

T-10464

T-10464

RA

Name Kent Madison

Address 29299 Madison Road
Echo, OR 97826
541 376-5063 541 376-8107

Change in SW POD to GW POA
Date Filed 9-28-2007
Initial notice date 10-16-2007
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 9-24-10 Vol 81 Page 989

C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued 10/28/2011 86607 RR
87265

Assignments: _____

Irrigation District N/A

Agent GSI Water Solutions Attn: Jason Melady 55 SW Yamhill St., Suite 400
Portland OR 97204
CWRE Jason Melady 79557
CC's list Umatilla County 216 SE 4th St. Pendleton OR 97801
Contractor PHM

DESCRIPTION OF WATER RIGHT(S)

Name of Stream South Spring North Spring

Trib. of Butter Creek

Use _____ County Umatilla

Quantity of water (CFS) _____ No. of Acres 84.3

Name of ditch 83696

App # 31906 Per # 25159 Cert # 28737 PR Date 1957

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

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

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

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

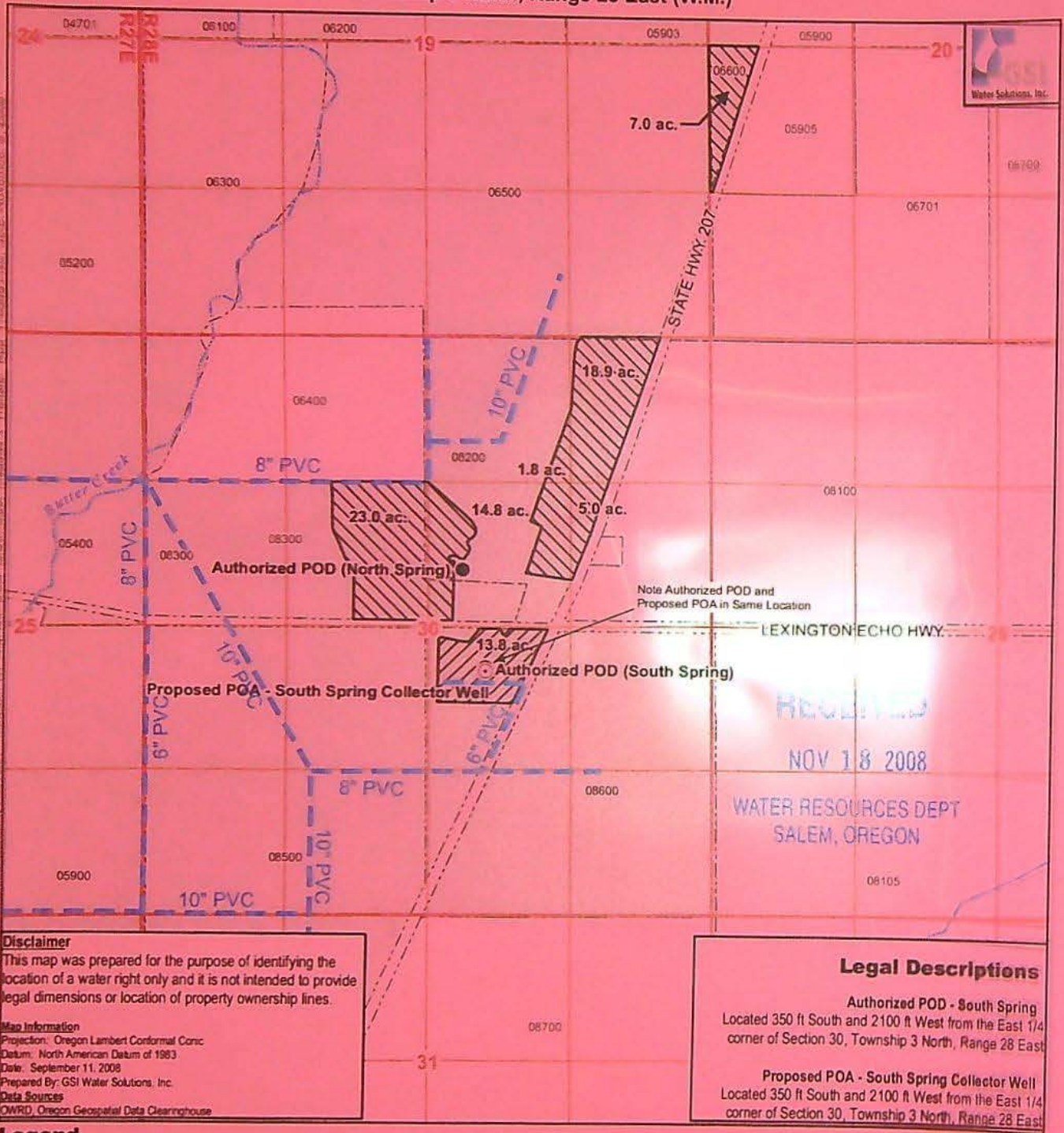
FEES PAID
Date 9-28-07 Amount 52500 Receipt # 89914

FEES REFUNDED
Date _____ Amount _____ Receipt# _____

Application for a Water Right Transfer

Certificate 28737

Township 3 North, Range 28 East (W.M.)



Disclaimer
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

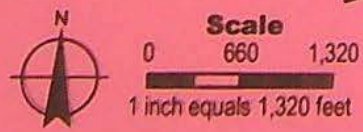
Map Information
 Projection: Oregon Lambert Conformal Conic
 Datum: North American Datum of 1983
 Date: September 11, 2008
 Prepared By: GSI Water Solutions, Inc.
Data Sources
 OWRD, Oregon Geospatial Data Clearinghouse

Legal Descriptions

Authorized POD - South Spring
 Located 350 ft South and 2100 ft West from the East 1/4 corner of Section 30, Township 3 North, Range 28 East

Proposed POA - South Spring Collector Well
 Located 350 ft South and 2100 ft West from the East 1/4 corner of Section 30, Township 3 North, Range 28 East

- Legend**
- Proposed Point of Appropriation (POA)
 - Currently Authorized Point of Diversion (POD)
 - ▨ Currently Authorized Place of Use (POU) - Not Included in Transfer
 - ▧ Currently Authorized POU Proposed for Transfer
 - - - Property Owned by Applicant
 - - - Water Pipeline
 - ~ Creeks and Streams



Certified Water Rights Examiner
 #79557WRE
 Jason Melady
 June 29, 2007
 STATE OF OREGON
 EXPIRES: 12/31/2008

File Path: \\gds-001\projects\136 - MadisonMcCarthy\ASR\007 - MadisonMcCarthy\Map\W3 - Transfer - App - 110908.mxd Date: November 9, 2008

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10464, Umatilla County	)	CHANGE FROM A SURFACE WATER
	)	POINT OF DIVERSION TO A
	)	GROUNDWATER POINT OF
	)	APPROPRIATION AND CORRECTING
	)	AN ERROR IN CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant
KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

Applicant's Agent
JASON MELADY, RG, CWRE
GSI WATER SOLUTIONS, INC.
55 SW YAMHILL ST., SUITE 400
PORTLAND, OR 97204

Findings of Fact

Background

1. On September 28, 2007, KENT MADISON filed an application to change from a surface point of diversion to a ground water point of appropriation under Certificate 28737. The applicant proposed to change from a surface water spring point of diversion in the NW SE of Section 30, T3N, R28E, W.M., to a proposed point of appropriation (the "Windmill Well") within the SE NW of Section 31. The Department assigned the application number T-10464.
2. On March 14, 2008, Certificate 28737 was cancelled by Special Order Volume 74, pages 394-406, which approved T-10320, and was superseded by Certificate 83696.
3. A preliminary review by a Department hydrogeologist indicated that the well originally proposed (the Windmill Well) did not meet the distance and hydraulic connection criteria in ORS 540.531(2).

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

4. On November 18, 2008, the applicant's agent submitted an amended application and map, changing the location of the proposed point of appropriation to a different collector well, located within the NW SE of Section 30.

5. The portion of the right to be transferred is as follows:

Certificate: 83696 in the name of GAYLORD M. MADISON (perfected under Permit S-25159)

Use: SUPPLEMENTAL IRRIGATION of 13.8 ACRES

Priority Date: SEPTEMBER 30, 1957

Rate: 0.28 CUBIC FOOT PER SECOND

Limit/Duty: ONE-FIFTIETH cfs per acre, not to exceed 4 acre-feet per acre per year

Source: SOUTH SPRING, tributary to BUTTER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	30	NW SE

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

6. Certificate 83696 does not describe the location coordinates of the point of diversion, however information is available from Transfer Application T-10464 and map indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

7. The right currently evidenced by Certificate 83696 was originally applied for by Gaylord M. Madison under Application S-31906 on September 30, 1957. The applicant requested to use water from the North and South Springs for "irrigation and supplemental irrigation" of 88.0 acres. The Department issued Permit S-25159 on November 29, 1957 approving the application, but only allowed "supplemental irrigation" because of the existence of irrigation Permits E-106 and S-1546 located on the same lands. The proposed project under Permits E-106 and S-1546 was never developed, however, so Permits E-106 and S-1546 were voluntarily cancelled on June 22, 1959, under Special Order Volume 10, Page 111.

8. When Certificate 28737 was issued on July 13, 1959, it described the right for the use of 1.69 cfs from the North and South Springs as being "supplemental irrigation" of 84.3 acres. Since the underlying permits had been cancelled just three weeks prior to the issuance of the certificate, however, Certificate 28737 should have been issued as primary irrigation, pursuant to ORS 540.670. Therefore, on February 26, 1985, Department staff determined that the designation of all irrigated lands under Certificate 28737 as being supplemental was arbitrary, and the Department would consider Certificate 28737 as being the primary source

of supply for any of the involved lands that did not already have a valid primary irrigation right. This is documented by an Interoffice Memo in the original S-31906 water right file. However, when Certificate 83696 was issued to supersede Certificate 28737, it inadvertently perpetuated the inaccurate designation of Supplemental Irrigation.

9. Based upon Finding of Fact #8 and the existence of no primary irrigation rights on the land, the Department has determined that the portion of the authorized place of use under Certificate 83696 (formerly evidenced by Certificate 28737) to be transferred under Application T-10464 should be described as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

10. Transfer Application T-10464 proposes to change the authorized point of diversion to a ground water point of appropriation (collector well) at the site of the existing point of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

11. Notice of the application for transfer was published on October 16, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On May 30, 2008, the Department contacted the applicant Kent Madison by written correspondence, with copy to the applicant's agent Jason Melady, to notify him of the deficiencies in the application and map. The Department requested that the deficiencies be resolved by July 15, 2008. Subsequently Jason Melady requested additional time to submit the requested information, so the deadline was extended until September 15, 2008, and again to November 15, 2008. The applicant's agent responded on November 18, 2008 as stated in Finding of Fact #4 above.
13. A December 16, 1985 memo in the Application S-31906 file confirms a telephone conversation on December 6, 1985 in which John Madison had proposed his intention to develop the springs on the Madison Ranch lands with additional excavation, and to replace the old tile lines above the "hard pan" layer approximately 20 feet in depth. Steven Applegate of the Department indicated that provided no new distinct water sources were developed besides those described under the right, the proposed further development of the springs would not be of concern to the Department.
14. Transfer Application T-10464 describes the current point of diversion at the South Spring as a collector well, consisting of 12" ADS vertical pipe 30 feet deep connected to 300 feet of 6" ADS horizontal drain tile. However, Kent Madison indicated in a phone conference on April 5, 2010 that he believed the current well is approximately 20 feet deep. Mr. Madison also submitted a diagram via email on April 5, 2010 to illustrate characteristics of the "spring"

before and after replacement of the collector tiles in the 1980s. The diagram did not include dimensions or a scale.

15. On May 26, 2010, Department hydrogeologist Marc Norton reported that an attempt to determine the depth of the well during a site visit was inconclusive, as something solid (probably not the well bottom) was encountered at a depth of about 17 feet.
16. Insufficient information exists to determine with certainty the water available at the original spring; however, based on the descriptions in Findings of Fact #13 and #14, it seems reasonable that limiting the pump intake to a depth of 20 feet below ground surface would prevent the drawdown to drop below the original spring level, thereby not exceeding the period of time that water would have been available at the original POD.
17. To ensure that the water right will not be enlarged in the future, baseline data should be gathered on the water available from this well through metering and recording of data.
18. On June 8, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10464 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 9, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and on August 9, 2010 provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
19. On August 16, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10464 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 24, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

20. Water has been used within the last five years prior to the submittal of Transfer Application T-10464 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
21. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10464.
22. The proposed well meets the hydraulic conductivity requirements of ORS 540.531. Pumping of the well will cause depletion of the surface water source at a rate of at least 50 percent of the rate of appropriation within 10 days of continuous pumping, in accordance with OAR 690-380-2130(2)(c) and (11)(b).
23. Unless the well is constructed in a manner which prevents entry of surface water from other sources such as ditches, or access to groundwater at depths not accessed by the original POD construction, enlargement of the right could result.

24. Without provisions to prevent entry to the well of unauthorized surface water, or intake of groundwater not accessed by the original POD and a measurement device on the well, the Department cannot find that the proposed change would not allow enlargement of the right. However, if conditioned as follows, the proposed change would not result in enlargement of the right.
25. Without assurance that enlargement would not occur, the Department cannot find that the proposed change would not result in injury to other water rights. If conditioned as follows, the proposed change would not result in injury to other water rights.

Conclusions of Law

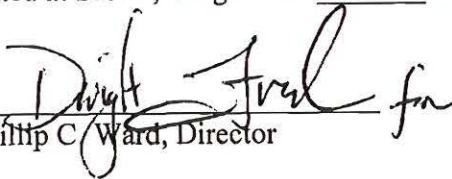
The change from a surface water point of diversion to a ground water appropriation proposed in Transfer Application T-10464, as conditioned below, is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000 and the character of use of the right should be corrected in the record from supplemental to primary irrigation.

Now, therefore, it is ORDERED:

1. The change in point of diversion to a ground water point of appropriation proposed in Transfer Application T-10464 is approved and the transferred portion of the right will be designated as primary irrigation.
2. Water right certificate 83696 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer, which will correct the character of use to Primary Irrigation.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83696 and any related decree.
4. The well shall be sealed to prevent surface water from entering the well.
5. The pump intake shall be set no deeper than 20 feet below ground surface to ensure that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user 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.

7. The water user shall record the water used and submit monthly reports to the Watermaster.
8. ^{submit within X # of Days} The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.
9. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.
10. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.
11. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved
12. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
13. When satisfactory proof of the completed change is received, a new certificate will be issued confirming the right transferred and acknowledging that it is Primary Irrigation.

Dated at Salem, Oregon this 24 day of September 2010.


Phillip C. Ward, Director

Mailing date: SEP 27 2010

Craig Kohanek

From: Dorothy Pedersen
Sent: Monday, August 06, 2012 5:04 PM
To: Ken Dowden
Cc: Marc Norton; Craig Kohanek
Subject: RE: T-11414 (POD change/to Collector Well)

Ken,

The Final Order T-10464 was the result of multiple meetings and phone conversations over a period of time, and it is a FINAL order, so now is the time to move forward from that basis. We are not going to re-think our earlier action and end up with a different conclusion regarding what has been approved in the past.

Enlargement

The conversion of the "spring" to a well actually occurred many years ago, prior to T-10464 being filed, and perhaps even before the application for Permit S-25159 was submitted. From the sketchy descriptions of the POD at the time when the original permit application was filed, if the application had come in today, the POD may even have been characterized as a "well" rather than a "spring". Then, in 1985, the original POD/POA was modified to the current configuration. It appeared that the collector well existing at the time of T-10464 filing was potentially accessing surface run-off, as well as shallow groundwater. Therefore, it was impossible to really measure the output of the original spring source. The best we could come up with to ensure no enlargement above what was there when the permit was proved up on, was:

1. to limit the depth to no greater than 20' (the estimated original depth at the time the permit application was filed), and
2. to seal to eliminate entry of unauthorized surface water.

Then, so as to have a starting point for ensuring no enlargement if a future transfer to a different well was proposed, to install a meter to measure the output of the 20' collector well after complying with the depth and sealing requirements in the T-10464 transfer.

Distance from well to well

Going from a SW POD to a GW POA is where the distance criteria apply. Going from a POA to another POA, we will be looking at the waterbearing zones accessed and the general construction of the wells.

Your questions:

1. The standard boiler plate condition could have been included, but actually the depth and sealing requirements were intended to address the availability issue. There is no practical way for a person to actually see in the field whether the water is available at the original "spring".
2. I will see about scanning the COBU for you.
3. I'll default to Craig Kohanek to answer questions about the review of the COBU that resulted in issuance of Certificate 87265. Regardless, the certificate has been issued, and is final since it has been more than 60 days since issuance. So we have a certificate as the basis for the T-11414 review.

Last point--we expected that after T-10464, Kent Madison might submit a change in POA from the POA at the spring site (authorized by T-10464) to the Windmill Well--that would be a POA-to-POA transfer.

Dorothy

Dorothy

From: Ken Dowden
Sent: Monday, August 06, 2012 2:47 PM
To: Dorothy Pedersen
Cc: Marc Norton
Subject: RE: T-11414 (POD change/to Collector Well)

Dorothy, regarding your last sentence in your last e-mail below, I would like a little more dialogue to discuss how Kent got here. I would believe that the Findings of Fact #3 in the Final Order approving T-10464 would have been enough.

I wasn't in on any of these prior discussions with Kent, but I'm wondering how Department looks at the original source of water being a spring, then, by virtue of SW -> GW conversion, authorized T-10464, and now somehow Kent is led to believe he can now leap frog even further up the basin, 4250 feet (up gradient) from the original spring source? In Findings of Fact #15 and 16 in T-10464 FO, we aren't quite sure about anything it sounds like, then talk for the next couple of pages how we're going to prevent enlargement. The finding that the initial well would "Pumping of the well will cause [re: depletion] of the surface water source..." was the first hoop to jump thru, but then how does the Department protect against enlargement when there exists [F of F #16] "*insufficient information*" of what water is available at the ORIGINAL SOURCE OF WATER? Why was there no requirement for a measuring device at the springs to understand how much water will be available at the new well? I certainly don't like the wording and "open-endedness" seen in Findings of Fact #24 & 25.

I'm finding it hard to subscribe to or accept this Final Order and subsequent (RA) certificate when I see Findings of Fact #25 hinges entirely on the conditions set forth in the Final Order approval T-10464, those conditions of which a few were not met.

MY FIRST QUESTION:

Why wasn't the rate limitation paragraph in Certificate 87265 issued with wording similar to "...0.28 cfs, if available at the original point of diversion at the springs" ??

MY SECOND QUESTION:

Can someone first scan for me the COBU for T-10464 so that I can see what Kent has done, and what conditions might be applicable to this transfer should we believe we can somehow approve it. Certainly there must information on the newly approved well that shows the 20 foot limitation.

MY THIRD QUESTION:

Kent evidently had not met condition#7 spelled out in the Final Order approving T-10464 and wonder how Certificate 87265 was issued. Tony Justus, for the record stated he has not

received any of those monthly measurements. This would go hand in hand with that found in Findings of Fact #17, who has that "baseline data" information // was it contained in the COBU?

If the Watermaster and GW review doesn't cry foul, then how does the Transfer Specialist play into all this? Condition #8 in this Final Order MUST also be carried thru into the evaluation for this transfer application I have. In my opinion, this new transfer (T-11414) is further perpetuating the "enlargement" of these small original spring sources and I would like to set up a time to discuss this.

But, {after all}, you only said that "...in the future he might submit a change in POA from the spring to the Windmill POA."

Ken

From: Dorothy Pedersen
Sent: Monday, August 06, 2012 9:54 AM
To: Marc Norton; Ken Dowden
Subject: RE: Transfer T-11414 (POD change/to Collector Well) but file labeled as Change in POA

Kent initially wanted to go from the spring to the Windmill Well. We told him we could not approve that, because it did not fit the SW to GW criteria, but he should amend the earlier transfer to be a SW to GW transfer from the spring to the collector well at the original spring location. Then in the future he might submit a change in POA from the "spring" POA to the Windmill POA.

Dorothy

From: Marc Norton
Sent: Thursday, August 02, 2012 10:21 AM
To: Ken Dowden
Cc: Dorothy Pedersen
Subject: RE: Transfer T-11414 (POD change/to Collector Well) but file labeled as Change in POA

Ken, Dorothy,

I remember when this came up the first time, we figured that Kent would want to move or add the POA. I will need to go back and review the notes and first transfer as there may be limitations.

Is there a hurry on this file?

Marc

From: Ken Dowden
Sent: Thursday, August 02, 2012 9:31 AM
To: Marc Norton

Cc: Dorothy Pedersen

Subject: RE: Transfer T-11414 (POD change/to Collector Well) but file labeled as Change in POA

Also Marc, shouldn't we should pay strict attention to the existing conditions on Certificate 87265 and whether the new proposed Windmill Well is constructed similarly and/or can accomplish these conditions? I don't know if you make remarks as such to address these existing limitations and restrictions and how the new well does or cannot meet them.

Ken

From: Ken Dowden

Sent: Wednesday, August 01, 2012 4:06 PM

To: Marc Norton

Cc: Dorothy Pedersen

Subject: Transfer T-11414 (POD change/to Collector Well) but file labeled as Change in POA

Marc, it appears you were NOT solicited on this Transfer application. It appears you were involved in the previous transfer for Kent Madison's T-10464. There apparently is correspondence/e-mail between you and Tony Justus regarding the conversion of a spring to a collector well in 2010.

Now Kent is taking that water right (Cert# 87265) and asking the Department to authorize a change (again) to another collector well. And, I believe needs a GW review of sorts. Dorothy, help me out here, but I believe we simply overlooked it?

To that end, here are the vitals

Subject: OWRD Transfer T-11414 (Kent Madison)

Oregon Water Resources Department - Automated e-mail notice T-11414

Transfer Type: Regular

Transfer Actions:

POD - Change in Point of Appropriation (?) : Yes

POU - Place of Use change: No

Diversion Location:

County: Umatilla

TRSQQ: 3N 28 E Section 30

Source: BUTTER CREEK

Tributary To: UMATILLA RIVER

Application # Permit # Transfer # T-
 10464

Name of RA Applicant: RA#
 Kent Madison R11798-11

Reimbursement Authority Process

Itemized Estimate Sheet

for

Certificates

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Claim of Beneficial Use report and map	1.00	Craig	\$90	8-25	1hr-
2. Conflict Check	0.00	Craig	\$0		
3. Preparation of deficiency letter	1.00	Craig	\$90	8-25	0.5
4. Preparation of proposed certificates	1.50	Craig	\$135	8-1 9-8 10-21	0.3 0.5hr 0.7hrs
5a. Peer review		Gerry	\$0		
5b. Peer review	0.10	Dwight	\$11	10-28	0.1hr
5c. Peer review	1.00	Jerry G.	\$78	10-21-11 10-21-11	0.5 hr ✓ 0.5 hrs ✓
6. Project Management	3.00	Craig	\$270	6-17 9-8	0.3hrs 0.4hrs
7a. Water right data record update	0.20	Connie	\$11	10-28	0.1hr
7b. Water right data record update	2.00	Data Tech	\$120	10-20	0.1hrs
8. Pump test (if applicable)		Mike Z	\$0		
Total	9.80		\$805		

90⁰⁰
 90⁰⁰
 7-8 0.2 hrs -
 10-21 0.3 hrs -
 11⁰⁰
 78⁰⁰
~~312⁰⁰~~
~~277⁰⁰~~
 11⁰⁰
 30⁰⁰
 3.3
 10/13 0.5 hrs
 9-21-0.8 hrs
 10-20/21 1hr - 10/31 0.5
 787⁰⁰
 18⁰⁰
 Remaining

Notes: Meter not indicated on the map; needs to be.

Craig Kohanek

From: Bill Porfily [bporfily@my180.net]
Sent: Friday, October 21, 2011 2:26 PM
To: 'Craig Kohanek'; kmadison@eoni.com
Subject: RE: Proposed certificate for R11798-11 for trnasfer T-10464

Craig

I have reviewed the proposed Certificate and find no changes or correction that need to be made.

Porfily

From: Craig Kohanek [mailto:ron.c.kohanek@state.or.us]
Sent: Friday, October 21, 2011 1:56 PM
To: kmadison@eoni.com
Cc: Bill Porfily
Subject: Proposed certificate for R11798-11 for trnasfer T-10464

Kent & Bill,

Attached is a proposed certificate for T-10464. Please review it for completeness and accuracy. If you have edits or comments let me know. However, if you agree with it send me an reply email letting me know this and I will continue with the further processing of the certificate.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Departmen
Phone: 503-986-0823
Fax: 503-986-0901
Ron.c.kohanek@wrđ.state.or.us

Craig Kohanek

From: Craig Kohanek
Sent: Friday, October 21, 2011 1:56 PM
To: 'kmadison@eoni.com'
Cc: 'Bill Porfily'
Subject: Proposed certificate for R11798-11 for trnasfer T-10464
Attachments: T-10646-or-prop.pdf

Kent & Bill,

Attached is a proposed certificate for T-10464. Please review it for completeness and accuracy. If you have edits or comments let me know. However, if you agree with it send me an reply email letting me know this and I will continue with the further processing of the certificate.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Departmen
Phone: 503-986-0823
Fax: 503-986-0901
Ron.c.kohanek@wrd.state.or.us

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

confirms the right to use the waters of THE SOUTH SPRING WELL, tributary to BUTTER CREEK for IRRIGATION of 13.8 ACRES.

This right was perfected under permit S-25159. The date of priority is SEPTEMBER 30, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.28 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM E1/4 CORNER, SECTION 30

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

* This certificate is issued to confirm a change from a surface water point of diversion to a groundwater point of appropriation and to correct an error in the character of use, and was approved by an order of the Water Resources Director entered September 24, 2010, at Special Order Volume 81, Page 989, approving Transfer Application 10464, and together with Certificate 86607, supercedes Certificate 83696, in the State Record of Water Right Certificates.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and may 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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter in good working order.

- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed with the original point of diversion.

If, within five years of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to the use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinated to the existing right injured by the transfer.

The well shall be sealed to prevent surface water from entering the well.

The pump intake shall be set no deeper than 20 feet below ground surface to ensure that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.

The water user shall record the water used and submit monthly reports to the Watermaster.

The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued _____.

Dwight W. French
Water Right Services Division Administrator, for
Phillip C. Ward, Director

STATE OF OREGON
 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENT R. MADISON
 29299 MADISON RD
 ECHO OR 97826

confirms the right to use the waters of THE SOUTH SPRING WELL, tributary to BUTTER CREEK for IRRIGATION of 13.8 ACRES.

This right was perfected under permit S-25159. The date of priority is SEPTEMBER 30, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.28 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

Deleted: confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM E1/4 CORNER, SECTION 30

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

Deleted: The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

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Measurement, recording and reporting conditions:

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B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Deleted: <#>The water user shall record the water used and shall submit monthly reports to the Watermaster.¶

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Issued _____

Dwight W. French
Water Right Services Division Administrator, for
Phillip C. Ward, Director

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Deleted: T-10464.ra-rck . Page 2 of 2 . Recorded in State Record of Water Right Certificates numbered *****.

Field Code Changed

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Craig Kohanek

From: Tony Justus
Sent: Tuesday, October 18, 2011 12:04 PM
To: Craig Kohanek
Cc: Mike Ladd
Subject: RE: Water use and monthly reports to Watermaster for Kent madison; T-10464; Reimbursement Authority R11798-11

What has been submitted now is an annual report of monthly use. I suggest you ask the author of the limited license what he intended. Based upon my read of the condition, I suggest that a report of use was to be sent monthly. If that is the case, there is no way to do that at the end of the year.

I would like to have the actual meter readings and power meter readings not just the use. I would compare that with readings I or my staff have taken.

I also note the use information submitted by Mr. Madison indicates his use exceeded the duty allowed (13.8 acres @ 4af/acre). Causes me to wonder if the use was limited to only the lands authorized by the water right.

From: Craig Kohanek
Sent: Thursday, October 13, 2011 9:46 AM
To: Tony Justus
Subject: FW: Water use and monthly reports to Watermaster for Kent madison; T-10464; Reimbursement Authority R11798-11

Tony,

Contained in the email below is the monthly water use report submitted by Kent Madison in response to condition 7 of the Final Order approving T-10464. It states "The water user shall record the water used and submit monthly reports to the Watermaster." Please let me know if this submittal satisfies that condition.

R. Craig Kohanek
 Water Rights Specialist
 Reimbursement Authority
 Oregon Water Resources Department
 Phone: 503-986-0823
 Fax: 503-986-0901
 Ron.c.kohanek@wrd.state.or.us

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Thursday, October 13, 2011 8:30 AM
To: 'Craig Kohanek'
Subject: FW: Water use and monthly reports to Watermaster for Kent madison; T-10464

From: kent madison [mailto:kmadison@eoni.com]
Sent: Thursday, October 13, 2011 8:15 AM
To: 'Bill Porfily'; Jason Melady
Cc: 'Craig Kohanek '; Kent Madison
Subject: RE: Water use and monthly reports to Watermaster for Kent madison; T-10464

10/20/2011

Bill

I did record the flow meter through the year but did not send in a report. This is the results of this year's pumping. I started on April 26th and ended mid-August

Month	UECA KWH	Acre ft pumped
April	600	.61
May	7709	12.73
June	12717	21.22
July	9706	16.37
August	5769	9.7
Totals for 2011	36,501	60.63

Please send this on to whomever needs it to finish this thing up.

Thanks Kent

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Wednesday, October 12, 2011 10:36 AM
To: Kent Madison
Cc: 'Craig Kohanek '
Subject: FW: Water use and monthly reports to Watermaster for Kent madison; T-10464

Kent

This is the Transfer that Melady did for you on the south Spring and Dale & I did the Claim of Beneficial Use Report in May for you. I have attached copy of the Map and Claim Of Beneficial Use Report. On page 11 of 14 in the attached report we noted that you were going to e-mail copies of the water use report to OWRD.

Can you check to see if this has happened?

This COBU Report weak to have it expedited for certificate. We have signed a contract and you sent money to have this done. Everyone is waiting for the Water Use report. Looks like I was a sleep at the switch last month when I got the first e-mail from OWRD Craig K.

Porfily

From: Craig Kohanek [mailto:ron.c.kohanek@state.or.us]
Sent: Wednesday, October 12, 2011 8:55 AM
To: Bill Porfily
Subject: FW: Water use and monthly reports to Watermaster for Kent madison; T-10464

Bill,

I'm just checking on the status of the situation I emailed you below.

R. Craig Kohanek
 Water Rights Specialist
 Reimbursement Authority
 Oregon Water Resources Department
 Phone: 503-986-0823

10/20/2011

Fax: 503-986-0901
Ron.c.kohanek@wrd.state.or.us

From: Craig Kohanek
Sent: Thursday, September 15, 2011 11:28 AM
To: 'Bill Porfily'
Subject: Water use and monthly reports to Watermaster for Kent madison; T-10464

Bill,

Condition 7 of the Final Order approving T-10464 states "The water user shall record the water used and submit monthly reports to the Watermaster." I contacted Tony Justus, the Watermaster for Umatilla Basin, and he reported to me that he has "seen no reports on use from Mr. Madison." Please provide this information to Tony Justus at your earliest convenience, but no later than September 30th of this year; as the completion date established in the final order approving T-10464 is 10/1/2011. If this information is not submitted by September 30th 2011 to Tony Justus then an extension of time and corresponding fees will need to be submitted to the Department.

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Fax: 503-986-0901
Ron.c.kohanek@wrd.state.or.us

Craig Kohanek

From: Tony Justus
Sent: Thursday, September 15, 2011 10:48 AM
To: Craig Kohanek
Cc: Mike Ladd
Subject: RE: Final Order Condition for T-10464 for Kent Madison
I have seen no reports on use from Mr. Madison.

From: Craig Kohanek
Sent: Wednesday, September 14, 2011 12:05 PM
To: Tony Justus
Subject: Final Order Condition for T-10464 for Kent Madison

Tony,

I am contacting you because Mr. Madison has contracted with the Department's Reimbursement Authority program to process this transfer into a certificate, and one of the conditions of the final order approving the water right transfer is "the water user shall record and report the water used and submit monthly reports to the Watermaster." Has Mr. Madison complied with this condition?

Again, thanks for your time and I look forward to your response.

R. Craig Kohanek
Water Rights Specialist
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RECEIVED

SEP 06 2011

WATER RESOURCES DEPT
SALEM, OREGON

Bill Porfily

From: Bill Porfily <bporfily@my180.net>
Sent: Wednesday, August 31, 2011 4:24 PM
To: 'Craig Kohanek'
Cc: 'Dale VanSchoiack'; 'Gerry Clark'; Kent Madison (kmadison@eoni.com)
Subject: RE: R11798-11 for Kent Madison; transfer T-10464
Attachments: 08-31-11 Amended COBU Map T-10464.pdf

Craig

Attached is amended COBU Map for the above mentioned Transfer. Mylar copy is being put in the mail to Gerry Clark.

William I Porfily
P. O. Box 643
Stanfield, OR 97875
(541) 449-1327
Cel (541)561-7259
bporfily@my180.net

From: Craig Kohanek [mailto:kohanerc@ wrd.state.or.us]
Sent: Thursday, August 25, 2011 11:25 AM
To: Bill Porfily
Subject: R11798-11 for Kent Madison; transfer T-10464

Bill,

Attached is a scan of the Claim of Beneficial Use (COBU) map that was submitted for transfer T-10464. It does not show the location of the instantaneous totalizing flow meter described in the COBU report on page 10 of 14. The meter is a requirement of the Transfer Final Order and must be shown on the COBU map. Once I receive a revised version of the map, which includes the meter location in relation to the point of appropriation, I will continue the processing of this transfer into a certificate.

R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@ wrd.state.or.us
www.wrd.state.or.us

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From: Bill Porfily [bporfily@my180.net]
Sent: Wednesday, August 31, 2011 4:24 PM
To: Craig Kohanek
Cc: 'Dale VanSchoiack'; Gerry Clark; Kent Madison
Subject: RE: R11798-11 for Kent Madison; transfer T-10464
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Cel (541)561-7259
bporfily@my180.net

From: Craig Kohanek [mailto:kohanerc@wrд.state.or.us]
Sent: Thursday, August 25, 2011 11:25 AM
To: Bill Porfily
Subject: R11798-11 for Kent Madison; transfer T-10464

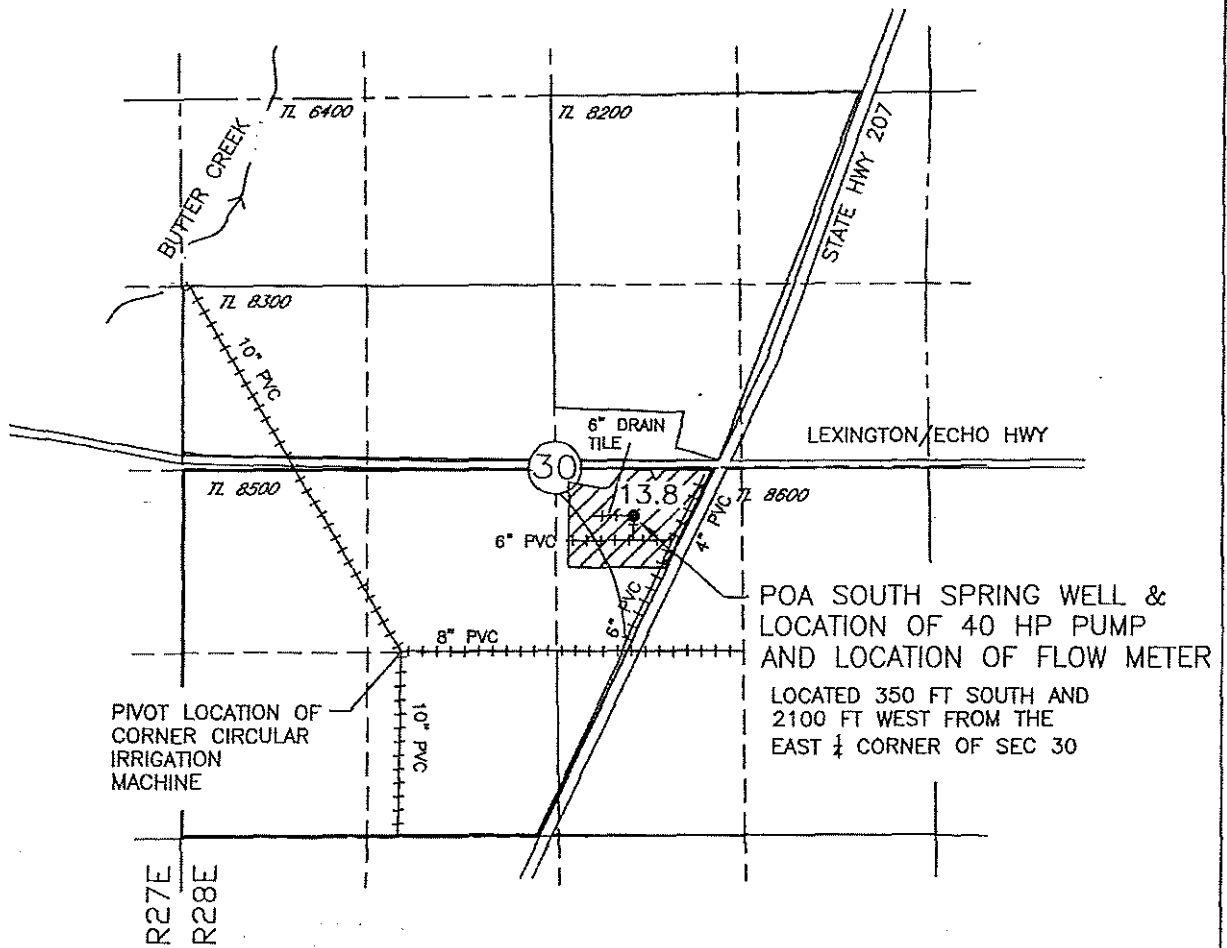
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9/1/2011

CLAIM OF BENEFICIAL USE MAP
 FOR TRANSFER T-10464 IN THE NAME OF
 KENT R. MADISON
 T3N, R28E, W.M.
 UMATILLA COUNTY

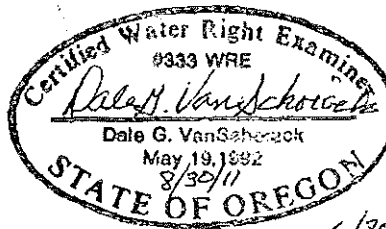


LEGEND

AREA IRRIGATED 13.8 ACRES

BURIED IRRIGATION PIPE (TYPICAL)

TL 8500 TAX LOT NUMBER (TYPICAL)



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

THE PIPE DISTRIBUTION SYSTEM IS BURIED PIPE. LOCATIONS AND SIZES ARE APPROXIMATE. THEY ARE BASED ON FARM MAPS, FIELD OBSERVATIONS AND DESCRIPTIONS PROVIDED BY OPERATIONS PERSONNEL.

Craig Kohanek

From: Craig Kohanek
Sent: Thursday, August 25, 2011 11:25 AM
To: 'Bill Porfily'
Subject: R11798-11 for Kent Madison; transfer T-10464
Attachments: 20110825111550602.pdf

Bill,

Attached is a scan of the Claim of Beneficial Use (COBU) map that was submitted for transfer T-10464. It does not show the location of the instantaneous totalizing flow meter described in the COBU report on page 10 of 14. The meter is a requirement of the Transfer Final Order and must be shown on the COBU map. Once I receive a revised version of the map, which includes the meter location in relation to the point of appropriation, I will continue the processing of this transfer into a certificate.

R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrd.state.or.us
www.wrd.state.or.us

Craig Kohanek

From: Craig Kohanek
Sent: Friday, June 17, 2011 10:48 AM
To: 'kmadison@eoni.com'
Cc: 'Bill Porfily'
Subject: Reimbursement Authority Signed Contract R11798-11
Attachments: RA Certificate Executed Contract.pdf

Kent & Bill,

Enclosed is a copy of the fully executed Applicant's Agreement signed by the required parties. The agreement details the terms and conditions under which a Work Order was issued for the expedited services that you requested.

If you have any questions concerning the agreement or the program, please contact me.

R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrđ.state.or.us
www.wrd.state.or.us

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 # **103139**

INVOICE # _____

RECEIVED FROM: Madison Farms
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	1-10464

CASH: CHECK:# 3769 OTHER: (IDENTIFY)

TOTAL REC'D \$ 805.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R11798-11 \$
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 805.00
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **103139**

DATED: 6-16-11 BY: [Signature]



**OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**



Contract Number: **R11798-11**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Kent Madison hereafter Applicants, hereafter known together as the parties.

OWRD Information

Project Contact: R. Craig Kohanek
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street, NE
Salem, OR 97301-1271
Phone: 503-986-0823
Email: Ron.c.kohanek@state.or.us

Applicant's Information

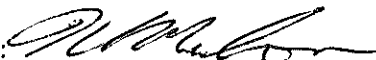
Name: Kent Madison
Title: Owner
Company: Kent Madison
Address: 29299 Madison Road
Echo, OR 97826
Phone: 541-376-8107
Email: kmadison@eoni.com

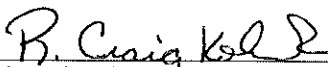
Applicant's Representative

Name: William Porfily
Title:
Company: William Porfily
Address: P.O. Box 643
Stanfield, OR 97875
Phone: 541-449-1327
Email: bporfily@my180.net

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the Claim of Beneficial Use. (Application Number: T-10464)
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Kent Madison and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Kent Madison shall pay OWRD in advance for actual costs incurred by OWRD. Kent Madison agrees to pay the full amount of \$805 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Kent Madison agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than ninety (90) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: 
 Name: Kent Madison
 Title: Owner
 Company: Kent Madison
 Date: 6/14/2011

For OWRD: 
 Name: R. Craig Kohanek
 Water Rights and Adjudication Division
 Date: 6-17-2011

Mail signed Agreement to:

Craig Kohanek
 Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271

Craig Kohanek

From: kent madison [kmadison@eoni.com]
Sent: Tuesday, June 14, 2011 9:17 AM
To: Craig Kohanek
Cc: 'Bill Porfily'
Subject: RE: RA Certificate Estimate for Kent Madison R11798-11 involvingtransfer # T-10464
Importance: High

Craig

I agree to this contract and will be returning the contract and check to you this week.

Thanks



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Craig Kohanek [mailto:kohanerc@wrdd.state.or.us]
Sent: Friday, June 03, 2011 10:12 AM
To: kmadison@eoni.com
Cc: Bill Porfily
Subject: RA Certificate Estimate for Kent Madison R11798-11 involvingtransfer # T-10464

Kent & Bill,

Please find the attached estimate and agreement to process your transfer. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to process the transfer.

If you have any questions, please call me.

R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrdd.state.or.us
www.wrdd.state.or.us

Information from ESET NOD32 Antivirus, version of virus signature database 6177 (20110603)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 6206
(20110614)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Craig Kohanek

From: Craig Kohanek
Sent: Friday, June 03, 2011 10:12 AM
To: 'kmadison@eoni.com'
Cc: 'Bill Porfily'
Subject: RA Certificate Estimate for Kent Madison R11798-11 involving transfer # T-10464
Attachments: RA Certificate Estimate Contract.pdf

Kent & Bill,

Please find the attached estimate and agreement to process your transfer. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to process the transfer.

If you have any questions, please call me.

R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrд.state.or.us
www.wrd.state.or.us

Craig Kohanek

From: Craig Kohanek
Sent: Wednesday, June 01, 2011 8:02 AM
To: 'Bill Porfily'; kmadison@eoni.com
Subject: RE: R11798-11 Estimate to certificate T-10464

Bill,

The COBU has been found.

I'll work-up the estimate in the next day or two and get it back to you.

Craig

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Tuesday, May 31, 2011 3:26 PM
To: Craig Kohanek; kmadison@eoni.com
Subject: RE: R11798-11 Estimate to certificate T-10464

Craig

We sent the COBU in one day before the receipt authority request thus it (the COBU Report) is running around down there somewhere.

Porfily

From: Craig Kohanek [mailto:kohanerc@wrд.state.or.us]
Sent: Tuesday, May 31, 2011 1:48 PM
To: kmadison@eoni.com
Cc: Bill Porfily
Subject: R11798-11 Estimate to certificate T-10464

Kent & Bill,

Late last week, I received your request for an estimate to certificate T-10464. I have pulled the file and do not find the Claim of Beneficial Use (COBU); without which I can not provide an estimate. When may I expect the COBU to be submitted to the Department?

R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrд.state.or.us
www.wrд.state.or.us

Craig Kohanek

From: Bill Porfily [bporfily@my180.net]
Sent: Tuesday, May 31, 2011 3:26 PM
To: Craig Kohanek; kmadison@eoni.com
Subject: RE: R11798-11 Estimate to certificate T-10464

Craig

We sent the COBU in one day before the receipt authority request thus it (the COBU Report) is running around down there somewhere.

Porfily

From: Craig Kohanek [mailto:kohanerc@wrd.state.or.us]
Sent: Tuesday, May 31, 2011 1:48 PM
To: kmadison@eoni.com
Cc: Bill Porfily
Subject: R11798-11 Estimate to certificate T-10464

Kent & Bill,

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R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrd.state.or.us
www.wrd.state.or.us

Craig Kohanek

From: Craig Kohanek
Sent: Tuesday, May 31, 2011 1:48 PM
To: 'kmadison@eoni.com'
Cc: 'Bill Porfily'
Subject: R11798-11 Estimate to certificate T-10464
Kent & Bill,

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R. Craig Kohanek
Interim Senior Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrд.state.or.us
www.wrд.state.or.us

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: *(check one)*:

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input type="checkbox"/>	Transfer Application	_____
XX	Certificate Request	<u>Transfer T10464</u>
<input type="checkbox"/>	Extension of Time Request	_____

Applicant Information		Applicant's Representative/Contact
Name: (Please Print)	<u>Kent Madison</u>	<u>William Porfily</u>
Address:	<u>29299 Madison Road</u>	<u>P.O. Box 643</u>
	<u>Echo, OR 97826</u>	<u>Stanfield, OR 97875</u>
Phone:	<u>(541)376-8107</u>	<u>(541)449-1327</u>
Fax		<u>(541)449-1327</u>
E-Mail Address:	<u>kmadison@eoni.com</u>	<u>bporfily@my180.net</u>

I understand the following:

- There is a non-refundable application fee of **\$125.00 per request.**
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the *(check one)* **XX** Applicant Applicant's Representative Other *(Please specify)* _____

Signature: **X**  Name: Kent Madison

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$ _____
OWRD Approval:	

R-11-798-11

Craig Kohanek

From: Sandra Todd
Sent: Thursday, May 26, 2011 3:05 PM
To: Lorraine Ramsey
Cc: Salem Opeifa; Dave Nelson; Craig Kohanek
Subject: RE: CERTIFICATE RA REQUEST
R11798 11 PCA 47126
Thank you.
Sandy

From: Lorraine Ramsey
Sent: Thursday, May 26, 2011 2:27 PM
To: Sandra Todd
Cc: Salem Opeifa; Dave Nelson; Craig Kohanek
Subject: CERTIFICATE RA REQUEST

Hello,

Applicant: Kent Madison

Related to: Transfer T-10464

Receipt # 102973

Thanks,

Lorraine

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

confirms the right to use the waters of THE SOUTH SPRING WELL, tributary to BUTTER CREEK for IRRIGATION of 13.8 ACRES.

This right was perfected under permit S-25159. The date of priority is SEPTEMBER 30, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.28 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM E1/4 CORNER, SECTION 30

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter in good working order.
- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed with the original point of diversion.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and may 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.

If, within five years of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to the use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinated to the existing right injured by the transfer.

The well shall be sealed to prevent surface water from entering the well.

The pump intake shall be set no deeper than 20 feet below ground surface to ensure that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.

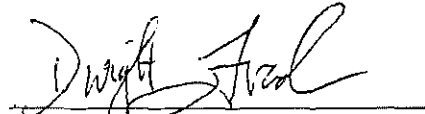
The water user shall record the water used and submit monthly reports to the Watermaster.

The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.

