

T-10528

The
Miller
Ranch
Company

T-10528

PERMIT
AMENDMENTName The Miller Ranch CompanyAddress 66359 US Highway 197
Dufur, OR 97021Change in POU/POA
Date Filed 2-4-08
Initial notice date 2-12-08
DPD issued datePD issued date
PD notice date
Date of FO 5-27-08 Vol 74 Page 995C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellsTrib. of Starvout CreekUse Irrigation/AgCounty Wasco

Quantity of water (CFS)

No. of Acres

Name of ditch

App # G-16439 Per # G-15989Cert # PR Date 2005

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

FEES PAID

Date	Amount	Receipt #
2-4-08	\$1665.25	91371

FEES REFUNDED

Date	Amount	Receipt#
6/16/08	65.25	91371

Assignments:

Irrigation District N/AAgent W&H Pacific Inc - Attn Thomas Walker : 920 SW Emory St Clac : Bend, OR 97702CWRE N/A Same as agent
CC's list☐ - Oversized map - Location



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 25, 2008

THE MILLER RANCH CO.
66359 U.S. HWY 197
DUFUR OR 97021

Reference: Permit Amendment Transfer 10528

Enclosed is a copy of the order approving your Permit Amendment transfer application. Also enclosed is a refund check in the amount of \$65.25, issued for excess fees collected.

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

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

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #3
Thomas Walker, Agent
Fiscal

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10528, Wasco County	)	APPROVING A CHANGE IN POINT OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

Authority

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

Applicant

The Miller Ranch Company
66359 US Highway 197
Dufur, Oregon 97021

Findings of Fact

1. On February 4, 2008, Miller Ranch Company filed an application to amend the point of appropriation of Well 4 and change the place of use of 346.1 acres under Permit G-15989. The Department assigned the application number T-10528.
2. The permit to be amended is as follows:

Permit:	G-15989, in the name of The Miller Ranch Co. (previously amended by T-10331, Special Order Vol. 72, Page333)
Use:	Agricultural and irrigation
Priority Date:	April 14, 2005
Quantity:	12.678 cubic feet per second (cfs), being 0.558 cfs from Wells 1, 2.424 cfs each from Well 2, Well 3, Well 4, Well 5, and Well 6. T-10331 amended the permit for additional points of appropriation such that any rate of appropriation, up to the maximum rate allowed by the permit, may be appropriated from any one well or combination of wells.
Rate/Duty:	The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Acres:	1014.2

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Source: Six wells in the Starvout Creek Basin.

Date of Complete Application of Water: October 1, 2010

Original Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	14	E	W.M.	17	NE	NW	Well 1 – 1102 feet South and 1446 feet East from the NW Corner of Section 17.
1	S	14	E	W.M.	18	SE	NE	Well 2 – 100 feet South and 100 feet West from the N1/16 Corner of the SE¼NE¼ of Section 18.
1	S	14	E	W.M.	18	SE	NE	Well 3 – 100 feet South from the NE1/16 Corner of Section 18.
1	S	14	E	W.M.	18	SW	NE	Well 4 – Center N1/16 Corner of Section 18.
1	S	14	E	W.M.	18	SE	NW	Well 5 – NW1/16 Corner of Section 18.
1	S	14	E	W.M.	18	NW	SW	Well 6 – W¼ Corner of Section 18.

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	14	E	W.M.	17	NE	NW	Well 1 – 1102 feet South and 1446 feet East from the NW Corner of Section 17.
1	S	14	E	W.M.	17	NW	NW	Well 2A – 4796 feet North and 4502 feet West from the SE Corner of Section 17.
1	S	14	E	W.M.	17	NW	SW	Well 3A – 1451 feet North and 4324 feet West from the SE Corner of Section 17.
1	S	14	E	W.M.	18	SW	NE	Well 4 – Center N1/16 Corner of Section 18.
1	S	14	E	W.M.	18	SE	NW	Well 5 – NW1/16 Corner of Section 18.
1	S	14	E	W.M.	18	NW	SW	Well 6 – W¼ Corner of Section 18.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	13	E	W.M.	13	SE	NE	14.8
1	S	13	E	W.M.	13	NE	SE	39.2
1	S	13	E	W.M.	13	SE	SE	40.0
1	S	14	E	W.M.	7	SW	SE	2.9
1	S	14	E	W.M.	7	SE	SE	14.4
1	S	14	E	W.M.	17	NE	NW	9.8
1	S	14	E	W.M.	17	NW	NW	40.0
1	S	14	E	W.M.	17	SW	NW	40.0
1	S	14	E	W.M.	17	SE	NW	15.8
1	S	14	E	W.M.	17	NE	SW	27.6

