICATION PAGE 7

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

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

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

Source	Township	Range	Mer	Sec	Section	Est. Loc. D/C of Gov. 110	Acres (if applicable)
<p>No change in Place of Use. We are only changing the location of wells, as described on the previous page.</p>							



Remarks: We wish to have the ability to use the proposed wells (Well 13bh1 – Site #1 and Well 16bh1 – Site #2), in any combination, for irrigation of the 319.3 acres of land located in the NW ¼ and SW ¼ of Section 25, T. 24 South, Range 33 East, W.M.



Thomas Howard's initials: J.M.H.

Date: _____

Barbara Howard's initials: B.Q.H.

Date: 1-22-08

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

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

Harney County Court
450 N. Buena Vista
Burns, OR 97720

8. PERMIT HOLDER OF RECORD

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

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

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

If "No", the applicant must either:

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

or

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

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**WATER RESOURCES DEPT
SALEM, OREGON** FS

10. ATTACHMENTS

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

<p>Map:</p> <p><input checked="" type="checkbox"/> A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.</p> <p>Land Use Information Form:</p> <p><input type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not required if all of the following are met:</p> <ul style="list-style-type: none">① In EFU zone or irrigation district;② Change in place of use only;③ No structural changes needed, including diversion works, delivery facilities, other structures; <i>and</i>④ Irrigation only. <p>Water Well Reports/Well Logs: <i>Not drilled yet</i></p> <p><input type="checkbox"/> The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.</p>	<p>Fees:</p> <p><input checked="" type="checkbox"/> Amount enclosed: \$ <u>350.00</u> See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.</p> <p><u>For Permit Amendments Only...</u></p> <p>Request for Assignment:</p> <p><input type="checkbox"/> Enclosed. The applicant is NOT the permit holder of record and needs to be assigned to the permit; OR the landowner of the proposed place of use is NOT the permit holder of record and needs to be assigned to the permit. <i>The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; <i>or</i></i></p> <p><input checked="" type="checkbox"/> N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; OR the applicant is <i>not</i> the permit holder of record but is supplying an Affidavit of Consent from the permit holder.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> Enclosed. Because the applicant is NOT the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; <i>or</i></p> <p><input checked="" type="checkbox"/> N/A. Not required because the applicant is the permit holder of record.</p>
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JUL 02 2007

WATER RESOURCES DEPT
SALEM, OREGON

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

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

11. SIGNATURES

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

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

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

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

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

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

<u>Thomas M. Howard</u> applicant signature	<u>Thomas M. Howard</u> name (print)	<u>6-27-07</u> date
<u>Barbara J. Howard</u> applicant signature	<u>Barbara J. Howard</u> name (print)	<u>6-27-07</u> date

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Oregon Water Resources Department
Land Use Information Form

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

Applicant Name: Thomas M. + Barbara Jo Howard
Mailing Address: P.O. Box 196
City: Drewsey State: OR Zip: 97904 Day Phone: 541-493-2603

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

A. Land and Location

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

Table with 7 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Irrig.).

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

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, Exchange of Water, Allocation of Conserved Water, Limited Water Use License, Permit Amendment or Ground Water Registration Modification

Source of water: [] Reservoir/Pond [x] Ground Water [] Surface Water (name)

Estimated quantity of water needed: 900 [] cubic feet per second [x] gallons per minute [] acre-feet

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

Briefly describe: Drill 2 wells, 1 to be used on NW 1/4 of Sec. 25 and the 2nd to be piped to SW 1/4 of Sec. 25

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

Receipt for Request for Land Use Information

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

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WATER RESOURCES DEPT
SALEM, OREGON

T 10431

For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.010.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

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Name: Doreen Johnson Title: PLANNING ASSISTANT
 Signature: [Signature] Phone: (541) 573-8174 Date: 27 June 07
 Government Entity: Harney County Planning Department

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: _____

1 10431

Howard Ranch, LLC

Tom & Barbara Howard
P.O. Box 196
Drewsey, OR 97904
Phone 541-493-2603
Fax 541-493-2603
howdranch@centurytel.net

June 28, 2007

Farm Credit Services
Attn: Mitch Davis, Senior Credit Officer
P.O. Box 279
Ontario, OR 97914

Dear Mitch,

As a lien holder for property recently purchased, that also had a water permit for part of the land, we are notifying you of changes being applied for, to the Water Resources Department in Salem, OR.

We have received the assignment from the owner, Don Johnson, putting the permit into our names. We are now applying for an extension of time and a permit amendment to change the point of appropriation, changing the location of the platted wells that were proposed.

We have proposed to drill two wells in the NW 1/4 of Section 25. We plan to use one well for the NW 1/4 and the other well to be piped to the SW 1/4 in Section 25.

If you have any questions please give us a call.

Sincerely,

Tom Howard

Barbara Howard

Tom & Barbara Howard

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SALEM, OREGON



POLICY OF TITLE INSURANCE

Policy No. 73106- 81119

CHICAGO TITLE INSURANCE COMPANY OF OREGON

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY OF OREGON, an Oregon corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

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**WATER RESOURCES DEPT
SALEM, OREGON**

**AmeriTitle
111 W. Washington
Burns, OR 97720**

CHICAGO TITLE INSURANCE COMPANY OF OREGON

By:  President



ATTEST:
 Secretary


Authorized Signatory

10431

OWNERS POLICY

SCHEDULE A

Order No.: 0018261-6900/83

Policy No.: 73106-81119

Amount of Insurance: \$383,400.00

Premium: \$1,118.00

Date of Policy: JUNE 6, 2007 AT 4:05 P.M.