This certificate is issued to confirm a change from a surface water point of diversion to a groundwater point of appropriation and to correct an error in the character of use, and was approved by an order of the Water Resources Director entered September 24, 2010, at Special Order Volume 81, Page 989, approving Transfer Application 10464, and together with Certificate 86607, supersedes Certificate 83696, in the State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued OCT 28 2011



Dwight W. French
Water Right Services Division Administrator, for
Phillip C. Ward, Director



Oregon

John A. Kitzhaber, MD, Governor

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

DATE: October 28, 2011

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Transfer Certificate

Application: T-10464

Certificate: 87265

Permit/Certificate Holder:

Kent R. Madison ✓
26299 Madison Road
Echo, OR 97826

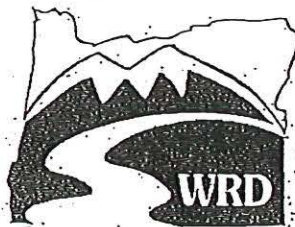
Copies of Final Certificate to be sent to:

1. Watermaster District 5 Tony Justice (include map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Additional Copies:

1. Dale G. Van Schoiack (CWRE) ✓

<p style="text-align: center;">Copies Mailed</p> <p>by: <u>Connie Vance</u> (STAFF)</p> <p>on: <u>OCT 28 2011</u> (DATE)</p>



Date Received 6/3/2011 Application # T-10464
 CWRE Name Dale Vasscheiack Claim Logged _____
 File Marked _____
 Oversized Map # _____
 Read the file and attach a copy of the permit or transfer final order. _____

FO Transfer Issued 9/24/2010
 "C" Date 10-1-2011

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- Source illustrated if surface water (OAR 690-014-0170(3)) - 010004
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050) - allows lat & long
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4)) - measuring device indicated.
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

COBE Document indicates meter in place when FO was issued.

Report Review:

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Use, period of use, and rate for use (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100)
- Diversion rate for each use (OAR 690-014-0100)
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
 - Calculated capacity of system (required)
 - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100) *
 - Time limits
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting - meter read in Transfer FO
 - Meter/measuring device
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

meter read in Transfer FO
 mostly 2 watermeters.

* FO Reals water use Record water used & submit mostly reports to watermaster.

DEF = deficient
 N/A = Not Applicable

Certificate Issuance Processing Checklist

- Map and COBU reviewed
- Conflict check (include copy of plat card printout) Any Conflicts? _____
- Check for ownership

Staff Recommendations:

- Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
- Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
- Proof to the Satisfaction has not been established for the following reasons: _____
Proposed Actions:
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

Yes

If "Yes":

Proposed
 Final

Certificate # _____

Mailing list:

Proposed:

Final:

**CLAIM OF
BENEFICIAL USE
for Permits claiming more
than 0.1 cfs and All Transfers**



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

A fee of \$150 must accompany this form to be accepted for permits with a priority date of July 9, 1987, or later. (ORS 536.050(1))

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml.

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**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION # (G, R, S OR T) Transfer T-10464	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
---	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Kent R. Madison		PHONE NO. 1 541 376 8107	ADDITIONAL CONTACT NO.
ADDRESS 29299 Madison Road			
CITY Echo	STATE OREGON	ZIP 97826	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**

3. Is the Property Owner the permit or transfer holder of record? **YES**

If "YES" the remainder of this item may be deleted.

Are there additional permit or transfer holders of record? **NO**

4. Date of Site Inspection:

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Kent Madison	5-6-2011	Owner

6. County:

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

**Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD Not Applicable			<div style="color: blue; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="color: red; font-weight: bold; font-size: 1.2em;">MAY 26 2011</div> <div style="color: blue; font-weight: bold; font-size: 1.2em;">WATER RESOURCES DEPT SALEM, OREGON</div>
ADDRESS			
CITY	STATE	ZIP	

Are there additional Owners of Record? **NO**

SECTION 2

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SYSTEM DESCRIPTION

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A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
South Spring Well	Dug well (collector well)	

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
South Spring Well	South Spring	Butter Creek

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
South Spring Well	Irrigation	Pasture and alfalfa	Irrigation Season	0.28 cfs (126 gpm)
Total Quantity of Water Used				0.28 cfs

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

South Spring Well consist of a shallow dug well in which a 20 foot +/- length of 12" diameter ADS pipe is installed to serve as a well casing. There is reported to be a 300 ft +/- length of drain tile connected near the bottom of the well. The drain tile is reported to be buried 20 foot +/- deep. Water is pumped from the well with a 40 horsepower centrifugal pump. The suction line of the pump is installed in the well. A foot valve is reported to be installed on the end of the suction pipe.

The pump discharge extends in a southerly direction for a short distance where it connects to a 6" buried PVC pipeline that runs east and west. There are riser pipes with irrigation valves for connecting portable aluminum hand lines installed on this pipeline. The west end of the 6" pipeline extends to near the north south center section line of Section 30, T3N, R28E, WM. The east end of the 6" pipeline extends to near the westerly edge of State Hwy 207 right of way where it connects to a buried pipeline paralleling the highway right of way. From the connection point there is a 4" buried pipeline extending in a northerly direction along the highway right of way and a 6" buried pipeline that extends 820 feet +/- in a southerly direction along the highway right of way where it connects to a buried 8" pipeline extending west 1450 feet +/- . At this point the pipeline bifurcates with branch 10" buried pipelines extending in a northwesterly direction and a southerly direction. The pivot of a center pivot irrigation machine is located near the bifurcation point.

The 13.8 acres of irrigation associated with this COBU report is irrigated with hand lines, portable big gun sprinklers and a portion of the center pivot irrigation machine.

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

South Spring Well

B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
3N	28E	WM	30	NWSE			Irrigation	13.8	
Total Acres Irrigated								13.8	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	4RB	119303	Centrifugal	6"	4"

3. Motor Information

MANUFACTURER	HORSEPOWER
US Motor	40

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4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	65 psi *	10 feet (assumed)	10	1.81

* Pump discharge pressure observed during site visit.

5. Provide pump calculations:

Estimate of pumping head.

Lift	10 ft	(assumed)
Pressure	<u>150 ft</u>	(65 psi discharge pressure observed during site visit)
Total	160 ft	

Calculated Flow -- 40 hp centrifugal pump.

$$Hp = \frac{\text{gpm} \times \text{head (ft)}}{3960 \times \text{efficiency (\%)}} \text{ or } \text{gpm} = \frac{Hp \times 3960 \times \text{efficiency (\%)}}{\text{head (ft)}}$$

$$\frac{40 \times 3960 \times .82}{160} = 811.8 \text{ gpm} = 1.81 \text{ cfs}$$

Efficiency estimated to be 82% from pump curve.

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not Applicable *			

* At the time of the site visit the pump was operating and the meter instantaneous flow reading was observed to be fluctuating between 116 gpm and 130 gpm.

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

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8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	460 ft +/-	PVC	Buried
6"	1520 ft +/-	PVC	Buried
8"	1450 ft +/-	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3"	28 – 40' +/- joints*	Portable aluminum	Above ground.

*Portable hand lines observed on sprinkler pipe trailer.

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
15/64	45 psi	10 gpm each	28	13	130 gpm (0.29 cfs)
Portable Big guns.	45 psi	Rainbird 70 C With two-1/4" nozzles, 20 gpm each	4 observed	4 operating at time of site Visit	80 gpm (0.18 cfs)

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Valley	1600 feet*	55 psi	8 gpm/ac (1477 gpm +/- max)	3.29 cfs +/- max

* The center pivot irrigation machine is a corner machine (the end tower is set up to sweep out to irrigate the area of the corners and other non circular shapes). Therefore the flow varies based on the position of the end tower. This circle irrigates the south west corner of the 13.8 acres associated with this report.

12. Additional notes or comments related to the system:

The 13.8 acres is being irrigated with a combination of hand line, portable big gun sprinklers connected to the irrigation valves with hose and a center pivot irrigation machine. Various combinations of the above are presently being used to irrigate the 13.8 acres. The well pump and distribution system is capable of supplying water to all of the sprinklers.

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D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)? YES

If "NO", items 2 through 8 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

The well casing is 12" diameter ADS pipe with an open top. The top of the 12" ADS well casing extends above grade approximately 8". The pump is a centrifugal pump with and 8" PVC suction pipe extending down the well casing. The water level can be measured by accessing the annular space between the well casing and the suction pipe.

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
12"	20 ft +/-	Estimated to be 20 ft *	The well was in existence at the time the Final Order for the transfer was approved. **	See Below ***	Owner	Dug well by previous owner.

* The owner reports the well casing to be 20 ft +/- deep with a 20 ft +/- deep, 300 ft +/- long horizontal drain tile connected near the bottom. At the time of the site visit we were only able to measure a depth in the well of 15.33 ft by using a weight on the end of a cloth tape. The owner indicated that there was a flange on the end of the pump suction pipe installed in the well and a foot valve connected below the flange. It is likely that when trying to measure the well depth the weight on the end of the cloth tape was resting on the top of the flange on the end of the pump suction pipe.

** The well was reported to have been originally constructed in the 1960s.

*** The owner reported that the original horizontal 6" drain tile was replaced with 6" ADS perforated drain pipe in or about 1985. The owner reported that there was a 140 ft +/- length 8" drain tile buried 5 ft +/- deep that used to be connected near the top of the well. It was stated to have collected excess tail water from surface ditches and discharge it into the well. The shallow 8" drain tile was disconnected and the hole in the casing was plugged early in May of 2011. The owner provided a copy of a photograph showing the plugged hole in the side of the casing. A copy of the photo is included with this report.

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)? YES

If "NO", items 6 through 8 relating to this section may be deleted.

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Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

The transfer application and Final Order Approving the transfer refer to the well as a collector well consisting of a 12" ADS vertical pipe 20 -30 feet deep connected to 300 feet long 20 foot deep 6" horizontal drain tile.

6. If the appropriation involves a SUMP, provide the following information for each SUMP:

LENGTH	WIDTH	AVERAGE DIAMETER	MAXIMUM DEPTH	SURFACE AREA (IN ACRES)	VOLUME IN CUBIC FEET OR ACRE FEET
*	*	12"	20 ft +/-	Not Applicable	Not Applicable

* The well is a dug well. The well casing is 12" diameter ADS pipe that has been backfilled around. There is no sump (pond) around the well casing.

7. If the sump is curbed constructed with watertight surface curbing, describe the curbing:

CURBING MATERIAL (CONCRETE, CONCRETE TILES, OR STEEL)	IF CONCRETE, PROVIDE THE THICKNESS OF THE WALL
Not Applicable	

8. Provide sump volume calculations:

Not Applicable

E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir) NO

If "NO", item 2 and 3 relating to this section may be deleted.

Items 2 and 3 relating to this section were deleted.

F. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? NO

If "NO", items 2 through 4 relating to this section may be deleted.

Items 2 through 4 relating to this section were deleted.

G. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? NO

If "NO", items 2 through 4 relating to this section may be deleted.

Items 2 through 4 relating to this section were deleted.

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H. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

Items 2 through 9 relating to this section were deleted.

SECTION 3 CONDITIONS

Please pay special attention to this section. All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	Sept 24, 2010		
BEGIN CONSTRUCTION (A)			The well and irrigation system were in existence at the time the Final Order was issued.
COMPLETE CONSTRUCTION (B)			The well and irrigation system were in existence at the time the Final Order was issued.
COMPLETE APPLICATION OF WATER (C)	Oct 1, 2011	May 6, 2011	

* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

NO

If "NO", you may delete item 3 in this section.

Item 3 relating to this section was deleted.

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

NO

If "NO", items 4b through 4d relating to this section may be deleted.

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Item 4b through 4d relating to this section were deleted.

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? **NO**

If "NO", items 5b through 5e relating to this section may be deleted.

Items 5b through 5e relating to this section were deleted.

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? **NO**

If "NO", items 6b through 6d relating to this section may be deleted.

Items 6b through 6d relating to this section were deleted.

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? **YES**

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? **YES**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
South Spring Well	Grain Land	11645	Working *	See Below * 1226504 ac ft X 0.01	The meter was in existence at the time the Final Order was issued.

* At the time of the May 6, 2011 site visit the instantaneous reading on the flow meter was working and the cumulative flow reading was 1226504 ac ft x 0.01. During the site visit the cumulative flow indicator appeared to not be working. Subsequent to the May 6, 2011 site visit the Owner replaced the cumulative readout indicator with a working one. On May 9, 2011 the cumulative reading on the flow meter was 0237009 ac ft x 0.01.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **Not Applicable**

If a meter has been installed, items 7e through 7g relating to this section may be deleted.

Items 7e through 7g relating to this section were deleted.

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8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES**

If "NO", item 8b relating to this section may be deleted.

b. Have the reports been submitted? **YES**

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID
The owner will be emailing copies of the water use to the department.	?

If the reports have not been submitted, attach a copy of the reports if available.

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**

If "NO", items 9b through 9e relating to this section may be deleted.

Items 9b through 9e relating to this section were deleted.

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

If "NO", items 10b and 10c relating to this section may be deleted.

Items 10b through 10c relating to this section were deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order

- a. Were there special well construction standards? **YES**
- b. Was submittal of a ground water monitoring plan required? **NO**
- c. Was the water user required to restore the riparian area if it was disturbed? **NO**
- d. Was a fishway required? **NO**
- e. Was submittal of a letter from an engineer required prior to storage of water? **NO**
- f. Was submittal of a water management and conservation plan required? **NO**
- g. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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The Final Order has a condition that the well shall be sealed to prevent surface water from entering the well. When the Owner was asked about this requirement he stated that there had been a 140 foot +/- length of 5 foot deep 8" diameter drain tile that had been installed to route excess surface tail water runoff into the spring (collector well). The owner stated the end of the 8" tile was plugged in early May of 2011. A photo of the plug 8" drain tile is included with this report.

SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

None known.

SECTION 5 ATTACHMENTS

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION
COBU Map	
Pump Curve	Cornell 4RB Pump Curve
Photograph	Photo of plugged 8" hole near top of well casing.

SECTION 6 CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
South Spring Well	0.28 cfs	0.29 cfs 13 - 10 gpm Sprinklers	0.26 - 0.29 cfs*	Irrigation	13.8	13.8

* At the time of the site visit the flow meter was observed to be fluctuating between 116 gpm - 130 gpm.

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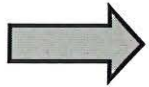
SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The COBU Map was prepared using the transfer application map, observations made during the site visit, and an aerial Google image.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

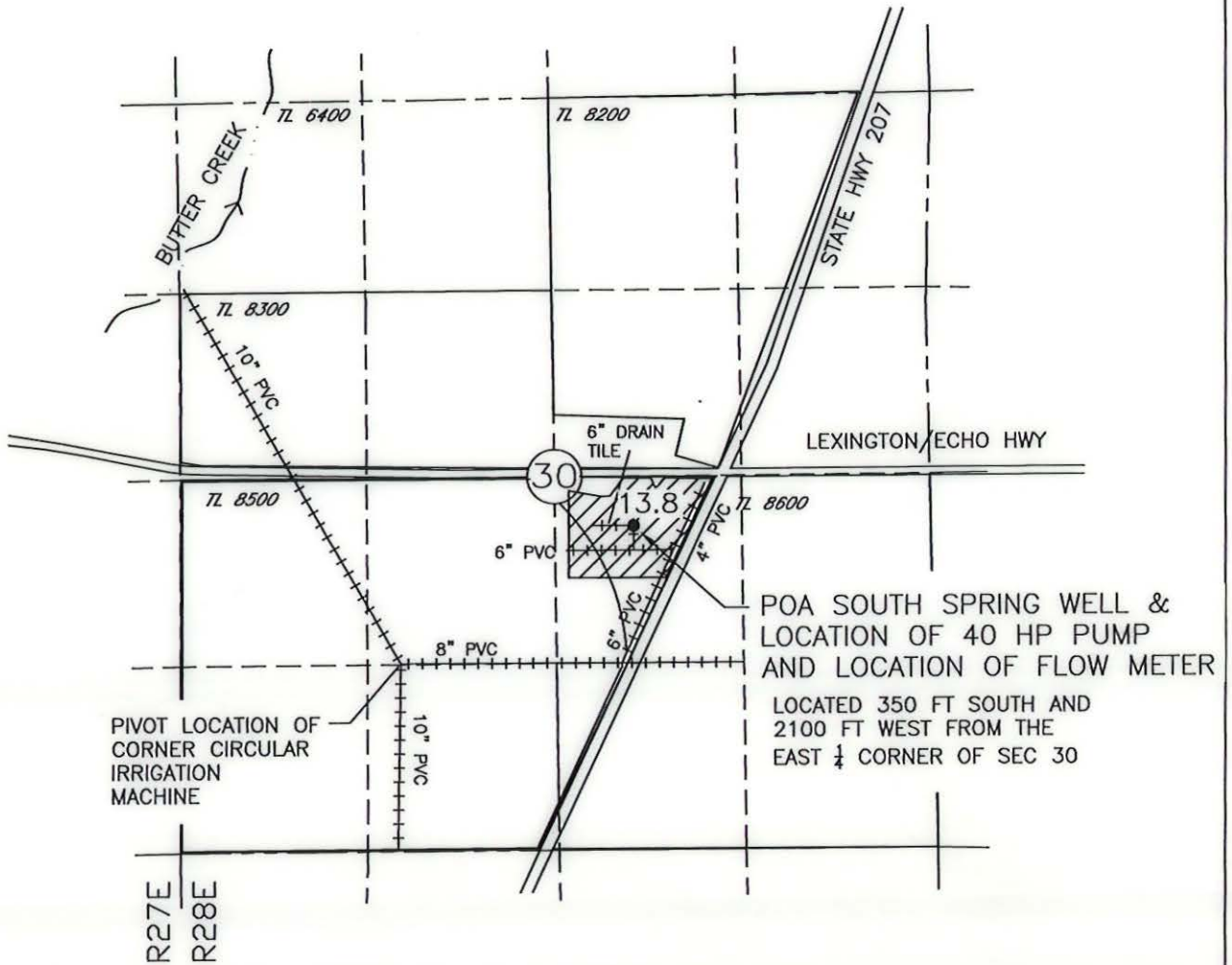
- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- NA Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- NA Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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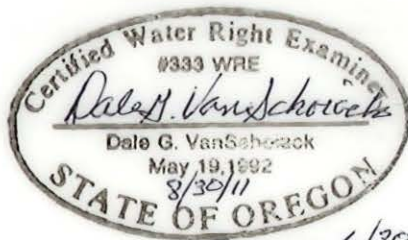
WATER RESOURCES DEPT
SALEM, OREGON

CLAIM OF BENEFICIAL USE MAP
FOR TRANSFER T-10464 IN THE NAME OF
KENT R. MADISON
T3N, R28E, W.M.
UMATILLA COUNTY



LEGEND

- AREA IRRIGATED 13.8 ACRES
- BURIED IRRIGATION PIPE (TYPICAL)
- TL 8500 TAX LOT NUMBER (TYPICAL)



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

THE PIPE DISTRIBUTION SYSTEM IS BURIED PIPE. LOCATIONS AND SIZES ARE APPROXIMATE. THEY ARE BASED ON FARM MAPS, FIELD OBSERVATIONS AND DESCRIPTIONS PROVIDED BY OPERATIONS PERSONNEL.

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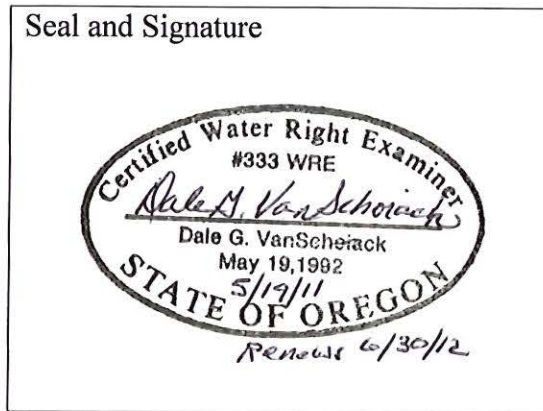
SEP 04 2011

WATER RESOURCES DEPT
SALEM, OREGON

**SECTION 8
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Dale Van Schoiack		PHONE NO. 1 509 627 8717	ADDITIONAL CONTACT NO.
ADDRESS 2141 South Lyle			
CITY Kennewick	STATE WA	ZIP 99337	E-MAIL dalevs@frontier.com

Permit or Transfer Holder's of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
	Kent R. Madison	5/23/2011

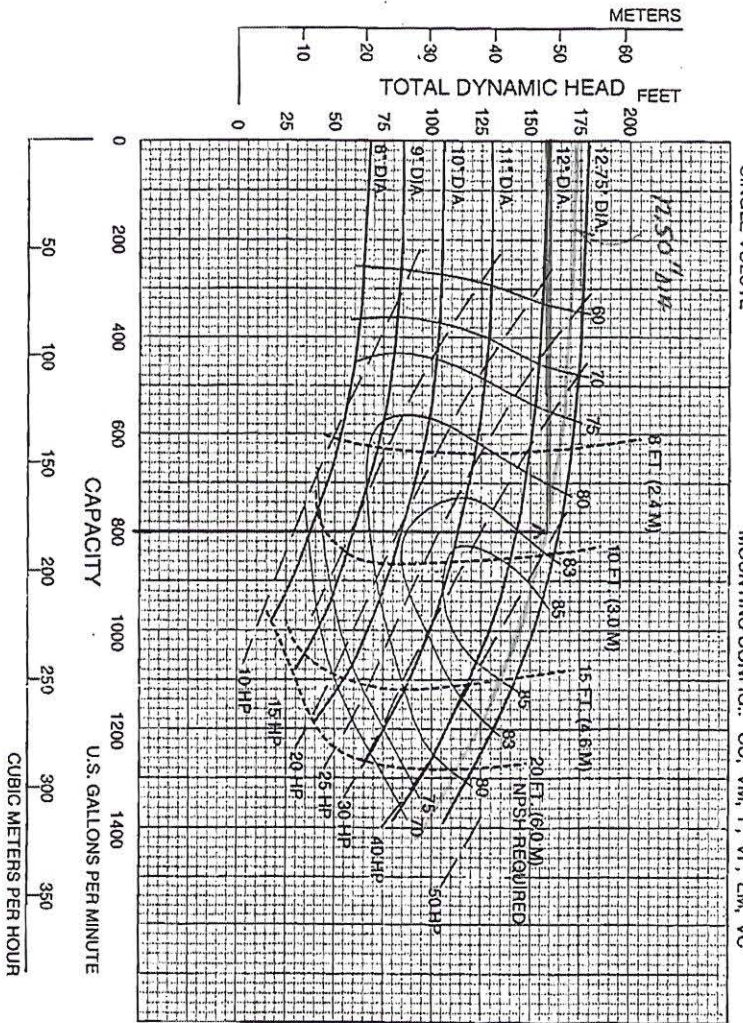
RECEIVED
MAY 26 2011
WATER RESOURCES DEPT
SALEM, OREGON

Madison South Spring Well 40hp Pump

4RB - 1800 RPM

See Technical Data Section for Maximum Operating Pressure Ratings

Performances shown are for cool water, close-coupled electric configuration with packing. Other mounting styles or liquids may require horsepower and/or performance adjustments.



Feet x .305 = Meters
 Inches x 25.4 = Millimeters
 GPM x .227 = Cubic Meters/Hour
 GPM x 3.785 = Liters/Minute
 HP x .746 = KW

Speed	Impeller Dia.	Style	Solids Dia.	NS	Suction	Discharge	No. Vanes
1775	VARIOUS	ENCLOSED	.84"	1332	6"	4"	7

SINGLE VOLUTE

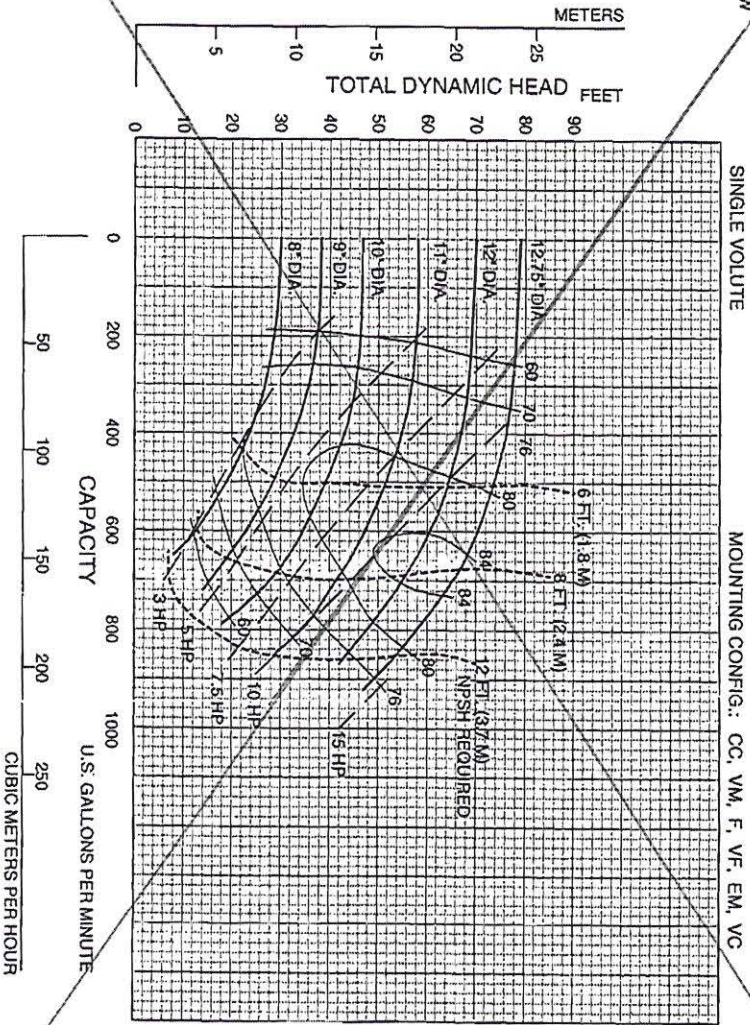
MOUNTING CONFIG.: CC, VM, F, VF, EM, VC

629

4RB - 1200 RPM

See Technical Data Section for Maximum Operating Pressure Ratings

Performances shown are for cool water, close-coupled electric configuration with packing. Other mounting styles or liquids may require horsepower and/or performance adjustments.



Feet x .305 = Meters
 Inches x 25.4 = Millimeters
 GPM x .227 = Cubic Meters/Hour
 GPM x 3.785 = Liters/Minute
 HP x .746 = KW

Speed	Impeller Dia.	Style	Solids Dia.	NS	Suction	Discharge	No. Vanes
1180	VARIOUS	ENCLOSED	.84"	1332	6"	4"	7

SINGLE VOLUTE

MOUNTING CONFIG.: CC, VM, F, VF, EM, VC

629

RECEIVED

MAY 26 2011

WATER RESOURCES DEPT

SALEM CORNELL

Cornell Pump Company • Portland, Oregon

111

R-Series 60Hz

TOP

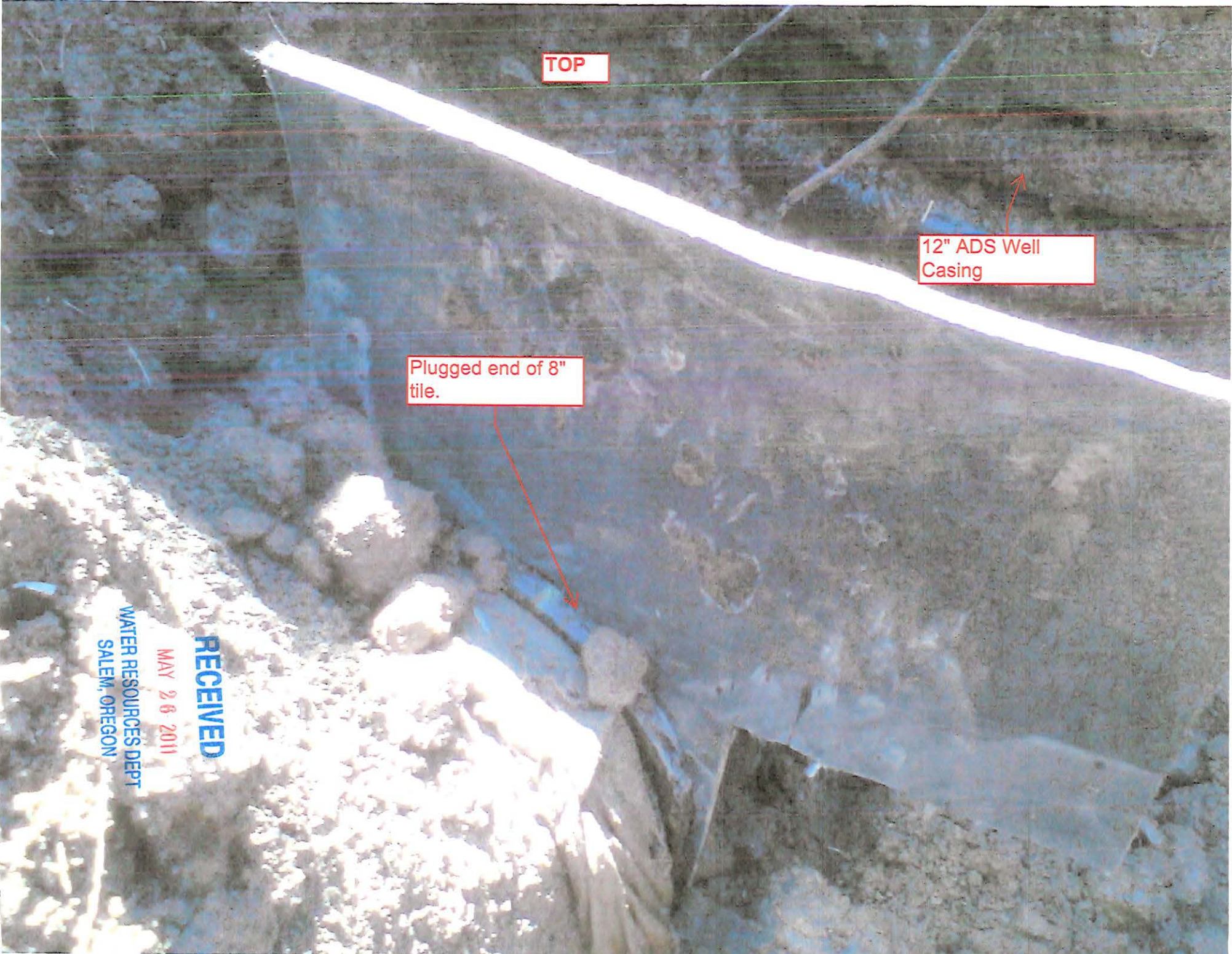
12" ADS Well Casing

Plugged end of 8" tile.

RECEIVED

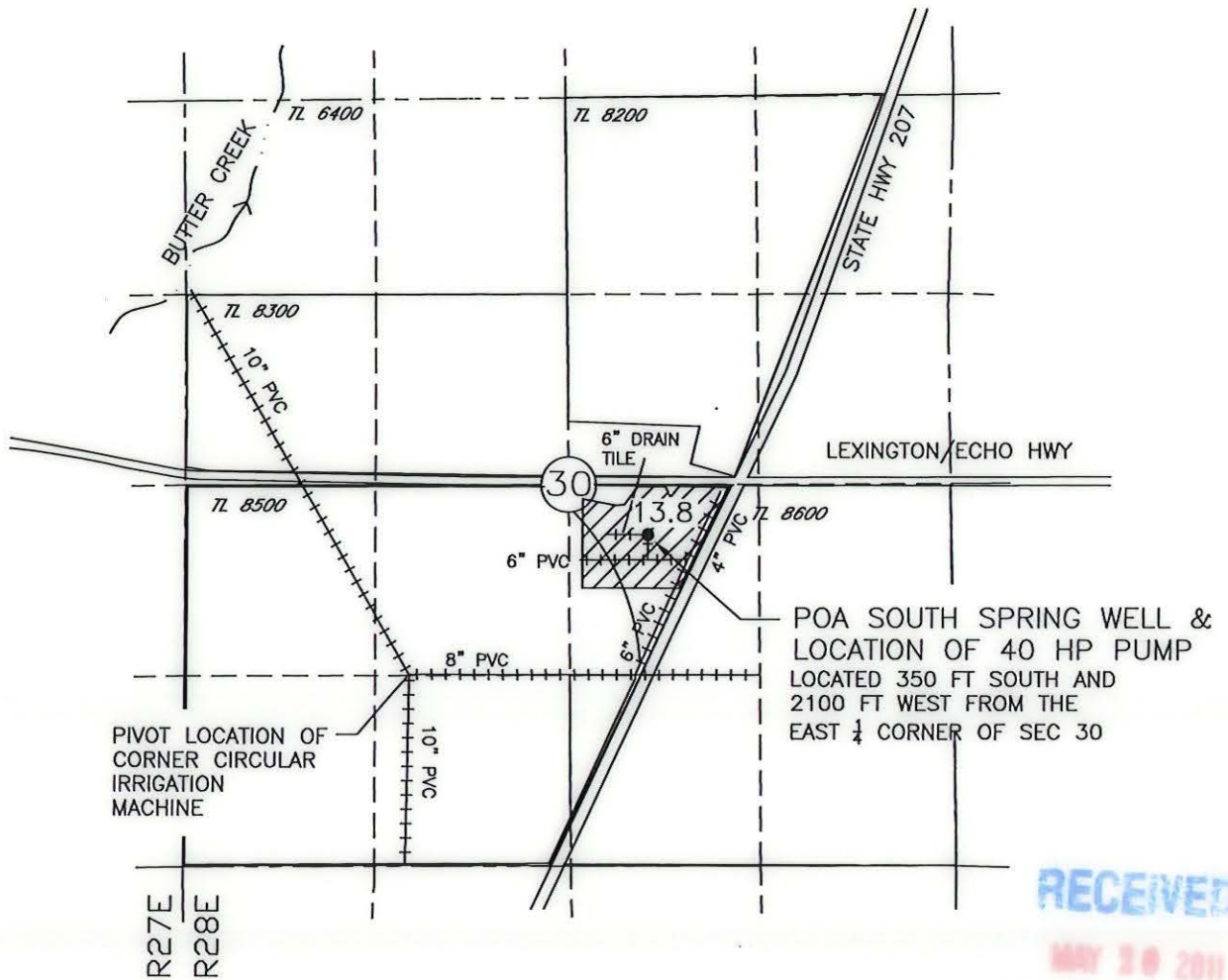
MAY 28 2011

WATER RESOURCES DEPT
SALEM, OREGON



CLAIM OF BENEFICIAL USE MAP
 FOR TRANSFER T-10464 IN THE NAME OF
 KENT R. MADISON
 T3N, R28E, W.M.,
 UMATILLA COUNTY

Superseded



RECEIVED
 MAY 20 2011

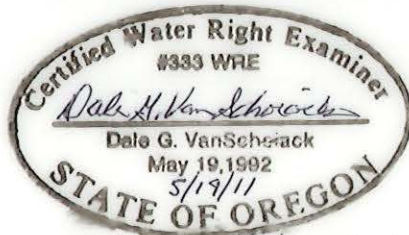
WATER RESOURCES DEPT
 ALBEM, OREGON

LEGEND

AREA IRRIGATED 13.8 ACRES

BURIED IRRIGATION PIPE (TYPICAL)

TAX LOT NUMBER (TYPICAL)



Renew 6/30/12



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

THE PIPE DISTRIBUTION SYSTEM IS BURIED PIPE. LOCATIONS AND SIZES ARE APPROXIMATE. THEY ARE BASED ON FARM MAPS, FIELD OBSERVATIONS AND DESCRIPTIONS PROVIDED BY OPERATIONS PERSONNEL.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

September 24, 2010

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

REFERENCE: Transfer Application T-10464

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@wr.d.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #5
Jason Melady, Agent

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10464, Umatilla County	)	CHANGE FROM A SURFACE WATER
	)	POINT OF DIVERSION TO A
	)	GROUNDWATER POINT OF
	)	APPROPRIATION AND CORRECTING
	)	AN ERROR IN CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

Applicant's Agent

JASON MELADY, RG, CWRE
GSI WATER SOLUTIONS, INC.
55 SW YAMHILL ST., SUITE 400
PORTLAND, OR 97204

Findings of Fact

Background

1. On September 28, 2007, KENT MADISON filed an application to change from a surface point of diversion to a ground water point of appropriation under Certificate 28737. The applicant proposed to change from a surface water spring point of diversion in the NW SE of Section 30, T3N, R28E, W.M., to a proposed point of appropriation (the "Windmill Well") within the SE NW of Section 31. The Department assigned the application number T-10464.
2. On March 14, 2008, Certificate 28737 was cancelled by Special Order Volume 74, pages 394-406, which approved T-10320, and was superseded by Certificate 83696.
3. A preliminary review by a Department hydrogeologist indicated that the well originally proposed (the Windmill Well) did not meet the distance and hydraulic connection criteria in ORS 540.531(2).

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

4. On November 18, 2008, the applicant's agent submitted an amended application and map, changing the location of the proposed point of appropriation to a different collector well, located within the NW SE of Section 30.

5. The portion of the right to be transferred is as follows:

Certificate: 83696 in the name of GAYLORD M. MADISON (perfected under Permit S-25159)

Use: SUPPLEMENTAL IRRIGATION of 13.8 ACRES

Priority Date: SEPTEMBER 30, 1957

Rate: 0.28 CUBIC FOOT PER SECOND

Limit/Duty: ONE-FIFTIETH cfs per acre, not to exceed 4 acre-feet per acre per year

Source: SOUTH SPRING, tributary to BUTTER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	30	NW SE

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

6. Certificate 83696 does not describe the location coordinates of the point of diversion, however information is available from Transfer Application T-10464 and map indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

7. The right currently evidenced by Certificate 83696 was originally applied for by Gaylord M. Madison under Application S-31906 on September 30, 1957. The applicant requested to use water from the North and South Springs for "irrigation and supplemental irrigation" of 88.0 acres. The Department issued Permit S-25159 on November 29, 1957 approving the application, but only allowed "supplemental irrigation" because of the existence of irrigation Permits E-106 and S-1546 located on the same lands. The proposed project under Permits E-106 and S-1546 was never developed, however, so Permits E-106 and S-1546 were voluntarily cancelled on June 22, 1959, under Special Order Volume 10, Page 111.

8. When Certificate 28737 was issued on July 13, 1959, it described the right for the use of 1.69 cfs from the North and South Springs as being "supplemental irrigation" of 84.3 acres. Since the underlying permits had been cancelled just three weeks prior to the issuance of the certificate, however, Certificate 28737 should have been issued as primary irrigation, pursuant to ORS 540.670. Therefore, on February 26, 1985, Department staff determined that the designation of all irrigated lands under Certificate 28737 as being supplemental was arbitrary, and the Department would consider Certificate 28737 as being the primary source

of supply for any of the involved lands that did not already have a valid primary irrigation right. This is documented by an Interoffice Memo in the original S-31906 water right file. However, when Certificate 83696 was issued to supersede Certificate 28737, it inadvertently perpetuated the inaccurate designation of Supplemental Irrigation.

9. Based upon Finding of Fact #8 and the existence of no primary irrigation rights on the land, the Department has determined that the portion of the authorized place of use under Certificate 83696 (formerly evidenced by Certificate 28737) to be transferred under Application T-10464 should be described as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

10. Transfer Application T-10464 proposes to change the authorized point of diversion to a ground water point of appropriation (collector well) at the site of the existing point of diversion:

Twp.	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

11. Notice of the application for transfer was published on October 16, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On May 30, 2008, the Department contacted the applicant Kent Madison by written correspondence, with copy to the applicant's agent Jason Melady, to notify him of the deficiencies in the application and map. The Department requested that the deficiencies be resolved by July 15, 2008. Subsequently Jason Melady requested additional time to submit the requested information, so the deadline was extended until September 15, 2008, and again to November 15, 2008. The applicant's agent responded on November 18, 2008 as stated in Finding of Fact #4 above.
13. A December 16, 1985 memo in the Application S-31906 file confirms a telephone conversation on December 6, 1985 in which John Madison had proposed his intention to develop the springs on the Madison Ranch lands with additional excavation, and to replace the old tile lines above the "hard pan" layer approximately 20 feet in depth. Steven Applegate of the Department indicated that provided no new distinct water sources were developed besides those described under the right, the proposed further development of the springs would not be of concern to the Department.
14. Transfer Application T-10464 describes the current point of diversion at the South Spring as a collector well, consisting of 12" ADS vertical pipe 30 feet deep connected to 300 feet of 6" ADS horizontal drain tile. However, Kent Madison indicated in a phone conference on April 5, 2010 that he believed the current well is approximately 20 feet deep. Mr. Madison also submitted a diagram via email on April 5, 2010 to illustrate characteristics of the "spring"

before and after replacement of the collector tiles in the 1980s. The diagram did not include dimensions or a scale.

15. On May 26, 2010, Department hydrogeologist Marc Norton reported that an attempt to determine the depth of the well during a site visit was inconclusive, as something solid (probably not the well bottom) was encountered at a depth of about 17 feet.
16. Insufficient information exists to determine with certainty the water available at the original spring; however, based on the descriptions in Findings of Fact #13 and #14, it seems reasonable that limiting the pump intake to a depth of 20 feet below ground surface would prevent the drawdown to drop below the original spring level, thereby not exceeding the period of time that water would have been available at the original POD.
17. To ensure that the water right will not be enlarged in the future, baseline data should be gathered on the water available from this well through metering and recording of data.
18. On June 8, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10464 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 9, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and on August 9, 2010 provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
19. On August 16, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10464 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 24, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

20. Water has been used within the last five years prior to the submittal of Transfer Application T-10464 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
21. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10464.
22. The proposed well meets the hydraulic conductivity requirements of ORS 540.531. Pumping of the well will cause depletion of the surface water source at a rate of at least 50 percent of the rate of appropriation within 10 days of continuous pumping, in accordance with OAR 690-380-2130(2)(c) and (11)(b).
23. Unless the well is constructed in a manner which prevents entry of surface water from other sources such as ditches, or access to groundwater at depths not accessed by the original POD construction, enlargement of the right could result.

24. Without provisions to prevent entry to the well of unauthorized surface water, or intake of groundwater not accessed by the original POD and a measurement device on the well, the Department cannot find that the proposed change would not allow enlargement of the right. However, if conditioned as follows, the proposed change would not result in enlargement of the right.
25. Without assurance that enlargement would not occur, the Department cannot find that the proposed change would not result in injury to other water rights. If conditioned as follows, the proposed change would not result in injury to other water rights.

Conclusions of Law

The change from a surface water point of diversion to a ground water appropriation proposed in Transfer Application T-10464, as conditioned below, is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000 and the character of use of the right should be corrected in the record from supplemental to primary irrigation.

Now, therefore, it is ORDERED:

1. The change in point of diversion to a ground water point of appropriation proposed in Transfer Application T-10464 is approved and the transferred portion of the right will be designated as primary irrigation.
2. Water right certificate 83696 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer, which will correct the character of use to Primary Irrigation.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83696 and any related decree.
4. The well shall be sealed to prevent surface water from entering the well.
5. The pump intake shall be set no deeper than 20 feet below ground surface to ensure that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user 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.

7. The water user shall record the water used and submit monthly reports to the Watermaster.
8. The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.
9. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.
10. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.
11. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved
12. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
13. When satisfactory proof of the completed change is received, a new certificate will be issued confirming the right transferred and acknowledging that it is Primary Irrigation.

Dated at Salem, Oregon this 24 day of September 2010.


Phillip C. Ward, Director

Mailing date: SEP 27 2010

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GAYLORD M. MADISON
ROUTE 1
ECHO, OR 97826

confirms the right to use the waters of NORTH SPRING, tributary to BUTTER CREEK, for IRRIGATION of 40.6 ACRES.

This right was perfected under Permit S-25159. The date of priority is SEPTEMBER 30, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.82 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	SW NE	None specified

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	20	NW SW	7.0
3 N	28 E	WM	30	NE NE	2.2
3 N	28 E	WM	30	NW NE	0.6
3 N	28 E	WM	30	SW NE	7.8
3 N	28 E	WM	30	SE NW	23.0

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 83696, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 24 2010 approving Transfer Application T-10464 and correcting the use to primary irrigation due to cancellation under Special Order Volume 10, page 111 of primary permits on the same land.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed September 24, 2010


Phillip C. Ward, Director

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 of the order must be filed within 60 days of the date of service.

Water Right Transfer Checklist

Transfer T-10464

Transfer Specialist: Reimbursement Authority

Transfer Type: Regular

Applicant Name/Address: Kent Madison, 29299 Madison Road, Echo, OR 97826

Agent Name/Address: GSI Water Solutions, Attn: Jason Melady 55 SW Yamhill St Suite 400 Portland OR 97204

CWRE Name/Number: Jason Melady

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: Umatilla County

Commentors: Name/Address: _____

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>S 31906</u>	<u>S 25159</u>	<u>28737</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>86607</u>
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: <u>09/28/07</u>	Proposed Action(s): <u>POU POD HST APOD USE OTHER: SW TO GW</u>	
Fees Pd: <u>525.00</u>	WM District: <u>5</u>	ODFW District: <u>NONE</u>
Initial Notice: <u>10/16/07</u>	WM Review sent: <u>10/10/07</u>	ODFW Review sent: <u>NONE</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

Processing Dates & Actions

Deficiency Contacts: 5/30/08

Newspaper Pub Affid Due: _____

not required

DPD Mailed: 6/8/10

Affid of Pub Rec'd: _____

ODFW contact sheet sent with DPD, or N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

Electronic Files uploaded

Preliminary Determination

PD Cover letter

Fee Refund Due

PD Notice

Remaining Rights

File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>KBm</u>	Reviewer: _____
Date: _____	Date: <u>8/16/10</u>	Date: _____
Coordinator: _____	Coordinator: <u>2kp</u>	Coordinator: _____
Date: _____	Date: <u>8/16/10</u>	Date: _____

Comments/Special Issues: Reimbursement Authority Original spring source was further developed in the 1980s as a well. Mr. Madison notified the Department of his intent and Dept. responded by letter 12/16/85 that his plan "would not cause concern" to our knowledge under the original conditions of the spring.
~~No method has been discovered to measure the quantity or timing of water availability~~
is known to us to be

Special Order Volume: Vol 81 Pages 989 Final Order Signature Date: 9-24-10

Notice of FO email'd to processors Dorothy

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction...."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/deed maps for the rights. Application map matches certificate FPS.
- Have necessary aerial photos.

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

- Only* the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All* owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|-------------------------------------|--|---|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? Watermaster ODFW GW
- | | | | |
|---------------------|---|---|--|
| Headgate | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/> | | |

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

APPLICATION					
PR	CW		PR	CW	
	<input type="checkbox"/>	Appropriately signed		<input type="checkbox"/>	Appropriate Fees Paid
<input type="checkbox"/>	<input type="checkbox"/>	All required Attachments Received	<input type="checkbox"/>	<input type="checkbox"/>	Overpayment of Fees, Refund Request with FO
<input type="checkbox"/>	<input type="checkbox"/>	Ditch Company, Irr. Dist. and/or BOR sent copies	<input type="checkbox"/>	<input type="checkbox"/>	Land Use Form matches Tax Lots, is signed by proper official and is APPROVED

WATER RIGHT SUBJECT TO TRANSFER					
PR	CW		PR	CW	
	<input type="checkbox"/>	The right been exercised according to terms & conditions of certificate.		<input type="checkbox"/>	Delivery system has the capacity to fully divert the rate/duty of the right.
	<input type="checkbox"/>	No information in record that suggests forfeiture.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No conflicts identified on conflict report and report is printed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Affidavits for rights to be canceled /diminished.			

APPLICATION MAP					
PR	CW		PR	CW	
	<input type="checkbox"/>	Original CWRE Signature		<input type="checkbox"/>	The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
	<input type="checkbox"/>	All authorized and proposed POD's/POA's and POU's shown and clearly labeled.		<input type="checkbox"/>	Metes and bounds for the POD's/POA's are properly described on the map.
	<input type="checkbox"/>	The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.		<input type="checkbox"/>	Application map acres match the tabulation on the certificate and FPS and/or Decree map
	<input type="checkbox"/>	Have necessary aerial photos, if applicable			

DETERMINING THE "FROM" AND "TO" LANDS					
(Make working copy of application and certificates to mark on)					
PR	CW		PR	CW	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Only the authorized POD's/POA's and POU's to be transferred are listed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marked on certificate the quantity of water being transferred, cancelled, and remaining

INJURY REVIEWS/COMMENTS/CONDITIONS						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ODFW	<input type="checkbox"/>	Fish Screens	<input type="checkbox"/>	Other:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ground water				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Watermaster	<input type="checkbox"/>	Headgate	<input type="checkbox"/>	When in the judgment
			<input type="checkbox"/>	Measuring Devices	<input type="checkbox"/>	When in the judgment
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Injury	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
			<input checked="" type="checkbox"/>	Enlargement	<input type="checkbox"/>	Yes
					<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Conditions to Avoid Enlargement/Injury				

OWNERSHIP					
PR	CW		PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The deed/ROI matches the "from" lands.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The applicant is the owner of the "from" lands.
<input type="checkbox"/>	<input type="checkbox"/>	All owners on the deed/ROI have signed the application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have current tax lot map.
<input type="checkbox"/>	<input type="checkbox"/>	If necessary, there is a notarized, signed statement of consent from landowners other than applicant.	<input type="checkbox"/>	<input type="checkbox"/>	Agent has authorization to make decisions.