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	14	E	W.M.	17	NW	SW	40.0
1	S	14	E	W.M.	18	NE	NE	40.0
1	S	14	E	W.M.	18	NW	NE	37.5
1	S	14	E	W.M.	18	SW	NE	40.0
1	S	14	E	W.M.	18	SE	NE	40.0
1	S	14	E	W.M.	18	NE	NW	17.1
1	S	14	E	W.M.	18	NW	NW	1.5
1	S	14	E	W.M.	18	SW	NW	40.0
1	S	14	E	W.M.	18	SE	NW	40.0
1	S	14	E	W.M.	18	NE	SW	40.0
1	S	14	E	W.M.	18	NW	SW	40.0
1	S	14	E	W.M.	18	SW	SW	40.0
1	S	14	E	W.M.	18	SE	SW	40.0
1	S	14	E	W.M.	18	NE	SE	40.0
1	S	14	E	W.M.	18	NW	SE	40.0
1	S	14	E	W.M.	18	SW	SE	40.0
1	S	14	E	W.M.	18	SE	SE	40.0
1	S	14	E	W.M.	19	NE	NW	40.0
1	S	14	E	W.M.	19	NW	NW	40.0
1	S	14	E	W.M.	19	SW	NW	40.0
1	S	14	E	W.M.	19	SE	NW	40.0

3. Application T-10528 proposes to change the place of use of the permit to:

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	13	E	W.M.	12	NE	SE	25.2
1	S	13	E	W.M.	12	NW	SE	14.7
1	S	13	E	W.M.	12	SW	SE	39.1
1	S	13	E	W.M.	12	SE	SE	31.7
1	S	13	E	W.M.	13	NE	NE	32.3
1	S	13	E	W.M.	13	NW	NE	40.0
1	S	13	E	W.M.	13	SW	NE	16.5
1	S	13	E	W.M.	13	SE	NE	13.8
1	S	13	E	W.M.	13	NE	NW	40.0
1	S	13	E	W.M.	13	SE	NW	18.1
1	S	13	E	W.M.	13	NE	SE	28.0
1	S	13	E	W.M.	13	SE	SE	28.8
1	S	14	E	W.M.	7	NE	SW	16.3
1	S	14	E	W.M.	7	NW	SW	3.2

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	14	E	W.M.	7	SW	SW	36.3
1	S	14	E	W.M.	7	SE	SW	16.6
1	S	14	E	W.M.	7	SW	SE	2.9
1	S	14	E	W.M.	7	SE	SE	14.4
1	S	14	E	W.M.	17	NE	NW	9.8
1	S	14	E	W.M.	17	NW	NW	38.5
1	S	14	E	W.M.	17	SW	NW	17.6
1	S	14	E	W.M.	17	SE	NW	15.2
1	S	14	E	W.M.	17	NE	SW	24.9
1	S	14	E	W.M.	17	NW	SW	20.1
1	S	14	E	W.M.	18	NE	NE	33.4
1	S	14	E	W.M.	18	NW	NE	22.1
1	S	14	E	W.M.	18	SW	NE	6.0
1	S	14	E	W.M.	18	SE	NE	9.3
1	S	14	E	W.M.	18	NE	NW	12.3
1	S	14	E	W.M.	18	NW	NW	16.7
1	S	14	E	W.M.	18	SW	NW	14.1
1	S	14	E	W.M.	18	SE	NW	2.5
1	S	14	E	W.M.	18	NE	SW	35.3
1	S	14	E	W.M.	18	NW	SW	27.5
1	S	14	E	W.M.	18	SW	SW	29.6
1	S	14	E	W.M.	18	SE	SW	35.9
1	S	14	E	W.M.	18	NE	SE	37.4
1	S	14	E	W.M.	18	NW	SE	37.6
1	S	14	E	W.M.	18	SW	SE	36.0
1	S	14	E	W.M.	18	SE	SE	20.2
1	S	14	E	W.M.	19	NE	NW	30.2
1	S	14	E	W.M.	19	NW	NW	31.0
1	S	14	E	W.M.	19	SW	NW	21.5
1	S	14	E	W.M.	19	SE	NW	11.6