1. Name of Insured:

THOMAS M. HOWARD and BARBARA JO HOWARD

2. The estate or interest in the land described or referred to in Schedule C and which is covered by this policy is:

A FEE

3. Title to the estate or interest in the land referred to herein is at Date vested in:

***THOMAS M. HOWARD and BARBARA JO HOWARD
as tenants by the entirety***

4. The land referred to in this Policy is described on the attached Schedule "C" and made a part hereof.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Easements, liens, encumbrances, interests or claims thereof which are not shown by the public records. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. Unpatented mining claims; Reservations or exceptions in patents or in Acts authorizing the issuance thereof; Water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law not shown by the public records.
6. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
7. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
8. Reservations in deed from Harney County, Oregon, recorded September 7, 1946, in Book 44, Page 239, Deed Records, reserving a right for a right of way for county roads. (Affects all of Sec. 36, Twp. 24 S., R. 33 E., W.M.)
9. Reservation of minerals, in deed from Harney County, Oregon, as to a full interest therein
Recorded: September 7, 1946
Book/Page: 44/239, Deed Records.

The mineral interest or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

10. Limited access provisions contained in Deed from the State of Oregon, by and through its State Highway Commission, which provided that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property,
Recorded: December 19, 1949
Book/Page: 51/699, Deed Records. (Affects all of Sec. 36, Twp. 24 S., R. 33 E., W.M.)
11. Reservation of minerals, in deed from Grant M. Miles and Helen D. Miles, husband and wife, as to a full interest therein
Recorded: February 1, 1963
Book/Page: 72/454, Deed Records. (Affects all of Sec. 26, Twp. 24 S., R. 33 E., W.M.)

The mineral interest or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

12. Reservation of minerals, in deed from Hazel O'Donnell, Kathleen Michaela Handley, Wanda O'Donnell Keyser and F.M. Keyser, as to a full interest therein
Recorded: January 24, 1991
Instrument No.: 910087, Deed Records.

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SALEM, OREGON

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The mineral interest or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

- 13. Reservation of minerals, in deed from M.F. O'Donnell and Sarah O'Donnell, husband and wife and Wanda O'Donnell Keyser and Fields M. Keyser, husband and wife, as to a full interest therein
Recorded: October 7, 1991
Instrument No.: 911520, Deed Records. (Affects all that portion of Sec. 35, Twp. 24 S., R. 33 E., W.M., lying North and East of the U.S. Hwy 78 right of way.)

The mineral interest or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

- 14. Reservation of minerals, in deed from M.F. O'Donnell and Sarah E. O'Donnell, husband and wife, as to a full interest therein
Recorded: October 7, 1991
Instrument No.: 911521, Deed Records. (Affects Sec. 26, Twp. 24 S., R. 33 E., W.M.)

The mineral interest or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

- 15. Deed of Trust, including the terms and provisions thereof, to secure an indebtedness of the amount herein stated.
Amount: \$540,400.00
Dated: May 8, 2007
Recorded: June 6, 2007
Instrument No.: 20071259, Harney County Records
Grantor: Thomas M. Howard and Barbara Jo Howard, husband and wife
Trustee: Amerititle
Beneficiary: Northwest Farm Credit Services, FLCA

END OF SCHEDULE B

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SALEM, OREGON**

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SCHEDULE "C"

The land referred to in the Policy is described as follows:

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 33 E., W.M.:
Sec. 26: All.

A parcel of land located in Sections 25 and 36, Twp. 24 S., R. 33 E., W.M., Harney County, Oregon, more particularly described as follows:

Parcel No. 3 of Partition Plat No. 1992-08-026, recorded August 12, 1992,
Instrument No. 921280, Harney County Plat Records.

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After recording return to:
THOMAS M. HOWARD
P.O. BOX 196
DREWSEY, OR 97904

Until a change is requested all
tax statements shall be sent to
The following address:

THOMAS M. HOWARD
P.O. BOX 196
DREWSEY, OR 97904

SWD

STATE OF OREGON }
County of Harney } ss
I certify that the within instrument was received
for record on the 02 day of June
2007 at 4:05 o'clock P.M. and
recorded Microfilm number: 20071258
Deputy
Records of said County.
Maria Inurriaga, County Clerk

STATUTORY WARRANTY DEED

SOUTHERN OREGON PROPERTY MANAGEMENT, LLC, Grantor(s) hereby convey and warrant to
THOMAS M. HOWARD and BARBARA JO HOWARD, as tenants by the entirety, Grantee(s) the
following described real property in the County of **HARNEY** and State of Oregon free of encumbrances except as
specifically set forth herein:

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 33 E., W.M.:
Sec. 26: All.

**A parcel of land located in Sections 25 and 36, Twp. 24 S., R. 33 E., W.M., Harney
County, Oregon, more particularly described as follows:**

**Parcel No. 3 of Partition Plat No. 1992-08-026, recorded August 12, 1992,
Instrument No. 921280, Harney County Plat Records.**

CODE # 4-2 ACCT. # 10405
CODE # 4-2 ACCT. # 10410

MAP# 24S 33E TL6900
MAP# 24S 33E TL 7400

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The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and
those shown below, if any:

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