DPD		PD		FO		DETERMINATION / FINAL ORDER
PR	CW	PR	CW	PR	CW	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Format matches current template
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spell checked?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct address?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorized "from lands" info matches Certificate(s)?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorized POD(s)/POA(s) matches Certificate(s)?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed POD(s)/POA(s) matches transfer application and map?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct findings and conditions matching Watermaster review?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct findings and conditions matching Ground water review?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct findings and conditions matching ODFW recommendations?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hidden findings unveiled?

DPD		PD		COVER LETTER
PR	CW	PR	CW	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Format matches current template
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Spell checked?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct address?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Content matches determination?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Special findings/conditions described?

PR	CW	PD PUBLIC NOTICE/NEWSPAPER NOTICE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Format matches current template
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Content matches PD info?
<input type="checkbox"/>	<input type="checkbox"/>	Spell checked?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct address?

PR	CW	REMAINING RIGHT CERTIFICATE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Table Format matches current template
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Content format matches original certificate
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Spell checked?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name and address matches originating certificate?

PR	CW	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Determination and remaining acres combined match acres under originating certificate?

COMMENTS

Application

- The type of change is clearly indicated. *Surface to ground water*
- The application is appropriately signed.
- Appropriate fees were paid. *400 + 125* If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's) TL-8500 not listed (well location) Revised LUF Received*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..." *C-28737*
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed. *C-28737 is suppl - can't find primary rt. Findings to make primary*
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map. *Proposed POA doesn't match app.*
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions. *Proposed POA doesn't match app.*
- Map acres match the tabulation on the certificate.
- Have final proof maps/deed maps for the rights. Application map matches certificate FPS. *Revised map + app.*
- Have necessary aerial photos.

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

- Only the authorized POD's/POA's and POUs to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- application complete** **map** **FPS** evidence of use land-use form
- deed/ROLI** **certificate** fees paid well logs **plat card**
- audit** **dpd**

- Reviews/comments/conditions received? Watermaster ODFW GW
- Headgate When in the judgment Prior to diverting Existing and maintain
 - Measuring Devices When in the judgment Prior to diverting Existing and maintain
 - Fish Screen Devices NA

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury -

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OCT 19 2009

WATER RESOURCES DEPT SALEM, OREGON



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-10464

Review Due Date: _____

Applicant Name: Kent Madison

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Tony Justus

Date of Review: May. 27, 2010

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:
Butter Creek is intensively regulated. The shallow aquifers have not been regulated as a part of surface water regulation. There have been complaint from a downstream shallow aquifer user but that did not result in regulation.
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: There are concerns for expansion of the right with this transfer or with subsequent transfers. Water availability at the POA needs to be determined.
10. What alternatives may be available for addressing any issues identified above: Monitoring of use with a flowmeter and monthly reporting of that use to the Watermaster from the POA.
11. Have headgate notices been issued for the source that serves the right? Yes No
12. The checked water control and measurement conditions should be included in the transfer:

Headgates: <input type="checkbox"/> NA	<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.
---	--	---	---

Measurement Devices:

- The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*

Surface Water Diversion or Groundwater Point of Appropriation:

- The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion/appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*
- Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*
- a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation.*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Reservoirs:

- The Director may require the water user to install staff gages or other suitable measuring devices that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style. Additionally, if the reservoir is located in-channel, weirs or other suitable measuring devices may be required upstream and downstream of the reservoir, and an adjustable outlet valve may be required. If the Director notifies the water user to install adjustable outlet valves, staff gages, weirs, or other suitable measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the devices in good working order and shall allow the Watermaster access to the devices.*
- Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*
- a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*
 - b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written*

waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

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

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor | |

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-10464

A flowmeter will be required to be installed **prior to diversion of water** at the proposed point(s) of diversion or appropriation as a condition of this transfer.

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

Watermaster name: Tony Justus

District: 5

Address: 116 SE Dorian Ave.

City/State/Zip: Pendleton, OR. 97801

Phone: 541-278-5456.

Email: Tony.G.JUSTUS@wrd.state.or.us

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

Approval of an Alternate Measurement Device T-_____
(to be filled out after consultation with the applicant, or after a site visit)

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

_____ _____ _____
Watermaster signature District Date

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

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



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

*Superseded by
 review dated
 5/29/10*

Transfer Application: T-10464

Review Due Date: 11-08-2007

Applicant Name: Kent Madison

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Tony Justus

Date of Review: Oct. 17, 2007

- 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: _____
- 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:
Butter Creek is intensively regulated. The shallow aquifers have not been regulated as a part of the surface water regulation. There have been complaints from a downstream shallow aquifer user but that did not result in any regulation.
- 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:

- 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: _____
- 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: _____
- 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: _____
- For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
- 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: _____
- Are there other issues not identified through the above questions? Yes No If "Yes", explain: _____

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**WATER RESOURCES DEPT
 SALEM, OREGON**

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.

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 OCT 19, 2007
 WATER RESOURCES DEPT
 SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building

158 12th Street NE

Salem, OR 97301-4172

(503) 378-3739

FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO: Ken Dowden
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 5-7-01

FROM: ✓ WATERMASTER, DISTRICT # 5
GROUNDWATER SECTION

(SIGNATURE) [Signature]
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 8770

A change in: POU POB POA APOA USE of water.

In the name(s) of Kent Madison

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 Att. # IV is a surface w/r being transferred to a glw poa. (different source). The transfer propose substantial location change to poa's from the shallow glw aquifer, I cannot make the findings that there will be no injury, in fact I believe injury is likely.

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.

Dorothy Pedersen

From: Tony Justus
Sent: Tuesday, May 04, 2010 10:18 AM
To: Dorothy Pedersen; Marc Norton; Mike Ladd; Dwight French
Subject: T-10464

Attachments: IMG_0471.JPG; IMG_0468.JPG; IMG_0469.JPG; IMG_0470.JPG

Kent Madison has two supplemental water rights covering the 13.8 acres in question under T-10464. It appears from my plat card there was probably a permit for primary on the lands(P#1546) when the spring right was filed, that was never developed and subsequently cancelled, leaving a supplemental water right without a primary. The other supplemental source on the 13.8 acres is the Columbia River source (p#51017).

I have attached a few photos of the current pump area taken in March 2007. The water ponded up is coming from Butter Creek through an open ditch. You will note the gravel area where the water from the ditch was disappearing into the ground at the well. The well was pumping. While the pictures are not conclusive, I do not believe there was a flowmeter



IMG_0471.JPG (1 MB) IMG_0468.JPG (1 MB) IMG_0469.JPG (1 MB) IMG_0470.JPG (2 MB)

on the well.









WATER RESOURCES DEPARTMENT

MEMO

July 2, 2009

TO: Dorothy Pedersen, Transfers
FROM: Marc Norton, Ground Water Section
SUBJECT: Transfer T-10464 Kent Madison

Transfer T-10464 proposes to move the point of diversion (POD), a spring/pond, to a point of appropriation (POA), a pit well with laterals. It appears that the applicant has changed the original POD from a spring or pond to a 12" diameter well with 300 feet of laterals or drain pipe.

The rules for surface water to ground water transfers (OAR 690-380-2130) require that the following definition be met:

- (a) "Similarly" means that the use of ground water at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.

The original application proposes to move the water right to a well, about ¼ of a mile from the original spring/pond. The transfer application has been modified. The proposed POA is a different pit well with laterals that is located at the approximate location of the original spring/pond. GSI Water Solutions submitted a letter report that used a model to evaluate if the new well met the similarly definition.

The model used to evaluate if the spring/pond meets the similarly definition was developed by Karl Wozniak based on work by Hunt 1999. The 1999 Hunt model is not appropriate for the hydrogeologic conditions at the site. The model is for estimating the affect of a vertical well (a point source) on a linear stream (a line source), not the affect of a linear well on a vertical point or spring.

Based on the hydrogeologic setting; it is likely that pumping the pit well would result in 50 percent of the rate of appropriation coming from the spring.

In addition, the drawdown from pumping the pit well will drop below the spring or pond level, allowing the use of water to continue for a period of time that will exceed the period of time that water would have been available at the original POA. - See emails date
(following)

Dorothy Pedersen

From: Marc Norton
Sent: Wednesday, May 26, 2010 8:10 AM
To: Tony Justus; Dorothy Pedersen; Mike Ladd; Dwight French
Subject: RE: T-10464 recap of phone meeting

I stopped by Madison Farms and got permission to "sound" the well/spring. At a depth of about 17 feet, the probe contacted something solid which did not sound or feel like earth. Bottom line, I do not believe that I was on the bottom. I don't think this helps much.

Marc

From: Tony Justus
Sent: Monday, May 24, 2010 11:34 AM
To: Dorothy Pedersen; Marc Norton; Mike Ladd; Dwight French
Subject: RE: T-10464 recap of phone meeting

Dorothy, Mike informed me this morning that he has spoken to Tom Paul about this transfer. Tom did not want to do a "look back" at the construction of the well (not enough conclusive data in the file). They decided we should condition the current transfer and require a flowmeter on the well with readings from the flowmeter reported by Kent. Mike will have June periodically check the well flowmeter also. I would assume we would want at least monthly water use reports from the flowmeter. Their idea is that the data collected may be used to give us an idea what water is available there, if a subsequent transfer is filed to move the water right to the Windmill well.

I had not heard Marc, what information you may have gathered on your site visit.

From: Dorothy Pedersen
Sent: Monday, April 26, 2010 12:27 PM
To: Tony Justus; Marc Norton; Mike Ladd; Dwight French
Subject: T-10464 recap of phone meeting

Hello all,

Attached is a recap of the phone meeting we had on April 5 to discuss the potential enlargement issues we had identified based on the information about the South Spring in the S-31906 file and the description of conversion of the spring to a collector well that was submitted with the T-10464 application.

At the meeting, Kent Madison indicated that the information in the T-10464 file did not accurately depict the configuration of the collector well. Subsequently he submitted the attached diagram, which indicates that the well actually captures water from two depths (20 feet bgs and shallow surface water).

Additionally, in the phone discussion, it was apparent that what Kent would like to accomplish through the transfer process is not simply to keep the point of access to water at the same location (through the current version of T-10464 as a SW POD to GW POA transfer), but rather to change the point of appropriation to a different collector well (the Windmill Well). He might then abandon the bottom input from the 20 foot deep horizontal tiles so that the current collector well would then only collect water from near the surface, in effect becoming a deep, narrow "bulge in the system" for the surface water captured in the gravel trench.

This is now in our court. The next step is to evaluate whether the original point of access to the water really has always been a well, rather than a surface water POD, and then let Kent know what additional information or modifications to the transfer application may be needed before we issue a Draft Preliminary Determination.

5/27/2010

Shall we talk by phone to determine our response to Kent? Please let me know whether you would be available Monday, May 3rd at 11:00. If not available, please suggest an alternative time.

Dorothy

Dorothy Pedersen
Transfer Program Advisor
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266
(503) 986-0890

WATER RESOURCES DEPARTMENT

MEMO

May 12, 2008

DRAFT

*Superseded
by review dated 7/2/09*

TO: Dorothy Pedersen, Transfers
FROM: Marc Norton, Ground Water Section
SUBJECT: Transfer T-10464 Kent Madison

Transfer T-10464 proposes to move the point of appropriation (POA) from one location to a different location. The transfer involves moving a surface water POA to ground water POA. The rules (OAR 690-380-2130) require that the following definition be met:

- (a) "Similarly" means that the use of ground water at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.

The consultant for Mr. Madison requested assistance addressing "similarly" because the surface water POA is not a typical "pump in the stream or diversion ditch". The surface water POA is currently a collector well.

Aground water model could be used to estimate what impact the collector well (windmill well) will have on the surface water POA (south spring). I suggest that the consultant prepare a conceptual model and methodology for the Department to review prior to beginning the actual modeling.

DRAFT

Note: Doug and I would like to meet with you and Debbie and Doug Parrow concerning questions about modeling the south spring as a point source or a collector well?

May 20, 28, 30?

From: Jason Melady
Sent: Thursday, January 31, 2008 5:32 PM
To: Marc Norton
Subject: Kent Madison Water Right Transfer T-10464

Marc,

This is a follow-up email to our phone conversation this afternoon. We submitted a water right transfer application (T-10464) on behalf of Kent Madison in late September, 2007 that involved transferring a point of appropriation from one of Kent's collector wells to another. The transfer had to be completed as a surface water right POD to Ground Water POA because the water right was considered surface water. The original water right (certificate 28737) has two authorized POD's, referred to as "North Spring" and "South Spring". This transfer proposes to change the POD from what was considered "South Spring" to Kent's collector well located in section 31, T.3N., R.28E. (A.K.A the Windmill Well). The issue is that "South Spring" is not a spring, but is a constructed collector well consisting of a 12" vertical pipe down to a depth of 30 feet that is connected to 300 feet of 6" horizontal drain tile and has been this way, according to Kent, for at least 50 years. It has a 40-horsepower centrifugal pump at the surface to lift water from approximately 15 feet below ground surface into his irrigation distribution system. He is not aware of any time that a flowing spring ever existed at this location and no spring shows up on USGS topographic maps at this location. Because this transfer is technically a surface water POD to groundwater POA transfer, we completed a geologic report to assert that the collector well at the "South Spring" is hydraulically connected to the Windmill Collector well and would affect the existing POD similarly. Since the transfer is in reality a collector well to collector well transfer, we could not complete the normal stream depletion evaluation (Jenkins and Hunt) that would typically accompany a surface water to groundwater transfer. Subsequently, we received notice on January 2, 2008 that the geologist's report was incomplete, since it does not address the issue of "similar" impact on the surface water source. We are requesting assistance with addressing the "similar" impact given that the existing "South Spring" is actually a collector well constructed similarly to the Windmill Collector well we are transferring to. Please let me know if you have any questions regarding this issue or need any additional information.

Best Regards,
Jason

Jason Melady, RG, CWRE

Project Hydrogeologist

GSI Water Solutions, Inc.

p: 503.239.8799 ext. 104

m: 503.799.2198



Oregon

Theodore R. Kulongoski, Governor

RA

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

INTEROFFICE MEMO

FORWARD TO:

Dorothy Pederson
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 12-5-07

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) _____ date signed _____
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10464

A change in: POU POD POA USE of water. sw POD to GW POA

In the name(s) of Kent Madison

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 shall be issued _____ regard to the appropriator installing suitable measuring devices in the _____

_____ (1) PRIOR to the diverting of water at the new point of diversion

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary _____

Deficiency letter due response due 7/11/11
Need to send back to Marc once Geologist report amended.

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

690-380-2130

Change from a Surface Water Point of Diversion to a Ground Water Appropriation

(1) As provided in ORS 540.531, an owner of a surface water use subject to transfer may apply for a transfer of the point of diversion to allow the appropriation of ground water, subject to the requirements for a transfer in point of diversion under this Division and the requirements under section (2) or (3) of this rule.

(2) The Department may allow the transfer of the point of diversion under section (1) of this rule if:

(a) The criteria in OAR 690-380-5000 are met;

(b) The new point of diversion appropriates ground water from an aquifer that is hydraulically connected to the authorized surface source; and

(c) The proposed change in point of diversion will affect the surface water source similarly to the authorized point of diversion specified in the water use subject to transfer; and

(d) The withdrawal of groundwater at the new point of diversion is located within 500 feet of the surface water source and, when the surface water source is a stream, is also located within 1000 feet upstream or downstream of the original point of diversion as specified in the water use subject to transfer; or

(e) If the distance requirements in subsection (2)(d) of this rule are not met, the holder of a water use subject to transfer shall submit to the Department evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the new point of diversion will meet the criteria set forth in subsections (2)(a) to (c) of this rule.

(3) Notwithstanding section (2) of this rule, the Department shall allow a transfer of the point of diversion under section (1) of this rule in the Deschutes basin ground water study area if:

(a) The proposed transfer would not result in injury to an existing water right or enlargement of the water right proposed for transfer;

(b) The criteria in OAR 690-380-5000 are met;

(c) The new point of diversion appropriates ground water from an aquifer that is hydraulically connected to the authorized surface water source; and

(d) The use of the new point of diversion will affect the surface water source hydraulically connected to the authorized point of diversion specified in the water use subject to transfer. The Department may not require that the use of the new point of

diversion affect the surface water source similarly to the authorized point of diversion specified in the water use subject to transfer under this subsection.

(4) A transfer application requesting to change the point of diversion from a surface water diversion to a groundwater appropriation for which evidence prepared by a licensed geologist is required under subsection (2)(e) of this rule shall be evaluated by the Department in the following manner:

(a) The change in point of diversion request shall be examined to determine the potential for injury as if the change is to be from the authorized point of diversion to a point on the stream nearest the proposed well;

(b) If potential injury is not found, the evidence prepared by a licensed geologist and submitted by the applicant shall be evaluated to determine whether the application meets the other requirements of subsection (2)(a) to (c) of this rule. The geologist's report shall examine the effect on the surface water source in the vicinity of the point on the stream nearest the proposed new point of diversion.

(5) The new point of diversion shall retain the original date of priority and all other applicable conditions and restrictions that existed at the original point of diversion shall apply at the new point of diversion authorized under the transfer.

(6) If within five years after approving a transfer under this rule, the Department finds that the transfer results in substantial or undue interference with an existing ground water right that would not have occurred in the absence of the transfer, the new point of diversion shall be subordinate to the existing right injured by the transfer. This section applies only to wells with rights existing at the time the transfer was approved.

(7) The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion.

(8) The Department shall approve a transfer application to return to the last authorized surface water point of diversion if the required transfer application is received within five years after the Department approves a transfer under this rule. It shall be presumed, for transfers under this subsection, that there is no injury, including injury to rights obtained or transferred after the approval of the first transfer.

(9) The Department shall approve an application to return to the last authorized surface water point of diversion after five years of the date the Department allows the transfer under section (3) of this rule if the Department receives the required application, and the return will not result in injury.

(10) For transfers allowed under this rule, the Department shall require mitigation measures to prevent depletion from any surface water source not specified in the permit or certificated or decreed water right pursuant to ORS 540.531(6), except that the

Department may not require mitigation measures if the transfer complies with section (3) of this rule.

(11) As used in this rule:

(a) "Existing ground water right" means a right that existed at the time a transfer was approved under sections (1) to (5) of this rule and does not include a right established after the transfer whether by permit or a change in point of appropriation regardless of priority date.

(b) "Similarly" means that the use of groundwater at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.

(c) "Deschutes basin ground water study area" means the Deschutes River Basin drainage area indicated in OAR 690, division 505, Exhibit 1.

(12) The Department shall provide notice and review of transfer applications under section (3) of this rule pursuant to OAR 690-380-4000 through 690-380-4200.

(13) Opportunities to protest a transfer under section (3) of this rule shall be pursuant to OAR 690-380-4030.

(14) The Department shall issue final orders on transfer applications under section (3) of this rule pursuant to OAR 690-380-5000.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.520, 540.530 & 540.531

Hist.: WRD 5-1996, f. & cert. ef. 7-11-96; WRD 2-2003, f. & cert. ef. 5-1-03,

Renumbered from 690-015-0210; WRD 1-2004, f. & cert. ef. 3-17-04; WRD 5-2006, f. & cert. ef. 10-6-06

T-10464 Phone Meeting April 5, 2010

Attending: Kent Madison, Jason Melady, Bill Ferber, Mike Ladd, Tony Justus, Dorothy Pedersen

Background

- T-10464 originally proposed a surface water POD to groundwater POA change from the South Spring to the Windmill Well. The Department determined that the “similar” hydraulic connectivity standard was not met due to the distance between the Windmill Well and the South Spring and hydrogeologic characteristics of the area.
- T-10464 was amended 11/18/08 to propose a SW POD to GW POA change from the South Spring to the current collector well at the site of the spring. Information in the revised application and a subsequent January 31, 2008 email from Jason Melady described the proposed collector well as a 12” vertical pipe down to a depth of 30 feet that is connected to 300’ of 6” horizontal drain tiles.
- Information in the S-31906 file indicated that the South Spring originally formed a reservoir. In 1985 John Madison had contacted WRD’s Steve Applegate and expressed intentions to further excavate the spring by replacing old tiles above a hard pan layer approximately 20 feet below ground surface. Steve Applegate’s December 16, 1985 memo indicated the Department would not have a concern as long as no new water source was developed and the limit of the right was not exceeded.
- The Department concluded that the collector well was sufficiently hydraulically connected to the spring to meet the ORS 540.531 and OAR 690-380-2130 criteria, but because of the increased depth there was potential for enlargement of the right.

Discussion

Kent Madison remembered when the reconstruction of the spring was done in the 1980s. The “spring” had been a pond fed by horizontal concrete drain tiles above a hard pan layer with a pump at the surface and a suction pipe extending down into the pond. The old tiles were replaced with horizontal ABS perforated pipe connecting to a vertical culvert pipe, and the pond opening was backfilled with gravel. The new collector pipes were placed at the same depth as the old tiles and the pump is still at ground level.

Kent would ultimately like to be able to transfer the point of access to the water source from this right to the Windmill Well, which is a collector well of similar construction, but somewhat less than a mile distant from the current south spring/collector well.

Questions to Consider

- Based on the additional information about the “South Spring”, would we consider that this was actually a spring surface water source, or a “well”?
- If it actually was and is a well, could T-10464 be considered as a POA change to the Windmill Well?

Next Steps

- Kent Madison will send additional information to add to and correct the information (such as cross-section diagrams and lengths and depths of pipes and tiles) about the construction of the south spring/collector well in the water right and T-10464 files.
- The Department will re-evaluate whether the “South Spring” was actually a surface water or groundwater source.
- If the Department determines that the “spring” was and is a “well”, it will make a decision on whether the transfer process could allow for a change in POA from the South Spring to the Windmill Well.
- Based on the above determination, the T-10464 applicants will be advised of options for approving, denying or modifying the transfer and any additional information that may be required.

Bill Ferber

From: Dorothy Pedersen
Sent: Monday, April 05, 2010 9:03 AM
To: Bill Ferber; Marc Norton; Tony Justus
Subject: T-10464 more historical spring info

Attachments: 10464-historical south spring info.pdf

The south spring serves as the POD for not only Certificate 83696 (from application S-31906), the right involved in T-10464, but also earlier right application S-23960/Certificate 21200. In that file folder I found the attached scanned information about the south spring, that sheds a little different light on the original availability of water from the spring prior to the conversion into a collector well.

Dorothy Pedersen
Transfer Program Advisor
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266
(503) 986-0890

1950
ENGINEER
M. OREGON

Application No. 25140

DESCRIPTION OF SPRING

Earliest description of
~~south~~ spring
north

1. Is spring on property of applicant? yes
2. If not, give name and address of legal owner _____
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipe line or other works? ✓
4. If you have not such consent, do you expect to secure right of way through condemnation? ✓
5. What is the maximum flow from spring? Should be set out in application
(Gallons per minute or cubic feet per second) prepared by Engineer
Minimum flow? _____
Is flow measured or estimated? Flow varies with the season
6. Does the stream flowing from spring form a well defined natural channel? Yes - water is impounded below spring and then diverted to crop land.
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of stream or other body of water into which water from spring flows. None - I own all lands thru which water flows. From pond to crop land ditch is about 1400 feet
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. does not sink.
This spring flows after some irrigation is done
10. Remarks on lands above the spring. This spring is in an old channel of Buttes Creek the flow is governed by the amount of water put on the lands above ✓

Louis Flanders Echo Ore
Names and Addresses of Witnesses

John Reynolds

Gaylord M. Madison
Signature of Applicant.

REPORT OF PERSON MAKING INSPECTION

Description of works: Site visit for 523960/Permit 8-18912/Ext 21200

Flood irrig. Spring area as shown. Said old channel of Butter Cr slightly enlarged & diked at N end to form small res. Two bend gates, most westerly for east ditch 4' w 3' deep, concrete constr. w/ flash boards. For west ditch 4' w 4' deep w/ flash boards. Ditches vary - 6' w 3' deep and res to V ditches 3' w 2' deep. Fall av 2" per 1000'. Res depth 2-4 feet deep. Pasture - Alfalfa

I, Herb Jones, do hereby certify that I have made an inspection of the works described herein and in Permit No. 18912, on the 12 day of May, 1954, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 2.80 (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

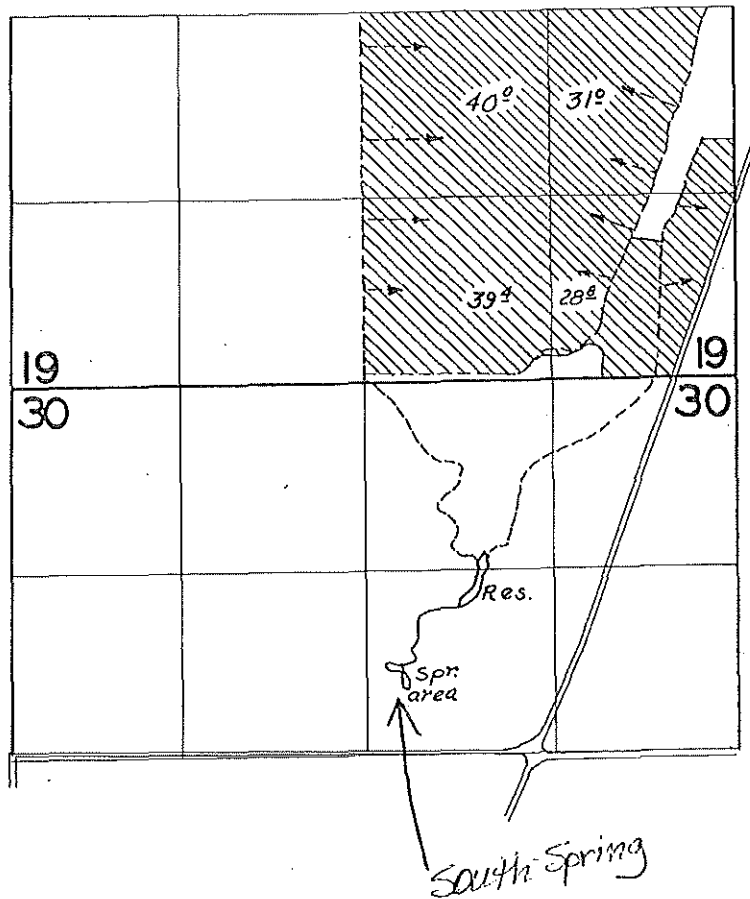
NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return this form without your signature, with a full report by letter.

(Name)

(Title)

T. 3N.R. 28E.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 23960..... Permit No. 18912..... Cert 21200
IN NAME OF

GAYLORD M. MADISON

Surveyed MAY 12... 1954, by T. JONES.....

389-387 390

ed 2nd District

Enlargement Permit No. 106
APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

I, O. D. Teal (Name of Applicant) of Echo (Postoffice), County of Umatilla, State of Oregon

do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights.

If the applicant is a corporation, give date and place of incorporation Cable Creek and Owens Creek and Camas and Hidaway Creeks

1. The source of the proposed appropriation is The Butte Ditch (Name of stream)

2. The appropriation to be made by the enlargement (or extension) of The Butte Ditch (See copy of appropriation and map filed with State Engineer on or about November 17, 1908) owned by O. D. Teal (Give name or canal or works to be enlarged)

3. The amount of water which the applicant intends to apply to beneficial use is 100 second feet from Cable Creek and from Owens Creek 20 cubic feet per second, which amount is in addition to the present claimed appropriation. 200 second feet from Camas and 180 second feet from Hidaway Creek

4. The use to which the water is to be applied is Irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location and Description of Ditch or Works which it is Proposed to Enlarge or Extend

5. (a) The point of diversion from the stream is from Cable Creek 1640 ft. due N. of Cor. Owens Creek, S. 25 Deg. W. 2840 ft. to Cor. bet. Secs. 20 and 29, T. 4 S. R. 32 E. and from (Give distance and bearing to section corner) The diversion from Camas Creek is N. 65 degrees 05 minutes E. 3580.6 feet from corner of Sections 25 - 30 - 36 - 31 Tp. 4 S. R. 32 E. and 33 E. (See under (e))

(b) The headgate is located within the for Cable Creek SE. Cor. NE. of SW. Sec. 24, Owens Creek NE Cor. of NW. of SE. of Sec. 20, Tps. 5 and 4 S., R. 32 E., W. M., in the county of Umatilla, State of Oregon, (for original diversion for main canal from Camas and Hidaway Creeks see map, filed Nov. 17, 1908; and for location by permanent survey see map filed herewith)

(c) Said ditch and flume is 23 1/2 miles in length and terminates at tunnel site in the SW. of NE. of Sec. 4, Tp. 4 S., R. 31 E., (Smallest legal subdivision) thence by tunnel 10,320 ft. into natural channel of Butter Creek W. M., the proposed location being shown throughout on the accompanying map.

(d) The dimensions of said ditch just below the headgate are: Width on top (at water line) 10 feet; width on bottom 10 feet; depth of water 5 feet; grade 1.13 feet fall per 1000 feet, having a maximum safe capacity of 450 cubic feet per second.

(e) Said ditch now serves to irrigate the following described land: (Continued from 5 (a)) (If not used for irrigation, give purpose for which said ditch is used, extent of power developed, mines served, etc.)

The diversion from Hidaway creek is N. 70 degrees 11 minutes W. 2760.3 feet from corners of Sections 5 - 6 - 7 - 8 - Tp. 4 S. R. 33 E. W. M.

*A different form of application is provided for new appropriations, and where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

Compared L. A.

(f) The total area now irrigated from said ditch is No acres.

(g) The diversion works of said ditch are described as follows:

Not now constructed, but permanently located by survey.

(If any, give character of dam, height, length on top and bottom; spillway over or around dam)

Description of Proposed Enlargement—

6. (a) The diversion dam, after enlargement Will remain unchanged at Gamas Creek and
Hidaway Creek. (Will remain unchanged,
or if changed, give height, length, character of material, etc.)

(b) The dimensions of ditch just below the headgate, when enlarged to be: Width on top (at water line) 10 feet; width on bottom 10 feet; depth of water 5 feet; grade 1.13 feet fall per 1000 feet.

(c) At 23 1/2 miles from headgate: Width on top (at water line) 10 feet; width on bottom 10 feet; depth of water 5 feet; grade 1.13 feet fall per 1000 feet.

The feeders from Cable and Owens Creek are as follows: Cable Creek, flume 5 ft. wide by 3 ft. deep, grade 1.9 ft. per 1000 ft. Owens Creek, flume 3 ft. wide and 2 ft. deep, grade 1.9 ft. per 1000 ft.
(Give further dimensions at points where changed in dimensions)

(d) The ditch or canal as enlarged to be 23 1/2 miles in length, terminating in the SW 1/4 of NE 1/4 of Sec. 4, Tp. 4 S, R. 31 E, W. M.
(Give smallest legal subdivision)

(e) The head of the proposed extension is located at points of diversion from Cable and Owens Creeks as above stated.
(If proposed work is extension of the original ditch or a ditch tapping same, locate by tie to Government corner)

Fill in the Following Information, where the Water Appropriated is to be Used for: Irrigation—

7. The land to be irrigated by the proposed extension or enlargement has a total area of 20,526.83 acres, located in each smallest legal subdivision, as follows: See Attached Sheet

(Give estimated irrigable acreage in each smallest legal subdivision of land which it is proposed to irrigate)

(If more space required, attach separate sheet)

Power, Mining, Manufacturing or Transportation Purposes—

8. (a) Total amount of power to be developed..... horsepower.

(b) Total fall to be utilized..... feet.
(Head)

No appropriation claimed for power purposes.

Tp. 2 N. R. 27 E.		Acres.
Sec. 14	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
Sec. 11	E $\frac{1}{2}$	320
Sec. 12	NW $\frac{1}{4}$	160
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	25

Sec. 1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.12
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.52
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.92
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	41.32
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	S $\frac{1}{2}$	320

Sec. 36	E $\frac{1}{2}$	320
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	20
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30

Sec. 25	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40

Tp. 2 N. R. 28 E.

Sec. 18	NE $\frac{1}{4}$	160
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Sec. 8	N $\frac{1}{2}$	320
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Sec. 7	E $\frac{1}{2}$	320
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.05
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40

Sec. 6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.95
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.94
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$	160
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.87
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.98
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.20
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	37.52
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.84

Sec. 5	NE $\frac{1}{4}$ NE $\frac{1}{4}$	41.31
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.90
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.48
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.07
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	S $\frac{1}{2}$	320

Tp. 2 N. R. 28 E.		Acres
Sec. 4.	NE $\frac{1}{4}$ NE $\frac{1}{4}$	42.34
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	42.53
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	42.84
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	43.09
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SW $\frac{1}{4}$	160

Tp. 3 N. R. 28 E.

Sec. 31	NE $\frac{1}{4}$	160
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.37
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.74
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.87
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36.80
	SE $\frac{1}{4}$	160

Sec. 32	All	640
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Sec. 33	"	640
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Sec. 34	N $\frac{1}{2}$	320
	SW $\frac{1}{4}$	160
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40

Sec. 35	NE $\frac{1}{4}$	160
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30

Sec. 36	N $\frac{1}{2}$	320
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Sec. 30	E $\frac{1}{2}$	320
	E $\frac{1}{4}$ NW $\frac{1}{4}$	80
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.52
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	36.77
	E $\frac{1}{4}$ SW $\frac{1}{4}$	80
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	37.05
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.28

Sec. 29	All	640
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Sec. 28	"	640
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Sec. 27	"	640
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Sec. 26	"	640
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Sec. 25	"	640
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Sec. 24	"	640
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Sec. 23	"	640
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Compared to A.

<u>Tp. 3 N. R. 28 E.</u>		<u>Acres</u>
Sec. 22	All	640
Sec. 21	"	640
Sec. 20	"	640
Sec. 19	E $\frac{1}{2}$	320
	E $\frac{1}{2}$ SW $\frac{1}{4}$	80
Sec. 18	E $\frac{1}{2}$	320
Sec. 17	All	640
Sec. 16	"	640
Sec. 10	S $\frac{1}{2}$	320
	S $\frac{1}{2}$ NE $\frac{1}{4}$	80
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
Sec. 9	All	640
Sec. 8	E $\frac{1}{2}$ NE $\frac{1}{4}$	80
	S $\frac{1}{2}$ SE $\frac{1}{4}$	80
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	S $\frac{1}{2}$ SW $\frac{1}{4}$	80
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	30
Sec. 7	E $\frac{1}{2}$ SE $\frac{1}{4}$	80
Sec. 4	S $\frac{1}{2}$ S $\frac{1}{2}$	160

Tp. 3 N. R. 29 E.

Sec. 31	W $\frac{1}{2}$ NE $\frac{1}{4}$	80
	E $\frac{1}{2}$ NW $\frac{1}{4}$	80
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	57.22
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	57.27
Sec. 30	E $\frac{1}{2}$	320
	E $\frac{1}{2}$ W $\frac{1}{2}$	160
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	57.37
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	57.32
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	57.28
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	57.22
Sec. 19	E $\frac{1}{2}$	320
	E $\frac{1}{2}$ W $\frac{1}{2}$	160
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	56.68
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	56.89
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	57.09
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	57.30
Sec. 20	N $\frac{1}{2}$	320
Sec. 17	S $\frac{1}{2}$ SW $\frac{1}{4}$	80
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
Sec. 18	N $\frac{1}{2}$ SE $\frac{1}{4}$	80
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	20

(c) The nature of the works by means of which the power is to be developed.....

located in....., Sec....., Tp....., R....., W. M.
(Legal subdivision)

(d) The use to which the power is to be applied is.....

(e) The nature of the mines to be served.....

Municipal Supply—

9. To supply the city of.....

.....County, having a present population of..... and an
estimated future population of..... in 19.....

10. Estimated cost of the proposed extension or enlargement \$ Cable Line, \$34,000,

Owens Creek line, \$2500.00, main line \$350,000.00

11. Construction work will begin on or before April 15, 1910

12. Construction work will be completed on or before April 15, 1914

13. The water will be completely applied to a beneficial use on or before April 15, 1914

Duplicate maps of the original canal or other works, showing also the enlargement or extension, prepared in accordance with the rules of the Board of Control, accompany this application.

O. D Teel

(Name of Applicant)

Signed in the presence of us as witnesses:

(1) Clifton Cleaver Echo, Oregon
(Name) (Address of Witness)

(2) Walter B Hinkle Echo, Oregon
(Name) (Address of Witness)

Remarks: Permit is requested for original filing Nov. 17, 1908, upon waters of Camas and Midway Creeks, and the additional appropriations from Cable and Owens Creeks aggregating a sufficient amount from this combined source of water supply to irrigate 20,000 acres of land.

STATE OF OREGON,

County of Marion

} ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:.....

For correction to answers to Questions 7 and 8.

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before June 3, 1911.

WITNESS my hand this 4th day of May, 1911.

John H. Lewis

State Engineer.

WM

Compared L. C.

Application No. 415

Enlargement Permit No. 106

PERMIT

To appropriate the public waters of the State of Oregon

Division No. 2 District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 22nd day of Nov.

1909, at 8:00 o'clock A.M.

Returned to applicant for correction

May 4, 1911

Corrected application received

May 31, 1911

Approved

Aug 7 1911

Recorded in Book No. 1 of Enlargements

on Page 106

John H Lewis

268.27

State Engineer

STATE OF OREGON,

County of Marion

} ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions:

The appropriation for irrigation purposes shall be limited to one-eightieth of one cu. ft. per sec. for each acre irrigated.

The priority date of this permit is November 22, 1909.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 100 cubic feet per second from Cable Creek and 20 cubic feet per second from Owens Creek.

Actual construction work shall begin on or before Aug. 7 1912

and shall thereafter be prosecuted with reasonable diligence and be completed on or before

Extended to Oct. 1, 1937

Aug 7 1916

Extended to Oct. 4, 1922

Complete application of the water to the proposed use shall be made on or before

Extended to Oct. 1, 1927

Aug 7 1920

Extended to Oct. 1, 1924

WITNESS my hand this 7th day of August, 1911.

John H. Lewis

State Engineer.

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
 GAYLORD M. MADISON
 ROUTE 1
 ECHO, OR 97826

confirms the right to use the waters of SOUTH SPRING and NORTH SPRING, tributaries to BUTTER CREEK, for SUPPLEMENTAL IRRIGATION of 54.4 ACRES.

This right was perfected under Permit S-25159. The date of priority is SEPTEMBER 30, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.1 CUBIC FEET PER SECOND (CFS), being 0.28 CFS from South Spring and 0.82 CFS from North Spring, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	SW NE	None specified.
3 N	28 E	WM	30	NW SE	None specified.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres South Spring	Acres North Spring
3 N	28 E	WM	20	NW SW	--	7.0
3 N	28 E	WM	30	NE NE	--	2.2
3 N	28 E	WM	30	NW NE	--	0.6
3 N	28 E	WM	30	SW NE	--	7.8
3 N	28 E	WM	30	SE NW	--	23.0
3 N	28 E	WM	30	NW SE	13.8	--

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 28737, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008 approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008


 Phillip C. Ward, Director

12
120. ~~120~~ ^{Page 14546} Reed In. Dist.
J. T. Hinkle, Atty. Hermiton, Mo.
app 2832 Frank Farming Dist. E.C.

complete construction EXTENDED TO 6/1/18-4/1/21

180 Secs from Hidaway Creek,
200 Secs from Carnab Creek } for supplemental
supply for 20 526.83 a. } E 106
Feb Mar 14-1913

June 10, 1914

Aug 7, 1916 EXTENDED 6/1/18 - 4/1/20 - 4/1/21

Aug 7, 1920. EXTENDED TO 10/1/21

card 6-7-18 for B.

11-25-18 E. C. P. Progress Nelson

6-2-20 card for B.

8-5-20 E. C. P. Progress Nelson

held until John Dayldy
has been completed

Aug 19, 1927

Hold for In. Dist.

Sec E 106

Sec R 242

ARD

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE CANCELLATION
 OF CERTAIN PERMITS OF PARTIES
 VOLUNTARILY AUTHORIZING SUCH
 CANCELLATION

O R D E R

It appearing that the parties whose names appear in the following tabulation have authorized the cancelation of their respective permits, the numbers of which appear opposite their names:

NAME	APPLICATION NUMBER	PERMIT NUMBER
Gilchrist Timber Company	U-148	U-141
Brooks-Seanlon, Inc.	U-391	U-366
Louis M. Hughe ^t	U-479	U-435
Louis M. Hughet	U-481	U-437
Louis M. Hughet	U-482	U-438
M. M. McDole	U-548	U-500
Mildred F. Cramer	U-608	U-556
Luther W. Cramer	U-609	U-557
City of Ontario	U-660	U-603
Margaret Bailey Rea	U-775	U-691
Margaret Bailey Rea	U-776	U-692
R. A. Long	U-757	U-709
Jamie F. Marsh	U-811	U-719
Claud J. White	U-827	U-737
L. I. Jacobs	U-868	U-755
George H. Merrick	U-874	U-758
William G. Ross and Son	G-83	G-14
J. C. and Lotta J. Clemens	G-103	G-21
J. C. and Lotta J. Clemens	G-104	G-22
Ray and Velma Maddy	G-131	G-36
Dean J. Hall	G-84	G-70
C. I. Drummond	G-115	G-74
Cecil C. Moore	G-163	G-94
Norma Terry Garris	G-215	G-134
W. O. White	G-230	G-142
City of Bend	G-268	G-177
Russell W. Girvin	G-269	G-186
Oscar E. Hoffman	G-285	G-205
John E. O'Toole	G-289	G-208
August A. Strecker	G-319	G-238
Hoss H. Levanger	G-370	G-246
State Finance Company	G-385	G-260
E. D. Glidewell	G-420	G-290

NAME	APPLICATION NUMBER	PERMIT NUMBER
John Ransom	G-196	G-295
Riley and Sewell	G-300	G-298
Henry C. and Ramona Fitchett	G-310	G-326
Mildred F. Ritter	G-392	G-328
Joseph B. Weller	G-495	G-396
Luther W. Cramer	G-474	G-423
Emma Boettcher	G-536	G-445
Walter H. Frohreich	G-537	G-446
Imogene Turner	G-290	G-461
LaVinnia M. and Woodrow K. Black	G-562	G-474
Earl E. and Nancy Leona Lash	G-53	G-484
Portland Mortgage Company	G-573	G-492
Oregon-Washington Railroad and Navigation Co. and Union Pacific Railroad Co.	G-623	G-545
Walter C. Weaver, Jr.	G-654	G-567
J. Leslie Davis	G-668	G-574
Thomas A. and Flora A. Klarin	G-673	G-578
Weyerhaeuser Timber Co.	G-680	G-582
Sidney C. Stenarodden	G-681	G-611
Leland C. and Bertha E. Gove	G-733	G-634
Dale and Lillian Eisenmann	G-743	G-668
City of Canby	G-782	G-680
John A. and William F. Marshall	G-13	G-693
Joseph R. Brown	G-745	G-718
Maude Brown	G-746	G-719
Beverly M. Cannon	G-747	G-720
Benjamin F. Cannon	G-748	G-721
Marian E. Oliver	G-752	G-722
Adolph C. Titze	G-838	G-736
Pacific Power and Light Company	G-885	G-780
Pacific Power and Light Company	G-1204	G-971
William N. Mills	G-1381	G-1251
Louis E. Frick	G-1473	G-1312
Teel Irrigation District	R-2938	R-242
Clyde C. Dunlap and Gale Scutt	R-20953	R-821
D. B. Stump	R-24917	R-1047
Donald Pieren	R-25113	R-1070
S. Conley Davis	R-25485	R-1108
John Edward Coleman	R-26995	R-1381
Henry C. Schattenkerk	R-27366	R-1387
Stephen A. and Joan K. Bristol	R-28493	R-1568
Amos A. and Dorma U. Horner	R-28815	R-1576
Neely E. Williams	R-28967	R-1595
Wm. Eda, et al.	R-28855	R-1581
Floyd and Dorothy Hoffman	R-27221	R-1626
Harry McAllister	R-29513	R-1704
V. B. and Lela R. Bonhan	R-29794	R-1721
Vernon L. Salter	R-29813	R-1737
Fred Aebischer	R-30251	R-1746
Dan Carnegie	R-30130	R-1784
William R. and Marian Mayfield	R-30201	R-1788
G. Keith & Margaret E. Hutchings	R-30432	R-1838
Frances Kreilich	R-31427	R-2010
Huggard and Hahn	R-31570	R-2023

NAME	APPLICATION NUMBER	PERMIT NUMBER
Teel Irrigation District	415	E-106
Town of Paisley	2771	1454
Teel Irrigation District	2832	1546
Eldon Hutchinson	9113	5986
City of Seaside	11403	7863
Bay City Water Commission	13296	9539
State Highway Commission	16694	12482
City of Estacada	18989	14606
Oregon State Game Commission	19107	14712
J. Q. Freeman	19129	14730
Oregon State Highway Commission	19721	15293
Oregon State Game Commission	20474	15986
John A. Ratzeburg	20724	16226
Herbert Fagerlund	21518	16874
Lewis H. Williams	21588	16964
Brooks-Scanlon, Inc.	21608	16977
J. D. Hogue	21631	16997
Harold E. Hennings	21780	17134
Walter S. Tracey	22745	17933
City of Monmouth	22132	18320
Alfred J. Small	23734	18740
Edd C. Briggs	23783	18881
D. B. Stump	24918	19587
Donald Pieren	25114	19761
L. M. Hankins and Son	25119	19764
Lost and Boulder Ditch Company	24974	19941
Wm. Henry Anderson & Harry J. Anderson, Jr.	25285	19970
Herbert O. Waibel	25156	20206
W. J. and Mable I. Groshong	26450	20739
S. Vaughn and Sons Lumber Co.	27128	21340
John Edward Coleman	26996	21514
Everett & Lillian Reinhart	27471	21625
Leo C. Eriksen	27575	21716
Charles A. Tom	27592	21737
Charles Stanley	27336	21934
J. H. Powers	28303	22253
Sidney Newton	28200	22352
Lloyd P. Love	28442	22491
O. E. Thornton	28519	22502
Lawrence F. Gray	28696	22595
Gardiner Lumber Company	22957	22634
Amos A. and Dorma J. Horner	28816	22678
Floyd and Dorothy Hoffman	27222	22965
Wm. Ede, et al.	28856	22697
Neely E. Williams	28968	22782
C. L. Burbank	26843	23261
C. W. Hutchison	29581	23297
Ora and Hazel Jones	29634	23343
Willard I. Powell	29676	23370
Norman Connell	29716	23394
V. R. and Lela R. Bonham	29795	23450
Vernon L. Salter	29814	23513
Cleo. S. Wimmer	29821	23514
Chas. Passmore	29851	23518
Del Rio Orchards	29852	23519
Godfred Losli	29859	23523

NAME	APPLICATION NUMBER	PERMIT NUMBER
Fred Aebischer	30252	23570
Ernest N. Palmer	29961	23602
Nevan A. Helfrich	29979	23613
Gordon and Louise Williams	30015	23635
Earl and Inez N. Frye	29126	23669
Dan Carnegie	30131	23777
Nelson Stutsman	30139	23782
William R. and D. Marian Mayfield	30202	23799
William E. Doyle	30220	23825
Harry G. and Lottie P. Carlson	30249	23841
Margaret E. Eamber	30255	23843
Dr. George H. Bodner	30312	23861
Allie M. and Walter L. Myers	30069	23941
T. R. Parker	30461	23993
J. P. Talbot	30476	24004
G. Keith and Margaret E. Hutchings	30433	24070
Clarence L. Webber	30768	24156
Koennecke Realty Corporation	30799	24249
Mildred Campbell Deardorff	30848	24323
Oregon State Highway Department	30964	24354
Donald E. Boyer	30434	24436
Cyril Vandehey	31233	24614
Francis R. Holt	31454	24803
Frances Kreilich	31428	24838
Huggard and Hahn	31571	24910
A. F. Harsch	31585	24918
U. S. Army Engineers	31759	25045
Adolph Deininger	31925	25173
I. B. Deland	31951	25236
Oregon Lumber Company	32031	25267
Lane W. Crossley	32131	25348
Seal Rock Water District	30303	25358
Louis E. Frick	32958	26044

That portion of application No. 20666, permit No. 16167 in the names of J. K. McCall, R. L. McCall and J. C. McCall covering the irrigation of 40 acres in Section 16, Township 9 South, Range 1 East, W.M.

That portion of application No. 24552, permit No. 21652 in the name of Daniel Van Otten covering the irrigation of 141.6 acres in the north-half of Section 14, Township 6 South, Range 5 West, W.M.