The changed place of use is in bold type.

4. Application T-10528 proposes to change the point of appropriation of Well 4 under the permit to:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	13	E	W.M.	13	SW	NE	Well 4A - 3453 feet North and 1845 feet West from the SE Corner of Section 13.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on February 12, 2008, and in The Dalles Chronicle newspaper on April 22 and 29, and May 6, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
6. The changes would not result in injury to other water rights.
7. The proposed place of use is owned and/or controlled by the permit holder.
8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.
10. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The change in point of appropriation of Well 4 and the change in place of use of 346.1 acres proposed by Permit Amendment Application T-10528 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

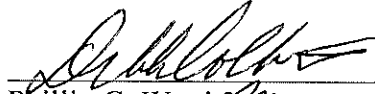
1. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the authorized point of appropriation.
2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device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

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

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. The former place of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-15989 remain the same.

6. Permit G-15989, in the name of The Miller Ranch Co., is amended as described herein.

Dated at Salem, Oregon this 27th day of May, 2008.



Phillip C. Ward, *Wm*
Director

Mailing Date: JUN 26 2008

ORDER AND CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

File Folder () ## T-10528
G-16437

Permit () ## G-15989

Certificate () ## _____

Trans App Register ()
Trans Name Index ()

Sp. OR ()
Decree () Vol _____ Page _____ Vol _____ Page _____

COPIES MADE

Order (X) Certificate ()

File (X) () Data Center (X) () Watermaster (X) () Applicant (X) ()

ISWR Liason () () _____ Water Use Reporting () () _____

CWRE () () W + H Pacific Inc District () () _____

Other () () Agent Thomas Walker Other () () _____

SEND copy of application map to watermaster _____

LETTER TO:

Applicant () CWRE () _____
LD. () _____ Other () _____

EMAIL PROCESSOR

NWR () NCR () SWR () SCR () BR () Kelly

ENCLOSURES

Special Order () Vol 74 Page 995
() Vol _____ Page _____

Certificate () _____
() _____
() _____

DATE SIGNED: 5-27-08

FILE SET-UP

File Number	Set - Up Date	For Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____

END TO:

Local Section () Other () _____
NOTES: Fiscal Refund

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10331, Wasco County	)	APPROVING A CHANGE IN POINTS
	)	OF APPROPRIATION AND
	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

Authority

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

Applicant

The Miller Ranch Company
66359 US Highway 197
Dufur, Oregon 97021

Findings of Fact

1. On March 5, 2007, The Miller Ranch Company, filed an application to change the points of appropriation of Wells 2 and 3 and requested an increase in the pumping rate assigned to Well 3 under Permit G-15989. The Department assigned the application number T-10331.
2. On April 20, 2007, the applicant withdrew the request to increase the pumping rate assigned to Well 3 and amended the application to request additional points of appropriation for each authorized point of appropriation.
3. The permit to be amended is as follows:

Permit: G-15989, in the name of The Miller Ranch Company;
Use: Agricultural and irrigation uses on 1014.2 acres
Priority Date: April 14, 2005
Quantity: 12.678 cubic feet per second (cfs), being 0.558 cfs from Well 1, 2.424 cfs each from Well 2, Well 3, Well 4, Well 5, and Well 6.
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Source: Six Wells, in the Starvout Creek Basin.

Date of Complete Application of Water: October 1, 2010

Authorized Points of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Location
1	S	14	E	W.M.	17 NE NW WELL 1 – 1102 FEET SOUTH AND 1446 FEET EAST FROM THE NW CORNER OF SECTION 17.
1	S	14	E	W.M.	18 SE NE WELL 2 – 100 FEET SOUTH AND 100 FEET WEST FROM N1/16 CORNER OF SE¼NE¼ OF SECTION 18.
1	S	14	E	W.M.	18 SE NE WELL 3 – 100 FEET SOUTH FROM THE NE1/16 CORNER OF SECTION 18.
1	S	14	E	W.M.	18 SW NE WELL 4 – CENTER N1/16 CORNER OF SECTION 18.
1	S	14	E	W.M.	18 SE NW WELL 5 – NW1/16 CORNER OF SECTION 18.
1	S	14	E	W.M.	18 NW SW WELL 6 – W¼ CORNER OF SECTION 18.

Authorized Place of Use:

AGRICULTURAL AND IRRIGATION USES							
Township	Range	Meridian	Sec	¼ ¼	Acres		
1	S	13	E	W.M.	13	SE NE	14.8
1	S	13	E	W.M.	13	NE SE	39.2
1	S	13	E	W.M.	13	SE SE	40.0
1	S	14	E	W.M.	7	SW SE	2.9
1	S	14	E	W.M.	7	SE SE	14.4
1	S	14	E	W.M.	17	NE NW	9.8
1	S	14	E	W.M.	17	NW NW	40.0
1	S	14	E	W.M.	17	SW NW	40.0
1	S	14	E	W.M.	17	SE NW	15.8
1	S	14	E	W.M.	17	NE SW	27.6
1	S	14	E	W.M.	17	NW SW	40.0
1	S	14	E	W.M.	18	NE NE	40.0
1	S	14	E	W.M.	18	NW NE	37.5
1	S	14	E	W.M.	18	SW NE	40.0
1	S	14	E	W.M.	18	SE NE	40.0
1	S	14	E	W.M.	18	NE NW	17.1
1	S	14	E	W.M.	18	NW NW	1.5
1	S	14	E	W.M.	18	SW NW	40.0
1	S	14	E	W.M.	18	SE NW	40.0
1	S	14	E	W.M.	18	NE SW	40.0
1	S	14	E	W.M.	18	NW SW	40.0

AGRICULTURAL AND IRRIGATION USES								
Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	14	E	W.M.	18	SW	SW	40.0
1	S	14	E	W.M.	18	SE	SW	40.0
1	S	14	E	W.M.	18	NE	SE	40.0
1	S	14	E	W.M.	18	NW	SE	40.0
1	S	14	E	W.M.	18	SW	SE	40.0
1	S	14	E	W.M.	18	SE	SE	40.0
1	S	14	E	W.M.	19	NE	NW	40.0
1	S	14	E	W.M.	19	NW	NW	40.0
1	S	14	E	W.M.	19	SW	NW	40.0
1	S	14	E	W.M.	19	SE	NW	40.0

4. Application T-10331 proposes to change the point of appropriation of Wells 2 and 3 authorized by the permit to:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	14	E	W.M.	17	NW	NW	WELL 2A – 4796 FEET NORTH AND 4502 FEET WEST FROM THE SE CORNER OF SECTION 17.
1	S	14	E	W.M.	17	NW	SW	WELL 3A – 1451 FEET NORTH AND 4324 FEET WEST FROM THE SE CORNER OF SECTION 17.

5. Application T-10331 also proposes additional points of appropriation for each authorized point of appropriation, so that any rate of appropriation, up to the maximum rate allowed by the permit, can be appropriated from any one well or combination of wells. The additional points of appropriation are located:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	14	E	W.M.	17	NE	NW	WELL 1 – 1102 FEET SOUTH AND 1446 FEET EAST FROM THE NW CORNER OF SECTION 17.
1	S	14	E	W.M.	17	NW	NW	WELL 2A – 4796 FEET NORTH AND 4502 FEET WEST FROM THE SE CORNER OF SECTION 17.
1	S	14	E	W.M.	17	NW	SW	WELL 3A – 1451 FEET NORTH AND 4324 FEET WEST FROM THE SE CORNER OF SECTION 17.
1	S	14	E	W.M.	18	SW	NE	WELL 4 – CENTER N1/16 CORNER OF SECTION 18.
1	S	14	E	W.M.	18	SE	NW	WELL 5 – NW 1/16 CORNER OF SECTION 18.
1	S	14	E	W.M.	18	NW	SW	WELL 6 – W¼ CORNER OF SECTION 18.