IT IS ORDERED that said permits be and the same hereby are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon this 22nd day of June, 1959.

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

6 Permit No. 1546 Cancelled - ed. or Res. Vol. 10 p. 112

APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

I, O D Teel (Name of Applicant.) of Echo (Postoffice), County of Umatilla State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation.

1. The source of the proposed appropriation is Camas Creek and Hidaway Creek (Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is 180 sec ft Hidaway Creek 200 sec ft Camas cubic feet per second.

3. The use to which the water is to be applied is Supplemental supply for which partial water right was secured under enlargement Permit 106 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located Camas Creek N 65° 05' E 3580.6 ft. from corner of Hidaway Creek N. 70° 11' W 2760.3 ft. from corners of Sections 25 - 30 - 36 - 31 Tp. 4 S. R 32 E and 33 E (Give distance and bearing to section corner) Sections 5 - 6 - 7 - 8 - Tp. 4 S R 33 E W M.

being within the Hidaway Camas (Give smallest legal subdivision) of Sec. 24, Tp. 4 S, R. 32 E (No. N. or S.) W. M., in the county of Umatilla

5. The ditch and flume to be 23 1/2 miles in length, terminating in the SW 1/4 of NE 1/4 of Sec. 4, Tp. 4 S R. 31 E thence by tunnel 10,320 ft. into natural channel of Butter Creek. W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is

DESCRIPTION OF WORKS

Diversion Works—

7. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction. A small diversion dam from each source of supply (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Flume of lumber. (Timber, concrete, etc., number and size of openings)

*A different form of application is provided where an appropriation is to be made by the enlargement of existing works, or where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

Canal System—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) 10 feet; width on bottom 10 feet; depth of water 5 feet; grade 1.13 feet fall per one thousand feet.

(b) At _____ miles from headgate: Width on top (at water line) _____ feet; width on bottom _____ feet; depth of water _____ feet; grade _____ feet fall per one thousand feet.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

Irrigation—

9. The land to be irrigated has a total area of 20,526.83 acres, located in each smallest legal subdivision, as follows:

This appropriation is intended as a supplemental supply

(Give area of land in each smallest legal subdivision which you intend to irrigate)

(If more space required, attach separate sheet)

Power, Mining, Manufacturing, or Transportation Purposes—

10. (a) Total amount of power to be developed _____ theoretical horsepower.

(b) Total fall to be utilized _____ feet. (Head)

(c) The nature of the works by means of which the power is to be developed _____

(d) Such works to be located in _____ of Sec. _____ (Legal subdivision)

Tp. _____, R. _____, W. M. (No. N. or S.) (No. E. or W.)

(e) Is water to be returned to any stream? _____ (Yes or No.)

(f) If so, name stream and locate point of return _____

_____, Sec. _____, Tp. _____, R. _____, W. M. (No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is _____

(h) The nature of the mines to be served _____

Municipal Supply—

11. To supply the city of
..... County, having a present population of and an
(Name of) estimated population of in 19.....

(Answer questions 12, 13, 14, and 15 in all cases)

- 12. Estimated cost of proposed works, \$.....
- 13. Construction work will begin on or before April 15, 1910
- 14. Construction work will be completed on or before April 15, 1914
- 15. The water will be completely applied to the proposed use on or before
April 15, 1914

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the Board of Control, accompany this application.

O D Teel

(Name of applicant)

Signed in the presence of us as witnesses:

- (1) J T Hinkle Hermiston, Oregon
(Name) (Address of witness)
- (2) A B Thomson
(Name) (Address of witness)

Remarks: It is intended by this application to cover the appropriation of the waters of Camas and Hidaway Creeks under date of November 11, 1908, which appropriation was raised by 20 second feet from Owens Creek and 100 second feet from Cable Creek under Application No. 415, Permit No. E 106. It is particularly requested that the full amount of water applied for in said permit together with the full amount herein applied for, may be diverted from the respective sources of supply if the same shall be required to secure one-eightieth of a second foot per acre irrigated, measured at our main diversion on Butter Creek. (See Application 415 for maps)

STATE OF OREGON, }
County of Marion } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before....., 19.....

WITNESS my hand this..... day of....., 19.....

State Engineer.

6

Application No. 2832

Permit No. 1546

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. 2 District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 14 day of March 1913, at 3:00 o'clock P.M.

Returned to applicant for correction

Corrected application received

Approved

Jun 10 1913

Recorded in Book No. 7 of Permits on Page 1546

John H Lewis

MDMcC PAC \$8.00 State Engineer.

STATE OF OREGON, County of Marion } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: This appropriation is hereby limited to one-eightieth of one cubic ft. per sec. per acre irrigated, the water to be measured at the diversion from Butter Creek. The use hereunder shall conform to any reasonable rotation system ordered by the proper State officer.

The date of priority of this permit is March 14, 1913.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 180 second feet from Hidaway Creek. 200 sec. ft. Canas Creek cubic feet per second.

Actual construction work shall begin on or before June 10, 1914

and shall thereafter be prosecuted with reasonable diligence and be completed on or before August 7 1916

Complete application of the water to the proposed use shall be made on or before August 7, 1920

WITNESS my hand this 10th day of June, 1913.

John H Lewis State Engineer.

4979
4980
9272
2382
415
29929
32422

May 29, 1959

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell

Gentlemen:

This will acknowledge receipt of your letter of May 28 transmitting the duly certified copy of the resolution relative to the abandonment of the old applications and permits of the Teel Irrigation District.

The matter of the cancelation of the old permits and the withdrawal of the old applications as authorized by the resolution, is being entered into the records of this office.

Your application No. 29929 for the appropriation of sixty cubic feet per second from the Umatilla River and McKay Reservoir has been approved by issuance of permit No. 25920. Your application No. 32422 for the appropriation of thirty cubic feet per second from the Umatilla River and McKay Reservoir has been approved by issuance of permit No. 25924. The permits will be delivered to you by mail as soon as the necessary entries have been made in the records of this office.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

415
2832
2938
4979
4980
9272

April 2, 1959

Mr. James Snell, President
Teal Irrigation District
Electric Building
Portland, Oregon

Dear Mr. Snell:

This letter is to confirm our discussion in this office on March 31, 1959, regarding the following files in the name of the Teal Irrigation District.

Permit No. E-106, File No. 415 for the appropriation of 100 cubic feet of water per second from Cable Creek and 20 cubic feet of water per second from Owens Creek for the irrigation of 20,526.83 acres in Township 2 North, Ranges 27 and 28 East, N. W. and Township 3 North, Ranges 28 and 29 East, N. W. The time limit for completion of the project under the terms of Permit No. E-106 was October 1, 1937.

Permit No. H-242, File No. 2938, for the construction of Canas Creek Reservoir and the storage therein of 31,000 acre feet of water from Canas Creek for irrigation and power. The time limit for completion of this project was June 1, 1915.

Permit No. 1546, File No. 2832, for the appropriation of 180 cubic feet of water per second from Hidasay Creek and 200 cubic feet of water per second from Canas Creek for the supplemental irrigation of 20,526.83 acres described by Permit No. E-106. The time limit for completion of this project was October 1, 1921.

Application No. 4979 filed on June 17, 1916, for a permit to construct an enlargement to Canas Creek Reservoir and store therein an additional 30,000 acre feet of water from Canas Creek for irrigation and power. This application has never been completed.

Application No. 4980 filed on June 17, 1916, for a permit to appropriate 200 cubic feet of water per second from Canas Creek and 180 cubic feet of water per second from Hidasay Creek and stored water from Canas Creek Reservoir for the irrigation of a total of 26,556.29 acres, which in part duplicates the land described by Permit No. E-106. This application was never completed.

Application No. 9272 filed in this office on November 21, 1923, for a permit to construct Cable Creek Reservoir and store therein 25,000 acre feet of water from Cable Creek for irrigation. This application has never been completed.

Mr. James Buell

- 2 -

April 2, 1959

As discussed with you in this office as long as the permits remain in the records of the State Engineer permits that would be issued in approval of your more recent Applications Nos. 29929 and 32422 would have to contain provisions that would make them supplemental to the old permits.

Also, as was discussed, since the old permits are of questionable status we do not believe it to be proper to issue permits in approval of Applications Nos. 29929 and 32422 until appropriate action has been taken by you on the old permits.

With reference to the three old incomplete applications, numbers R-4979, 4980 and 9272, in view of the length of time these files have been inactive it would appear that the best course of action would be to clear the records by withdrawal on the part of the irrigation district or rejection by the State Engineer.

Very truly yours,

DAVIS A. STANLEY
State Engineer

By
James W. Curver, Jr.
Assistant

J:Gilk

June 1, 1956

Mr. William E. Buell, Engineer
Sherlock Building
Portland 4, Oregon

Dear Mr. Buell:

In response to your letter of recent date, please be advised that the following rights are of record in this office for use of water on the described property.

A certificate recorded on Page 2679, State Record of Water Rights Certificates, issued in the name of Jesse Moore confirmed the right to the irrigation of the following lands under a date of priority of 1866:

2.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17

A certificate recorded on Page 2683, State Record of Water Rights Certificates, issued in the name of Caroline E. Rogers confirmed the right to irrigation of the following lands under a date of priority of 1869:

23.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18

A certificate recorded on Page 8591, State Record of Water Rights Certificates, issued in the name of Thomas Richards and Sons confirmed the right to irrigation of the following under a date of priority of 1917:

9.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18

28.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$,

15.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19

A certificate recorded on Page 8182, State Record of Water Rights Certificates, issued in the name of Anna Gamble confirmed the right to the irrigation of the following under a date of priority of March 2, 1923.

11.7 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

2.3 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20

All in Township 3 North, Range 28 East, W.M.

The Teel Irrigation District is the record owner of Permit Numbers E-106 and 1546 under relative dates of priority of November 22, 1909 and March 11, 1913 for irrigation and supplemental irrigation of 20,526.83 acres of land, which includes among other lands all of Sections 17 and 20; NE $\frac{1}{4}$ of Sections 18 and 19; SE $\frac{1}{4}$ of Sections 18 and 19; 40 acres NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 19 and 40 acres in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 19.

William E. Duell

- 2 -

June 1, 1956

From information which we have on file it does not appear there is any right existing for lands in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19 in the designated township and range, lying east of the Dutter Creek highway.

Very truly yours,

JUNIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

eh

October 29, 1920.

Mr. Jas. G. Heltzel,

Salem, Oregon.

Dear Sir:

The State Water Board at its meeting on the 12th., granted the Teel Irrigation District an extension of time until June 1, 1921 within which to complete construction and until October 1, 1921 within which to completely apply water to beneficial use under permit No. 1848 and Enlargement Permit No. 106.

Yours very truly,

Asst Secretary.

Applications 415,
2832

August 5th, 1920.

Mr. Jas. G. Heltsel,
Attorney at Law,
Salem, Oregon.

Dear Sir:

I am in receipt of your letter of August 4th making application for an extension of time within which to complete construction and apply the water under application No. 415, Permit No. E 106, and application No. 2832, Permit No. 1546, in the name of the Teel Irrigation District, and I will recommend that an extension of time be granted until June 1st, 1921, within which to complete construction work, and until October 1st, 1921, within which to completely apply the water to the proposed use.

It is the custom to recommend but one year's extension at a time, but further extensions may be secured upon proper showing.

Very respectfully,

Percy A. Copper,
State Engineer.

RS:K

Extension

JAS. G. HELTZEL
MAX GEHLHAR
LAWYERS
LADD & BUSH BANK BUILDING
ROOMS 12-14-15. PHONE 295

SALEM, OREGON.

August 4, 1920

Percy A. Cupper,
State Engineer,
Salem, Oregon.

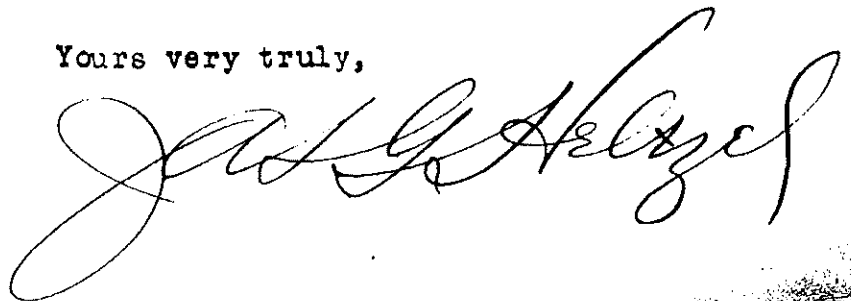
Dear Mr. Cupper:

I am sending you herein a petition or application for the Teel Irrigation District requesting an extension of time for the completion of its irrigation works in Umatilla County, based upon the facts and reasons set out in said petition.

I trust you will find this in sufficient form but should you require any further or additional showing, I will endeavor to comply with the same.

I am also returning to you herein the application which I borrowed from your office. I remain

Yours very truly,



Enc.
JGH/G

STATE WATER BOARD OF THE STATE OF OREGON

In the Matter of the Application

of

The TEEL IRRIGATION DISTRICT
for extension of time for
completion of works.

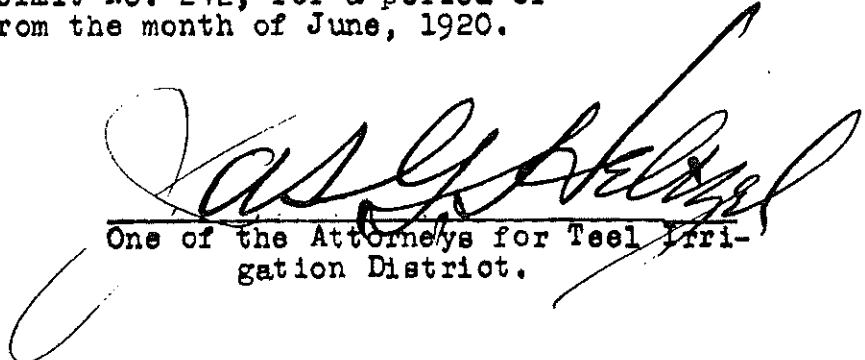
P E T I T I O N

Comes now the TEEL IRRIGATION DISTRICT, of Umatilla County, Oregon, and petitions the State Water Board for an order extending the time limit for the completion of its works and, in support of said petition, alleges:

That said TEEL IRRIGATION DISTRICT is the owner of certain water right appropriations on Camas Creek and its tributaries in Umatilla County, Oregon, said water rights being designated as Number E106 and 1546 in the Office of the State Engineer of the State of Oregon; that the irrigation project which is being developed by the above named District is of immense size; that the bonds of the District in the amount of \$930,000.00 were duly certified under the State Irrigation District Law on or about July 3, 1919; that at about the time last mentioned, contracts were let for construction work to the Warren Construction Company and construction work actually began under these contracts about August 1, 1919, and was prosecuted with reasonable diligence until about February 21, 1920; that during the period last mentioned, the main diversion dam was built on Camas Creek and a sawmill installed; that lumber was sawed for flumes; that

about four miles of main canal were constructed; that about three thousand lineal feet of tunnel were constructed; that a total sum of about \$250,000.00 was expended on the construction work, including the tunnel, machinery and equipment and an additional \$15,000.00 for installation; that, during the month of April, 1920, the construction work was resumed, under the supervision of the district and has been continued diligently on the tunnel up to the present time; that under present plans it is estimated that about two more years will be required in which to complete the construction work and fully apply the water to beneficial use.

WHEREFORE, Said TEEL IRRIGATION DISTRICT prays that the State Water Board of the State of Oregon, extend the time for the completion of said works and the application of said water under said permits and under Reservoir Permit No. 242, for a period of two years from the month of June, 1920.



One of the Attorneys for Teel Irrigation District.

JAS. G. HELTZEL
MAX GEHLHAR
LAWYERS
LADD AND BUSH BANK BUILDING
ROOMS 13-14-15 PHONE 295

SALEM, OREGON,

October 23, 1918

Office of State Engineer,
Salem,
Oregon.

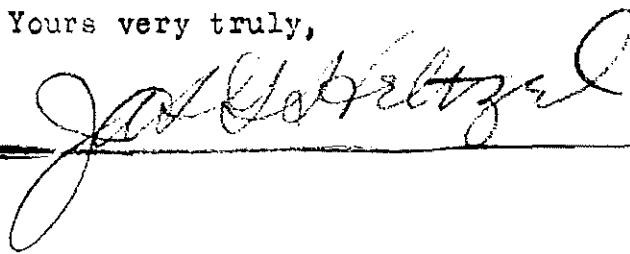
Gentlemen:

I am returning to you herein the document pertaining to the Teel Irrigation District, which I borrowed a few days ago, and thank you very much for the use of the same.

In a few days, the Teel Irrigation District will make application for further time within which to complete its project.

I remain

Yours very truly,



Enc.
JGH/G

More info

Jul. 11. 1920

*Work under John
Dunlap to be completed*

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

IN THE MATTER OF THE APPLICATION)	
OF THE TEEL IRRIGATION DISTRICT)	
FOR AN EXTENSION OF TIME FOR COM-	)	<u>P E T I T I O N</u>
PLETION OF WORKS UNDER PERMITS NOS.)	
R242, E106, and 1546)	

Comes now the TEEL IRRIGATION DISTRICT, of Umatilla County, Oregon, and petitions the State Engineer for an order extending the time limit for the completion of construction work under Permits Nos. R242, E106, and 1546, and in support of its petition alleges:

That said TEEL IRRIGATION DISTRICT is a municipal corporation duly organized under the Laws of the State of Oregon, and is the owner of certain water right appropriations described in the above named permits issued by the State Engineer of the State of Oregon;

That the irrigation project which is being developed by the above named district is of immense size;

That bonds of the district in the amount of \$930,000 were duly issued and certified by the State Irrigation & Drainage Securities Commission, and a portion of the issue is now outstanding;

That actual construction work on the project was begun on August 1, 1919 and continued until February 21, 1920, during which time the main diversion dam was built on Camas Creek, a sawmill was installed and lumber for flumes was made. About four miles of main canal and about three thousand lineal feet of tunnel was constructed at a total cost of about \$250,000, including machinery and equipment. During the month of April, 1920, construction work was resumed under the supervision of the district, but owing to the economic conditions

affecting agriculture generally, especially the market for irrigation district bonds, the district has been unable to continue the work to completion;

That under present plans the time in which construction work can be completed is indefinite;

That due to the fact that the outstanding bonds have been certified by the State of Oregon as legal investments for certain funds, and that the water rights and works constructed under these permits were used as a basis for determining values for the issuance and certification of said bonds, and that the water rights of the John Day River and its tributaries are now being definitely determined and adjudicated under the water code of the State of Oregon;

WHEREFORE, said TEEL IRRIGATION DISTRICT prays that the State Engineer of the State of Oregon extend the time for the completion of said works and the application of water to a beneficial use under said permits until after the water rights of the John Day River and its tributaries have been definitely determined and adjudicated.

TEEL IRRIGATION DISTRICT,

By

Od Teel

President.

ATTEST:

J. Frank Blinn
Secretary.

SUBJECT:

STATE OF OREGON

Applications No. 415

OFFICE OF THE

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE STATE WATER BOARD
SECRETARY OF THE DESERT LAND BOARD

2832. STATE ENGINEER

SALEM

WATER RESOURCES
DEPARTMENT

PERCY A. CUPPER
ASSISTANT STATE ENGINEER

September 29, 1916.

State Water Board,
Building.

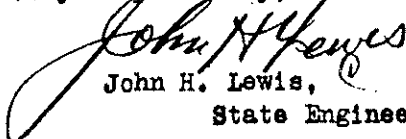
Gentlemen:

I am transmitting herewith application for an extension of time within which to complete construction work under application No. 415, permit No. E 106, and application No. 2832, permit No. 1546, held by assignment to the Teel Irrigation District.

You will note that very little construction work has been done in the past five years on this project, in fact the work is limited to the clearing of rights of way and the digging of test pits. While considerable money has been expended in surveys and investigations it would appear that these cannot properly be classified as construction work, and in considering work as a basis for this extension of time only the clearing of rights of way and the sinking of test pits can be considered. I trust therefore that this application will have careful consideration by the Board as it will in my opinion to a large extent establish a precedent for future action on large projects, particularly as the reason for the delay in the construction work is the failure of the District to finance the project. In this connection I will call your attention to the fact that bonds to the extent of \$100,000 have been issued in payment of water rights and the bonds are now a lien on the land and if the project is not completed the land owners will be required to pay the amount without receiving any benefit.

Taking all these matters into consideration I would recommend that the time for the completion of construction work be extended until June 1, 1917, with the understanding that additional extensions of time will be granted if conditions at that time appear to warrant the same. It will be readily understood that it is impossible to complete the project within one year even though the same were financed at this time and the work could begin immediately.

Very respectfully,


John H. Lewis,
State Engineer.

PAC-S.

Salem, Oregon. September 28, 1916.

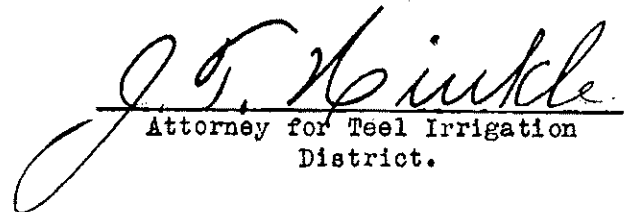
State Water Board,

Salem, Oregon.

Gentlemen:-

Your attention is called to notice of beginning of construction, and notice of prosecution of work with diligence, filed in your office by O. D. Teel, January 30, 1914, under Enlargement Permit No. 106. The work here shown is equally applicable to permit No. 1546, for the reason that the latter application is supplemental to No. E 106, and the system of works is the same.

Yours very truly,


Attorney for Teel Irrigation
District.

January 23, 1919.

Mr. James G. Heltzel.

Salem, Oregon.

Dear Sir:

The State Water Board at its meeting on January 22nd., granted the Teal Irrigation District an extension of time until June 1, 1920 within which to complete construction work and until October 1, 1921 within which to completely apply water to the proposed use under permits No. 1546 and E. 106.

Yours very truly,

R. W. Potter,
Secretary.

GB.

Applications No. 415
2982.

November 25, 1918.

Mr. James G. Holtzel,
Salmon, Oregon.

Dear Sir:

I am in receipt of your letter of the 23d instant transmitting application of the Deschutes Irrigating District for a further extension of time within which to complete construction work and to apply the water to the proposed use under application No. 415, permit No. E 106, and application No. 2982, permit No. 1546, and I will recommend to the State Water Board that an extension of time be granted until June 1, 1920, within which to complete construction work, and until October 1, 1921, within which to apply the water to the proposed use under these permits.

Very respectfully,

Perry A. Copper,

State Engineer.

ES.

JAS. G. HELTZEL
MAX GEHLHAR
LAWYERS
LADD AND BUSH BANK BUILDING
ROOMS 13-14-15 PHONE 298

SALEM, OREGON,

November 22, 1918

State Engineer,
Salem,
Oregon.

Dear Sir:

Some time ago, the Teal Irrigation District forwarded to me a resolution of its Board of Directors, and requested me to file the same in your office. The envelop containing the same got misplaced and the matter dropped out of my mind until just now, and I am forwarding the same to you herein. The purpose of this resolution is to obtain an extension of time within which to complete the irrigation project. I trust that the delay in filing the resolution will not cause the irrigation district any inconvenience. I remain

Yours very truly,

Jas. G. Helzel

Enc.
JGH/G

(Handwritten notes)

Whereas, The Teel Irrigation District in Umatilla County, Oregon, was organized September 7, 1912, for the purpose of securing a necessary water supply and building necessary irrigation works for the irrigation of the land embraced within said district; and,

Whereas, on November 30, 1912, the board of directors of said district did enter into a written contract option for the purchase of the water right appropriations on Camas Creek and its tributaries, theretofore made by O. D. Teel and the Teel Ditch Company, a corporation, designated as Permits numbered 106 and 1546 in the office of the State Engineer of the State of Oregon; and,

Whereas, said board of directors did on or about November 30, 1912, employ a competent irrigation engineer to make all necessary surveys for the purpose of ascertaining the value of said appropriations of water and the practicability of utilizing the same for the irrigation of lands within said district, and did employ a large number of men in the location of the permanent surveys of diversion sites and main line of canal and tunnel and main lines and laterals for distributing system, and did prosecute such work diligently and continuously for a period of two years until the complete plans and specifications for the necessary irrigation works to apply said appropriations of water to beneficial use upon the lands of said district were completed and approved by the State Engineer at a cost to this district of about \$20,000.00; and

Whereas, at an election held within said district on the June 14, 1913, the bonds of this district were authorized in the sum of \$1,200,000.00 for the purchase of water rights, rights of way and the building of the necessary irrigation works; and,

Whereas, after certain proceedings as by law required, the Circuit Court of the State of Oregon, for Umatilla County, did, on the 14th day of February, 1914, make and enter a decree confirming and validating all of the proceedings of said district in the organization thereof and

the authorization of said bond issue; and,

Whereas, this board of directors did thereupon take up the negotiation of the sale of said bond issue with various **bonding** houses and contractors with a view to procuring bidders at a contemplated public offer of bonds of said district, and did to that end continue diligently the matter of stream gauging to ascertain complete and reliable data and calculations upon the sufficiency of the proposed water supply, the cost of rights of way and location and proving of suitable reservoir sites; and,

Whereas, this board of directors did on the 27th day of January, 1915, procure a deed from the Teel Ditch Company to the Teel Irrigation District of all said water right appropriations which deed was filed in the office of the State Engineer on January 27, 1915, and recorded in Vol. 1, page 390, Miscellaneous Records; and,

Whereas, the directors of this district did on or about May 21, 1915, advertise for bids upon the bonds of said district and did set Tuesday, July 6, 1915, as the time and the office of said district in Echo, Oregon, as the place for receiving such bids as might be offered; and,

Whereas, no actual bids were received but a great number of letters and tentative proposals from reputable bonding houses and contractors were received, all calling attention to the general unsettled financial conditions due to the war in Europe and other causes; and,

Whereas, under present conditions there appears no immediate prospect for the sale of said bonds; and,

Whereas, this district has done actual construction work beyond the surveys above mentioned and the clearing of rights of way on permanent lines of survey and digging of test pits at reservoir and diversion sites and has diligently prosecuted its work of perfecting and holding such appropriations of water and to that end has regularly assessed the land owners within said district and collected and expended large sums of money to carry out the purpose of said district to apply

said water to beneficial use upon the lands within said district; and,

Whereas, O. D. Teel, the predecessor in interest of this district and the holder of said permit No. 106 did on or about August 7, 1912, make and file in the office of the State Engineer of the State of Oregon due proof of the beginning of actual construction work under said permit showing the expenditure of \$200.00 in clearing brush and timber at diversion points and right of way, and did on or about August 7, 1913, make and file in said office due proof of the prosecution of said work during the year ending August 7, 1913, and the actual expenditure of \$400.00 in the digging of test pits at diversion dam sites and clearing brush and timber on line at diversion dam sites, and clearing brush and timber on line of permanent survey; and,

Whereas, this district, did during the following years of 1914 and 1915, continue the work of actual construction in laying out the dam site of the storage reservoir on Camas Creek and did expend a large sum of money, to-wit; the sum of \$1000.00 in stripping the ground for bed rock and digging test pits for bed rock and marking and clearing the lines of said dam site and laying out and clearing line of ditch for pressure and hydraulic fill dam proposed for said system and did expend a large sum of money in actual construction in stripping the ground and clearing brush and timber at the proposed tunnel site, and,

Whereas, said district is not now able to continue the prosecution of actual construction work without imposing upon its land owners unnecessary and burdensome assessments which in any event could do no more than a very small part of the real construction work to be done; and,

Whereas, the sale of said bonds appears to be the only feasible way of financing and insuring the completion of the necessary irrigation works ~~and that further time will be required for sale of bonds and execution of~~ contracts for the complete construction of said project; Now, therefore,

Be it resolved that the State Water Board be and said Board is hereby requested to extend the time limit for the completion of the work under Permits 106 and 1546 and Reservoir Permit 242 for a period of five years from August 16, 1916, and that the Secretary be instructed to present a

certified copy of this resolution forthwith to the Secretary of the said Board at Salem, Oregon, with request for immediate action thereon; and that such other and further relief be granted as shall seem just and equitable.

The Roll being called on the foregoing resolution, directors O. D. Teel, A. B. Tomson and J. Frank Spinning voted 'A'.

* State of Oregon,)
) ss.
County of Umatilla.)

I, J. Frank Spinning, do hereby certify that I am secretary of the Board of Directors of the Tell Irrigation District in Umatilla County, Oregon; that the foregoing is a true and correct copy of the resolution passed by said board of directors in regular meeting of said board at Echo, Oregon, on March 7, 1916.

Witness my hand and the seal of said district this 7th day of March, 1916.

J. Frank Spinning

Whereas, The TEEL IRRIGATION DISTRICT in Umatilla County, Oregon, was organized September 7, 1912, for the purpose of securing a necessary water supply and building necessary irrigation works for the irrigation of the land embraced within said district; and,

Whereas, on November 30, 1912, the Board of Directors of said district did enter into a written contract option for the purchase of the water right appropriations on Caras Creek and its tributaries theretofore made by O. D. Teel and the Teel Ditch Company, a corporation, designated as Permits numbered 106 and 1546 in the office of the State Engineer of the State of Oregon; and,

Whereas, in about the month of March, 1916, a resolution was duly adopted by the Board of Directors of this company setting forth in detail the exact status of the affairs of this company, a copy of which said resolution was duly filed with the State Water Board, for the purpose of obtaining an extension of time within which to complete the construction of said project and fully apply said waters to beneficial uses, as authorized in said permits, which said resolution and all of the facts therein contained are hereby referred to and made a part of this resolution; and

Whereas, said State Water Board at or about said time last mentioned, did extend the time for the purpose above mentioned but which said time is now expiring; and

Whereas, the United States of America for nearly two years last past has been engaged in a war with Germany, and as one of its policies has ordered the suspension of all business which requires large financial aid or man power

that is not intended to immediately aid in the winning of the war and to that end has created what is commonly known as the Capital Issues Committee; and

Whereas, the irrigation project which is being developed by this company is of immense size and cannot be financed except by the selling of bonds and on account of such size of such project the same cannot be completed within a period of twelve months, the said Capital Issues Committee has declined to permit said district to sell its said bonds at the present time; and

Whereas, it is the unanimous opinion of the Board of Directors of said company that as soon as said war is terminated said bonds can and will be readily sold and the necessary money for the successful prosecution of such work will thereby be obtained; and

Whereas, most of the able-bodied men of the United States are now engaged in the military service and it has been and still is impossible for said district to get the necessary labor to perform the work required to complete said project even if it had been permitted to sell its bonds; and

Whereas, said district has been maintained and the organization thereof is kept in an efficient condition and ready to complete said work at the earliest possible date and all rights of way and other property belonging to this company have been duly protected, preserved and maintained; and

Whereas, it will probably be at least three years before said project can be fully completed, Therefore,

BE IT RESOLVED, That the State Water Board be and it is hereby requested to extend the time limit for the completion of the work under said permits 106 and 1546 and reservoir permit 242 until October 1, 1921; and

BE IT FURTHER RESOLVED, That the Secretary of this board be instructed to present a certified copy of this resolution forthwith to the Secretary of said State Water Board, at Salem, Oregon, and obtain immediate action thereon; and

BE IT FURTHER RESOLVED, That said State Water Board grant unto said district such other and further relief in the premises as to it shall seem just and equitable.

STATE OF OREGON

County of Umatilla

ss

I, J. Frank Spinning do hereby certify that I am Secretary of the Board of Directors of the Teel Irrigation District in Umatilla County, Oregon; that the foregoing is a true and correct copy of the resolution passed by said Board of Directors at a regular meeting of said board held at Echo, Oregon, on the 1st day of October, 1918; that all of the members of said board were present at said meeting and voted for the adoption of said resolution.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said district, this 1st day of October, 1918.

J. Frank Spinning
Secretary.

Places of Use from Water Rights in the Same Area

The following rights have acreage in the same quarter-quarter as Cert:83696 RR *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DEC	Gov't Lot	Acrea
<u>CERT:83694 RR *</u>	A THOMSON	JOHN DAY RIVER (F)			83694	12/31/1908	NC	IR	03.00N-28.00E-30-NWNE			2.6000
									03.00N-28.00E-30-SWNE			30.9000
									03.00N-28.00E-30-SENE			5.0000
									03.00N-28.00E-30-SENE			35.0000
<u>CERT:83692 CF *</u>	KENT MADISON		G-8167	G-7207	83692	5/26/1977	NC	IS	03.00N-28.00E-30-SENE			37.3000
<u>CERT:83697 RR *</u>	MADISON RANCHES INC.		G-8167	G-7207	83697	5/26/1977	NC	IS	03.00N-28.00E-30-SWNE			2.5000
<u>CERT:83693 CF *</u>	KENT MADISON		G-8213	G-7615	83693	6/14/1977	NC	IS	03.00N-28.00E-30-SENE			37.3000
<u>CERT:83698 RR *</u>	MADISON RANCHES INC.		G-8213	G-7615	83698	6/14/1977	NC	IS	03.00N-28.00E-30-SWNE			2.5000
<u>CERT:75107 CF *</u>	KENT MADISON		G-8269	G-7612	75107	7/13/1977	NC	IR	03.00N-28.00E-30-SENE			0.4000
									03.00N-28.00E-30-NWSE			2.1000
<u>CERT:79439 CF *</u>			S-9668	S-7400	79439	7/1/1924	NC	IS	03.00N-28.00E-30-NENE			0.2000
<u>CERT:28734 OR *</u>	GAYLORD MADISON		S-23959	S-18911	28734	7/29/1949	NC	IR	03.00N-28.00E-30-NWNE			14.8000
									03.00N-28.00E-30-SWNE			3.6000
<u>CERT:76051 CR *</u>	TEEL IRRIGATION DISTRICT		S-32422		76051	6/27/1958	NC	IR	03.00N-28.00E-30-NENE			0.2000
<u>CERT:83695 RR *</u>	GAYLORD MADISON		S-33223	S-26265	83695	7/13/1959	NC	IS	03.00N-28.00E-30-NWNE			2.3000
									03.00N-28.00E-30-SWNE			9.9000
<u>CERT:28738 OR *</u>	GAYLORD MADISON		S-33224	S-26400	28738	7/13/1959	NC	IS	03.00N-28.00E-30-SENE			23.0000
									03.00N-28.00E-30-SWNE			11.8000
<u>CERT:81815 RR *</u>	CHESTER PRIOR		S-62038	S-48450	81815	8/3/1981	NC	IS	03.00N-28.00E-30-NENE			0.2000
<u>PERMIT S 51017 *</u>	SHANNON MADISON		S-70272	S-51017		4/2/1990	NC	IR	03.00N-28.00E-30-NWSE			11.8000
									03.00N-28.00E-20-NWSW			7.0000
									03.00N-28.00E-30-NENE			2.2000
									03.00N-28.00E-30-NWNE			2.6000
									03.00N-28.00E-30-SWNE			29.9000
									03.00N-28.00E-30-SENE			40.0000
<u>APP.S 86866 *</u>	KENT MADISON		S-86866			5/21/2007	NC	IR	03.00N-28.00E-30-NWSE			11.8000

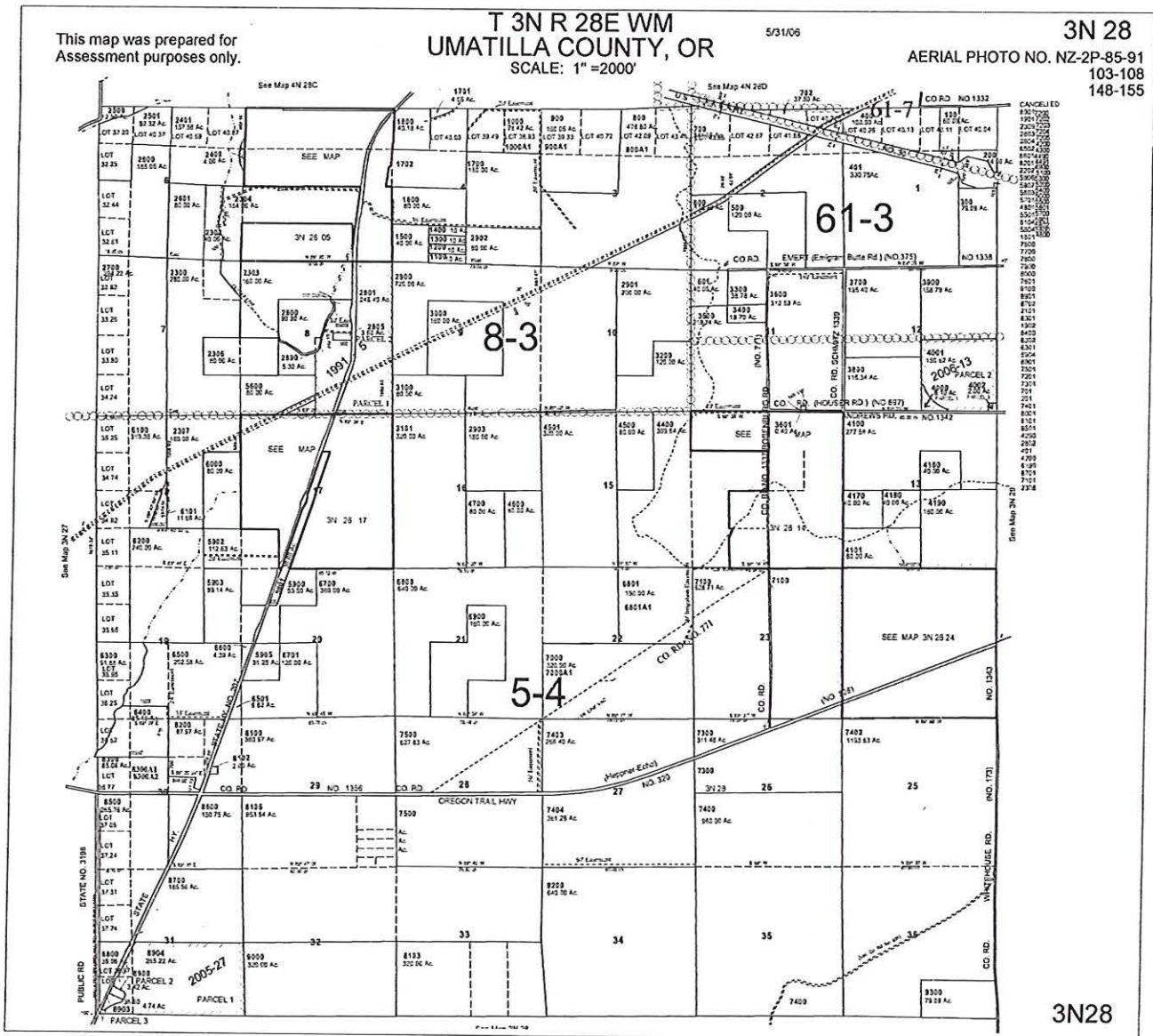
This map was prepared for Assessment purposes only.

T 3N R 28E WM
UMATILLA COUNTY, OR
SCALE: 1"=2000'

5/31/06

3N 28

AERIAL PHOTO NO. NZ-2P-85-91
103-108
148-155



RECEIVED

OCT 19 2009

WATER RESOURCES DEPT
SALEM, OREGON



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

Application for Water Right
Transfer

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 TRANSFER APPLICATION

Please check one
[checked] Permanent Transfer
[] Instream Transfer
[] Temporary Transfer (1 to 5 yrs.)
[] Permanent
[] Time-Limited
[] Drought Transfer
[] Other
total number of years:
(begin year:)
(end year:)

2. APPLICANT INFORMATION

Name: Kent Madison (Madison Farms)
Address: 29299 Madison Road
Echo OR 97826
Phone: (541) 376-5063 (541) 376-8107
Fax: (541) 376-8618 E-Mail address:

RECEIVED

NOV 18 2008

WATER RESOURCES DEPT
SALEM, OREGON

3. AGENT INFORMATION

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

Name: GSI Water Solutions ATTN: Jason Melady
Address: 55 SW Yamhill St., Suite 400
Portland OR 97204
Phone:
Fax: E-Mail address:

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- 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
[checked] Please send all correspondence to Applicant. Send copies of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	31906	25159	28737
2.			83696
3.			
4.			
5.			
6.			

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- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion (POD) Additional Point of Diversion
 - Character of Use Point of Appropriation (POA, or well) Additional POA
 - Instream Transfer Surface Water POD to Ground Water POA
 - Substitution of Supplemental Groundwater right for Primary Surface water right
 - Historic POD change Other

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- Reason(s) for change(s): _____ NOV 18 2008

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5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

South Spring contains a 40-horsepower centrifugal pump. 6" PVC mainline connects the pump system to irrigation and farm-wide water conveyance system.

- System capacity: 2.0 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

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

Non-Applicable

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8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Umatilla County, 216 SE 4th Street, Pendleton, Oregon 97801

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9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? Yes No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?
 Yes No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:
 - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
 - N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)

South Spring has historically been utilized as a pit well or sump and this transfer seeks to accurately reflect this historic use.

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11. ATTACHMENTS

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

**Supplemental Form A –
Description of Proposed Change(s) to a
Water Right**

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

**Supplemental Form B –
Evidence of Use Affidavit(s)**

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

- Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- 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.
- 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.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
 - 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, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$ previously submitted
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

**Supplemental Form C –
Instream Water Right Transfer**

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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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.

12. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (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 transfer 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 agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer (attached)** signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

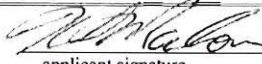
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

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 690-380-3000(13)(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 water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(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 a transfer under this subsection if it has filed a condemnation action to acquire the property.

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	Kent Madson name and title if applicable (print)	11/11/08 date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

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Last revised: 7/27/2007

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Transfer Application/6

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Water Right Transfer Supplemental Form A DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number: <u>28737</u> 83696
--

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <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 transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input checked="" 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.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

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Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	28737 <u>83696</u>	_____
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

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- Name on Permit, Certificate, or Decree: Gaylord Madison
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation *Supplemental*
- Priority Date(s): September 30, 1957

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

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- Source(s) of Water to be Affected by Transfer: South Spring NOV 18 2008

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Tributary to: Butter Creek

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 - Yes No N/A – No Change in Place of Use or Character of Use

Suppl. Columbia River

If "Yes", what are the Permit, Registration or Certificate Numbers? S-51017

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

83696

▪ Certificate Number or other identifying number: 28737

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) 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 water right.

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

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or 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)
	South Spring	3 North	28 East	WM	30	NW SE	8600	350' S & 2100' W from E 1/4 corner of Section 30

▪ Does the water right being transferred 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 web page at: <http://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.

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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

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Certificate Number or other identifying number: 28737 83696

Will the ENTIRE water right be affected by this transfer? Yes No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) 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 water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
South Spring	3 North	28 East	WM	30	NW1/4 SE1/4	8600	13.8
Sept. 30, 1957							

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▪ Certificate Number or other identifying number: 28737 83696

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right 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 or appropriation)

N/A - Instream Water Right Transfer

(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)
Collector Well	3 North	28 East	WM	30	NW SE	8600	350' S and 2100' W from the E 1/4 corner of Section 30

- 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 web page at: <http://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
Yes	See remarks	12-inch	ADS Pipe	30 feet deep	6" drain tile	N/A	10 ft	10 ft	Open casing	30 feet

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▪ Certificate Number or other identifying number: 28737 83696

Describe proposed changes to the water right 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) N/A – Instream Water Right Transfer
 (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)
Non-Applicable							

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Remarks: The collector well constructed at South Spring consists of 12" ADS vertical pipe, 30 feet deep connected to 300 feet of 6" ADS horizontal drain tile. Static water level is approximately 15 feet below ground surface.



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: Kent Madison
Mailing Address: Madison Farms, 29299 Madison Road
City: Echo State: OR Zip: 97826 Day Phone: (541) 376-8107

This application is related to a Measure 37 claim. [] Yes [x] 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 8 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: (Irrigation). Includes handwritten entries for tax lots 8600 and 8500.

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.28 [x] cubic feet per second [] gallons per minute [] acre-feet

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

Briefly describe: Moving point of diversion from surface water spring to a shallow pit well at a higher elevation to reduce pumping costs.

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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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): 152-058.

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: Richard H. Jennings Title: Sr. Planner
 Signature: [Signature] Phone: 278-6249 Date: Sept 11, 2008
 Government Entity: Vanilla County

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

Receipt for Request for Land Use Information

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

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**Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
County of Umatilla _____)

I, Kent Madison, in my capacity as Owner,
mailing address 29299 Madison Rd Echo, Oregon 97826
telephone number (541) 376-8107, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; or
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section		Gov't Lot or DLC	Acres (if applicable)
3	N	28	E	WM	30	NW	SE		13.8

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(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Grow Crops and Irrigate pasture _____

5. The water delivery system used to apply water as authorized by the right is described below:
Hand lines and big gun sprinklers pumped from the collector well and delivered by pressurized main line. _____

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

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NOV 18 2008

WATER RESOURCES DEPT
SALEM, OREGON

[Signature]
Signature of Affiant

8/31/07
Date

Signed and sworn to (or affirmed) before me this 31st day of August, 2007.



Stacey Wells
Notary Public for Oregon

My Commission Expires: 02/20/09

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OCT 19 2009

WATER RESOURCES DEPT
SALEM, OREGON

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

Online E-Pay

Account History

[Home](#)

[Account Information](#)

[View Your Bill](#)

[Pay your Bill](#)

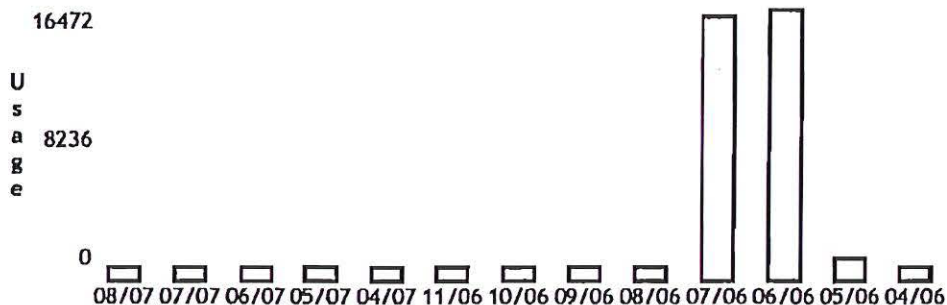
[Bill Calculator](#)

[Edit Your Profile](#)

[Contact Us](#)

[Signout](#)

Customer Name: MADISON, KENT R
 Account #: XXXXXXXXXX Service: 1
 Location: 30150221 Status: Active



Date	Meter #	Reading	Days	Usage	Monthly Charge
8/13/2007	3562738	49643	31		\$53.32
7/11/2007	3562738	49643	30		\$53.32
6/12/2007	3562738	49643	31		\$53.32
5/11/2007	3562738	49643	30		\$53.32
4/11/2007	3562738	49643	31	715	\$94.65
11/9/2006	3562738	48928	31		\$53.32
10/11/2006	3562738	48928	30		\$53.32
9/12/2006	3562738	48928	31		\$53.32
8/11/2006	3562738	48928	31	289	\$137.30
7/12/2006	3562738	48639	30	16153	\$747.41
6/12/2006	3562738	32486	31	16472	\$754.03
5/11/2006	3562738	16014	30	1642	\$255.95
4/11/2006	3562738	14372	31		\$43.15

[Account Summary](#) / [Account Detail](#) / [Pay Bill](#)

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 SALEM, OREGON

https://www.umatillaelectricipay.com/CustomerInquiry_UEC.nsf/AcctHist?OpenForm&... 09/01/2007

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OCT 19 2009

WATER RESOURCES DEPT
 SALEM, OREGON

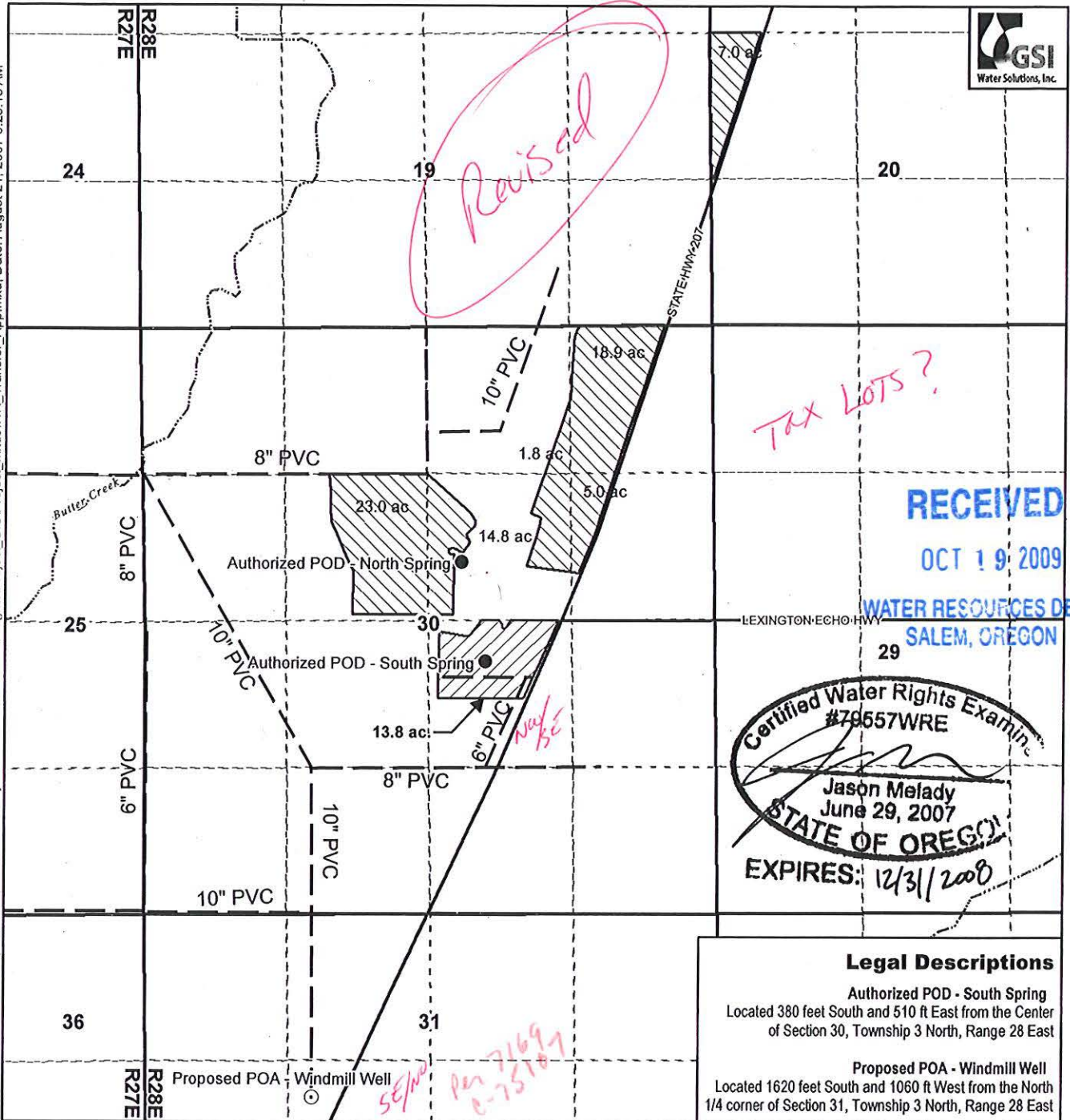
Application for a Water Right Transfer

Certificate 28737

Township 3 North, Range 28 East (W.M.)



File Path: \\gsi-sbs-001\Projects\136 - Madison\Wtr Rights\Project_GIS\Project_mxd\WTR_Transfer_App.mxd, Date: August 21, 2007 9:25:15 AM



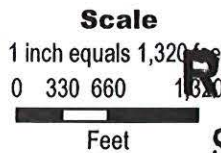
Legal Descriptions

Authorized POD - South Spring
 Located 380 feet South and 510 ft East from the Center of Section 30, Township 3 North, Range 28 East

Proposed POA - Windmill Well
 Located 1620 feet South and 1060 ft West from the North 1/4 corner of Section 31, Township 3 North, Range 28 East

Legend

- Proposed Point of Appropriation (POA)
- Currently Authorized Point of Diversion (POD)
- ▨ Currently Authorized Place of Use (POU) - Not Included in Transfer
- ▩ Currently Authorized POU Proposed for Transfer
- ~ Creeks and Streams
- Roads
- Water Pipeline



Map Information

Map Projection: Oregon Lambert Conformal Conic
 Map Datum: North American Datum of 1983
 Map Date: August 20, 2007
 Prepared By: GSI Water Solutions, Inc.

Data Sources

OWRD Database, Oregon Geospatial Enterprise Office

Note

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

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SEP 28 2007

**WATER RESOURCES DEPT
SALEM OREGON**

▪ Certificate Number or other identifying number: 28737

Describe proposed changes to the water right 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) N/A – Instream Water Right Transfer
(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)
Non-Applicable							

Remarks: I believe the pit well I own and operate, located 3/4 mile to the south of the authorized spring, intercepts the same water that is available to the spring described in the above-mentioned certificate. * The well is equipped with an infiltration leach line at 22 feet deep, having 1000 feet of 16 inch diameter pipe, and 1000 feet of 12 inch diameter pipe. See attached well as-built.

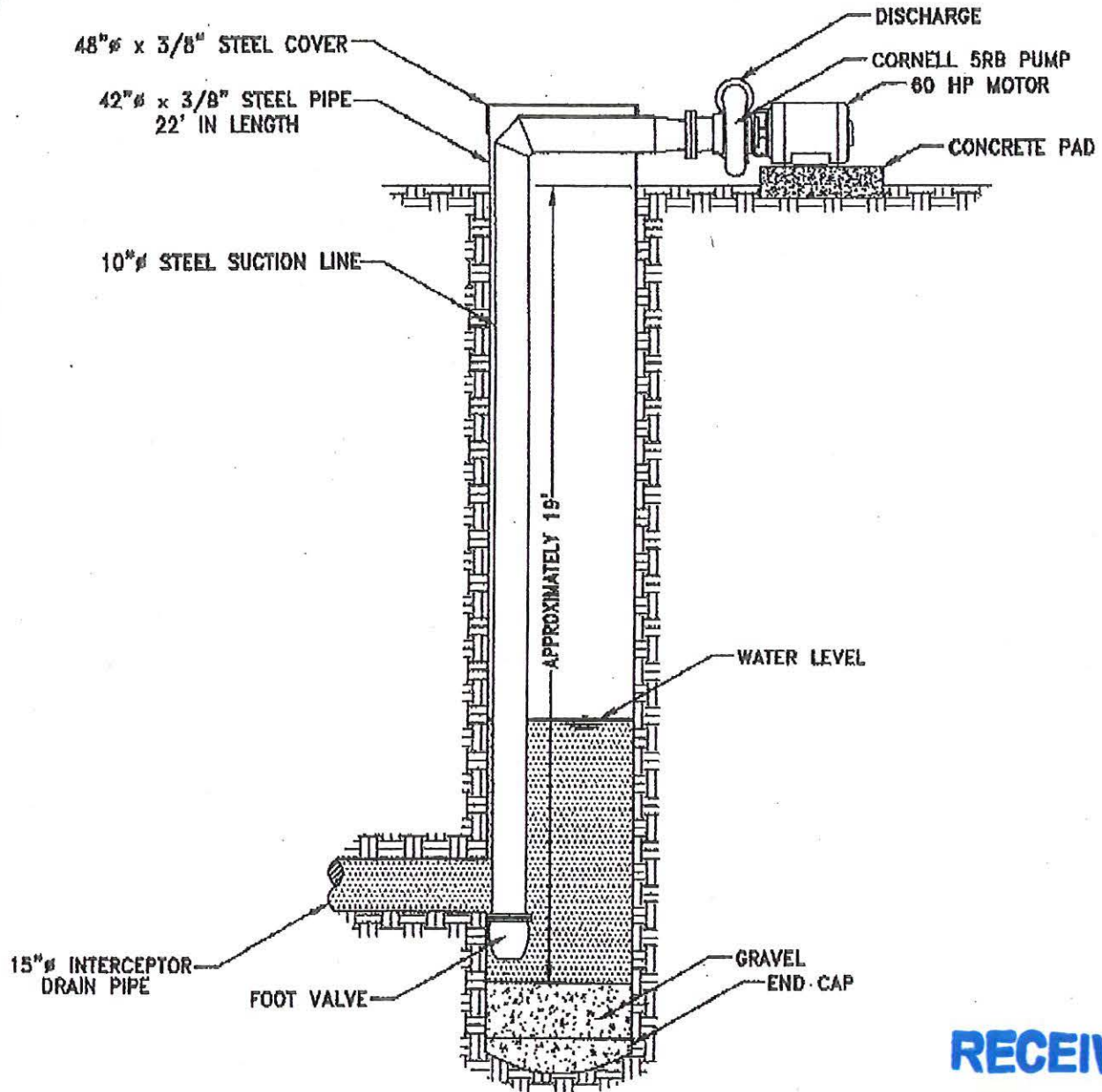
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Supplemental Form A **SEP-28 2007** Description of Proposed Change(s) to a Water Right

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10464

Windmill well



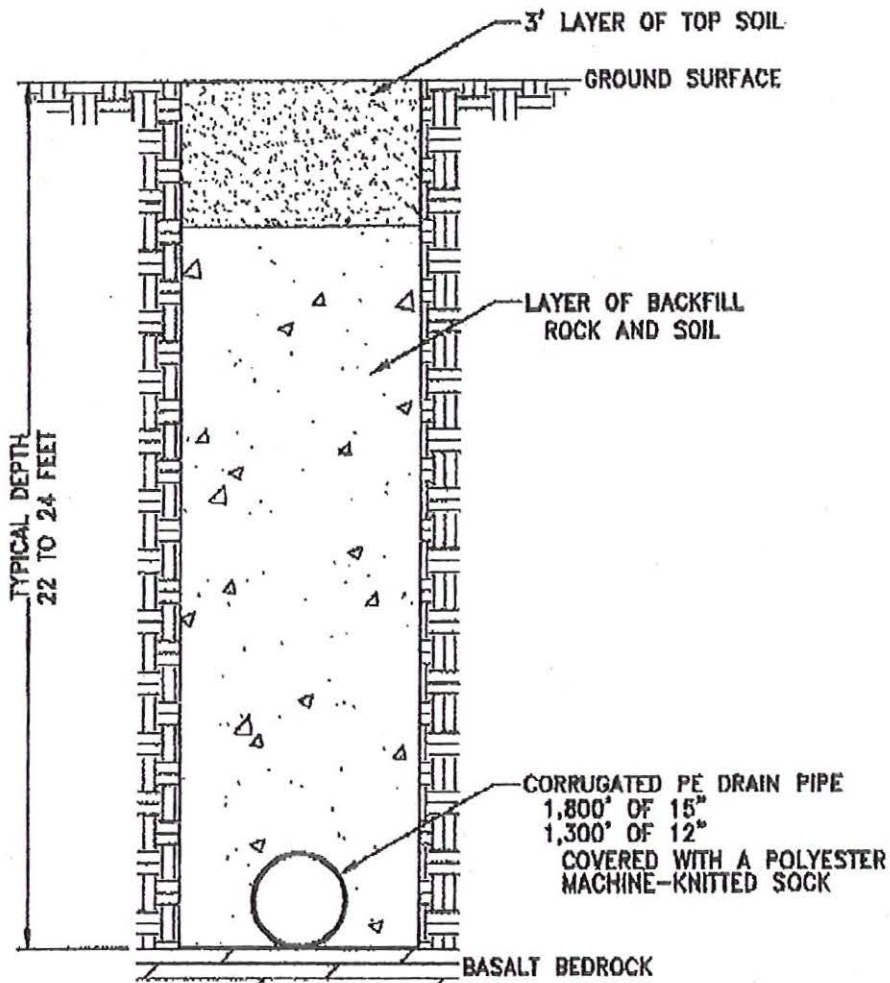
INTERCEPTOR WELL SUMP
AS CONSTRUCTED

RECEIVED

SEP 28 2007

WATER RESOURCES DEPT
SALEM OREGON

REVISION DESCRIPTION			IRZ CONSULTING, LLC			
NO.	DESCRIPTION	DATE	605 EAST MAIN, HERMISTON, OREGON 97103 OFFICE (541) 567-0258 FAX (541) 567-4289			
6			MADISON FARMS ASR PROJECT INTERCEPTOR WELL			
5						
4						
3						
2						
1						
DESIGNED		SCALE	NTS	DRAWING NO. 8044		SHT 3
DRAWN PAUL WATTENBURGER, PE		DATE	4/16/01	FILE D:\Projects\044 Madison ASR		OF 5
CHECKED		DATE				




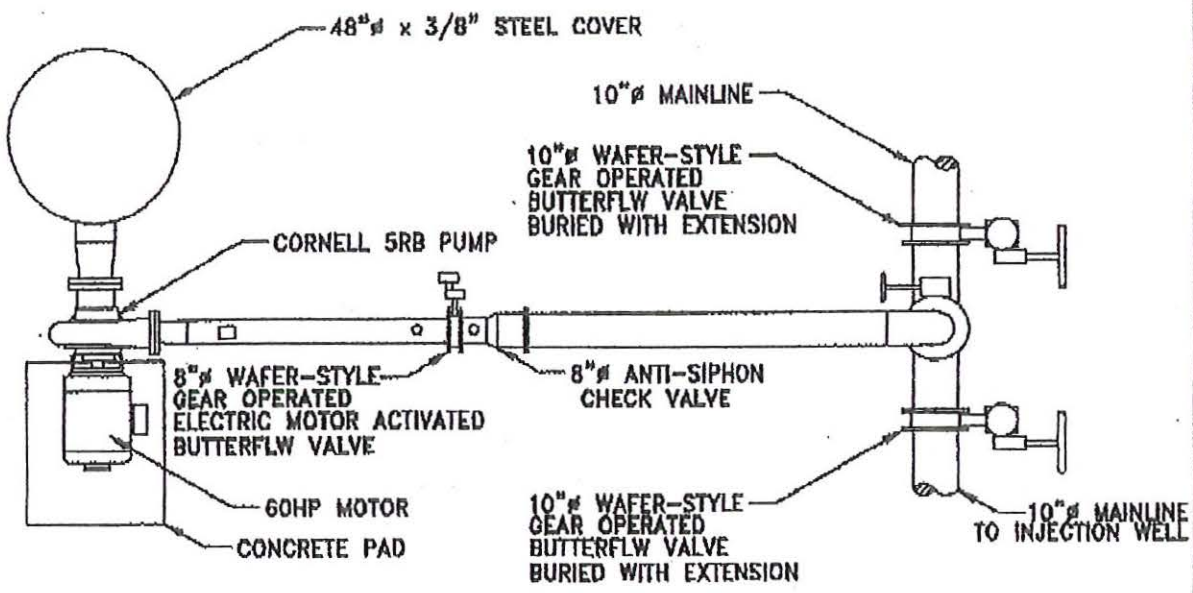
TYPICAL TRENCH CROSS-SECTION
FOR INTERCEPTOR DRAIN LINE
AS CONSTRUCTED

RECEIVED

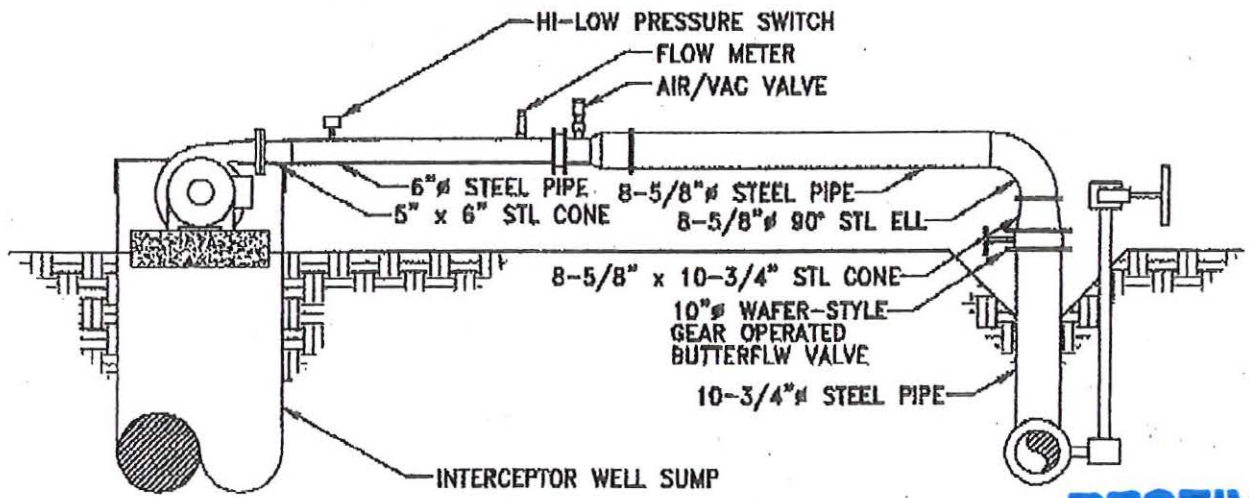
SEP 28 2007

WATER RESOURCES DEPT
SALEM OREGON

REVISION DESCRIPTION		DATE	 IRZ CONSULTING, LLC <small>605 EAST MAIN, HERMISTON, OREGON 97530 OFFICE (541) 567-0262 FAX (541) 567-4290</small>				
6			MADISON FARMS ASR PROJECT INTERCEPTOR WELL DRAIN. LINE				
5							
4							
3							
2							
1							
			DESIGNED	SCALE	NTS	DRAWING NO. 8044	SHT 2
			DRAWN PAUL WATTENBURGER, PE	DATE	4/16/01	FILE INFO: RA0000 Proj#8044 MadFarm ASR	OF 5
			CHECKED	DATE			



PLAN VIEW



EAST ELEVATION VIEW

INTERCEPTOR WELL DISCHARGE LINE AS CONSTRUCTED

RECEIVED

SEP 28 2007

WATER RESOURCES DEPT SALEM OREGON

REVISION DESCRIPTION			IRZ CONSULTING, LLC				
NO.	DESCRIPTION	DATE	505 EAST MAIN, HERMISTON, OREGON 97150 OFFICE (541) 567-0252 FAX (541) 567-4239				
6			<p>MADISON FARMS ASR PROJECT INTERCEPTOR WELL</p>				
5							
4							
3							
2							
1							
		DESIGNED	SCALE	NTS	DRAWING NO.	8044	SHT 4
		DRAWN	PAUL WATTENBURGER, PE		DATE	4/18/01	
		CHECKED			DATE		
				FILE REF:	D:\2000 Projects\8044 Madison ASR\ OF 5		

T 10464



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

August 18, 2010

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

SUBJECT: Transfer Application T-10464

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10464. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at (503) 986-0890 or Dorothy.I.Pedersen@wrp.state.or.us if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: T-10464
Tony G. Justice, District 5 Watermaster
GSI Water Solutions, Attn: Jason Melady, CWF

encs

Pd Noticed
8-24-10

FO date 9/24

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

In the Matter of Transfer Application)
T-10464, Umatilla County)
)
)
)
)
)

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE FROM A SURFACE WATER
POINT OF DIVERSION TO A
GROUNDWATER POINT OF
APPROPRIATION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

Applicant's Agent

JASON MELADY, RG, CWRE
GSI WATER SOLUTIONS, INC.
55 SW YAMHILL ST., SUITE 400
PORTLAND, OR 97204

Findings of Fact

Background

1. On September 28, 2007, KENT MADISON filed an application to change from a surface point of diversion to a ground water point of appropriation under Certificate 28737. The applicant proposed to change from a surface water spring point of diversion in the NW SE of Section 30, T3N, R28E, W.M., to a proposed point of appropriation (the "Windmill Well") within the SE NW of Section 31. The Department assigned the application number T-10464.
2. On March 14, 2008, Certificate 28737 was cancelled by Special Order Volume 74, pages 394-406, which approved T-10320, and was superseded by Certificate 83696.
3. A preliminary review by a Department hydrogeologist indicated that the well originally proposed (the Windmill Well) did not meet the distance and hydraulic connection criteria in ORS 540.531(2).
4. On November 18, 2008, the applicant's agent submitted an amended application and map, changing the location of the proposed point of appropriation to a different collector well, located within the NW SE of Section 30.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

5. The portion of the right to be transferred is as follows:

Certificate: 83696 in the name of GAYLORD M. MADISON (perfected under Permit S-25159)

Use: SUPPLEMENTAL IRRIGATION of 13.8 ACRES

Priority Date: SEPTEMBER 30, 1957

Rate: 0.28 CUBIC FOOT PER SECOND

Limit/Duty: ONE-FIFTIETH cfs per acre, not to exceed 4 acre-feet per acre per year

Source: SOUTH SPRING, tributary to BUTTER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	30	NW SE

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

6. Certificate 83696 does not describe the location coordinates of the point of diversion, however information is available from Transfer Application T-10464 and map indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

7. The right currently evidenced by Certificate 83696 was originally applied for by Gaylord M. Madison under Application S-31906 on September 30, 1957. The applicant requested to use water from the North and South Springs for "irrigation and supplemental irrigation" of 88.0 acres. The Department issued Permit S-25159 on November 29, 1957 approving the application, but only allowed "supplemental irrigation" because of the existence of irrigation Permits E-106 and S-1546 located on the same lands. The proposed project under Permits E-106 and S-1546 was never developed, however, so Permits E-106 and S-1546 were voluntarily cancelled on June 22, 1959, under Special Order Volume 10, Page 111.
8. When Certificate 28737 was issued on July 13, 1959, it described the right for the use of 1.69 cfs from the North and South Springs as being "supplemental irrigation" of 84.3 acres. Since the underlying permits had been cancelled just three weeks prior to the issuance of the certificate, however, Certificate 28737 should have been issued as primary irrigation, pursuant to ORS 540.670. Therefore, on February 26, 1985, Department staff determined that the designation of all irrigated lands under Certificate 28737 as being supplemental was arbitrary, and the Department would consider Certificate 28737 as being the primary source of supply for any of the involved lands that did not already have a valid primary irrigation right. This is documented by an Interoffice Memo in the original S-31906 water right file. Superseding Certificate 83696 perpetuated the inaccurate designation of Supplemental Irrigation.

9. Based upon Finding of Fact #8 and the existence of no primary irrigation rights on the land, the Department has determined that the portion of the authorized place of use under Certificate 83696 (formerly evidenced by Certificate 28737) to be transferred under Application T-10464 should be described as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

10. Transfer Application T-10464 proposes to change the authorized point of diversion to a ground water point of appropriation (collector well) at the site of the existing point of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

11. Notice of the application for transfer was published on October 16, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On May 30, 2008, the Department contacted the applicant Kent Madison by written correspondence, with copy to the applicant's agent Jason Melady, to notify him of the deficiencies in the application and map. The Department requested that the deficiencies be resolved by July 15, 2008. Subsequently Jason Melady requested additional time to submit the requested information, so the deadline was extended until September 15, 2008, and again to November 15, 2008. The applicant's agent responded on November 18, 2008 as stated in Finding of Fact #4 above.
13. A December 16, 1985 memo in the Application S-31906 file confirms a telephone conversation on December 6, 1985 in which John Madison had proposed his intention to develop the springs on the Madison Ranch lands with additional excavation, and to replace the old tile lines above the "hard pan" layer approximately 20 feet in depth. Steven Applegate of the Department indicated that provided no new distinct water sources were developed besides those described under the right, the proposed further development of the springs would not be of concern to the Department.
14. Transfer Application T-10464 describes the current point of diversion at the South Spring as a collector well, consisting of 12" ADS vertical pipe 30 feet deep connected to 300 feet of 6" ADS horizontal drain tile. However, Kent Madison indicated in a phone conference on April 5, 2010 that he believed the current well is approximately 20 feet deep. Mr. Madison also submitted a diagram via email on April 5, 2010 to illustrate characteristics of the "spring" before and after replacement of the collector tiles in the 1980s. The diagram did not include dimensions or a scale.
15. On May 26, 2010, Department hydrogeologist Marc Norton reported that an attempt to determine the depth of the well during a site visit was inconclusive, as something solid (probably not the well bottom) was encountered at a depth of about 17 feet.

16. Insufficient information exists to determine with certainty the water available at the original spring; however, based on the descriptions in Findings of Fact #13 and #14, it seems reasonable that limiting the pump intake to a depth of 20 feet below ground surface would prevent the drawdown to drop below the original spring level, thereby not exceeding the period of time that water would have been available at the original POD.
17. To ensure that the water right will not be enlarged in the future, baseline data should be gathered on the water available from this well through metering and recording of data.
18. On June 8, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10464 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 9, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and on August 9, 2010 provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria [OAR 690-380-4010(2)]

19. Water has been used within the last five years prior to the submittal of Transfer Application T-10464 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
20. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10464.
21. The proposed well meets the hydraulic conductivity requirements of ORS 540.531. Pumping of the well will cause depletion of the surface water source at a rate of at least 50 percent of the rate of appropriation within 10 days of continuous pumping, in accordance with OAR 690-380-2130(2)(c) and (11)(b).
22. Unless the well is constructed in a manner which prevents entry of surface water from other sources such as ditches, or access to groundwater at depths not accessed by the original POD construction, enlargement of the right could result.
23. Without provisions to prevent entry to the well of unauthorized surface water, or intake of groundwater not accessed by the original POD and a measurement device on the well, the Department cannot find that the proposed change would not allow enlargement of the right. However, if conditioned as follows, the proposed change would not result in enlargement of the right.
24. Without assurance that enlargement would not occur, the Department cannot find that the proposed change would not result in injury to other water rights. If conditioned as follows, the proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change from a surface water point of diversion to a ground water appropriation proposed in Transfer Application T-10464, as conditioned below, appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10464 is approved, the final order will include the following:

1. *The change in point of diversion to a ground water point of appropriation proposed in Transfer Application T-10464 is approved.*
2. *Water right certificate 83696 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer, which will correct the character of use to Primary Irrigation.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83696 and any related decree.*
4. *The well shall be sealed to prevent surface water from entering the well.*
5. *The pump intake shall be set no deeper than 20 feet below ground surface to ensure that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of appropriation.*
 - b. *The water user shall maintain the meter or measuring device in good working order.*
 - c. *The water user 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.*
7. *The water user shall record the water used and submit monthly reports to the Watermaster.*
8. *The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.*
9. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*

10. *If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
11. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved*
12. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
13. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred and acknowledging that it is Primary Irrigation will be issued.*

Dated at Salem, Oregon this 16 day of August 2010.


Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10464**

T-10464 filed by Kent Madison, 29299 Madison Rd, Echo, OR 97826, proposes to change a surface water point of diversion to a ground water point of appropriation under Certificate 83696. The right allows the use of 0.28 cfs (priority date September 30, 1957) from a diversion in Sec. 30, T3N, R28E, W.M. (Butter Creek Basin) for irrigation in Sec. 30. The applicant proposes to change the surface water point of diversion to a ground water point of appropriation at approximately the same location in Sec. 30, T3N, R28E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Dorothy Pedersen

From: kent madison [kmadison@eoni.com]
Sent: Monday, August 09, 2010 11:15 AM
To: Dorothy Pedersen
Subject: RE: T-10464 information due
Importance: High

Dorothy

I have no changes to the draft. You should have gotten the title report under a separate email.

Thanks



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Thursday, July 22, 2010 3:57 PM
To: kmadison@eoni.com
Subject: T-10464 information due

Kent,

Here is the T-10464 draft preliminary determination and the cover letter. At this time a title company report of ownership is due (as described in the letter), as well as written comments to the draft document. Please respond with these by August 15 and we will move the transfer forward to issuance of the signed preliminary determination and protest period.

Thank you,
Dorothy

Dorothy Pedersen
Transfer Program Advisor
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266
(503) 986-0890

_____ Information from ESET NOD32 Antivirus, version of virus signature
database 5303 (20100722) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

_____ Information from ESET NOD32 Antivirus, version of virus signature database 5353
(20100809) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Dorothy Pedersen

From: kent madison [kmadison@eoni.com]
Sent: Friday, July 23, 2010 8:54 AM
To: rparker@pioneertitleco.net
Cc: Dorothy Pedersen; 'Jason Melady'
Subject: FW: T-10464 information due
Attachments: 10464-dpd-cover letter.pdf; 10464-dpd.pdf

Rod

If you would prepare the title report per these attachments I would appreciate it. Please feel free to call Dorothy at OWRD if you have any questions.

Thanks



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Dorothy Pedersen [mailto:pedersdi@wrд.state.or.us]
Sent: Thursday, July 22, 2010 3:57 PM
To: kmadison@eoni.com
Subject: T-10464 information due

Kent,

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Thank you,
Dorothy

Dorothy Pedersen
Transfer Program Advisor
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266
(503) 986-0890

_____ Information from ESET NOD32 Antivirus, version of virus signature
database 5303 (20100722) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 5305
(20100723)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



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

June 8, 2010

KENT MADISON
29299 MADISON RD
ECHO OR 97826

SUBJECT: Water Right Transfer Application T-10464

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-10464. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Please note Findings #7-#9 in the draft Preliminary Determination that clarify the use as "irrigation".

At this time, you must submit a report of landownership for the lands to which the water right is appurtenant. The report must be prepared by a title company. The title company's report must either be: 1) prepared within three months of this draft Preliminary Determination, or 2) reflect ownership information within three months of the recording of any water right conveyance agreements for the property in the county deed records. The ownership report shall include:

- Date reflected by the ownership information
- List of owners at that time
- Legal description of the property to which the water right involved in the transfer is currently appurtenant.

You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership information. If we do not receive your response and the report by **July 9, 2010**, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@ wrd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: **T-10464**
Tony G. Justus, District 5 Watermaster
GSI Water Solutions, Attn: Jason Melady CWRE #79557, agent

encs.



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

In the Matter of Transfer Application)
T-10464, Umatilla County)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE FROM A SURFACE WATER
) POINT OF DIVERSION TO A
) GROUNDWATER POINT OF
) APPROPRIATION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

Applicant's Agent

JASON MELADY, RG, CWRE
GSI WATER SOLUTIONS, INC.
55 SW YAMHILL ST., SUITE 400
PORTLAND, OR 97204

Findings of Fact

Background

1. On September 28, 2007, KENT MADISON filed an application to change from a surface point of diversion to a ground water point of appropriation under Certificate 28737. The applicant proposed to change from a surface water spring point of diversion in the NW SE of Section 30, T3N, R28E, W.M., to a proposed point of appropriation (the "Windmill Well") within the SE NW of Section 31. The Department assigned the application number T-10464.
2. On March 14, 2008, Certificate 28737 was cancelled by Special Order Volume 74, pages 394-406, which approved T-10320, and was superseded by Certificate 83696.
3. A preliminary review by a Department hydrogeologist indicated that the well originally proposed (the Windmill Well) did not meet the distance and hydraulic connection criteria in ORS 540.531(2).
4. On November 18, 2008, the applicant's agent submitted an amended application and map, changing the location of the proposed point of appropriation to a different collector well, located within the NW SE of Section 30.

5. The portion of the right to be transferred is as follows:

Certificate: 83696 in the name of GAYLORD M. MADISON (perfected under Permit S-25159)

Use: SUPPLEMENTAL IRRIGATION of 13.8 ACRES

Priority Date: SEPTEMBER 30, 1957

Rate: 0.28 CUBIC FOOT PER SECOND

Limit/Duty: ONE-FIFTIETH cfs per acre, not to exceed 4 acre-feet per acre per year

Source: SOUTH SPRING, tributary to BUTTER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	30	NW SE

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

6. Certificate 83696 does not describe the location coordinates of the point of diversion, however information is available from Transfer Application T-10464 and map indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

7. The right currently evidenced by Certificate 83696 was originally applied for by Gaylord M. Madison under Application S-31906 on September 30, 1957. The applicant requested to use water from the North and South Springs for "irrigation and supplemental irrigation" of 88.0 acres. The Department issued Permit S-25159 on November 29, 1957 approving the application, but only allowed "supplemental irrigation" because of the existence of irrigation Permits E-106 and S-1546 located on the same lands. The proposed project under Permits E-106 and S-1546 was never developed, however, so Permits E-106 and S-1546 were voluntarily cancelled on June 22, 1959, under Special Order Volume 10, Page 111.
8. When Certificate 28737 was issued on July 13, 1959, it described the right for the use of 1.69 cfs from the North and South Springs as being "supplemental irrigation" of 84.3 acres. Since the underlying permits had been cancelled just three weeks prior to the issuance of the certificate, however, Certificate 28737 should have been issued as primary irrigation, pursuant to ORS 540.670. Therefore, on February 26, 1985, Department staff determined that the designation of all irrigated lands under Certificate 28737 as being supplemental was arbitrary, and the Department would consider Certificate 28737 as being the primary source of supply for any of the involved lands that did not already have a valid primary irrigation right. This is documented by an Interoffice Memo in the original S-31906 water right file. Superseding Certificate 83696 perpetuated the inaccurate designation of Supplemental Irrigation.

9. Based upon Finding of Fact #8 and the existence of no primary irrigation rights on the land, the Department has determined that the portion of the authorized place of use under Certificate 83696 (formerly evidenced by Certificate 28737) to be transferred under Application T-10464 should be described as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW SE	13.8

10. Transfer Application T-10464 proposes to change the authorized point of diversion to a ground water point of appropriation (collector well) at the site of the existing point of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	30	NW SE	350 FEET SOUTH AND 2100 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 30

11. Notice of the application for transfer was published on October 16, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On May 30, 2008, the Department contacted the applicant Kent Madison by written correspondence, with copy to the applicant's agent Jason Melady, to notify him of the deficiencies in the application and map. The Department requested that the deficiencies be resolved by July 15, 2008. Subsequently Jason Melady requested additional time to submit the requested information, so the deadline was extended until September 15, 2008, and again to November 15, 2008. The applicant's agent responded on November 18, 2008 as stated in Finding of Fact #3 above.
13. A December 16, 1985 memo in the Application S-31906 file confirms a telephone conversation on December 6, 1985 in which John Madison had proposed his intention to develop the springs on the Madison Ranch lands with additional excavation, and to replace the old tile lines above the "hard pan" layer approximately 20 feet in depth. Steven Applegate of the Department indicated that provided no new distinct water sources were developed besides those described under the right, the proposed further development of the springs would not be of concern to the Department.
14. Transfer Application T-10464 describes the current point of diversion at the South Spring as a collector well, consisting of 12" ADS vertical pipe 30 feet deep connected to 300 feet of 6" ADS horizontal drain tile. However, Kent Madison indicated in a phone conference on April 5, 2010 that he believed the current well is approximately 20 feet deep. Mr. Madison also submitted a diagram via email on April 5, 2010 to illustrate characteristics of the "spring" before and after replacement of the collector tiles in the 1980s. The diagram did not include dimensions or a scale.
15. On May 26, 2010, Department hydrogeologist Marc Norton reported that an attempt to determine the depth of the well during a site visit was inconclusive, as something solid (probably not the well bottom) was encountered at a depth of about 17 feet.

16. Insufficient information exists to determine with certainty the water available at the original spring, however based on the descriptions in Findings of Fact #13 and #14, it seems reasonable that limiting the pump intake to a depth of 20 feet below ground surface would prevent the drawdown to drop below the original spring level, thereby not exceeding the period of time that water would have been available at the original POD.
17. To ensure that the water right will not be enlarged in the future, baseline data should be gathered on the water available from this well through metering and recording of data.

Transfer Review Criteria [OAR 690-380-4010(2)]

18. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
19. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10464.
20. The proposed well meets the hydraulic conductivity requirements of ORS 540.531. Pumping of the well will cause depletion of the surface water source at a rate of at least 50 percent of the rate of appropriation within 10 days of continuous pumping, in accordance with OAR 690-380-2130(2)(c) and (11)(b).
21. Unless the well is constructed in a manner which prevents entry of surface water from other sources such as ditches, or access to groundwater at depths not accessed by the original POD construction, enlargement of the right could result.
22. Without provisions to prevent entry to the well of unauthorized surface water, or intake of groundwater not accessed by the original POD and a measurement device on the well, the Department cannot find that the proposed change would not allow enlargement of the right. However, if conditioned as follows, the proposed change would not result in enlargement of the right.
23. Without assurance that enlargement would not occur, the Department cannot find that the proposed change would not result in injury to other water rights. If conditioned as follows, the proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change from a surface water point of diversion to a ground water appropriation proposed in Transfer Application T-10464, as conditioned below, appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10464 is approved, the final order will include the following:

- 1. The change in point of diversion to a ground water point of appropriation proposed in application T-10464 is approved.*
- 2. Water right certificate 83696 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer, which will correct the character of use to Primary Irrigation.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83696 and any related decree.*
- 4. The well shall be sealed to prevent surface water from entering the well.*
- 5. The pump intake shall be set no deeper than 20 feet below ground surface to ensure that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 6. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of appropriation.*
 - b. The water user shall maintain the meter or measuring device in good working order.*
 - c. The water user 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.*
- 7. The water user shall record the water used and submit monthly reports to the Watermaster.*
- 8. The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.*
- 9. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
- 10. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
- 11. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if*

within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved

12. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
13. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
14. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred and acknowledging that it is Primary Irrigation will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2010.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-10464

A flowmeter will be required to be installed prior to diversion of water at the proposed point(s) of diversion or appropriation as a condition of this transfer.

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

Watermaster name: Tony Justus
District: 5
Address: 116 SE Dorian Ave.
City/State/Zip: Pendleton, OR. 97801
Phone: 541-278-5456.
Email: Tony.G.JUSTUS@wrđ.state.or.us

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

Approval of an Alternate Measurement Device T-_____
(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature District Date

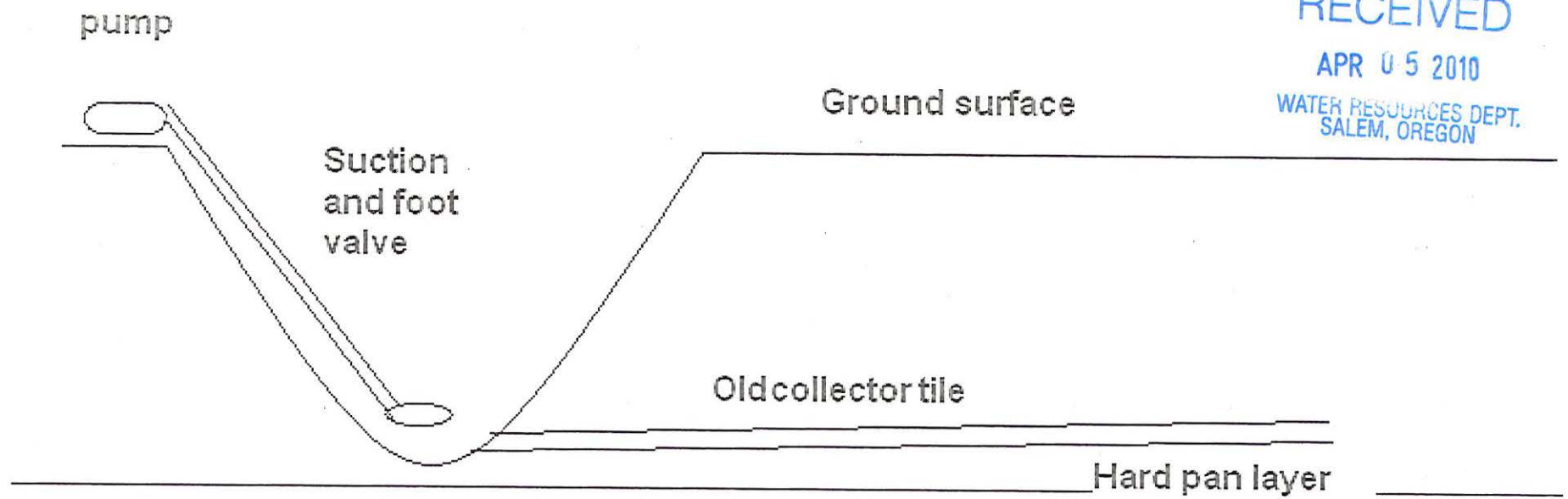
If this form is used for approval of an alternative measurement device, it must be mailed to:

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

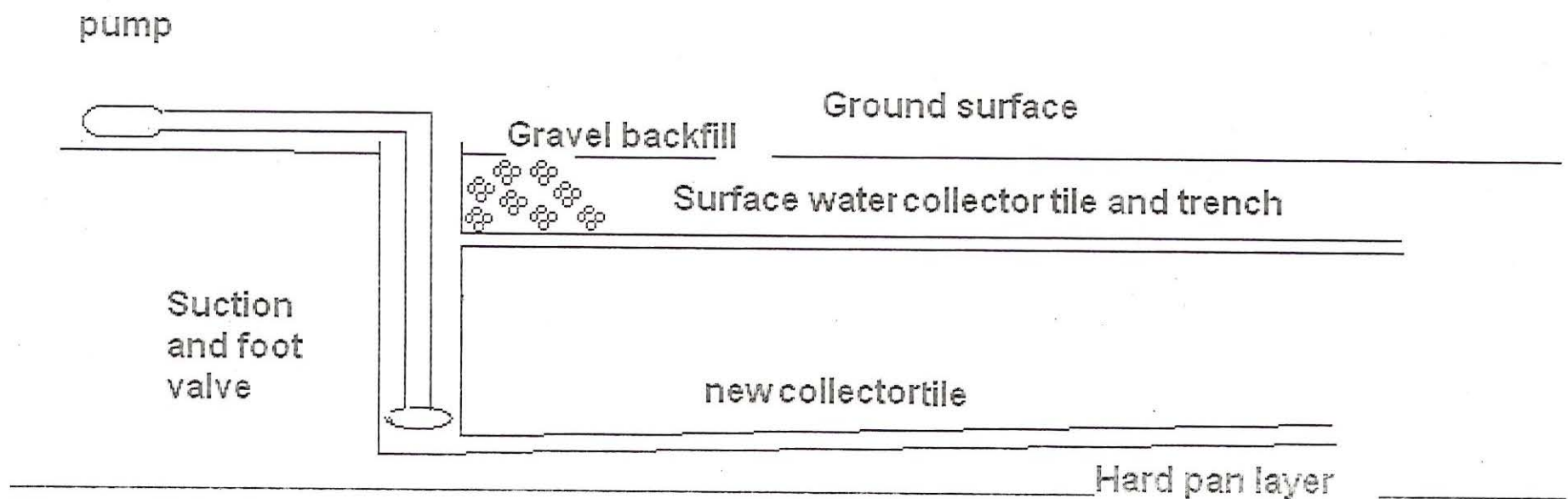
RECEIVED

APR 05 2010

WATER RESOURCES DEPT.
SALEM, OREGON



Before After



Dorothy Pedersen

From: kent madison [kmadison@eoni.com]
Sent: Tuesday, April 06, 2010 9:17 AM
To: Dorothy Pedersen
Cc: 'Jason Melady'; Bill Ferber; Marc Norton; Tony Justus; Mike Ladd
Subject: RE: Phone conference to resolve T-10464 issues
Importance: High

Thanks



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Dorothy Pedersen [mailto:pedersdi@wrđ.state.or.us]
Sent: Tuesday, April 06, 2010 8:53 AM
To: kent madison
Cc: Jason Melady; Bill Ferber; Marc Norton; Tony Justus; Mike Ladd
Subject: RE: Phone conference to resolve T-10464 issues

Kent,

Thank you for the diagram. That gives us a better picture of the spring to collector well conversion. We'll take this and the information you conveyed in our phone conversation yesterday into consideration and let you know what the next step is, and whether additional information or revisions to the T-10464 application are needed.

Dorothy

From: kent madison [mailto:kmadison@eoni.com]
Sent: Monday, April 05, 2010 2:50 PM
To: Dorothy Pedersen; 'Jason Melady'; 'kent madison'
Cc: Bill Ferber; Tony Justus; Marc Norton; Mike Ladd
Subject: RE: Phone conference to resolve T-10464 issues
Importance: High

Dorothy

Attached is a ruff drawing of the cross view of the collector well and tiles that we talked about today.



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Dorothy Pedersen [mailto:pedersdi@wrд.state.or.us]
Sent: Monday, April 05, 2010 8:28 AM
To: Jason Melady
Cc: Bill Ferber; Tony Justus; Marc Norton; (kmadison@eoni.com); Mike Ladd
Subject: RE: Phone conference to resolve T-10464 issues

Jason,

We'll have the meeting at 1:00 PM today. Please call: 1-218-862-6420. Thank you for communicating with Kent Madison.

I'll talk with you at 1:00!
Dorothy

From: Jason Melady [mailto:JMelady@gsiws.com]
Sent: Friday, April 02, 2010 2:12 PM
To: Dorothy Pedersen
Cc: Bill Ferber; Tony Justus; Marc Norton; (kmadison@eoni.com)
Subject: FW: Phone conference to resolve T-10464 issues
Importance: High

Dorothy,
I think Monday at 1pm would work best for Kent and I.

Thanks,
Jason

Jason Melady, RG, CWRE
Project Hydrogeologist
GSI Water Solutions, Inc.
p: 503.239.8799 ext. 104
m: 503.799.2198
e: jmelady@gsiwatersolutions.com
w: www.gsiwatersolutions.com

From: kent madison [mailto:kmadison@eoni.com]
Sent: Friday, April 02, 2010 2:08 PM
To: Jason Melady
Subject: RE: Phone conference to resolve T-10464 issues
Importance: High

Any time Monday is fine.



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Jason Melady [mailto:JMelady@gsiws.com]
Sent: Friday, April 02, 2010 8:33 AM
To: (kmadison@eoni.com)
Subject: FW: Phone conference to resolve T-10464 issues

Kent,
See below. This is in regards to the South Spring transfer. Give me a call to discuss.

Thanks,
Jason

From: Dorothy Pedersen [mailto:pedersdi@wrđ.state.or.us]
Sent: Thursday, April 01, 2010 4:29 PM
To: Jason Melady
Cc: Bill Ferber; Tony Justus; Mike Ladd; Marc Norton
Subject: Phone conference to resolve T-10464 issues

Jason,

You had requested a phone conference to resolve the potential enlargement issue identified for T-10464. Please let us know whether next Monday prior to 2:00 will work for you and Kent Madison. If so, pick a time and "reply all" so we can put it on our calendars. I'll then send you a phone number to call for the conference.

If you and Kent are not able to meet next Monday, suggest a few times in the next couple of weeks that work for you, and we'll find a time that works for all.

Thank you,
Dorothy

Dorothy Pedersen
Transfer Program Advisor
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266
(503) 986-0890

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4995 (20100402) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 4995 (20100402)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 5001 (20100405)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 5002 (20100405)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 5004 (20100406)

The message was checked by ESET NOD32 Antivirus.

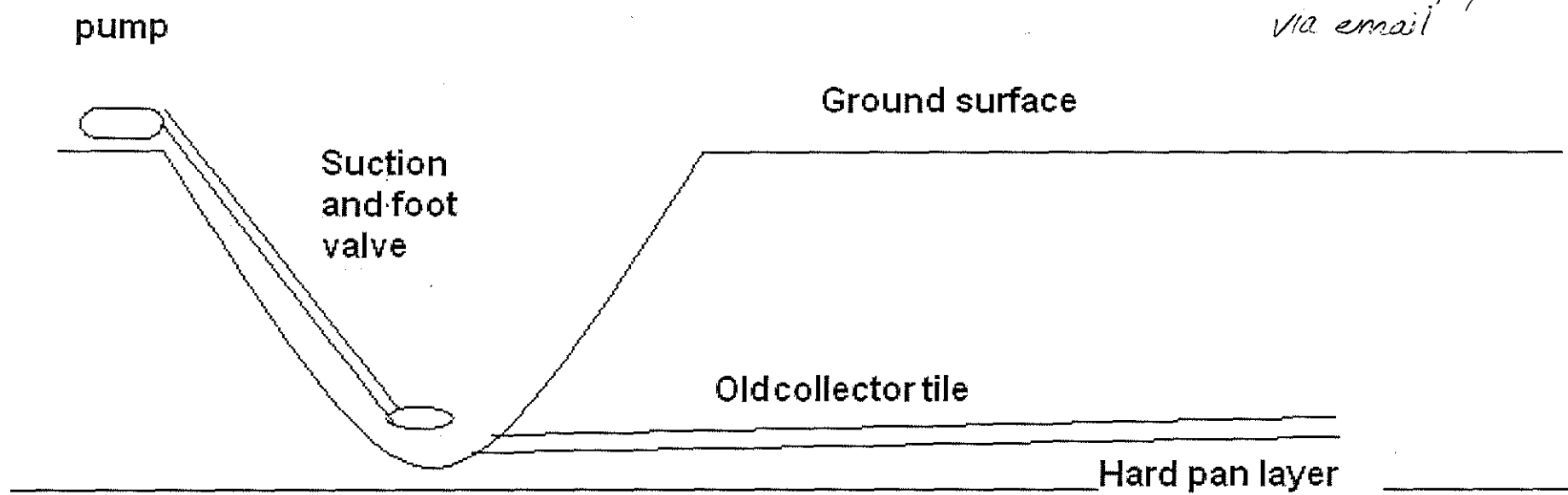
<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 5004 (20100406)

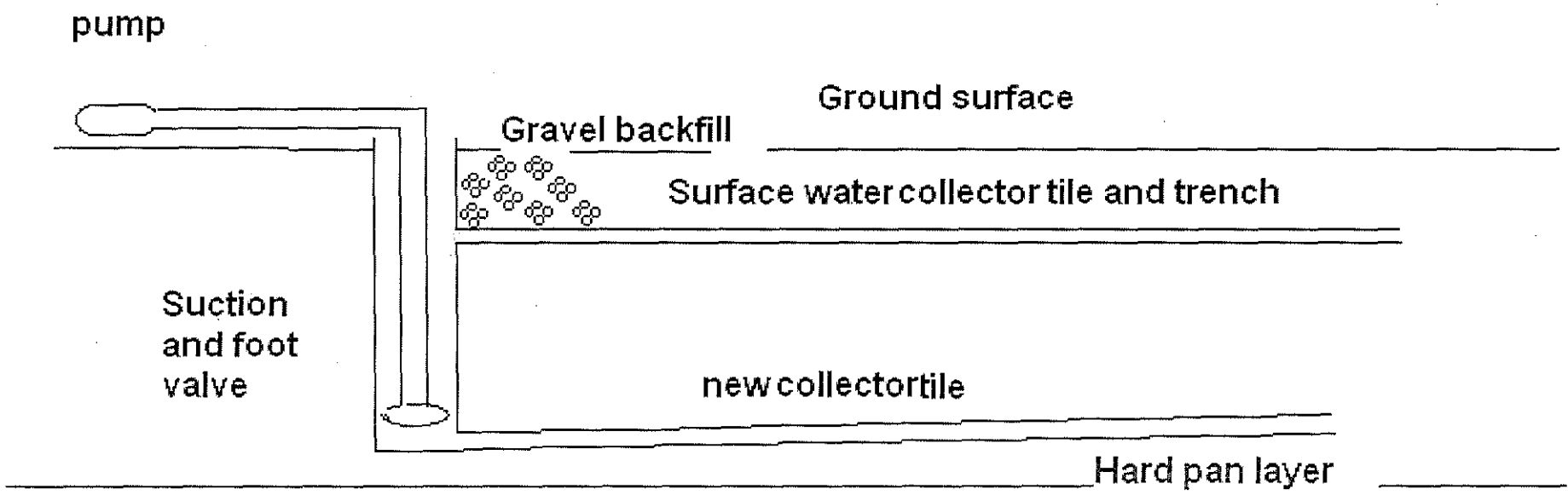
The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

*Received 4/5/10
via email*



Before After



T-10464 Phone Meeting April 5, 2010

Attending: Kent Madison, Jason Melady, Bill Ferber, Mike Ladd, Tony Justus, Dorothy Pedersen

Background

- T-10464 originally proposed a surface water POD to groundwater POA change from the South Spring to the Windmill Well. The Department determined that the “similar” hydraulic connectivity standard was not met due to the distance between the Windmill Well and the South Spring and hydrogeologic characteristics of the area.
- T-10464 was amended 11/18/08 to propose a SW POD to GW POA change from the South Spring to the current collector well at the site of the spring. Information in the revised application and a subsequent January 31, 2008 email from Jason Melady described the proposed collector well as a 12” vertical pipe down to a depth of 30 feet that is connected to 300’ of 6” horizontal drain tiles.
- Information in the S-31906 file indicated that the South Spring originally formed a reservoir. In 1985 John Madison had contacted WRD’s Steve Applegate and expressed intentions to further excavate the spring by replacing old tiles above a hard pan layer approximately 20 feet below ground surface. Steve Applegate’s December 16, 1985 memo indicated the Department would not have a concern as long as no new water source was developed and the limit of the right was not exceeded.
- The Department concluded that the collector well was sufficiently hydraulically connected to the spring to meet the ORS 540.531 and OAR 690-380-2130 criteria, but because of the increased depth there was potential for enlargement of the right.

Discussion

Kent Madison remembered when the reconstruction of the spring was done in the 1980s. The “spring” had been a pond fed by horizontal concrete drain tiles above a hard pan layer with a pump at the surface and a suction pipe extending down into the pond. The old tiles were replaced with horizontal ABS perforated pipe connecting to a vertical culvert pipe, and the pond opening was backfilled with gravel. The new collector pipes were placed at the same depth as the old tiles and the pump is still at ground level.

Kent would ultimately like to be able to transfer the point of access to the water source from this right to the Windmill Well, which is a collector well of similar construction, but somewhat less than a mile distant from the current south spring/collector well.

Questions to Consider

- Based on the additional information about the “South Spring”, would we consider that this was actually a spring surface water source, or a “well”?
- If it actually was and is a well, could T-10464 be considered as a POA change to the Windmill Well?

Next Steps

- Kent Madison will send additional information to add to and correct the information (such as cross-section diagrams and lengths and depths of pipes and tiles) about the construction of the south spring/collector well in the water right and T-10464 files.
- The Department will re-evaluate whether the “South Spring” was actually a surface water or groundwater source.
- If the Department determines that the “spring” was and is a “well”, it will make a decision on whether the transfer process could allow for a change in POA from the South Spring to the Windmill Well.
- Based on the above determination, the T-10464 applicants will be advised of options for approving, denying or modifying the transfer and any additional information that may be required.



Water Solutions, Inc.

November 14, 2008

Dorothy Pederson
Water Rights Transfer Specialist
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RECEIVED

NOV 18 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Re: Transfer T-10464

Based on our correspondence and discussions, please find enclosed a reconfiguration of the original transfer proposed in T-10464. We are not considering this a new transfer application, but a clarification or reconfiguration of the originally proposed transfer in T-10464. The reconfigured transfer seeks to rectify a discrepancy between the original South Spring surface water POD and the pit well/collector well groundwater POA that now exists at the South Spring. Enclosed are new application materials meant to provide clarification to the originally proposed transfer in T-10464. Because the location of the South Spring POD and the collector well POA are within 500 feet of each other, a geologist report is no longer necessary (ORS 540.531(D)) and is not included. An evaluation of "similar" impact of the collector well on South Spring is attached and the methodology is described below.

An analytical spreadsheet (Wozniak, 2003) utilizing the Jenkins, 1970 and Hunt, 1999 methodologies was utilized to evaluate the impact of pumping the collector well on what has been identified as the South Spring. Assumptions for use of this methodology included the following:

- The collector well is located in the same location as South Spring based on anecdotal information provided by the applicant. To utilize the model, and assumed perpendicular distance from the collector well to the spring of 1 foot was used to allow analysis (zero results in unstable results)
- Aquifer hydraulic conductivity and specific yield were estimated based on geologic descriptions in nearby wells UMAT 50301 (approximately 1,200 feet east) and UMAT 55804 (approximately 2,700 feet southeast), which indicated the local shallow geology consists of sand, coarse gravel, and some silt. Hydraulic conductivity and specific yield were assumed to be 300 feet/day and 0.15, respectively, and were based on EPA, 1986 and Johnson, 1967.
- The parameter "streambed hydraulic conductivity" was assumed to be the same as aquifer hydraulic conductivity because no streambed is present at the spring.

- The parameter “streambed thickness and width” were assumed to be 1 foot based on the size of the collector well and for analytical stability (thickness likely should be zero since no streambed is present at the spring).
- Aquifer thickness was assumed to be 50 feet based on the geology described in nearby well log UMAT 1335 and also based on the relatively shallow depth of the aquifer that is developed by the collector well.

Results of the analysis are presented on the following attachment and indicate that use of the collector affects what has been identified as South Spring and results in stream depletion of 99.9% of the rate of appropriation after 10 days of continuous pumping of the collector well. This indicates that the collector well will affect the South Spring POD similarly, as described in ORS 540.531(2)(C) and (7)(b).

If you have any questions, please call me at 503-239-8799 ext. 104.

Sincerely,



Jason Melady, RG, CWRE
Project Hydrogeologist
GSI Water Solutions, Inc.

RECEIVED

NOV 18 2008

WATER RESOURCES DEPT
SALEM, OREGON

References:

Hunt, B., 1999. Unsteady stream depletion from ground water pumping: *Ground Water*, v. 37, no. 1, p. 98-102.

Jenkins, C.T., 1968. Techniques for computing rate and volume of stream depletion by wells: *Ground Water*, v. 6, no. 2, p. 37-46.

Johnson, A.I., 1967. Specific yield — compilation of specific yields for various materials. U.S. Geological Survey Water Supply Paper 1662-D. 74 p.

US EPA, 1986. Saturated Hydraulic Conductivity, Saturated Leachate Conductivity and Intrinsic Permeability. In: *Test Methods for Evaluating Solid Waste. SW846, Method 9100.* Office of Solid Waste and Emergency Response. U.S. Environmental Protection Agency. Washington D.C.

Wozniak, K.C., 2003. Analytical Spreadsheet to Calculate Transient Stream Depletion using Methods of Jenkins, 1970, and Hunt, 1999. Oregon Water Resources Department, Salem, Oregon.

General Output:		Name	Scenario 1	Scenario 2	Scenario 3	Unit
a	a_ft			1		ft
	a_m			0.304878049		m
	Qw	Qw_cfs		0.28		cfs
b	Qw_gpm			125.66		gpm
	Qw_lps			7.93		lps
	b_ft			50		ft
d	b_m			15.24390244		m
	d_ft			30		ft
	d_m			9.146341463		m
Hydraulic conductivity	K_ft	300.00	300.00	300.00	300.00	ft/day
	K_gal	2244.00	2244.00	2244.00	2244.00	gpd/ft*ft
	K_m	91.46	91.46	91.46	91.46	m/day
Transmissivity	T_ft	15000.00	15000.00	15000.00	15000.00	ft*ft/day
	T_gal	112200.00	112200.00	112200.00	112200.00	gpd/ft
	T_m	1394.26	1394.26	1394.26	1394.26	m*m/day
Streambed hydraulic conductivity	Ks_ft	300.00	300.00	300.00	300.00	ft/day
	Ks_gal	2244.00	2244.00	2244.00	2244.00	gpd/ft*ft
	Ks_m	91.46	91.46	91.46	91.46	m/day
Stream width	ws_ft			1		ft
	ws_m			0.304878049		m
Stream thickness	bs_ft	1	1	1	1	ft
	bs_m	0.304878049	0.304878049	0.304878049	0.304878049	m
Streambed conductance	sbc_ft	3.00E+02	3.00E+02	3.00E+02	3.00E+02	ft/day
	sbc_gal	2.24E+03	2.24E+03	2.24E+03	2.24E+03	gpd/ft*ft
	sbc_m	9.15E+01	9.15E+01	9.15E+01	9.15E+01	m/day
Stream depletion factor 1 (intermediate calc)	sdf_1	2.50E-06	2.50E-06	2.50E-06	2.50E-06	days
Stream depletion factor 2 (intermediate calc)	sdf_2	10	10	10	10	days
Stream depletion factor (Jenkins)	sdf	1.00E-05	1.00E-05	1.00E-05	1.00E-05	days
Streambed factor (Hunt)	sbf	2.00E-02	2.00E-02	2.00E-02	2.00E-02	days
Hunt exponential stream depletion term	hsdt	#NUM!	#NUM!	#NUM!	#NUM!	days

= K

= K*b

= Ks

= Ks*ws/bs

= (a^2*S)/(4T)

= sbc^2/(4ST)

= (a^2*S)/(T)

= sbc*a/T

Transient Stream Depletion Output:		Scenario 1	Scenario 2	Scenario 3
Transient Stream Depletion (Jenkins) at time, tp	sdj	0.9998	0.9998	0.9998
Transient Stream Depletion (Hunt) at time, tp	sdh	#NUM!	#NUM!	#NUM!

= erfc SQRT(sdf)

= erfc SQRT(sdf)-hsdt

Plot labels:

#NUM!

Data for Transient Stream Depletion Chart:

Time Since Pump Started (days)	Time Since Pump Stopped (days)	Stream Depletion Hunt s1	Stream Depletion Jenkins s2	Residual Str Depletion Jenkins s2	Stream Depletion Hunt s2	Residual Str Depletion Hunt s2	Stream Depletion Hunt s3
		sdj s1	sdj s2	sdjr s2	sdh s2	sdhr s2	sdh s3
0.10	0.0	0.568147296	0.994358151	0.994358151	0.568147296	0.568147296	0.568147296
0.20	0.0	0.660437058	0.996010594	0.996010594	0.660437058	0.660437058	0.660437058
0.30	0.0	0.709787227	0.996742659	0.996742659	0.709787227	0.709787227	0.709787227
0.40	0.0	0.742051692	0.997179058	0.997179058	0.742051692	0.742051692	0.742051692
0.50	0.0	0.765351434	0.997476872	0.997476872	0.765351434	0.765351434	0.765351434
0.60	0.0	0.783228183	0.997696709	0.997696709	0.783228183	0.783228183	0.783228183
0.70	0.0	0.797519671	0.997867566	0.997867566	0.797519671	0.797519671	0.797519671
0.80	0.0	0.809291037	0.998005291	0.998005291	0.809291037	0.809291037	0.809291037
0.90	0.0	0.819209291	0.99811937	0.99811937	0.819209291	0.819209291	0.819209291
1.00	0.0	0.827716897	0.998215877	0.998215877	0.827716897	0.827716897	0.827716897
1.10	0.0	0.835120744	0.998298906	0.998298906	0.835120744	0.835120744	0.835120744
1.20	0.0	0.841641425	0.998371326	0.998371326	0.841641425	0.841641425	0.841641425
1.30	0.0	0.847442184	0.998435221	0.998435221	0.847442184	0.847442184	0.847442184
1.40	0.0	0.852646819	0.998492141	0.998492141	0.852646819	0.852646819	0.852646819
1.50	0.0	0.857351168	0.99854327	0.99854327	0.857351168	0.857351168	0.857351168
1.60	0.0	0.861630751	0.998589527	0.998589527	0.861630751	0.861630751	0.861630751
1.70	0.0	0.865546005	0.99863164	0.99863164	0.865546005	0.865546005	0.865546005
1.80	0.0	0.869145956	0.998670193	0.998670193	0.869145956	0.869145956	0.869145956
1.90	0.0	0.872470845	0.998705661	0.998705661	0.872470845	0.872470845	0.872470845
2.00	0.0	0.875554043	0.998738434	0.998738434	0.875554043	0.875554043	0.875554043
2.50	0.0	0.888186481	0.998871621	0.998871621	0.888186481	0.888186481	0.888186481
3.00	0.0	0.897109259	0.998969936	0.998969936	0.897109259	0.897109259	0.897109259
4.00	0.0	0.999107938	0.999107938	0.999107938	0.999107938	0.999107938	0.999107938
5.00	0.0	0.999202116	0.999202116	0.999202116	0.999202116	0.999202116	0.999202116
6.00	0.0	0.999271634	0.999271634	0.999271634	0.999271634	0.999271634	0.999271634
7.00	0.0	0.999325665	0.999325665	0.999325665	0.999325665	0.999325665	0.999325665
8.00	0.0	0.999369217	0.999369217	0.999369217	0.999369217	0.999369217	0.999369217
9.00	0.0	0.999405292	0.999405292	0.999405292	0.999405292	0.999405292	0.999405292
10.00	0.0	0.99943581	0.99943581	0.99943581	0.99943581	0.99943581	0.99943581

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11.00	0.0	0.999462066	0.999462066	0.999462066	0.999462066	0.999462066	0.999462066
12.00	0.0	0.999484968	0.999484968	0.999484968	0.999484968	0.999484968	0.999484968
13.00	0.0	0.999505173	0.999505173	0.999505173	0.999505173	0.999505173	0.999505173
14.00	0.0	0.999523173	0.999523173	0.999523173	0.999523173	0.999523173	0.999523173
15.00	0.0	0.999539341	0.999539341	0.999539341	0.999539341	0.999539341	0.999539341
16.00	0.0	0.999553969	0.999553969	0.999553969	0.999553969	0.999553969	0.999553969
17.00	0.0	0.999567286	0.999567286	0.999567286	0.999567286	0.999567286	0.999567286
18.00	0.0	0.999579478	0.999579478	0.999579478	0.999579478	0.999579478	0.999579478
19.00	0.0	0.999590694	0.999590694	0.999590694	0.999590694	0.999590694	0.999590694
20.00	0.0	0.999601058	0.999601058	0.999601058	0.999601058	0.999601058	0.999601058
21.00	0.0	0.999610672	0.999610672	0.999610672	0.999610672	0.999610672	0.999610672
22.00	0.0	0.999619623	0.999619623	0.999619623	0.999619623	0.999619623	0.999619623
23.00	0.0	0.999627984	0.999627984	0.999627984	0.999627984	0.999627984	0.999627984
24.00	0.0	0.999635817	0.999635817	0.999635817	0.999635817	0.999635817	0.999635817
25.00	0.0	0.999643175	0.999643175	0.999643175	0.999643175	0.999643175	0.999643175
26.00	0.0	0.999650104	0.999650104	0.999650104	0.999650104	0.999650104	0.999650104
27.00	0.0	0.999656645	0.999656645	0.999656645	0.999656645	0.999656645	0.999656645
28.00	0.0	0.999662832	0.999662832	0.999662832	0.999662832	0.999662832	0.999662832
29.00	0.0	0.999668696	0.999668696	0.999668696	0.999668696	0.999668696	0.999668696
30.00	0.0	0.999674265	0.999674265	0.999674265	0.999674265	0.999674265	0.999674265
31.00	0.0	0.999679562	0.999679562	0.999679562	0.999679562	0.999679562	0.999679562
32.00	0.0	0.999684608	0.999684608	0.999684608	0.999684608	0.999684608	0.999684608
33.00	0.0	0.999689424	0.999689424	0.999689424	0.999689424	0.999689424	0.999689424
34.00	0.0	0.999694025	0.999694025	0.999694025	0.999694025	0.999694025	0.999694025
35.00	0.0	0.999698428	0.999698428	0.999698428	0.999698428	0.999698428	0.999698428
36.00	0.0	0.999702646	0.999702646	0.999702646	0.999702646	0.999702646	0.999702646
37.00	0.0	0.999706692	0.999706692	0.999706692	0.999706692	0.999706692	0.999706692
38.00	0.0	0.999710577	0.999710577	0.999710577	0.999710577	0.999710577	0.999710577
39.00	0.0	0.999714312	0.999714312	0.999714312	0.999714312	0.999714312	0.999714312
40.00	0.0	0.999717905	0.999717905	0.999717905	0.999717905	0.999717905	0.999717905
41.00	0.0	0.999721367	0.999721367	0.999721367	0.999721367	0.999721367	0.999721367
42.00	0.0	0.999724704	0.999724704	0.999724704	0.999724704	0.999724704	0.999724704
43.00	0.0	0.999727924	0.999727924	0.999727924	0.999727924	0.999727924	0.999727924
44.00	0.0	0.999731033	0.999731033	0.999731033	0.999731033	0.999731033	0.999731033
45.00	0.0	0.999734038	0.999734038	0.999734038	0.999734038	0.999734038	0.999734038
46.00	0.0	0.999736945	0.999736945	0.999736945	0.999736945	0.999736945	0.999736945
47.00	0.0	0.999739759	0.999739759	0.999739759	0.999739759	0.999739759	0.999739759
48.00	0.0	0.999742484	0.999742484	0.999742484	0.999742484	0.999742484	0.999742484
49.00	0.0	0.999745125	0.999745125	0.999745125	0.999745125	0.999745125	0.999745125
50.00	0.0	0.999747687	0.999747687	0.999747687	0.999747687	0.999747687	0.999747687
51.00	0.0	0.999750173	0.999750173	0.999750173	0.999750173	0.999750173	0.999750173
52.00	0.0	0.999752587	0.999752587	0.999752587	0.999752587	0.999752587	0.999752587
53.00	0.0	0.999754932	0.999754932	0.999754932	0.999754932	0.999754932	0.999754932
54.00	0.0	0.999757211	0.999757211	0.999757211	0.999757211	0.999757211	0.999757211
55.00	0.0	0.999759429	0.999759429	0.999759429	0.999759429	0.999759429	0.999759429
56.00	0.0	0.999761586	0.999761586	0.999761586	0.999761586	0.999761586	0.999761586
57.00	0.0	0.999763687	0.999763687	0.999763687	0.999763687	0.999763687	0.999763687
58.00	0.0	0.999765733	0.999765733	0.999765733	0.999765733	0.999765733	0.999765733
59.00	0.0	0.999767727	0.999767727	0.999767727	0.999767727	0.999767727	0.999767727
60.00	0.0	0.999769671	0.999769671	0.999769671	0.999769671	0.999769671	0.999769671
65.00	0.0	0.999778707	0.999778707	0.999778707	0.999778707	0.999778707	0.999778707
70.00	0.0	0.999786756	0.999786756	0.999786756	0.999786756	0.999786756	0.999786756
75.00	0.0	#NUM!	0.999793987	0.999793987	#NUM!	#NUM!	#NUM!
80.00	0.0	#NUM!	0.999800529	0.999800529	#NUM!	#NUM!	#NUM!
85.00	0.0	#NUM!	0.999806485	0.999806485	#NUM!	#NUM!	#NUM!
90.00	0.0	#NUM!	0.999811937	0.999811937	#NUM!	#NUM!	#NUM!
95.00	5.0	#NUM!	0.999816953	0.000614837	#NUM!	#NUM!	#NUM!
100.00	10.0	#NUM!	0.999821588	0.000385777	#NUM!	#NUM!	#NUM!
105.00	15.0	#NUM!	0.999825887	0.000286546	#NUM!	#NUM!	#NUM!
110.00	20.0	#NUM!	0.99982989	0.000228833	#NUM!	#NUM!	#NUM!
115.00	25.0	#NUM!	0.99983363	0.000190454	#NUM!	#NUM!	#NUM!
120.00	30.0	#NUM!	0.999837132	0.000162867	#NUM!	#NUM!	#NUM!
125.00	35.0	#NUM!	0.999840423	0.000141995	#NUM!	#NUM!	#NUM!
130.00	40.0	#NUM!	0.999843522	0.000125617	#NUM!	#NUM!	#NUM!
135.00	45.0	#NUM!	0.999846447	0.000112409	#NUM!	#NUM!	#NUM!
140.00	50.0	#NUM!	0.999849214	0.000101527	#NUM!	#NUM!	#NUM!
145.00	55.0	#NUM!	0.999851837	9.24078E-05	#NUM!	#NUM!	#NUM!
150.00	60.0	#NUM!	0.999854327	8.46563E-05	#NUM!	#NUM!	#NUM!
155.00	65.0	#NUM!	0.999856696	7.79891E-05	#NUM!	#NUM!	#NUM!
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165.00	75.0	#NUM!	0.999861106	6.7119E-05	#NUM!	#NUM!	#NUM!
170.00	80.0	#NUM!	0.999863164	6.26351E-05	#NUM!	#NUM!	#NUM!
175.00	85.0	#NUM!	0.999865133	5.86483E-05	#NUM!	#NUM!	#NUM!
180.00	90.0	#NUM!	0.999867019	5.50824E-05	#NUM!	#NUM!	#NUM!

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185.00	95.0	#NUM!	0.999868829	5.18759E-05	#NUM!	#NUM!	#NUM!
190.00	100.0	#NUM!	0.999870566	4.89784E-05	#NUM!	#NUM!	#NUM!
195.00	105.0	#NUM!	0.999872236	4.63489E-05	#NUM!	#NUM!	#NUM!
200.00	110.0	#NUM!	0.999873843	4.39529E-05	#NUM!	#NUM!	#NUM!
205.00	115.0	#NUM!	0.999875391	4.17618E-05	#NUM!	#NUM!	#NUM!
210.00	120.0	#NUM!	0.999876884	3.97512E-05	#NUM!	#NUM!	#NUM!
215.00	125.0	#NUM!	0.999878324	3.79007E-05	#NUM!	#NUM!	#NUM!
220.00	130.0	#NUM!	0.999879714	3.61924E-05	#NUM!	#NUM!	#NUM!
225.00	135.0	#NUM!	0.999881058	3.46113E-05	#NUM!	#NUM!	#NUM!
230.00	140.0	#NUM!	0.999882358	3.31443E-05	#NUM!	#NUM!	#NUM!
235.00	145.0	#NUM!	0.999883617	3.178E-05	#NUM!	#NUM!	#NUM!
240.00	150.0	#NUM!	0.999884835	3.05084E-05	#NUM!	#NUM!	#NUM!
245.00	155.0	#NUM!	0.999886016	2.93208E-05	#NUM!	#NUM!	#NUM!
250.00	160.0	#NUM!	0.999887162	2.82095E-05	#NUM!	#NUM!	#NUM!
255.00	165.0	#NUM!	0.999888274	2.71677E-05	#NUM!	#NUM!	#NUM!
260.00	170.0	#NUM!	0.999889353	2.61894E-05	#NUM!	#NUM!	#NUM!
265.00	175.0	#NUM!	0.999890402	2.52692E-05	#NUM!	#NUM!	#NUM!
270.00	180.0	#NUM!	0.999891422	2.44024E-05	#NUM!	#NUM!	#NUM!
275.00	185.0	#NUM!	0.999892413	2.35847E-05	#NUM!	#NUM!	#NUM!
280.00	190.0	#NUM!	0.999893378	2.28122E-05	#NUM!	#NUM!	#NUM!
285.00	195.0	#NUM!	0.999894318	2.20814E-05	#NUM!	#NUM!	#NUM!
290.00	200.0	#NUM!	0.999895233	2.13893E-05	#NUM!	#NUM!	#NUM!
295.00	205.0	#NUM!	0.999896124	2.07329E-05	#NUM!	#NUM!	#NUM!
300.00	210.0	#NUM!	0.999896994	2.01098E-05	#NUM!	#NUM!	#NUM!
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310.00	220.0	#NUM!	0.999898669	1.89542E-05	#NUM!	#NUM!	#NUM!
315.00	225.0	#NUM!	0.999899476	1.84176E-05	#NUM!	#NUM!	#NUM!
320.00	230.0	#NUM!	0.999900264	1.79061E-05	#NUM!	#NUM!	#NUM!
325.00	235.0	#NUM!	0.999901035	1.7418E-05	#NUM!	#NUM!	#NUM!
330.00	240.0	#NUM!	0.999901787	1.69519E-05	#NUM!	#NUM!	#NUM!
335.00	245.0	#NUM!	0.999902523	1.65064E-05	#NUM!	#NUM!	#NUM!
340.00	250.0	#NUM!	0.999903242	1.60802E-05	#NUM!	#NUM!	#NUM!
345.00	255.0	#NUM!	0.999903946	1.56722E-05	#NUM!	#NUM!	#NUM!
350.00	260.0	#NUM!	0.999904635	1.52812E-05	#NUM!	#NUM!	#NUM!
355.00	265.0	#NUM!	0.999905309	1.49064E-05	#NUM!	#NUM!	#NUM!
360.00	270.0	#NUM!	0.999905968	1.45467E-05	#NUM!	#NUM!	#NUM!
365.00	275.0	#NUM!	0.999906615	1.42014E-05	#NUM!	#NUM!	#NUM!
400.00	310.0	#NUM!	0.999910794	1.21252E-05	#NUM!	#NUM!	#NUM!
500.00	410.0	#NUM!	0.999920212	8.32315E-06	#NUM!	#NUM!	#NUM!
600.00	510.0	#NUM!	0.999927163	6.16578E-06	#NUM!	#NUM!	#NUM!
700.00	610.0	#NUM!	0.999932566	4.80352E-06	#NUM!	#NUM!	#NUM!
800.00	710.0	#NUM!	0.999936922	3.87867E-06	#NUM!	#NUM!	#NUM!
900.00	810.0	#NUM!	0.999940529	3.21693E-06	#NUM!	#NUM!	#NUM!
1000.00	910.0	#NUM!	0.999943581	2.72418E-06	#NUM!	#NUM!	#NUM!

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Stream Depletion Analysis
sd_hunt (stream depletion hunt)

Written by Karl C. Wozniak
Oregon Water Resources Department
Karl.C.Wozniak@wrdd.state.or.us
Created: 8/3/2003
Last modified: 8/11/2003
Version: 1.10

Function of model:

Calculates transient stream depletion using methods of Jenkins, 1970, and Hunt, 1999.

References:

1. Environment Canterbury, 2000, Guidelines for the assessment of groundwater abstraction effects on stream flow: New Zealand Environment Canterbury Regional Council.
2. Glover, R.E. and Balmer, C.G., 1954, river depletion from pumping a well near a river: American Geophysical Union Transactions, v. 35, no. 3, p. 468-470.
3. Hunt, B., 1999, Unsteady stream depletion from ground water pumping: Ground Water, v. 37, no. 1, p. 98-102.
3. Jenkins, C.T., 1968, Techniques for computing rate and volume of stream depletion by wells: Ground Water, v. 6, no. 2, p. 37-46.
4. Jenkins, C.T., 1970, Computation of rate and volume of stream depletion by wells: U.S. Geol. Survey Techniques of Water-Resources Investigations of the United States Geological Survey, Chapter D1, Book 4, 17 p.
5. Theis, 1941, The effect of a well on the flow of a nearby stream: American Geophysical Union Trans., v. 22, pt. 3, p. 734-738.

Model Assumptions:

1. The ratio of vertical to horizontal velocity components is small (the Dupuit approximation)
2. The aquifer is of infinite extent and is homogenous and isotropic in all horizontal directions.
3. Drawdowns are small enough compared with saturated aquifer thicknesses to allow the governing equations to be linearized.
4. The streambed cross section has horizontal and vertical dimensions that are small compared to the saturated aquifer thickness, and the stream extends from $y = -\infty$ to $y = \infty$ along $x = 0$.
5. The well flow rate, Q_w , is constant for $0 < t < \infty$ ($t =$ time pumped)
6. Changes in water surface elevation in the river created by pumping are small compared with changes created in the water table elevation on the aquifer side of the semipervious layer.
7. Seepage flow rates from the river into the aquifer are linearly proportional to the change in piezometric head across the semipervious layer.

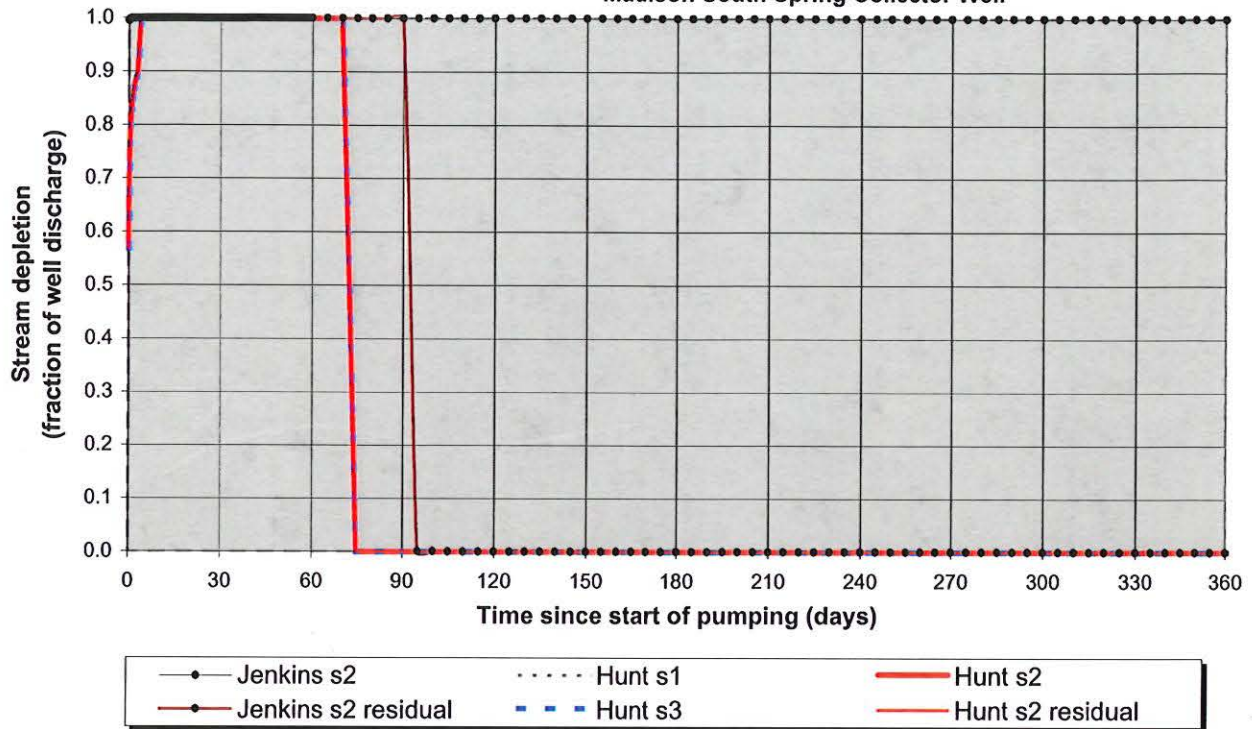
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WATER RESOURCES DEPT
SALEM, OREGON

Transient Stream Depletion (Jenkins, 1970; Hunt, 1999)

Madison South Spring Collector Well



Output for Hunt Stream Depletion, Scenerio 2 (s2): Time pump on = 90 days

Days	30	60	90	120	150	180	210	240	270	300	330	360
Hunt SD s2	0.9997	0.9998	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!
Qw, cfs	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280
H SD s2, cfs	0.280	0.280	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate	Qw	0.28	0.28	0.28	cfs
Distance to stream	a	1	1	1	ft
Aquifer hydraulic conductivity	K	300	300	300	ft/day
Aquifer thickness	b	50	50	50	ft
Aquifer transmissivity	T	15000	15000	15000	ft ² /day
Aquifer storage coefficient	S	0.15	0.15	0.15	
Stream width	ws	1	1	1	ft
Streambed hydraulic conductivity	Ks	300	300	300	ft/day
Streambed thickness	bs	1	1	1	ft
Streambed conductance	sbc	300	300	300	ft/day
Stream depletion factor (Jenkins)	sdf	0.00001	0.00001	0.00001	days
Streambed factor (Hunt)	sbf	0.02	0.02	0.02	

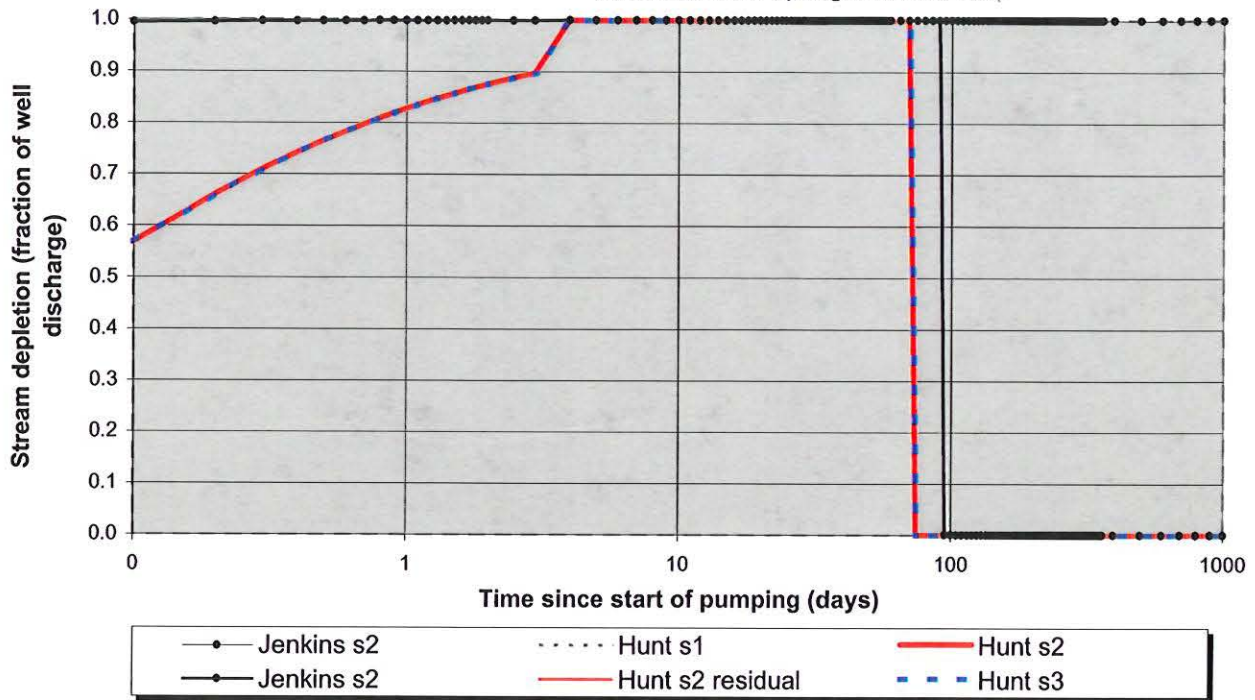
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Transient Stream Depletion (Jenkins, 1970; Hunt, 1999)

Madison South Spring Collector Well



Output for Hunt Stream Depletion, Scenario 2 (s2):

Days	30	60	90	120	150	180	210	240	270	300	330	360
Hunt SD s2	0.9997	0.9998	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!
Qw, cfs	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280
H SD s2, cfs	0.280	0.280	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate	Qw	0.28	0.28	0.28	cfs
Distance to stream	a	1	1	1	ft
Aquifer hydraulic conductivity	K	300	300	300	ft/day
Aquifer thickness	b	50	50	50	ft
Aquifer transmissivity	T	15000	15000	15000	ft ² /day
Aquifer storage coefficient	S	0.15	0.15	0.15	
Stream width	ws	1	1	1	ft
Streambed hydraulic conductivity	Ks	300	300	300	ft/day
Streambed thickness	bs	1	1	1	ft
Streambed conductance	sbc	300	300	300	ft/day
Stream depletion factor (Jenkins)	sdf	0.00001	0.00001	0.00001	days
Streambed factor (Hunt)	sbf	0.02	0.02	0.02	

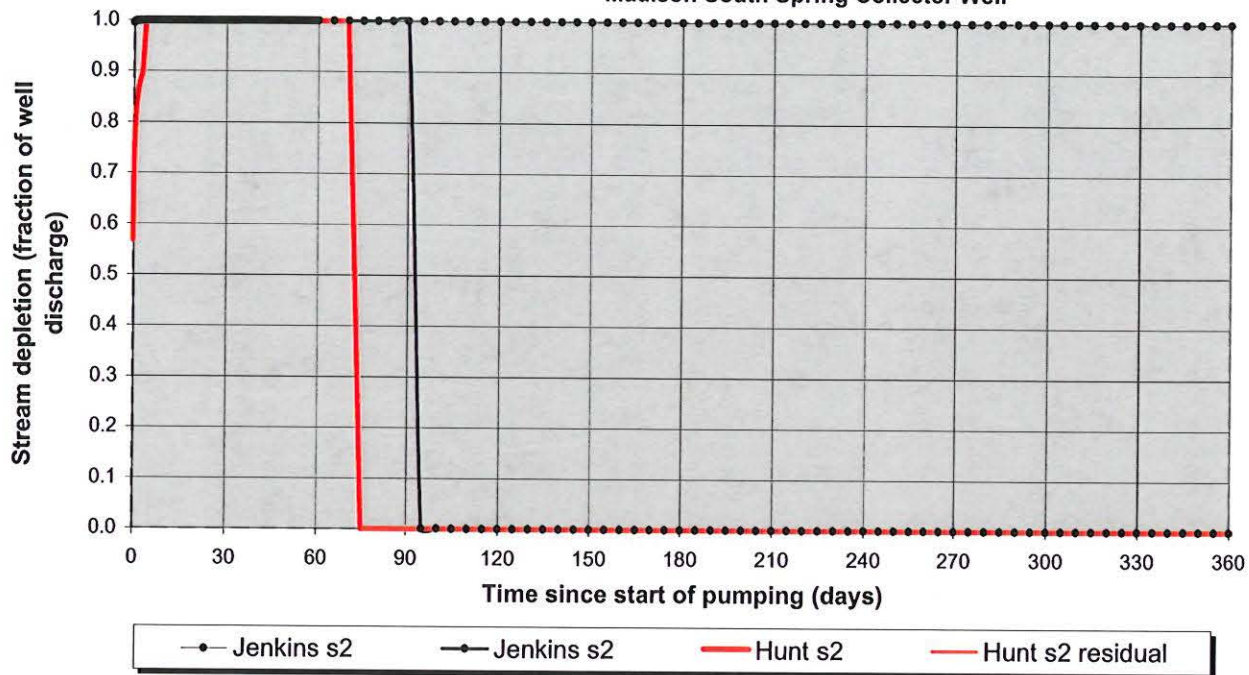
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Transient Stream Depletion (Jenkins, 1970; Hunt, 1999)

Madison South Spring Collector Well



Output for Hunt Stream Depletion, Scenario 2 (s2):

Days	30	60	90	120	150	180	210	240	270	300	330	360
Hunt SD s2	0.9997	0.9998	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!
Qw, cfs	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280	0.280
H SD s2, cfs	0.280	0.280	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!

Parameters:

		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate	Qw	0.28	0.28	0.28	cfs
Distance to stream	a	1	1	1	ft
Aquifer hydraulic conductivity	K	300	300	300	ft/day
Aquifer thickness	b	50	50	50	ft
Aquifer transmissivity	T	15000	15000	15000	ft ² /day
Aquifer storage coefficient	S	0.15	0.15	0.15	
Stream width	ws	1	1	1	ft
Streambed hydraulic conductivity	Ks	300	300	300	ft/day
Streambed thickness	bs	1	1	1	ft
Streambed conductance	sbc	300	300	300	ft/day
Stream depletion factor (Jenkins)	sdf	0.00001	0.00001	0.00001	days
Streambed factor (Hunt)	sbf	0.02	0.02	0.02	

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WATER RESOURCES DEPT
SALEM, OREGON

COPY



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

Application for Water Right Transfer

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 TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer (1 to 5 yrs.)	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: Kent Madison (Madison Farms)
First Last

Address: 29299 Madison Road
Echo OR 97826
City State Zip

Phone: (541) 376-5063 (541) 376-8107
Home Work Other

Fax: (541) 376-8618 E-Mail address: _____

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3. AGENT INFORMATION

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

Name: GSI Water Solutions ATTN: Jason Melady
First Last

Address: 55 SW Yamhill St., Suite 400
Portland OR 97204
City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

- 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.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	31906	25159	28737
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion (POD) Additional Point of Diversion
 - Character of Use Point of Appropriation (POA, or well) Additional POA
 - Instream Transfer Surface Water POD to Ground Water POA
 - Substitution of Supplemental Groundwater right for Primary Surface water right
 - Historic POD change Other

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Reason(s) for change(s): _____ NOV 18 2008

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5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

South Spring contains a 40-horsepower centrifugal pump. 6" PVC mainline connects the pump system to irrigation and farm-wide water conveyance system.

- System capacity: 2.0 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

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

Non-Applicable

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8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Umatilla County, 216 SE 4th Street, Pendleton, Oregon 97801

11. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- 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.
- 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.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
- 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, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$ previously submitted
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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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.

12. SIGNATURES

▪ Check **one** of the following, as appropriate, and sign the application in the signature box below:

- In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:
- (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 transfer 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 agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer (attached)** signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
- I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
- 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 690-380-3000(13)(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 water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(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 a transfer under this subsection if it has filed a condemnation action to acquire the property.
- I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	Kent Madison name and title if applicable (print)	11/11/08 date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

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Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

<p>▪ Certificate Number or other identifying number: <u>28737</u></p>

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <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 transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input checked="" 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 type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (*check and complete one of the following*):

<input checked="" type="checkbox"/> Certificated Right	<u>28737</u> Certificate Number	_____ Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Gaylord Madison
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): September 30, 1957

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

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- Source(s) of Water to be Affected by Transfer: South Spring

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Tributary to: Butter Creek

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 - Yes No N/A – *No Change in Place of Use or Character of Use*

If "Yes", what are the Permit, Registration or Certificate Numbers? S-51017

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

▪ Certificate Number or other identifying number: 28737

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., **list only the portion of the water right you propose to transfer.**) 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 water right.

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

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or 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)
	South Spring	3 North	28 East	WM	30	NW SE	8600	350' S & 2100' W from E 1/4 corner of Section 30

- Does the water right being transferred 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 web page at: <http://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.

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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

▪ Certificate Number or other identifying number: 28737

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right 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 or appropriation) N/A – Instream Water Right Transfer

(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)
Collector Well	3 North	28 East	WM	30	NW SE	8600	350' S and 2100' W from the E 1/4 corner of Section 30

- 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 web page at: <http://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
Yes	See remarks	12-inch	ADS Pipe	30 feet deep	6" drain tile	N/A	10 ft	10 ft	Open casing	30 feet

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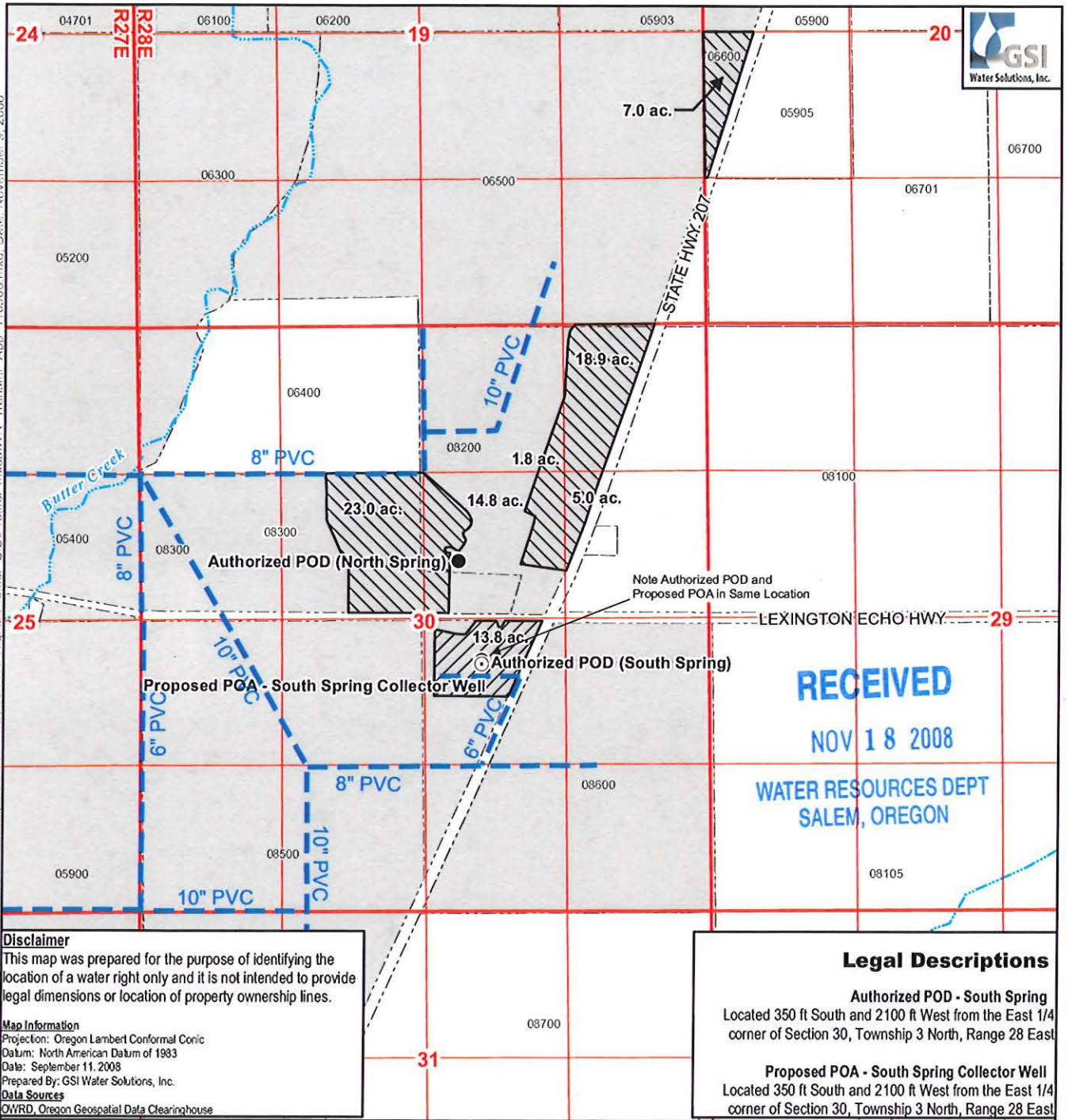
Application for a Water Right Transfer

Certificate 28737

Township 3 North, Range 28 East (W.M.)



File Path: \\gsi-sbs-001\Projects\136 - MadisonMcCarthy ASR\007 - Madison Wir Rights\Project_GIS\Project_mxd\WTR_Transfer_App_110908.mxd Date: November 9, 2008



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Disclaimer
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Map Information
 Projection: Oregon Lambert Conformal Conic
 Datum: North American Datum of 1983
 Date: September 11, 2008
 Prepared By: GSI Water Solutions, Inc.

Data Sources
 OWRD, Oregon Geospatial Data Clearinghouse

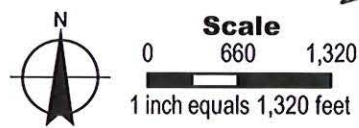
Legal Descriptions

Authorized POD - South Spring
 Located 350 ft South and 2100 ft West from the East 1/4 corner of Section 30, Township 3 North, Range 28 East

Proposed POA - South Spring Collector Well
 Located 350 ft South and 2100 ft West from the East 1/4 corner of Section 30, Township 3 North, Range 28 East

Legend

- Proposed Point of Appropriation (POA)
- Currently Authorized Point of Diversion (POD)
- ▨ Currently Authorized Place of Use (POU) - Not Included in Transfer
- ▩ Currently Authorized POU Proposed for Transfer
- Property Owned by Applicant
- Water Pipeline
- ~ Creeks and Streams



Certified Water Rights Examiner
 #79557WRE
 Jason Melady
 June 29, 2007
 STATE OF OREGON
 EXPIRES: 12/31/2008



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: Kent Madison
Mailing Address: Madison Farms, 29299 Madison Road
City: Echo State: OR Zip: 97826 Day Phone: (541) 376-8107

This application is related to a Measure 37 claim. [] Yes [x] 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: (Irrigation). Rows include tax lots 3 North 28 East 30 and 31.

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.28 [x] cubic feet per second [] gallons per minute [] acre-feet

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

Briefly describe: Moving point of diversion from surface water spring to a shallow pit well at a higher elevation to reduce pumping costs.

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

Receipt for Request for Land Use Information

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

For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.058.

- 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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SALEM, OREGON

Name: Richard H. Jennings Title: Sr. Planner

Signature: [Signature] Phone: 278-6249 Date: Jan 11, 2008

Government Entity: Wasilla County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
 County of Umatilla _____)

I, Kent Madison, in my capacity as Owner,
 mailing address 29299 Madison Rd Echo, Oregon 97826
 telephone number (541) 376-8107, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; or
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section		Gov't Lot or DLC	Acres (if applicable)
3	N	28	E	WM	30	NW	SE		13.8

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(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Grow Crops and Irrigate pasture _____

5. The water delivery system used to apply water as authorized by the right is described below:
Hand lines and big gun sprinklers pumped from the collector well and delivered by pressurized main line. _____

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

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WATER RESOURCES DEPT
SALEM, OREGON

[Signature]
Signature of Affiant

8/31/07
Date

Signed and sworn to (or affirmed) before me this 31st day of August, 2007.



Stacey Wells
Notary Public for Oregon

My Commission Expires: 02/20/09

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



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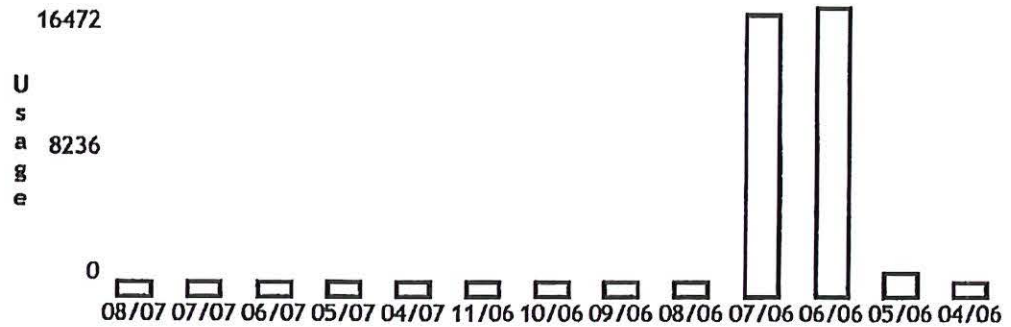
[Bill Calculator](#)

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Customer Name: **MADISON, KENT R**
 Account #: XXXXXXXXXX Service: 1
 Location: 30150221 Status: Active



Date	Meter #	Reading	Days	Usage	Monthly Charge
8/13/2007	3562738	49643	31		\$53.32
7/11/2007	3562738	49643	30		\$53.32
6/12/2007	3562738	49643	31		\$53.32
5/11/2007	3562738	49643	30		\$53.32
4/11/2007	3562738	49643	31	715	\$94.65
11/9/2006	3562738	48928	31		\$53.32
10/11/2006	3562738	48928	30		\$53.32
9/12/2006	3562738	48928	31		\$53.32
8/11/2006	3562738	48928	31	289	\$137.30
7/12/2006	3562738	48639	30	16153	\$747.41
6/12/2006	3562738	32486	31	16472	\$754.03
5/11/2006	3562738	16014	30	1642	\$255.95
4/11/2006	3562738	14372	31		\$43.15

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WATER RESOURCES DEPT
SALEM, OREGON



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: Kent Madison
Mailing Address: Madison Farms, 29299 Madison Road
City: Echo State: OR Zip: 97826 Day Phone: (541) 376-8107

This application is related to a Measure 37 claim. [] Yes [x] 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 8 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: (Irrigation). Row 1: 3 North, 28 East, 30, NWSE, 8600, RR-5, [x] Diverted [x] Conveyed [x] Used, Irrigation.

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.28 [x] cubic feet per second [] gallons per minute [] acre-feet

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

Briefly describe: Moving point of diversion from surface water spring to a shallow pit well at a higher elevation to reduce pumping costs.

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

10464

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): 152.056.

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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:	
N/A	N/A	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

Name: J-B Cook Title: Asst Planning Dir.
 Signature: _____ Phone: 541.278.6251 Date: 9-4-07
 Government Entity: Umatilla County

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

Receipt for Request for Land Use Information

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

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WATER RESOURCES DEPT
SALEM OREGON

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Umatilla _____)

I, Kent Madison, in my capacity as Owner,
mailing address 29299 Madison Rd Echo, Oregon 97826
telephone number (541) 376-8107, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section		Gov't Lot or DLC	Acres (if applicable)
3	N	28	E	WM	30	NW	SE		13.8

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SALEM OREGON

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Grow Crops and Irrigate pasture _____

5. The water delivery system used to apply water as authorized by the right is described below:
Hand lines and big gun sprinklers pumped from the collector well and delivered by pressurized main line. _____

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- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
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- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

[Signature]
Signature of Affiant

8/31/07
Date

Signed and sworn to (or affirmed) before me this 31st day of August, 2007.



Stacey Wells
Notary Public for Oregon

My Commission Expires: 02/20/09

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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



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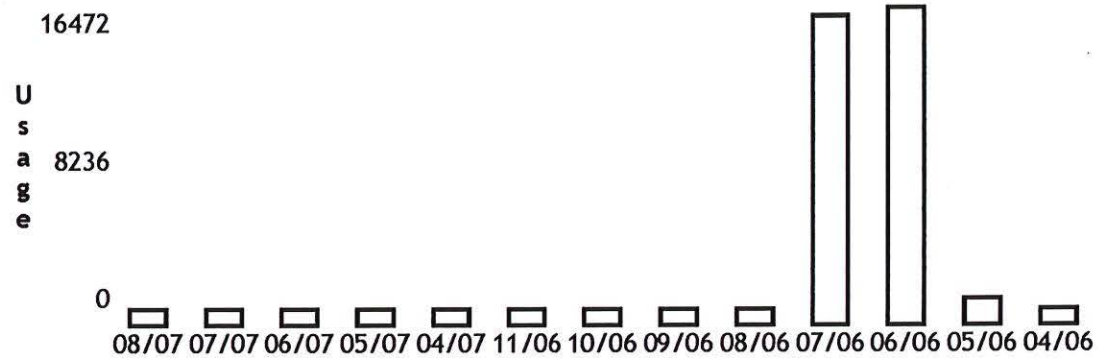
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Customer Name: MADISON, KENT R
 Account #: XXXXXXXXXX Service: 1
 Location: 30150221 Status: Active



Date	Meter #	Reading	Days	Usage	Monthly Charge
8/13/2007	3562738	49643	31		\$53.32
7/11/2007	3562738	49643	30		\$53.32
6/12/2007	3562738	49643	31		\$53.32
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4/11/2007	3562738	49643	31	715	\$94.65
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9/12/2006	3562738	48928	31		\$53.32
8/11/2006	3562738	48928	31	289	\$137.30
7/12/2006	3562738	48639	30	16153	\$747.41
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5/11/2006	3562738	16014	30	1642	\$255.95
4/11/2006	3562738	14372	31		\$43.15

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T 10464

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 WATER RESOURCES DEPT
 SALEM OREGON

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, September 10, 2008 4:48 PM
To: 'Jason Melady'
Subject: RE: Extension of Time Request for T-10464

Jason,

Your request to have until **November 15, 2008** to submit revisions to transfer application T-10464 is accepted. I will make note of that new due date in the file.

Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Wednesday, September 10, 2008 3:19 PM
To: Dorothy Pedersen
Subject: Extension of Time Request for T-10464

Dorothy,
As indicated in our conversation today, we request additional time to reconfigure T-10464 and are asking for an extension of time to submit this information to OWRD until **November 15, 2008**. Please let me know if you have any questions.

Thanks,

Jason Melady, RG, CWRE

Project Hydrogeologist
GSI Water Solutions, Inc.
p: 503.239.8799 ext. 104
m: 503.799.2198
e: jmelady@gsiwatersolutions.com
w: www.gsiwatersolutions.com

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, July 16, 2008 1:16 PM
To: 'Jason Melady'
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Jason,

Your request for additional time to submit a revised geologist's report or revisions to the T-10464 transfer application are approved. The date for submitting these materials is extended to September 15, 2008.

Sincerely,

Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Tuesday, July 15, 2008 10:23 AM
To: Dorothy Pedersen
Subject: Extension of Time Request to Submit Information Related to Pending T-10464

Dorothy,

We are requesting an extension of time to respond to your letter dated May 30, 2008 regarding T-10464, which asked for submittal of a revised geologist's report and additional information by July 15th. Your letter indicated that the Department has made the determination that Mr. Madison's transfer will be treated as a surface water to groundwater transfer, requiring an evaluation of "similar" impact. As you may know, the analytical techniques which are typically utilized for evaluation of a "similar" impact were developed for use between a surface water body and a groundwater well. We do not think these analytical tools are appropriate for evaluating impact between two collector wells, which is in reality what Mr. Madison is proposing in his transfer. Consequently, we are evaluating other options, including evaluating different analytical tools or potentially reconfiguring the transfer application completely. We are requesting an additional 60 days to complete this work. Please feel free to contact me if you have any questions.

Regards,

Jason Melady, RG, CWRE

Project Hydrogeologist

GSI Water Solutions, Inc.

p: 503.239.8799 ext. 104

m: 503.799.2198

e: jmelady@gsiwatersolutions.com

w: www.gsiwatersolutions.com

7/16/2008



Oregon

Theodore R. Kulongoski, Governor

May 30, 2008

Water Resources Department

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

Kent Madison
29299 Madison Road
Echo, OR 97826

REFERENCE: Transfer T-10464

We are endeavoring to make a preliminary determination on your transfer application. However, the geologist's report does not meet the criteria in OAR 690-380-2130(2)(e), because the report:

- Appears to evaluate the source as being the alluvial aquifer developed by a shallow well and lateral drain pipes rather than the authorized source described in the right, and
- Provides no documentation to support the conclusion that the proposed well would affect the authorized source "similarly."

Application S-31906, filed September 30, 1957, described the source as "2 spring areas." The application map showed the north spring as a reservoir with a pump site, and the south spring was indicated by a dot. The notices filed by the applicant to document development of the water use simply noted that water had been applied and pumps were installed. The Draft Certificate signed by Gaylord M. Madison on May 19, 1961 listed the source as south spring and north spring, and the letter that he sent with the signed draft certificate, dated May 20, 1961, did not mention any disagreement with the contents of the certificate.

On September 21, 1960, Department field engineer R.H. Jackson made the final proof survey and site visit and found three pumps: one in the north pond, one for land in NW¼ SE¼ of Section 30 and one for land in Section 20. The Final Proof map he prepared showed the south spring as apparently a small pond.

Given this information, it appears that the original appropriation authorized under the water right was springs or spring-fed ponds and that additional development may have occurred after proof was made that is resulting in the appropriation of ground water. In order to proceed toward approval of the transfer, we will need documentation showing that the use of the proposed new well will result in depletion of the authorized surface water source (the springs and/or ponds described in the water right) of at least 50 percent of the rate of appropriation within 10 days of continuous pumping. We would expect the documentation to include a description of the model, assumptions, and data used in the evaluation.

The statutory definition of "similarly" requires a very close hydraulic connection between a proposed ground water source and the authorized surface water source. The standard for approval of surface to ground water transfers is far more rigorous than the standard for evaluating applications for new permits. You should be aware that, based on our understanding of the hydrogeology of the Butter Creek area, we doubt that the use of the new well will have the necessary level of impact on the authorized surface water source, but we will carefully consider the results of additional work by your consultant.

Finally, the geologist's report indicates the Windmill Well will be an additional point of appropriation. The original point of diversion of surface water may not be retained as an additional or supplemental point of diversion in a surface to ground water transfer. A revised geologist's report should characterize the proposal as a change in point of diversion for the portion of the right included in the transfer.

If you wish to proceed with the transfer, please submit a revised geologist's report and any additional information relating to the authorized source of water by **July 15, 2008**, to Dorothy Pedersen, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890, or for technical geological advice contact Marc Norton at (503) 986-0841.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

cc: Tony Justus, Watermaster, District 5
GSI Water Solutions, Attn: Jason Melady, agent for applicant

enclosures

WATER RESOURCES DEPARTMENT

MEMO

May 28, 2008

DRAFT

TO: Dorothy Pedersen, Transfers
FROM: Marc Norton, Ground Water Section
SUBJECT: Transfer T-10464 Kent Madison

Transfer T-10464 proposes to move the point of diversion (POD), a pond, to a point of appropriation, a pit well with laterals. It appears that the applicant has changed the original POD from a pond to a 12" diameter well with 300 feet of laterals or drain pipe. It appears that the applicant has developed a different source of water than what was certificated in Certificate 28737.

The rules for surface water to ground water transfers (OAR 690-380-2130) require that the following definition be met:

- (a) "Similarly" means that the use of ground water at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.

The hydrogeologic report in the transfer file does not adequately address the "similarly" requirement of the rules. The well that the application proposes to move the water right to, is about ¾ mile from the original pond. The report does not discuss whether the proposed POD would meet the "50 percent of the rate of appropriation within 10 days of continuous pumping" condition.

DRAFT

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, March 31, 2008 5:42 PM
To: 'Jason Melady'
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Jason,

My understanding is that Marc and Doug are working through the issues with this one, but I agree that it is appropriate for us to extend the deadline to give you some additional time. Your request for an extension until July 1, 2008 is reasonable, so it is granted.

Sincerely,
Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Monday, March 31, 2008 5:01 PM
To: Dorothy Pedersen
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Dorothy,
I apologize for the continued delay, but I am still waiting to hear from Marc Norton regarding the geologist report for **T-104764**. It is my understanding from Marc that he needed to speak with Doug Woodcock about this matter and had hoped to finish that up last week or today. I have not heard any additional information since late last week. Given our current due date for submittal is April 1, 2008, I have to ask for another one. It is my expectation that I will hear from Marc in the next week or so, but given the history on this (and Murphy's law), I suggest that we extend the due date until **July 1, 2008**, just to be safe. Please give me a call if you have questions or if you have any additional information from Marc that I do not. Thanks in advance.

Regards,

Jason Melady, RG, CWRE

Project Hydrogeologist
GSI Water Solutions, Inc.
p: 503.239.8799 ext. 104
m: 503.799.2198
e: jmelady@gsiwatersolutions.com
w: www.gsiwatersolutions.com

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Monday, March 03, 2008 7:29 AM
To: Jason Melady
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Jason,

We'll extend the due date for submitting your response to the January 2, 2008 letter from the Department to April 1, 2008 and will then move to issue a draft preliminary determination.

3/31/2008

Thank you,
Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Friday, February 29, 2008 4:42 PM
To: Dorothy Pedersen
Subject: Extension of Time Request to Submit Information Related to Pending T-10464

Dorothy,
As I mentioned on my phone message to you earlier this week, we are still waiting to hear back from Marc Norton regarding the geologist report. As such, we are not going to be able to submit the requested materials until after **April 1, 2008**. I am hopeful that we can get the materials to you before then. Please let me know if you have any questions.

Regards,
Jason Melady

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Friday, February 01, 2008 3:10 PM
To: Jason Melady
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Jason,

Your request is reasonable, so the due date for the requested materials is extended to **March 1, 2008**.

Thank you,
Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Friday, February 01, 2008 11:39 AM
To: Dorothy Pedersen
Subject: Extension of Time Request to Submit Information Related to Pending T-10464

Dorothy,
We received a request for clarification/additional information from the Department on January 2, 2008 regarding water right transfer **T-10464** in the name of Kent Madison. This request asked for materials to be submitted back to the department by February 4, 2008. We are currently discussing the need for specific changes to the geologist report with Marc Norton and do not expect to have resolution until after February 4th. As a result, we are requesting an extension to submit all additional materials to you until **March 1, 2008**. Please let me know if you have any questions or need any additional information.

Best regards,

Jason Melady, RG, CWRE
Project Hydrogeologist
GSI Water Solutions, Inc.
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3/31/2008

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-10320, Umatilla County) FINAL ORDER APPROVING CHANGES
) IN POINTS OF APPROPRIATION AND
) PLACE OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

SCOTT MADISON
75512 HIGHWAY 207
ECHO, OR 97826

Findings of Fact

Background

1. On February 14, 2007, Scott Madison filed an application to change the place of use under Certificates 25901, 32597, 28737, 80822, 80823, 60951, 35783, 60952, and Permits S-51017 and S-46499; and to change the points of appropriation and place of use under Certificate 35811. The Department assigned the application number T-10320.
2. Revisions to the application were received on April 20, 2007, and corresponding revisions to the application map were received on April 26, 2007. These revisions correctly identified one of the sources and removed a portion of one of the supplemental permits.
3. The portion of the first right to be transferred is as follows:
Certificate: 25901 in the name of A. B. THOMSON, OWNER and BERT PULLOR, OWNER OF CONTRACT TO PURCHASE (confirmed by John Day River Decree, recorded in Grant County Circuit Court in Volume 15, Page 461)

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

Use: IRRIGATION of 46.5 ACRES

Priority Date: 1908

Limit/Duty: ONE-FORTIETH cfs per acre to JUNE 1 and ONE-EIGHTETH cfs thereafter; further limited to 1.0 acre-foot per calendar month to June 1 and 4.0 acre-feet per acre during season April 1 to September 30, measured at the point of diversion

Source: FIVEMILE CREEK

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW NE	37.4
3 N	28 E	WM	30	SW NE	9.1
TOTAL:					46.5

4. Transfer Application T-10320 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3N	28E	WM	18	SE SE	2.9
3N	28E	WM	19	NE NE	25.9
3N	28E	WM	19	SE NE	17.7
TOTAL:					46.5

5. The portion of the second right to be transferred is as follows:

Certificate: 32597 in the name of GAYLORD M. MADISON (perfected under Permit S-26265)

Use: SUPPLEMENTAL IRRIGATION of 19.3 ACRES

Priority Date: JULY 13, 1959

Rate: 0.39 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-FIFTIETH cfs per acre, not to exceed 4.0 acre-feet per acre during the irrigation season of each year

Source: UNNAMED SPRING, tributary to BUTTER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	30	SW NE

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW NE	19.3
TOTAL:					19.3

6. Certificate 32597 does not describe the location of the point of diversion, however information is available from the applicant and Certified Water Rights Examiner indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	SW NE	1370 FEET SOUTH AND 1800 FEET WEST FROM THE NE CORNER OF SECTION 30

7. Transfer Application T-10320 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3N	28E	WM	18	SE SE	2.5
3N	28E	WM	19	NE NE	16.8
TOTAL:					19.3

8. The portion of the third right to be transferred is as follows:

Certificate: 28737 in the name of GAYLORD M. MADISON (perfected under Permit S-25159)

Use: SUPPLEMENTAL IRRIGATION of 29.9 ACRES

Priority Date: SEPTEMBER 30, 1957

Rate: 0.59 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-FIFTIETH cfs per acre, not to exceed 4.0 acre-feet per acre during the irrigation season of each year

Source: NORTH SPRING, a tributary to BUTTER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	30	SW NE

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NE NE	16.7
3 N	28 E	WM	30	NW NE	1.2
3 N	28 E	WM	30	SW NE	7.0
3 N	28 E	WM	30	SE NE	5.0
TOTALS:					29.9

9. Certificate 28737 was originally applied for by Gaylord M. Madison under Application S-31906 on September 30, 1957. The applicant requested to use water from the North and South Springs for "irrigation and supplemental irrigation" of 88.0 acres. The Department issued Permit S-25159 on November 29, 1957 approving the application, but only allowed "supplemental irrigation" because of the existence of irrigation Permits E-106 and 1546 located on the same lands. The proposed project under Permits E-106 and 1546 was never developed, however, so Permits E-106 and 1546 were voluntarily cancelled on June 22, 1959, under Special Order Volume 10, Page 111.

When Certificate 28737 was issued on July 13, 1959, it described the right for the use of 1.69 cfs from the North and South Springs as being "supplemental irrigation" of 84.3 acres. Since the underlying permits had been cancelled just three weeks prior to the issuance of the certificate, however, Certificate 28737 should have been issued as primary irrigation, pursuant

to ORS 540.670. Therefore, on February 26, 1985, Department staff determined that the designation of all irrigated lands under Certificate 28737 as being supplemental was arbitrary, and for any of the involved lands that did not already have a valid primary irrigation right, the Department would consider Certificate 28737 as being the primary source of supply.

10. Based upon Finding of Fact #9, the Department has determined that the portion of the authorized place of use under Certificate 28737 to be transferred under Application T-10320 should be described as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Rate
3 N	28 E	WM	30	NE NE	16.7	
3 N	28 E	WM	30	SE NE	5.0	
TOTAL:					21.7	0.43 CFS

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Rate
3 N	28 E	WM	30	NW NE	1.2	
3 N	28 E	WM	30	SW NE	7.0	
TOTAL:					8.2	0.16 CFS

11. Transfer Application T-10320 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Primary Irrigation Acres	Supplemental Irrigation Acres
3 N	28 E	WM	19	SE NE	--	8.2
3 N	28 E	WM	19	NE NE	12.3	--
3 N	28 E	WM	20	NW NW	9.4	--
TOTALS:					21.7	8.2

12. The portion of the fourth right to be transferred is as follows:

Certificate: 80822 in the name of MADISON RANCHES INC. (perfected under Permit G-7207)

Use: SUPPLEMENTAL IRRIGATION of 68.6 ACRES

Priority Date: MAY 26, 1977

Rate: 0.3 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right for the same land.

Source: A PIT WELL in the BUTTER CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW NE	970 FEET SOUTH AND 1950 FEET WEST FROM THE NE CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW NE	37.4
3 N	28 E	WM	30	SW NE	9.1
3 N	28 E	WM	30	NE SE**	16.7
3 N	28 E	WM	30	SE NE	5.4
TOTAL:					68.6

***See Finding of Fact #13*

13. A scrivener's error is contained in the authorized place of use listing for Certificate 80822. The Final Proof Survey clearly shows the 16.7 acres (noted by ** in the table above) as being located in the NE ¼ NE ¼ of Section 30, Township 3 North, Range 28 East, W.M.
14. Transfer Application T-10320 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	18	SE SE	2.9
3 N	28 E	WM	19	NE NE	38.6
3 N	28 E	WM	19	SE NE	17.7
3 N	28 E	WM	20	NW NW	9.4
TOTAL:					68.6

15. The portion of the fifth right to be transferred is as follows:

Certificate: 80823 in the name of MADISON RANCHES INC. (perfected under Permit G-7615)

Use: SUPPLEMENTAL IRRIGATION of 68.6 ACRES

Priority Date: JUNE 14, 1977

Rate: 0.18 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right for the same land.

Source: A PIT WELL in the BUTTER CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW NE	970 FEET SOUTH AND 1950 FEET WEST FROM THE NE CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW NE	37.4
3 N	28 E	WM	30	SW NE	9.1
3 N	28 E	WM	30	NE SE**	16.7
3 N	28 E	WM	30	SE NE	5.4
TOTAL:					68.6

***See Finding of Fact #16*

16. A scrivener's error is contained in the authorized place of use listing for Certificate 80823. The Final Proof Survey map clearly shows the 16.7 acres (noted by ** in the table above) as being located in the NE ¼ NE ¼ of Section 30, Township 3 North, Range 28 East, W.M.

17. Transfer Application T-10320 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	18	SE SE	2.9
3 N	28 E	WM	19	NE NE	38.6
3 N	28 E	WM	19	SE NE	17.7
3 N	28 E	WM	20	NW NW	9.4
TOTAL:					68.6

18. The portion of the sixth water use permit to be transferred is as follows:

Permit: S-51017 in the name of KENT R. and SHANNON K. MADISON (applied for under Application S-70272 and as modified by Special Orders Vol. 49, Page 481; Vol. 54, Page 49; Vol. 56, Page 365; and Vol. 59, Page 20)

Use: SUPPLEMENTAL IRRIGATION of 135.8 ACRES

Priority Date: APRIL 2, 1990

Rate: 0.47 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 4.5 acre feet for each acre during the irrigation season during the period from March 1 to November 1 of each year; further limited to a diversion of not to exceed 1.5 acre-feet per acre irrigated during the period from November 2 to the end of February, provided the use of water shall not exceed 4.5 acre-feet for each acre irrigated in any one year. The quantity of water allowed herein, together with any other existing right from this point of diversion shall not exceed the current capacity of the diversion system.

Source: COLUMBIA RIVER, tributary to PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
4 N	25 E	WM	2	NE NW	7	150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3N	28E	WM	18	SE SW	6.6
3N	28E	WM	18	NE SE	15.6
3N	28E	WM	18	SW SE	12.5
3N	28E	WM	19	NW NE	10.1
3N	28E	WM	19	SW NE	8.1
3N	28E	WM	19	NE NW	8.6
3N	28E	WM	19	SE SW	6.1
3N	28E	WM	30	NW NE	37.4
3N	28E	WM	30	SW NE	9.1
3N	28E	WM	30	NE NE	16.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3N	28E	WM	30	SE NE	5.0
TOTAL:					135.8

19. Transfer Application T-10320 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3N	28E	WM	17	NW SW	12.2
3N	28E	WM	17	SW SW	3.0
3N	28E	WM	18	SE SE	21.2
3N	28E	WM	19	NE NE	39.3
3N	28E	WM	19	SE NE	39.1
3N	28E	WM	19	NE NW	3.6
3N	28E	WM	20	NWNW	9.6
3N	28E	WM	20	SW NW	7.8
TOTAL:					135.8

20. The portion of the seventh right to be transferred is as follows:

Certificate: 60951 in the name of THOMAS RICHARDS and SONS (perfected under Permit S-3694)

Use: IRRIGATION of 10.5 ACRES

Priority Date: MAY 17, 1917

Rate: 0.13 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH cfs per acre during the irrigation season of each year

Source: BUTTER CREEK, tributary to UMATILLA RIVER

Authorized Point of Diversion:

IRRIGATION				
Twp	Rng	Mer	Sec	Q-Q
3 N	25 E**	WM	19	NE SW

****See Finding of Fact #21**

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	18	SE SW	6.6
3 N	28 E	WM	19	SW NE	3.9
TOTAL:					10.5

21. There is a scrivener's error in the description of the authorized point of diversion on Certificate 60951 (noted by ** in the POD table in Finding of Fact #20). Based on the final proof survey, knowledge of the applicant and the Certified Water Rights Examiner, the location of the authorized point of diversion should be described as:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	19	NE SW

22. Transfer Application T-10320 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	19	NE NE	1.0
3 N	28 E	WM	19	SE NE	5.8
3 N	28 E	WM	20	NW NW	0.2
3 N	28 E	WM	20	SW NW	3.5
TOTAL:					10.5

23. The portion of the eighth right to be transferred is as follows:

Certificate: 35811 in the name of FRED DAVIS AND TRESA DAVIS (perfected under Permit G-438)

Use: IRRIGATION of 8.0 ACRES and SUPPLEMENTAL IRRIGATION of 22.9 ACRES

Priority Date: NOVEMBER 21, 1956

Rate: 0.39 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year

Source: TWO WELLS in the BUTTER CREEK (UMATILLA RIVER) BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	19	SW NE	NO. 1 - 850 FEET NORTH AND 1370 FEET EAST FROM THE SW CORNER, SENW, OF SECTION 19
3 N	28 E	WM	19	SE NW	NO. 2 - 1240 FEET NORTH AND 100 FEET EAST FROM THE SW CORNER, SENW, OF SECTION 19

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Primary Irrigation Acres	Supplemental Irrigation Acres
3 N	28 E	WM	19	NW NE	4.0	4.1
3 N	28 E	WM	19	SW NE	1.4	6.7
3 N	28 E	WM	19	NE NW	2.6	6.0
3 N	28 E	WM	19	SE NW	--	6.1
TOTALS:					8.0	22.9

24. Transfer Application T-10320 proposes to move the authorized points of appropriation to a well located approximately 0.25 mile from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3N	28E	WM	19	NW NW	PIT WELL #3 - 1670 FEET NORTH AND 2160 FEET EAST FROM THE W¼ CORNER OF SECTION 19

25. Transfer Application T-10320 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Primary Irrigation Acres	Supplemental Irrigation Acres
3 N	28 E	WM	17	SW SW	--	0.5
3 N	28 E	WM	18	SE SE	--	2.9
3 N	28 E	WM	19	NE NE	--	0.1
3 N	28 E	WM	19	SE NE	5.4	14.1
3 N	28 E	WM	19	NE NW	2.6	1.0
3 N	28 E	WM	20	SW NW	--	4.3
TOTALS:					8.0	22.9

26. The portion of the ninth right to be transferred is as follows:

Certificate: 35783 in the name of FRED E. DAVIS (perfected under Permit G-2597)

Use: SUPPLEMENTAL IRRIGATION of 30.9 ACRES

Priority Date: FEBRUARY 24, 1964

Rate: 0.22 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year

Source: A WELL in the BUTTER CREEK (UMATILLA RIVER) BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	19	NE NW	1670 FEET NORTH AND 2160 FEET EAST FROM THE W1/4 CORNER OF SECTION 19

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	19	NW NE	8.1
3 N	28 E	WM	19	SW NE	8.1
3 N	28 E	WM	19	NE NW	8.6
3 N	28 E	WM	19	SE NW	6.1
TOTAL:					30.9

27. Transfer Application T-10320 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	17	SW SW	0.5
3 N	28 E	WM	18	SE SE	2.9
3 N	28 E	WM	19	NE NE	0.1
3 N	28 E	WM	19	SE NE	19.5
3 N	28 E	WM	19	NE NW	3.6
3 N	28 E	WM	20	SW NW	4.3
TOTAL:					30.9

28. The portion of the tenth right to be transferred is as follows:

Certificate: 60952 in the name of CAROLINE E. ROGERS (confirmed by Umatilla River Decree, Vol. 3, Page 250)

Use: IRRIGATION of 49.1 ACRES

Priority Date: 1869 and 1880

Rate: 0.82 CUBIC FOOT PER SECOND (CFS), being 0.48 CFS under the 1869 priority date and 0.34 CFS under the 1880 priority date

Source: BUTTER CREEK, tributary to UMATILLA RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	18	NE SE	15.6
3 N	28 E	WM	18	SW SE	12.5
3 N	28 E	WM	19	NW NE	6.1
3 N	28 E	WM	19	SW NE	2.8
3 N	28 E	WM	19	NE NW	6.0
3 N	28 E	WM	19	SE NW	6.1
TOTAL:					49.1

29. While the point of diversion location is not specified in Certificate 60952, information is available from the applicant and CWRE that places the authorized point of diversion as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	19	NE SW	10 FEET SOUTH AND 1800 FEET EAST FROM THE W/14 CORNER OF SECTION 19

30. Transfer Application T-10320 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	17	NW SW	12.2
3 N	28 E	WM	17	SW SW	3.0
3 N	28 E	WM	18	SE SE	18.3
3 N	28 E	WM	19	NE NE	0.1
3 N	28 E	WM	19	SE NE	10.2
3 N	28 E	WM	19	NE NW	1.0
3N	28E	WM	20	SW NW	4.3
TOTAL:					49.1

31. The portion of the eleventh water use permit to be transferred is as follows:

Permit: S-46499 in the name of JOHN MADISON (agent for Frank N. Mueller, Top Cut Feedlots, Inc.) applied for under Application S-57999

Use: SUPPLEMENTAL IRRIGATION of 49.1 ACRES

Priority Date: OCTOBER 16, 1978

Rate: 0.98 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-FIFTIETH cfs per acre further limited to 1.0 acre-foot per acre during the period from September 2 to December 30; provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands, shall not exceed 4.0 acre-feet for each acre irrigated in any one year

Source: BUTTER CREEK, tributary to UMATILLA RIVER

Authorized Point of Diversion: Diversion B only as listed on Permit

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	19	NE SW	10 FEET SOUTH AND 1800 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 19

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3N	28E	WM	18	NE SE	15.6
3N	28E	WM	18	SW SE	12.5
3N	28E	WM	19	NW NE	6.1
3N	28E	WM	19	SW NE	2.8
3N	28E	WM	19	NE NW	6.0
3N	28E	WM	19	SE NW	6.1
TOTAL:					49.1

32. Transfer Application T-10320 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	17	NW SW	12.2
3 N	28 E	WM	17	SW SW	3.0
3 N	28 E	WM	18	SE SE	18.3
3 N	28 E	WM	19	NE NE	0.1
3 N	28 E	WM	19	SE NE	10.2
3 N	28 E	WM	19	NE NW	1.0
3N	28E	WM	20	SW NW	4.3
TOTAL:					49.1

33. Notice of the application for transfer was published on February 27, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

34. On December 31, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10320 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of February 2, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

35. On January 28, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10320 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 5, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

36. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
37. A diversion structure, ditch, pump, pipeline, and/or sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10320.
38. The proposed change would not result in enlargement of the rights.
39. The proposed change would not result in injury to other water rights.

Conclusions of Law

The changes in points of appropriation and place of use proposed in Transfer Application T-10320 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

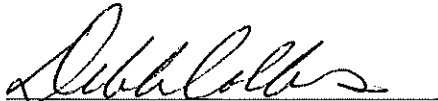
Now, therefore, it is ORDERED:

1. The changes in points of appropriation and place of use proposed in application T-10320 are approved.
2. Water right Certificates 25901, 32597, 28737, 80822, 80823, 60951, 35811, 35783, and 60952 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.
3. Permits S-51017 and S-46499 are amended as described herein. All other terms and conditions of Permits S-51017 and S-46499 remain the same.
4. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 25901, 32597, 28737, 80822, 80823, 60951, 35811, 35783, 60952, Permits S-51017 and S-46499, and any related decree.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. The former place of use of the transferred rights and amended water use permits shall no longer receive water under the affected rights and permits contained in this transfer.
7. The water user shall maintain and operate all existing measurement devices and shall make such improvements as may be required by the Department.
8. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the

headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

9. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 14th day of March 2008.



TCW Phillip C. Ward, Director

Mailing date: MAR 27 2008

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A. B. THOMPSON, owner and
 BERT PULLOR, owner of contract to purchase
 ECHO, OR 97826

confirms the right to use the waters of FIVEMILE CREEK for IRRIGATION of 75.5 ACRES and SUPPLEMENTAL IRRIGATION of 38.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County (John Day River Decree). The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1908.

The amount of water to which this right is entitled is limited to an amount actually used beneficially for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH of one cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per calendar month to June 1 and 4.0 acre-feet per acre during the season April 1 to September 30, measured at the point of diversion.

(NOTE: Water is diverted in SE¼ NE¼, Section 28, Township 4 S, Range 29 E, W.M. and taken northerly across divide into Butter Creek.)

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW NE	2.6
3 N	28 E	WM	30	SW NE	30.9
3 N	28 E	WM	30	SW NW	2.0
3 N	28 E	WM	30	SE NW	5.0
3 N	28 E	WM	30	SE NW	35.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	SW NW	38.0

(NOTE: The 38.0 acres in the SW ¼ NW ¼ have a primary right under the Butter Creek Decree with priority dates of 1864 and 1898 as confirmed by Certificate #2690.)

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. And said right shall be subject to all other conditions and limitations contained in said decree.

This certificate describes that portion of the water right confirmed by Certificate 25901, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320 and includes a note about the diversion of water that was ordered by the Decree Volume 15, Page 471 but had been left off of the previous certificate.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008.


 Phillip C. Ward, Director

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GAYLORD M. MADISON
 RFD #1
 ECHO, OR 97826

confirms the right to use the waters of UNNAMED SPRING, a tributary to BUTTER CREEK, for IRRIGATION 0.4 ACRE and SUPPLEMENTAL IRRIGATION of 12.2 ACRES.

This right was perfected under Permit S-26265. The date of priority is JULY 13, 1959. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.25 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
3 N	28 E	WM	30	SW NE

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	SE NE	0.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW NE	2.3
3 N	28 E	WM	30	SW NE	9.9

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 32597, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008.


 Phillip C. Ward, Director

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GAYLORD M. MADISON
 ROUTE 1
 ECHO, OR 97826

confirms the right to use the waters of SOUTH SPRING and NORTH SPRING, tributaries to BUTTER CREEK, for SUPPLEMENTAL IRRIGATION of 54.4 ACRES.

This right was perfected under Permit S-25159. The date of priority is SEPTEMBER 30, 1957. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.1 CUBIC FEET PER SECOND (CFS), being 0.28 CFS from South Spring and 0.82 CFS from North Spring, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	SW NE	None specified.
3 N	28 E	WM	30	NW SE	None specified.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres South Spring	Acres North Spring
3 N	28 E	WM	20	NW SW	--	7.0
3 N	28 E	WM	30	NE NE	--	2.2
3 N	28 E	WM	30	NW NE	--	0.6
3 N	28 E	WM	30	SW NE	--	7.8
3 N	28 E	WM	30	SE NW	--	23.0
3 N	28 E	WM	30	NW SE	13.8	--

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 28737, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008


 Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MADISON RANCHES, INC.
ECHO, OR 97826

confirms the right to use the waters of a PIT WELL, in the BUTTER CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 141.6 ACRES.

This right was perfected under Permit G-7207. The date of priority is MAY 26, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.62 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW NE	970 FEET SOUTH AND 1950 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 30

The amount of water used for irrigation, 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein. This right is limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water right of others.

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

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	19	NE SE	31.0
3 N	28 E	WM	19	NW SE	40.0
3 N	28 E	WM	19	SW SE	39.4
3 N	28 E	WM	19	SE SE	28.7
3 N	28 E	WM	30	SW NE	2.5

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 80822, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008.


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MADISON RANCHES, INC.
ECHO, OR 97826

confirms the right to use the waters of a PIT WELL, in the BUTTER CREBK BASIN, for SUPPLEMENTAL IRRIGATION of 141.6 ACRES.

This right was perfected under Permit G-7615. The date of priority is JUNE 14, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.37 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	30	NW NE	970 FEET SOUTH AND 1950 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 30

The amount of water used for irrigation, 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein. This right is limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

A description of the place of use to which this right is appurtenant is as follows:

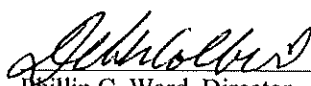
SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	19	NE SE	31.0
3 N	28 E	WM	19	NW SE	40.0
3 N	28 E	WM	19	SW SE	39.4
3 N	28 E	WM	19	SE SE	28.7
3 N	28 E	WM	30	SW NE	2.5

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 80823, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008.


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS RICHARDS AND SONS
ECHO, OR 97826

confirms the right to use the waters of BUTTER CREEK, tributary to UMATILLA RIVER, for IRRIGATION of 40.5 ACRES.

This right was perfected under Permit S-3694. The date of priority is MAY 17, 1917. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.51 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	19	NE SW	NONE SPECIFIED.

The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated during the irrigation season of each year. The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

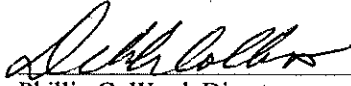
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	18	SE SW	10.4
3 N	28 E	WM	18	NE SE	4.0
3 N	28 E	WM	19	NW NE	11.1
3 N	28 E	WM	19	SW NE	15.0

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

This certificate describes that portion of the water right confirmed by Certificate 60951, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320 and correctly describing the location of the point of diversion.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008.


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED DAVIS and TRESA DAVIS
ECHO, OR 97826

confirms the right to use the waters of TWO WELLS, in the BUTTER CREEK BASIN (Umatilla River), for IRRIGATION and SUPPLEMENTAL IRRIGATION of 89.1 ACRES.

This right was perfected under Permit G-438. The date of priority is NOVEMBER 21, 1956. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.11 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	19	SW NE	NO. 1 - 850 FEET NORTH AND 1370 FEET EAST FROM THE SOUTHWEST CORNER OF THE SE¼ NW¼ OF SECTION 19
3 N	28 E	WM	19	SE NW	NO. 2 - 1240 FEET NORTH AND 100 FEET EAST FROM THE SOUTHWEST CORNER OF THE SE¼ NW¼ OF SECTION 19

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION & SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	19	NW NE	13.7
3 N	28 E	WM	19	SW NE	31.7
3 N	28 E	WM	19	NE NW	11.4
3 N	28 E	WM	19	SE NW	32.3

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 35811, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED E. DAVIS
ROUTE 1
ECHO, OR 97826

confirms the right to use the waters of A WELL, in the BUTTER CREEK BASIN (Umatilla River) for SUPPLEMENTAL IRRIGATION of 89.1 ACRES.

This right was perfected under Permit G-2597. The date of priority is FEBRUARY 24, 1964. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.62 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	19	NE NW	1670 FEET NORTH AND 2160 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 19

The amount of water used for irrigation, 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

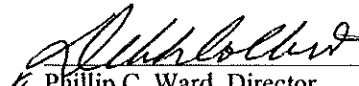
SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	19	NW NE	13.7
3 N	28 E	WM	19	SW NE	31.7
3 N	28 E	WM	19	NE NW	11.4
3 N	28 E	WM	19	SE NW	32.3

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 35783, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008 approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CAROLINE E. ROGERS
ECHO, OR 97826

confirms the right to use the waters of BUTTER CREEK, a tributary to UMATILLA RIVER, for IRRIGATION of 153.4 ACRES, DOMESTIC and LIVESTOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1869 for 1.52 CUBIC FEET PER SECOND and 1880 for 1.06 CUBIC FEET PER SECOND. The right is limited to not more than 2.58 CUBIC FEET PER SECOND.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

IRRIGATION, DOMESTIC AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	18	SE NE	40.0
3 N	28 E	WM	18	SE SW	11.5
3 N	28 E	WM	18	NE SE	20.4
3 N	28 E	WM	18	SW SE	27.5
3 N	28 E	WM	19	NW NE	8.9
3 N	28 E	WM	19	SW NE	0.2
3 N	28 E	WM	19	NE NW	16.0
3 N	28 E	WM	19	SE NW	28.9

This certificate describes that portion of the water right confirmed by Certificate 60952, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008.


Phillip C. Ward, Director

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, March 03, 2008 7:29 AM
To: 'Jason Melady'
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Jason,

We'll extend the due date for submitting your response to the January 2, 2008 letter from the Department to April 1, 2008 and will then move to issue a draft preliminary determination.

Thank you,
Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Friday, February 29, 2008 4:42 PM
To: Dorothy Pedersen
Subject: Extension of Time Request to Submit Information Related to Pending T-10464

Dorothy,
As I mentioned on my phone message to you earlier this week, we are still waiting to hear back from Marc Norton regarding the geologist report. As such, we are not going to be able to submit the requested materials until after **April 1, 2008**. I am hopeful that we can get the materials to you before then. Please let me know if you have any questions.

Regards,
Jason Melady

From: Dorothy Pedersen [mailto:pedersdi@wrđ.state.or.us]
Sent: Friday, February 01, 2008 3:10 PM
To: Jason Melady
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Jason,

Your request is reasonable, so the due date for the requested materials is extended to March 1, 2008.

Thank you,
Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Friday, February 01, 2008 11:39 AM
To: Dorothy Pedersen
Subject: Extension of Time Request to Submit Information Related to Pending T-10464

Dorothy,
We received a request for clarification/additional information from the Department on January 2, 2008 regarding water right transfer **T-10464** in the name of Kent Madison. This request asked for materials to be submitted back to the department by February 4, 2008. We are currently discussing the need for specific changes to the geologist report with Marc Norton and do not expect to have resolution until after February 4th. As a result, we are

3/3/2008

requesting an extension to submit all additional materials to you until **March 1, 2008**. Please let me know if you have any questions or need any additional information.

Best regards,

Jason Melady, RG, CWRE

Project Hydrogeologist

GSI Water Solutions, Inc.

p: 503.239.8799 ext. 104

m: 503.799.2198

e: jmelady@gsiwatersolutions.com

w: www.gsiwatersolutions.com

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Friday, February 01, 2008 3:10 PM
To: 'Jason Melady'
Subject: RE: Extension of Time Request to Submit Information Related to Pending T-10464

Jason,

Your request is reasonable, so the due date for the requested materials is extended to March 1, 2008.

Thank you,
Dorothy

From: Jason Melady [mailto:JMelady@GSIWaterSolutions.com]
Sent: Friday, February 01, 2008 11:39 AM
To: Dorothy Pedersen
Subject: Extension of Time Request to Submit Information Related to Pending T-10464

Dorothy,
We received a request for clarification/additional information from the Department on January 2, 2008 regarding water right transfer T-10464 in the name of Kent Madison. This request asked for materials to be submitted back to the department by February 4, 2008. We are currently discussing the need for specific changes to the geologist report with Marc Norton and do not expect to have resolution until after February 4th. As a result, we are requesting an extension to submit all additional materials to you until **March 1, 2008**. Please let me know if you have any questions or need any additional information.

Best regards,

Jason Melady, RG, CWRE

Project Hydrogeologist

GSI Water Solutions, Inc.

p: 503.239.8799 ext. 104

m: 503.799.2198

e: jmelady@gsiwatersolutions.com

w: www.gsiwatersolutions.com



Oregon

Theodore R. Kulongoski, Governor

January 2, 2008

Kent Madison
29299 Madison Road
Echo, OR 97826

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

REFERENCE: Transfer T-10464

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The Land Use Information Form to accompany a Transfer Application must list all properties where water is diverted, conveyed or used. The Form submitted with application T-10464 does not include the property where water is proposed to be diverted. You will need to submit a Land Use Information Form that includes tax lot 8500, Sec.31, T3N, R28E, W.M. where the proposed point of appropriation is located.
2. The transfer application map needs to be revised to show the location of property lines for property involved in the transfer, in the vicinity of the transfer, as required by OAR 690-380-3100(j). Then submit to the Department an original print of the revised map with the CWRE's seal and signature.
3. The Department's ground water staff have reviewed the geologist's report and have determined it is incomplete, since it does not adequately address the issue of "similar" impact on the surface water source (see OAR 690-380-2130(2)(c), (2)(e) and (11)(b)). The report will need to be revised to address "similar" impact on the surface water source per the Administrative Rules.
4. The geologist's report indicates the Windmill Well will be an additional point of appropriation. This is not consistent with the transfer application or OAR 690-380-2130(70) which states: "The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion." The revised geologist's report should not include statements that the proposed ground water source is an additional point of appropriation.
5. The existing point of diversion (POD) listed in the transfer application and application map are inconsistent. The map describes the existing POD from the center of section 30 while the application describes the authorized POD from E ¼ corner of section 30. Please clarify which description is to be used.

Please submit the revised Land Use Form, revised map, revised geologist's report and POD clarification by **February 4, 2008**, to Dorothy Pedersen, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

cc: Tony Justus, Watermaster, District 5
GSI Water Solutions, Attn: Jason Melady, agent for applicant

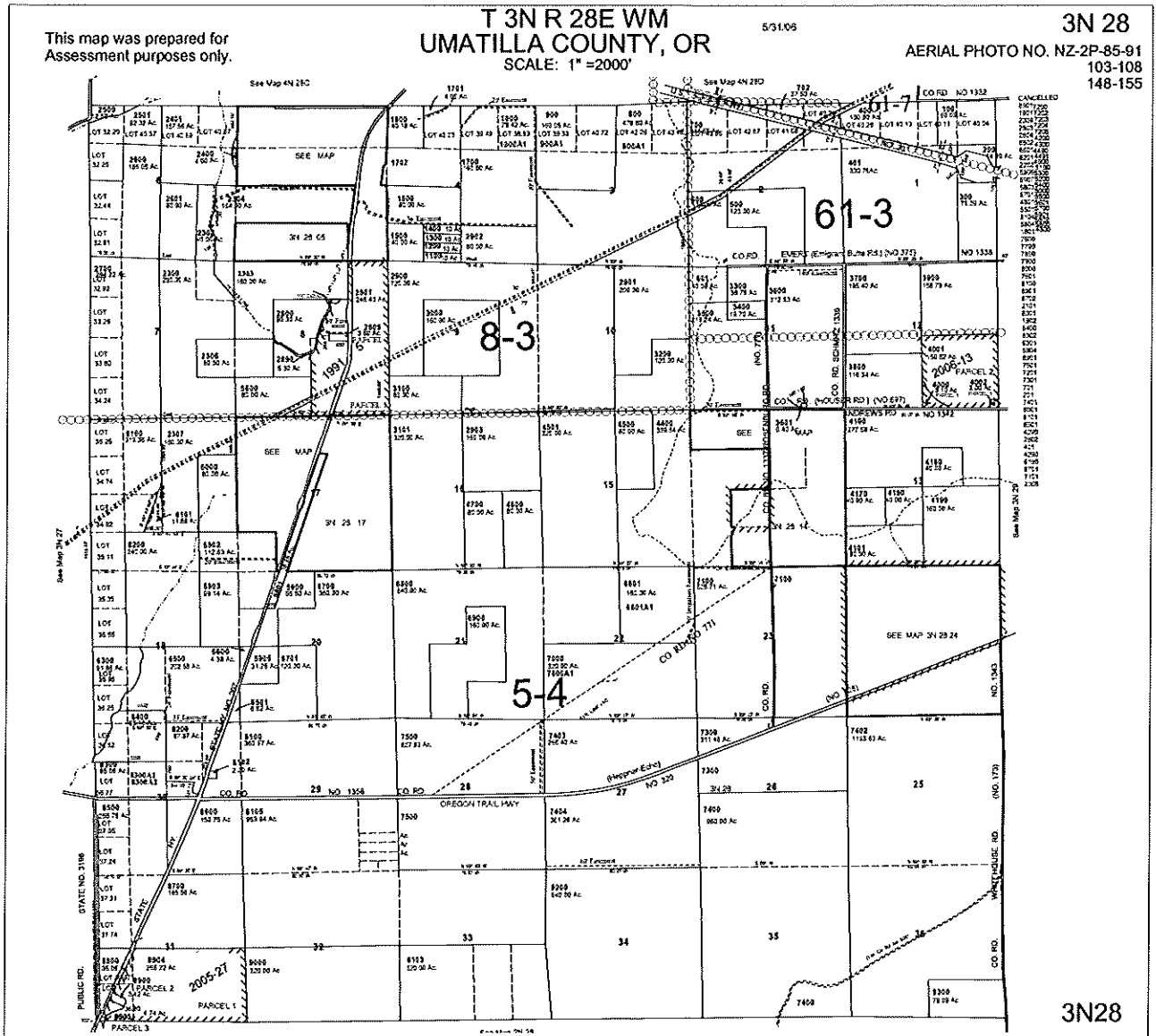
enclosures

This map was prepared for Assessment purposes only.

T 3N R 28E WM
UMATILLA COUNTY, OR
SCALE: 1" = 2000'

5/31/05

3N 28
AERIAL PHOTO NO. NZ-2P-85-91
103-108
148-155



3N28



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

October 10, 2007

KENT R. MADISON
29299 MADISON RD
ECHO OR 97826

Reference: Transfer 10464

On September 28, 2007 we received your water right transfer application. The application was accompanied by \$525.00. Our receipt 89914 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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)986-0883.

cc: Watermaster #5
Jason Melady, Agent

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
10/16/2007**

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: UMATILLA
Transfer: 10464
Water Right: CERT 28737
Priority Date: 1957
Name: KENT MADISON
Address: 29299 MADISON RD, ECHO, OR 97826
Change: SW TO GW
Source: SOUTH SPRING, NORTH SPRING
Authorized POD: T3N R28E 30
Proposed POA: T3N R28E 31

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.

~~Permit~~ Said accept

Indicate in this column whether or not the item is satisfied.

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Kent Madison (Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred? [OAR 690-380-0100(14)]

OK

NOTE: The Department can accept a Transfer application for any right that is:

- 1) an adjudication with a court decree; *or*
- 2) a certificate that is not cancelled; *or*
- 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, RETURN the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process? SW to GW [ORS 540.510]

OK

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

If the application proposes a change other than those listed above, RETURN the application & fee to the applicant.

Section C - Fees

Have the appropriate fees been paid?

OK

Total Required Fees: 400

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: 400

\$350 - Base fee (1st change and 1st CFS of water)

+ \$350 - Each additional type of change requested

Fees Due (if any): 0

+ \$175 - For each CFS, or fraction thereof, requested beyond 1st CFS
(for POU, Type of Use, or Exchange)

Refund Due (if any): 0

400

125 RA

If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.

Section D – Completeness

Is the Transfer application complete?

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

All required elements necessary for a complete transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is NOT complete, RETURN the application & fee to the applicant.

OK

• Type of transfer application Reg / RA (Page 1)

OK

• Applicant's name, mailing address and contact information. (Page 1)

OK

• Agent's name, mailing address and contact information, if applicable. (Page 1)

OK

• Are the water rights to be affected by this transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

Checklist for Supplemental Form A – (Attachments)	
OK	<ul style="list-style-type: none"> • Certificate # filled in on each page? (Page 1)
OK	<ul style="list-style-type: none"> • Type of change(s) proposed clear? SW to GW (Page 1)
OK	<ul style="list-style-type: none"> • Current Water Right information is complete? (Page 2)
OK	<ul style="list-style-type: none"> • If for a change in POU or USE..... S-51017 (Page 2) <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO</p> <p>If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>
OK	<ul style="list-style-type: none"> • Location description of the authorized POA/POD to be changed. (Page 3) <p>NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>
OK	<ul style="list-style-type: none"> • Location description of the existing authorized POU and associated acres (if applicable). (Page 4) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map. 13.8</p>
OK	<ul style="list-style-type: none"> • Location description of the proposed POA/POD. (Page 5) <p>NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>OK 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>
n/A	<ul style="list-style-type: none"> • Location description of the proposed POU and associated acres (if applicable). (Page 6) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
Return back to Page 2 of transfer application	
	<ul style="list-style-type: none"> • The type of changes being proposed. (Page 2)
	<ul style="list-style-type: none"> • Reason for the transfer. (Page 2)
	<ul style="list-style-type: none"> • Description of current water delivery system. (Page 2)
	<ul style="list-style-type: none"> • System Capacity. (Page 2)

Checklist for Supplemental Form B – (Attachments)	
OK	<ul style="list-style-type: none"> • Is there a box checked in #1? (Page 1)
OK	<ul style="list-style-type: none"> • Is there a box checked in #2? (Page 1)
OK	<ul style="list-style-type: none"> • Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? (Page 1)
OK	<ul style="list-style-type: none"> • In question #4 and #5 are they filled out. 2) (Page 2)
OK	<ul style="list-style-type: none"> • Is there a box checked in #6? (Page 2)
OK	<ul style="list-style-type: none"> • Is the #6 supporting documentation included with application? 2) (Page 2)
OK	<ul style="list-style-type: none"> • Is there an original signature of the notary and notary stamp? 2) (Page 2)
Return back to Page 3 of transfer application	
OK	<ul style="list-style-type: none"> • Affected districts and local governments. <i>None</i> (Page 3) If within a district/local government jurisdiction, ensure that name & mailing address is provided.
OK	<ul style="list-style-type: none"> • Is the applicant the Landowner of the “from” and “to” Lands? YES NO (Page 4) If <i>NO</i>..... The applicant must list current landowner name & address.
OK	<ul style="list-style-type: none"> • Who will be responsible for completion of the changes? <i>Applicant</i> (Page 4) Is a box checked? If no box is checked the applicant or agent must be contacted.
OK	<ul style="list-style-type: none"> • Map..... (Page 5) (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map __ if more than 3 rights are included in transfer, is there a separate map for each water right? __ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map __ north arrow __ size & scale __ other: _____ __ authorized acreage per ¼ ¼ matches the water right __ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) __ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR __ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application “proposed” listing</i>) __ location coordinates accurately describe the point identified as the proposed POD/POA
OK	<ul style="list-style-type: none"> • Land Use form, <i>if applicable</i>. (Page 5) Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance and off of land originally involved in WR.
OK	<ul style="list-style-type: none"> • If a groundwater right is involved, are the well logs or a description included. (Page 5)
N/A	<ul style="list-style-type: none"> • If this is an instream water right transfer, is there a form C included and filled out. (Page 5)

OK

• Signature(s) of applicant(s):

Are one of the boxes checked?

All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name:

S. Henderson

Date:

10-2-07

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

Item: APPLICATION FOR WATER RIGHT TRANSFER –
KENT MADISON

Fee Enclosed: \$525 (\$125 Reimbursement Authority Fee and
\$400 Transfer Fee)

T 10464

RECEIVED
SEP 28 2007
WATER RESOURCES DEPT
SALEM OREGON

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 # **89914**

INVOICE # _____

RECEIVED FROM: Madison Farms APPLICATION _____
 BY: _____ PERMIT _____
 CASH: CHECK:# 8393 OTHER: (IDENTIFY) _____ TRANSFER T-104164
 TOTAL REC'D \$ 525.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47119 \$ _____
108 OTHER: (IDENTIFY) Reimbursement Authority \$ 125.00
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	\$ _____	0202	RECORD FEE	\$ _____
0203 GROUND WATER		\$ _____	0204		\$ _____
0205 TRANSFER		\$ <u>100.00</u>			

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **89914** DATED: 9/28/07 BY: [Signature]



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

Superseded by revised application and map received 11/13/08

Application for Water Right Transfer

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 TRANSFER APPLICATION

Please check one

<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other
---	--

2. APPLICANT INFORMATION

Name: _____ Kent Madison (Madison Farms)
First Last

Address: _____ 29299 Madison Road

Echo OR 97826
City State Zip

Phone: (541) 376-5063 (541) 376-8107
Home Work Other

Fax: (541) 376-8618 E-Mail address: _____

3. AGENT INFORMATION

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

Name: _____ GSI Water Solutions ATTN: Jason Melady
First Last

Address: _____ 55 SW Yamhill St., Suite 400

Portland OR 97204
City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

- 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.



4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	31906	25159	28737
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion (POD) Additional Point of Diversion
 - Character of Use Point of Appropriation (POA, or well) Additional POA
 - Instream Transfer Surface Water POD to Ground Water POA
 - Substitution of Supplemental Groundwater right for Primary Surface water right
 - Historic POD change Other
- Reason(s) for change(s): _____

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

Pit well constructed at South Spring consists of 12" ADS vertical pipe, 30 feet deep connected to 300 feet of 6" ADS horizontal drain tile. A 40-horsepower centrifugal pump at the surface is used to pump water. 6" PVC mainline connects pump system to irrigation and farm-wide water conveyance system.

- System capacity: 2.0 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.



6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

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

Non-Applicable

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Umatilla County, 216 SE 4th Street, Pendleton, Oregon 97801

9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? Yes No
 If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): _____
First Last

Address: _____

_____ City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?
 Yes No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

_____ City State Zip

- Check **one** of the following:
 - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
 - N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)



11. ATTACHMENTS

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

<p>Supplemental Form A – Description of Proposed Change(s) to a Water Right</p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p>Supplemental Form B – Evidence of Use Affidavit(s)</p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <u>and</u></p> <p><input type="checkbox"/> The Evidence of Use Affidavit must be accompanied by supporting documentation.</p> <p>Map</p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p>Water Well Report(s)/Well Log(s):</p> <p><input checked="" type="checkbox"/> The application is for 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 <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p>	<p>Land Use Information For Proposed Changes:</p> <p><i>For Instream Transfers:</i></p> <p><input type="checkbox"/> Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (<i>For instream transfers a Land Use Information Form is not required.</i>)</p> <p><i>For All Other Transfers:</i></p> <p><input checked="" type="checkbox"/> Land Use Information Form is enclosed; <i>or</i></p> <p><input type="checkbox"/> All of the following criteria are met, therefore a Land Use Information Form is not required:</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>Fees:</p> <p><input checked="" type="checkbox"/> Amount enclosed: \$ 400.00 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.</p> <p><u>Instream Water Right Transfers, also include:</u></p> <p>Supplemental Form C – Instream Water Right Transfer</p> <p><input type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><u>Temporary Transfers, also include:</u></p> <p>Recorded Deed:</p> <p><input type="checkbox"/> The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.</p>
--	---

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

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

12. SIGNATURES

▪ Check **one** of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (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 transfer 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 agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

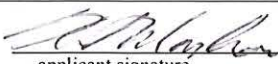
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

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 690-380-3000(13)(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 water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(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 a transfer under this subsection if it has filed a condemnation action to acquire the property.)

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	Kent Macdison name and title if applicable (print)	9/25/07 date
_____ applicant signature	_____ name and title if applicable (print)	_____ date



Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

<p>▪ Certificate Number or other identifying number: <u>28737</u></p>

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <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 transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input checked="" 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 type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<p align="center">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (*check and complete one of the following*):

<input checked="" type="checkbox"/> Certified Right	<u>28737</u> Certificate Number	_____ Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Gaylord Madison
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): September 30, 1957

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: South Spring

Tributary to: Butter Creek

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 - Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? S-51017

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).



▪ Certificate Number or other identifying number: 28737

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) 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 water right.

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

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or 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)
	South Spring	3 North	28 East	WM	30	NW SE	8600	350' S & 2100' W from E 1/4 corner of Section 30

- Does the water right being transferred 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 web page at: <http://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

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▪ Certificate Number or other identifying number: 28737

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right 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 or appropriation)

N/A – Instream Water Right Transfer

(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)
pit well	3 North	28 East	WM	31	SE NW		1620' S and 1060' W From the N1/4 corner of Section 31

- 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 web page at: <http://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
Yes	see remarks									

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▪ Certificate Number or other identifying number: 28737

Describe proposed changes to the water right 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) N/A – Instream Water Right Transfer
(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)
Non-Applicable							

Remarks: I believe the pit well I own and operate, located 3/4 mile to the south of the authorized spring, intercepts the same water that is available to the spring described in the above-mentioned certificate. * The well is equipped with an infiltration leach line at 22 feet deep, having 1000 feet of 16 inch diameter pipe, and 1000 feet of 12 inch diameter pipe. See attached well as-built.

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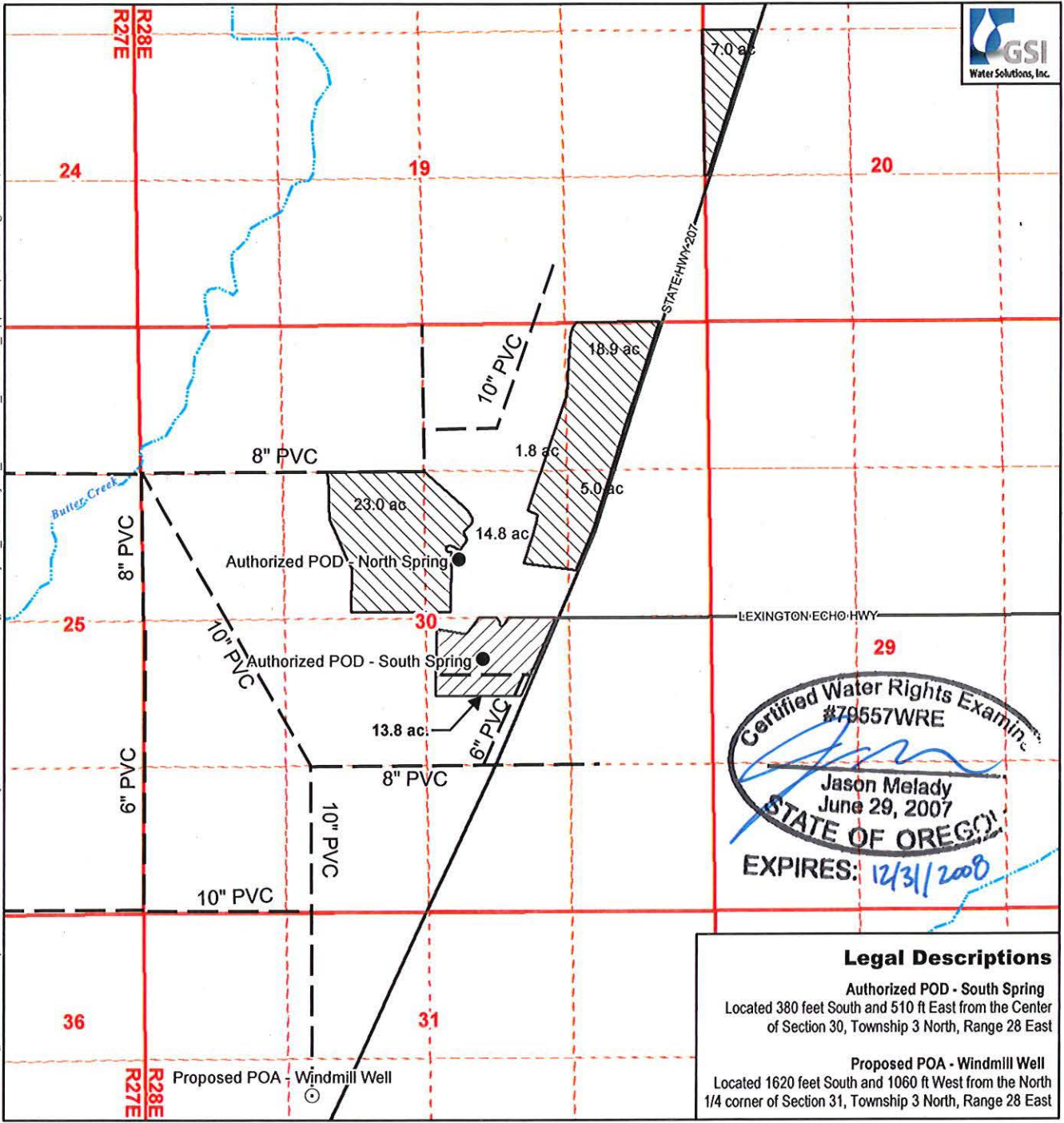
Application for a Water Right Transfer

Certificate 28737

Township 3 North, Range 28 East (W.M.)



File Path: \\gsi-sbs-001\Projects\136 - MadisonMcCarty ASR\007 - Madison Wtr Rights\Project_GIS\Project_mxd\WR_Transfer_App.mxd, Date: August 21, 2007 9:25:15 AM



Certified Water Rights Examiner
 #79557WRE
 Jason Melady
 June 29, 2007
 STATE OF OREGON
 EXPIRES: 12/31/2008

Legal Descriptions

Authorized POD - South Spring
 Located 380 feet South and 510 ft East from the Center of Section 30, Township 3 North, Range 28 East

Proposed POA - Windmill Well
 Located 1620 feet South and 1060 ft West from the North 1/4 corner of Section 31, Township 3 North, Range 28 East

Legend

- Proposed Point of Appropriation (POA)
- Currently Authorized Point of Diversion (POD)
- ▨ Currently Authorized Place of Use (POU) - Not Included in Transfer
- ▨ Currently Authorized POU Proposed for Transfer
- ~ Creeks and Streams
- Roads
- Water Pipeline



Scale
 1 inch equals 1,320 feet
 0 330 660 1,320
 Feet

Map Information
 Map Projection: Oregon Lambert Conformal Conic
 Map Datum: North American Datum of 1983
 Map Date: August 20, 2007
 Prepared By: GSI Water Solutions, Inc.

Data Sources
 OWRD Database, Oregon Geospatial Enterprise Office

Note
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

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Water Solutions, Inc.

Supplemental Information for Water Right Transfer - Certificate 28737

TO: Oregon Water Resources
Department

FROM: Jason Melady, RG, CWRE - GSI
Water Solutions

CC: Kent Madison - Madison Farms

DATE: September 12, 2007



Introduction

GSI Water Solutions, Inc. (GSI) was retained by Kent Madison (Madison Farms) to complete a water right transfer to add a groundwater point of appropriation (POA) to an existing surface water certificate (certificate 28737). The existing authorized point of diversion (POD) (referred to as South Spring) included in the transfer is described as a spring in certificate 28737, but was actually developed as a collector well or pit well that consists of 300 feet of buried horizontal drain tile connected to a 12" diameter vertical casing that penetrates 30 feet deep. According to Mr. Madison, this constructed diversion system was developed during the permit phase of the water right in the 1950's. Water is pumped from the 12" vertical casing and is used to irrigate the place of use. This transfer proposes to add an additional collector well or pit well (additional POA referred to as the Windmill Well) approximately $\frac{3}{4}$ of a mile to the south of the currently authorized POD as a groundwater POA. Because the transfer involves adding a groundwater POA to a surface water right, this report was completed to provide hydrogeologic information to substantiate that the proposed POA at the Windmill well is hydraulically connected to the authorized POD at South Spring and will affect the authorized POD similarly, as required by ORS 540.531.

Geologic Setting

The current POD and proposed POA referenced in Mr. Madison's water right transfer application are located in the Butter Creek Subbasin of the Umatilla Basin, near Echo, Oregon. The subsurface stratigraphy of the Butter Creek Subbasin generally consists of Holocene and Pleistocene-aged unconsolidated alluvial and Pliocene aged semi-

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consolidated alluvial sediments (fanglomerate) overlying Miocene-aged basalt flows of the Columbia River Basalt Group (CRBG). The current POD and proposed POA are completed in Holocene-aged unconsolidated alluvial sand and gravel deposits that were deposited by Butter Creek. The alluvial deposits are underlain by the CRBG. Each unit is described in greater detail below.

Holocene and Pleistocene sediments

The Holocene deposits consist of locally derived unconsolidated alluvial materials and are located in the flood plains of streams. These materials generally consist of sand, gravel, with some silt and can be up to 50 feet thick (Robinson, 1971).

The Pleistocene sediments are the most widespread surface unit in this area, locally underlying the Holocene deposits in the Butter Creek flood plain. These deposits were deposited by the Columbia River and are generally described as poorly sorted, consisting of sand, gravel and some silt (Robinson, 1971). Maximum thickness of this unit is approximately 200 feet (Robinson, 1971).

Pliocene Fanglomerate

The Pliocene-aged fanglomerate is a weakly to moderately cemented, poorly sorted, rudely stratified alluvial fan deposit that consists of sand, silt, and basaltic gravel (Hogenson, 1964; Robinson, 1971). In some locations, the gravel is strongly cemented with calcium carbonate (Hogenson, 1964). This unit attains a maximum thickness of 250 feet, but is generally much less (Robinson, 1971).

Miocene basalt

The basaltic lava flows of the CRBG underlie all surface units in the Butter Creek Subbasin. These flows are dense and hard near the base, grading to vesicular and scoriaceous near the top of individual flows (Robinson, 1971). Between some interior flows, up to 100 feet of clay and/or tuffaceous sand layers may be present. Maximum thickness of the CRBG can be up to several thousand feet.

Local Hydrogeology and Effect of Proposed Transfer

Shallow groundwater in the vicinity of South Spring and the Windmill Well occurs within the fanglomerate and younger alluvial sediments. Seasonally, there is perched groundwater of limited extent near Butter Creek. Perched groundwater generally lies within 30 feet of the ground surface and is recharged by Butter Creek and irrigation water (Norton and Bartholomew, 1984). The currently authorized POD and proposed POA are both completed in these alluvial sediments. Static water level in both pit wells varies seasonally from approximately 15 feet below ground surface in the spring and slowly dropping below the bottom of the boreholes by July each year. Water is generally utilized from South Spring and the Windmill Well during this time period. Based on the close proximity of the South Spring POD to the Windmill Well POA, and similar well/diversion construction, geology, and static water levels, it is our opinion that use of water from the Windmill Well POA will affect the South Spring POD similarly.

References

Hodenson, G.M., 1964, Geology and ground water of the Umatilla River Basin, Oregon: USGS Water Supply Paper 1620.

Norton, M.A., and Bartholomew, W.S., Update of ground water conditions and declining water levels in the Butter Creek area, Morrow and Umatilla Counties, Oregon: Oregon Water Resources Department, Ground Water Report, no. 30.

Robinson, J.H., 1971, Hydrology of basalt aquifers in the Hermiston-Ordinance area, Umatilla and Morrow Counties, Oregon: USGS Hydrogeologic Investigations Atlas HA-387.

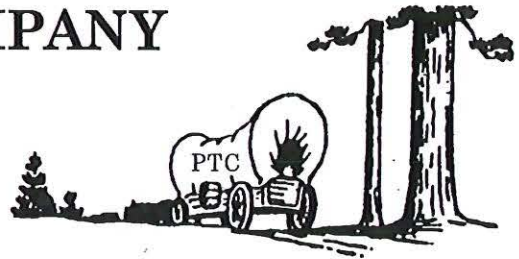
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PIONEER TITLE COMPANY

P.O. Box 128
126 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-4431
Fx: (541) 276-2007



PIONEER ESCROW, INC.
P.O. Box 187 • 630 S. Hwy 395
Hermiston, OR 97838
Ph: (541) 567-9743
Fx: (541) 567-7307

PIONEER ESCROW, INC.
178 S. Main St.
Milton-Freewater, OR 97862
Ph: (541) 938-3327
Fx: (541) 938-5089

PIONEER ESCROW, INC.
P.O. Box 1538 • 132 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-5114
Fx: (541) 276-0484

To: KENT MADISON
29299 Madison Road
Echo, Oregon 97826

Order No: 87148
Your No : T-10464
Owner : MADISON RANCHES
Report : Lot Book Report

TYPE OF POLICY:	AMOUNTS	CODE	PREMIUMS
LAND OWNERSHIP REPORT	\$0.00		\$200.00

We hereby certify that we have searched our Tract Indices as to the following described property:

Northwest Quarter of the Southeast of Section 30, Township 3 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon. Excepting therefrom any portion lying within the County Road and State Highway right-of-ways.

And as of July 22, 2010, at 5 o'clock P.M., we find that the last document of record runs to:

MADISON RANCHES, INC., an Oregon corporation

We also find the following monetary incumbrances:

1. Water Use Agreement with right of first refusal to purchase, including the terms and provisions thereof, disclosed by Memorandum
User : Madison Ranches, Inc., etal
Supplier : Lamb-Weston, Inc.
Recorded : June 19, 1993 in Microfilm R-237, Page 1152, Instrument No. 1993-183652, Office of Umatilla County Records.
2. Deed of Trust, including the terms and provisions thereof, given to secure a note for \$2,000,000.00 with interest thereon,
Grantor : Madison Ranches, Inc., etal
Trustee : Pioneer Title Company
Beneficiary : Community Bank
Dated : January 22, 2004
Recorded : February 2, 2004 in Instrument No. 2004-4560341, Office of Umatilla County Records. (Also affects other lands)

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3. Line of Credit Deed of Trust, including the terms and provisions thereof, given to secure a note for \$2,550,000.00, with interest thereon,
Grantor : Madison Ranches, Inc.
Trustee : Pioneer Title Company
Beneficiary : Community Bank
Dated : July 17, 2008
Recorded : July 28, 2008 in Instrument N o. 2008-5400250, Office of Umatilla County Rercords. (Also affects other lands)

4. Line of Credit Deed of Trust, including the terms and provisions thereof, given to secure a note for \$1,700,000.00, with interest thereon,
Grantor : Madison Ranches, Inc.
Trustee : Pioneer Title Company
Beneficiary : Community Bank
Dated : October 6, 2009
Recorded : November 5, 2009 in Instrument No. 2009-5580558, Office of Umatilla County Records. (Also affects other lands)

This is NOT A TITLE REPORT. Our search was made as only to ownership and monetary encumbrances affecting the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY



Rodney S. Parker
Vice President

RSP/m

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PIONEER TITLE COMPANY
PRIVACY POLICY

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An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

APPLICABILITY. This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

TYPES OF INFORMATION. Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

USE OF INFORMATION. We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

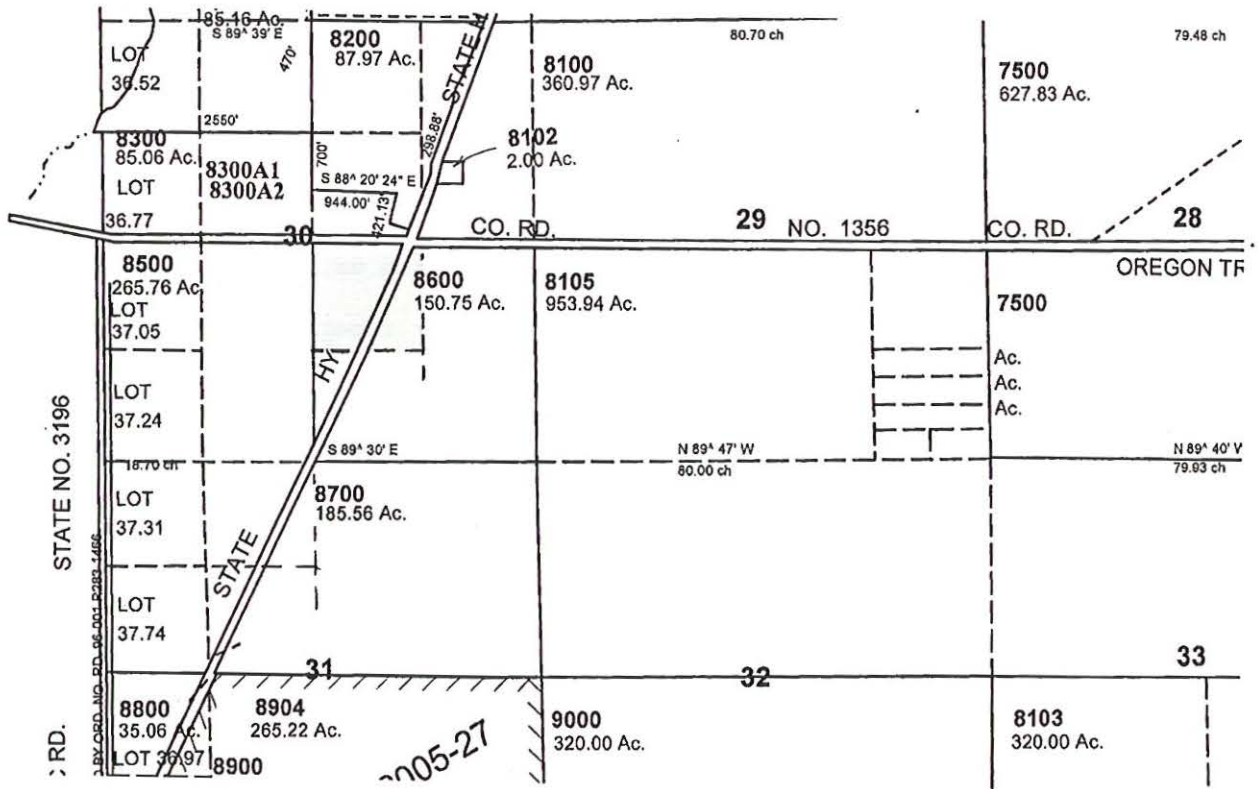
FORMER CUSTOMERS. Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

CONFIDENTIALITY AND SECURITY. We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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PENDLETON

OR R 159 PAGE 787

BARGAIN AND SALE DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

133637

Pheoba Gladys Madison
Grantor,
conveys to Madison Ranches, Inc., an Oregon corporation,
Grantee, the following real property situated in Umatilla
County, Oregon, to-wit:

Southeast quarter of Section 30, Township 3 North, Range
28 East, Willamette Meridian, Umatilla County, Oregon

Reserving, however, the right to live, rent-free, in the dwelling
located on such premises for so long as Grantor may live.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$1.00 and other good and valuable consideration.

Dated this 23 day of October, 1987.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Pheoba Gladys Madison
Witnessed by: [Signature]



STATE OF OREGON, County of Umatilla ss.
I, Pheoba Gladys Madison

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: [Signature]
Notary Public for Oregon—My commission expires: Aug. 1, 1990

BARGAIN AND SALE DEED
Pheoba Gladys Madison GRANTOR
Madison Ranches, Inc. GRANTEE
Buttercreek Highway
Echo, OR 97826
GRANTEE'S ADDRESS, ZIP
After recording return to:
Madison Ranches, Inc.
Buttercreek Highway
Echo, OR 97826
Route 1 Box 35
NAME, ADDRESS, ZIP
Until a change is requested, all tax statements shall be sent to the following address:
Madison Ranches, Inc.
Buttercreek Highway
Echo, OR 97826
NAME, ADDRESS, ZIP

STATE OF OREGON,
COUNTY OF UMATILLA } ss
I, J. Dean Fouquette, Sr., County Clerk,
certify that this instrument was received and recorded
ON OCT 23 1987
at 3:41 o'clock P.M. in the record
of DEEDS of said County in
Book Page
R159 787
J. DEAN FOUQUETTE, SR.
County Clerk
By [Signature] Deputy
Page 159 of No. 133637

J DEAN FOUQUETTE, SR.
UMATILLA COUNTY CLERK
P87 OCT 23 P 3 41

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10/23/87

Dorothy Pedersen

From: Norm Daft [normthewaterguy@charter.net]
Sent: Thursday, October 15, 2009 3:52 PM
To: Dorothy I PEDERSEN
Subject: RA Transfer 10464

Attachments: 10464-contacts.doc; 10464-dpd.doc; 10464-PD-cov.doc; 10464-pd-notice.doc; 10464-rr-83696-#####.doc; 10464-dpd-cov.doc



10464-contacts.doc
(21 KB)



10464-dpd.doc
(78 KB)



10464-PD-cov.doc
(25 KB)



10464-pd-notice.doc
(23 KB)



10464-rr-83696-#####.doc
(53 KB)



10464-dpd-cov.doc
(32 KB)

Dorothy,

Attached are the electronic deliverables for the transfer.

1. Contact list
2. Draft DPD (finding 13 needs dates)
3. DPD cover letter
4. PD notice
5. PD cover letter
6. Remaining Right Certificate

Certificate number being transferred has changed to 83696 as a result of T-10320.

I have a watermaster review for the original application but not for the amended application.

The dpd used similar language as in T-10320 to deal with supplemental vs primary issue (no underlying primary).

The remaining right certificate lists "supplemental irrigation" as the authorized use.

I'll try to mail required hard copies tomorrow.

Hooray!

Norm

541 761-1057

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, December 26, 2007 5:35 PM
To: 'Norm Daft'
Subject: RE: RE- Files T-10434 and T-10464

Norm,

At long last, we have a response from the groundwater staff, indicating that the geologist report is incomplete, since it does not address the issue of "similar" impact on the surface water source (see OAR 690-380-2130(2)(c), (2)(e) and (11)(b)). Since you have identified other deficiencies, I'd suggest that you put together a deficiency letter to address them all at once. See my comments below.

Thanks for your patience on this project. Once you have the deficiency letter, we should be able to get it mailed out promptly.

Dorothy

-----Original Message-----

From: Norm Daft [<mailto:normthewaterguy@charter.net>]
Sent: Thursday, November 15, 2007 4:43 PM
To: Dorothy Pedersen
Subject: RE- Files T-10434 and T-10464

Dorothy,

T-10434 (Cascadian) Did you get the E-mail I sent on the 4th with the deficiency letter and other attachments? Waiting for ground water review.

T-10464 (Madison) Still waiting for ground water review. Deficiencies I noticed so far:

1. Property boundaries not identified on the map (check list doesn't have this requirement listed). Since multiple properties are involved, I think that is appropriate to ask for. (If there were not multiple properties, we could make the map work).
2. Land Use Information Form only lists property where place of use is (TL-8600) and not where the well is and water is diverted and conveyed (TL-8500). **We need it for where the proposed well is located.**
3. Existing POD description on application map and transfer application isn't the same. Map describes from center of section 30 while the application describes from the E 1/4 corner section 30. Could be the same point, but I think they should be consistent or at least mention the difference and state that they are the same point. **Ask them to clarify.**

Are any or all of these serious enough to require a deficiency letter? Or, should we address the problems in the dpd cover letter? (that assumes of course, that the ground water section gives a positive review. Not sure they will. There is a lot of confusion as to what the source of water is from the spring - whether it is surface water or actually ground water.

I don't mean to add to your stress level, just want to make sure you received my previous E-mail and when you get time, steer me in the right direction.

I know you have been extremely busy the past few weeks, especially with the CWRE workshops.

Just a thought, maybe a newsletter to CWRE's indicating frequent problems along with a copy of our check lists would be a good idea.

Thanks.

Norm

541 761-1057

12/26/2007

Dorothy Pedersen

From: Norm Daft [normthewaterguy@charter.net]
Sent: Monday, November 05, 2007 11:47 AM
To: Dorothy Pedersen
Subject: RE: T-10464 templates

Dorothy,

Thanks for the templates. Sorry to bother you again, but I noticed some things that have prompted some questions.

Transfer 10464 proposes to change certificate 28737. This certificate was issued for SUPPLEMENTAL IRRIGATION. I can find no primary right for the land. There appears to be other supplemental rights for the same land. The permit (25159) was issued for irrigation and supplemental irrigation. The FPS map doesn't mention supplemental or primary. The file should probably be checked to look at the FPS notes to see if Ralph Jackson mentioned anything about primary and supplemental. If there is no primary or the certificate should have been issued as primary, should we make some kind of finding about it??

The Land Use Information Form submitted only lists TL-8600 which is the place of use. It does not list the property where the proposed POA is located (TL-8500, SE/NW section 31). Should we ask for a revised form or let it go?

CWRE did not identify the property boundaries as required by OAR 690-380-3100(2)(j). I think we need a revised map, do you agree?

I Don't know if it makes any difference, but the maps for Transfer 10320 (which may already be processed) shows the North Spring (Cert 28737) at a location that is not consistent with the Final Proof Map or the map submitted with Transfer 10464, the one I'm working on. The maps for T-10320 seem to place the North Spring along the west edge of what Ralph Jackson identified on the FPS Map as a reservoir, north & east of the North Spring.

The transfer maps for T-10320, also list certificate 28737 (5th of 6th right) as PRIMARY rather than SUPPLEMENTAL. Was the Primary vs. Supplemental straightened out during the processing of T-10320?

I have not received the Ground Water Review. It should be interesting.

If all we need from the applicant is a revised map showing property lines for the affected property, could we ask for that in the DPD cover letter rather than a separate deficiency letter?

Please give me a call if you think we need to discuss any of this or let me know if you have questions.

Thanks.

Norm

541 761-1057

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Monday, November 05, 2007 8:16 AM
To: Norm Daft
Subject: T-10464 templates

Hi Norm,

Attached are templates and the watermaster review for T-10464. Since this is a POD to groundwater POA proposal, you will need to check the Supplemental Language document for additional findings and conditions to add into the standard template.

Let me know if you need anything more.

Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, November 05, 2007 8:16 AM
To: 'Norm Daft'
Subject: T-10464 templates

Attachments: supplemental-lang.dot; Contact List.dot; 10464-wm-rev.pdf; 10464-PD-cov template.doc; 10464-rr-1957-.doc; 10464-dpd-template.doc; DPD Cover Approval template.doc; PD_notice.dot; DeficLet.dot; DPD Cover Deny template.doc



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Let me know if you need anything more.

Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrdd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, October 17, 2007 9:15 AM
To: 'Norm Daft'
Subject: RE: T-10464, Madison

Norm,

It sounds like we'll need to ask for a revised map then. I'll let you know the certificate number when it is issued.

Thanks,
Dorothy

Dorothy Pedersen
(503) 986-0890

-----Original Message-----

From: Norm Daft [mailto:normthewaterguy@charter.net]
Sent: Tuesday, October 16, 2007 5:33 PM
To: Dorothy Pedersen
Subject: RE: T-10464, Madison

Thanks Dorothy.

There are multiple tax lots involved. I've attached an Assessor's map for your file.

T-10320 map does show tax lots - different CWRE I guess.

Please send me a copy of the remaining right when it's issued so I can have the right numbers for the dpd I'm going to prepare, assuming they accept the cost estimate. If it isn't issued before I start the dpd, I'll use the current number and it can be changed later.

I think the ground water folks will have an issue concerning well construction on this one. Maybe they can work it out with special standards. We'll see.

If well construction is a non-issue and there isn't an enlargement issue, then a simple fix for the map may be the only issue, I hope.

Thanks again for the copy of the map.

Norm

-----Original Message-----

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Tuesday, October 16, 2007 4:40 PM
To: Norm Daft
Subject: RE: T-10464, Madison

Hi Norm,

I've attached the T-10320 maps. T-10320 is being processed through Reimbursement Authority, so it will probably reach final order enough earlier than T-10464 that the remaining right certificate will have been issued before T-10464 is finalized. As long as the lands in T-10464 are in the remaining right certificate that will not present a problem.

If the property involved in the transfer is all in one tax lot, and all other aspects of the map are fine, we can not make an issue of the lack of tax lot boundaries on the map.

However, if there are multiple properties involved, or there are other deficiencies that also need to be remedied, then we should ask for a revised map.

Whenever you find an error in the WRIS record or interactive mapping, I'd suggest that you use the contact email links that are provided to report the error to the folks who maintain the WRIS records. We appreciate having users notify the Department of errors as they are discovered, so that the record can be corrected.

Thanks,
Dorothy

Dorothy Pedersen
(503) 986-0890

-----Original Message-----

From: Norm Daft [mailto:normthewaterguy@charter.net]
Sent: Monday, October 15, 2007 11:07 AM
To: Dorothy Pedersen
Subject: T-10464, Madison

Dorothy,

I'm going through the file in order to prepare a cost estimate. Looks like there is a pending transfer (T-10320) that will affect C-28737.

Could you send me a copy of the map for T-10320 as it appears to affect Certificate 28737? Should these transfers should be processed together?

If T-10320 cancels the certificate, then T-10464 may not be able to be processed until a remaining right is issued or until proof satisfactory is submitted.

The CWRE did not identify property boundaries as required by rule. This requirement is not on the check list. Do we let this go?

Possible WRIS error - The interactive mapping appears to have data for the north and south springs reversed. I clicked on the south spring and the data referred to it as the north spring with north spring data. Also, north spring is identified as south spring.

It will be interesting to see the Watermaster's review. It appears Mr. Madison mixes all of his sources together in a main distribution pipeline. He also lists the capacity of the south spring distribution system as 2 cfs for a 0.28 cfs right??

I will attempt to get the estimate prepared today.

Norm

Norm Daft
(541) 761-1057

Dorothy Pedersen

From: Norm Daft [normthewaterguy@charter.net]
Sent: Tuesday, October 16, 2007 5:33 PM
To: Dorothy Pedersen
Subject: RE: T-10464, Madison

Attachments: 3n28.pdf



3n28.pdf (222 KB)

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Norm

Norm Daft
(541) 761-1057

Shipping Checklist for Reimbursement Authority File

File T- 10464 Applicant: Kent Madison

Agent/Contact: GSI Water Solutions

Ship to Contractor: Public Works Management

Items included:

- Copy of front of file folder
- Reimbursement Authority Estimate Application
- Transfer Application form
- Transfer map
- Evidence of use affidavit
- Supporting documentation for evidence of use
- Land-use Information form
- Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03) - *Request in DPD Cover Letter*
- Certificate or copy of decree for each right to be transferred
- Final Proof map or decree map for each right to be transferred
- Well logs (if change in POA, SW POD-to-GW POA change) - *"As built" diagram*
- Watermaster review (all transfers)
- ODFW review (if change in POD) *will send later*
- GW review (if Δ POA, or POD-to-POA change)
- Transfer review checklist
- Final Deliverable cover sheet
- Itemized Estimate sheet for contractor

Additional things to check:

- All regular application processing fees paid
- Reimbursement Authority \$125 fee paid for preparing estimate
- Date of WRD initial Public Notice 10-9-2007

Number of sheets copied 16

File contents copied by Lisa Pascher Date 10-4-07

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10464

Name of Applicant: Kent Madison

Proposed Timeline

10/9/07	Public Notice (start of 30-day comment period).
11/30/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
1/8/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Public Works Management, Inc.

Authorized Representative: _____

Date: _____

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/decree maps for the rights. Application map matches certificate FPS.
- Have necessary aerial photos.

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

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation *(materials needed for peer reviewer in bold)*

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? Watermaster ODFW GW
- Headgate When in the judgment Prior to diverting Existing and maintain
- Measuring Devices When in the judgment Prior to diverting Existing and maintain
- Fish Screen Devices

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # T-10464

Applicant: Kent Madison

The following items have been submitted electronically*:

- Contact List
- Draft Preliminary Determination (DPD)
- DPD Cover Letter
- PD Notice
- PD Cover Letter
- Remaining Right Certificates (one for each right that is not entirely affected by the transfer)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- Marked copy of transfer application
- (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

- Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: *(check one)*:

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	Certificate 28737
<input type="checkbox"/>	Certificate Request	_____
<input type="checkbox"/>	Extension of Time Request	_____

Applicant Information		Applicant's Representative/Contact
Name: (Please Print)	Kent Madison	Jason Melady
Address:	29299 Madison Road	55 SW Yamhill St., Suite 400
	Echo, OR 97826	Portland, OR 97204
Phone:	(541) 376-8107	(503) 239-8799 ext. 104
Fax	(541) 376-8618	(503) 239-8940
E-Mail Address:	kmadison@eoni.com	jmelady@gsiws.com

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to: **OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.**

I certify that I am the *(check one)* Applicant Applicant's Representative Other *(Please specify)* _____

Signature:  Name: Kent Madison

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$
OWRD Approval:	

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 # **102973**

INVOICE # _____

RECEIVED FROM: Madison Farms

APPLICATION	
PERMIT	
TRANSFER	T-10464

BY: _____

CASH: CHECK:# 3605 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>47126R 11798-11</u>	\$
<u>0905</u> OTHER: (IDENTIFY)	<u>Reimbursement Authority</u>	\$ <u>125.00</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **102973** DATED: 5-26-11 BY: [Signature]

Permit No. 25159

*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, GayLord M. Madison (Name of applicant)

of RFD #1, Echo, Oregon (Mailing address)

State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is 2 spring areas (Name of stream)

a tributary of ButterCreek

2. The amount of water which the applicant intends to apply to beneficial use is cubic feet per second.

(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Irrigation & supplemental irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and ft. from the corner of North Spring area N 67° 36' E. 3546.0 ft. (Section or subdivision)

South Spring area S80° 20' 3084.0 ft.

both from W 1/4 corner Sec. 30, T. 3N. R. 28 E.

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the North - SW 1/4 NE 1/4 South - NW 1/4 SE 1/4 of Sec. 30, Tp. 3N, R. 28 E., W. M., in the county of Umatilla (Give smallest legal subdivision) (N. or S.) (E. or W.)

5. The (Main ditch, canal or pipe line) to be (Miles or feet)

in length, terminating in the (Smallest legal subdivision) of Sec. (N. or S.)

R. W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam None feet, length on top feet, length at bottom

feet; material to be used and character of construction (Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description Chev. trk. motor & case 28 h.p. (Size and type of pump)

both gas. 5x4 Pacific & 4x3 Pacific (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe ft.; size at intake in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
3 N	28 E.	30	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.9 from South Spr.
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	22.4 " North Spr.
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.8 " " "
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.9 " " "
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.4 " " "
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	23.9 " " "
		20	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.5 " " "
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.2 " " "

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised Pasture and hay

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.
(Legal subdivision)

Tp. R. W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return
..... Sec. Tp. R. W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

10. (a) To supply the city of
..... County, having a present population of
(Name of)
and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 10,000

12. Construction work will begin on or before Started

13. Construction work will be completed on or before October 1, 1958

14. The water will be completely applied to the proposed use on or before October 1, 1959

Gaylord M. Madison
(Signature of applicant)

Remarks:

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before 19.....

WITNESS my hand this day of 19.....

STATE ENGINEER

By ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.76 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from South spring and North spring, being 0.32 c.f.s. from South spring and 1.44 c.f.s. from North spring

The use to which this water is to be applied is supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/50 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is September 30, 1957

Actual construction work shall begin on or before November 29, 1958 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1959.

Complete application of the water to the proposed use shall be made on or before October 1, 1960.

WITNESS my hand this 29th day of November, 1957.

STATE ENGINEER

Application No. 31906
Permit No. 25159

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 30th day of September, 1957, at 9:20 o'clock A. M.

Returned to applicant:

Approved:

November 29, 1957
Recorded in book No. 67 of
Permits on page 25159

LEWIS A. STANLEY STATE ENGINEER

Drainage Basin No. 7 page 6 A
Fees 23 70