6. Notice of the application for the permit amendment was published in the Department's weekly notice on March 13, 2007, and in the The Dalles Chronicle Newspaper on April 26, and May 3 and 10, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
7. The changes would not result in injury to other water rights.
8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation and change in points of appropriation of Wells 2 and 3 proposed by Permit Amendment Application T-10331 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new point of appropriation for Well 2 shall not exceed the maximum rate and duty allowed for Well 2 under Permit G-15989.
2. The quantity of water diverted at the new point of appropriation for Well 3 shall not exceed the maximum rate and duty allowed for Well 3 under Permit G-15989.
3. The total quantity of water diverted at the proposed additional points of appropriation, together with that diverted at the authorized points of diversion, shall not exceed the maximum rate and duty allowed under Permit G-15989.
4. Prior to water use from the proposed points of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-15989 remain the same.

7. Permit G-15989, in the name of The Miller Ranch Co., is amended as described herein.

Dated at Salem, Oregon this 17th day of June, 2007.


for Phillip C. Ward,
Director

Mailing Date: JUN 20 2007

May 19, 2008

To: Kelly Starnes, OWRD, 725 Summer St. NE, Suite A, Salem, OR 97301
From: Bill Miller, The Miller Ranch Co, 66359 US Hwy 197, Dufur, OR 97021
For: Permit Amendment T-10528

I have enclosed the affidavit of publication for the public notice about our permit amendment that ran in our local paper, The Dalles Chronicle, for 3 weeks. I don't know of any responses to this notice.

You also mentioned one issue in our application and map about 0.3 acre in the SW1/4 SW1/4 and 0.7 acre in the SE1/4 SW1/4 both in Section 18. I hope you are talking about Section 17. I'm not sure why the map shows the access road to well #3A located south of our property line. Your solution of moving the road north on to our property is right.

The new orchard on the north side of Hwy 197, Tres Amigos Orchard, is now planted and the irrigation system installed. Well #4 is still under construction, so they have installed a pipe from Cherry Blossom Orchard on the south side of the highway, under the hwy to the new orchard. They will be irrigating with Well #3A until #4 is finished.

Just like last year, we're cutting it close. Let me know if there's anything I can do to help keep things moving.

Thank You,

Bill Miller



541 467-2274 house and message
541 993-2261 cell
mlrranch@aol.com

RECEIVED
MAY 20 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Notice of Permit Amendment T-10528
T-10528 filed by The Miller Ranch Company, 66359 US Highway 197, Dufur, Oregon, 97021, proposes to change the point of appropriation of Well 4 and change the place of use of 346.1 acres under Permit G-15989. The permit allows the use of 12.678 cfs (priority date April 14, 2005) from six wells in Sects. 17 and 18, T 1 S, R 14 E, W.M. (Starvout Creek Basin) for agricultural and irrigation use in Sec. 13, T 1 S, R 13 E, W.M. and in Sects. 7, 17, 18, and 19, T 1 S, R 14 E, W.M. The applicant proposes to change the point of appropriation of Well 4 to Well 4A approximately 4300 feet west (Sec. 13, T 1 S, R 13 E, W.M.) and also proposes to change the place of use to Sects. 12 and 13, T 1 S, R 13 E, W.M. and Sects. 7 and 18, T 1 S, R 14 E, W.M. The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211.

the last date of newspaper publication in
May 6, 2008.
April 22, 29; May 6, 2008, #3306

Affidavit of Publication

STATE OF OREGON, } SS
County of Wasco

Cecilia Fix, being first duly sworn, depose and say that I am the principal clerk of the Dalles Chronicle, a newspaper of general circulation, published in Hood River, Oregon in the aforesaid state and county of Wasco; that I know from my personal knowledge that the **Permit Amendment**, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper once in each of three consecutive weeks in the following issues:

April 22, 29, & May 6, 2008

Subscribed and sworn to before me this 9th day of May 2008

RECEIVED
MAY 20 2008
WATER RESOURCES DEPT.
SALEM, OREGON



Shirley Ringlbauer
Notary Public for Oregon

My commission expires 1-9-12



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

April 17, 2008

The Miller Ranch Co.
66359 US Highway 197
Dufur, Oregon 97021

E-mailed

to applicant
agent

4/17/08
PKJ

Reference: Permit Amendment Application T-10331

Enclosed is a permit amendment notice which must be published in a local newspaper in the general area of the permit (newspapers with statewide circulation such as the Capital Press, Journal of Commerce, etc. do not qualify). The notice must be published at least once a week for three consecutive weeks. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an **affidavit of publication** specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me, at the address above, by **June 2, 2008**.

Also enclosed is a draft of the final order for the approval of the permit amendment. If you any questions about the draft final order, please let me know.

One issue to note: In the permit amendment application and map you have proposed to move 0.3 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.7 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, both in Section 18, T 1 S, R 14 E, W.M. (both for a total of 1.0 acre). However, the permit does not authorize any use within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ nor the SE $\frac{1}{4}$ SW $\frac{1}{4}$. In order for you to keep your overall total of 346.1 acres being moved, I have added the 0.3 acre to the 19.6 acres being moved from the NW $\frac{1}{4}$ SW $\frac{1}{4}$ ($19.6 + 0.3 = 19.9$ "from" acres) and the 0.7 acre to the 2.0 acres being moved from the NE $\frac{1}{4}$ SW $\frac{1}{4}$ ($2.0 + 0.7 = 2.7$ "from" acres). If you agree with the changes I made or if you wish to propose another solution, let me know via e-mail.

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

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrld.state.or.us, if you have questions.

Sincerely,



Notice of Permit Amendment T-10528

T-10528 filed by The Miller Ranch Company, 66359 US Highway 197, Dufur, Oregon, 97021, proposes to change the point of appropriation of Well 4 and change the place of use of 346.1 acres under Permit G-15989. The permit allows the use of 12.678 cfs (priority date April 14, 2005) from six wells in Sects. 17 and 18, T 1 S, R 14 E, W.M. (Starvout Creek Basin) for agricultural and irrigation use in Sec. 13, T 1 S, R 13 E, W.M. and in Sects. 7, 17, 18, and 19, T 1 S, R 14 E, W.M. The applicant proposes to change the point of appropriation of Well 4 to Well 4A approximately 4300 feet west (Sec. 13, T 1 S, R 13 E, W.M.) and also proposes to change the place of use to Sects. 12 and 13, T 1 S, R 13 E, W.M. and Sects. 7 and 18, T 1 S, R 14 E, W.M. The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211.

The last date of newspaper publication is [DATE OF LAST PUBLICATION].

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

In the Matter of Permit Amendment	)	DRAFT FINAL ORDER
T-10528, Wasco County	)	APPROVING A CHANGE IN POINT OF
	)	APPROPRIATION AND A CHANGE IN
		PLACE OF USE

Authority

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

Applicant

The Miller Ranch Company
66359 US Highway 197
Dufur, Oregon 97021

Findings of Fact

1. On February 4, 2008, Miller Ranch Company filed an application to amend the point of appropriation of Well 4 and change the place of use of 346.1 acres under Permit G-15989. The Department assigned the application number T-10528.

2. The permit to be amended is as follows:

Permit: G-15989, in the name of The Miller Ranch Co. (previously amended by T-10331, Special Order Vol. 72, Page 333)

Use: Agricultural and irrigation

Priority Date: April 14, 2005

Quantity: 12.678 cubic feet per second (cfs), being 0.558 cfs from Wells 1, 2.424 cfs each from Well 2, Well 3, Well 4, Well 5, and Well 6. T-10331 amended the permit for additional points of appropriation such that any rate of appropriation, up to the maximum rate allowed by the permit, may be appropriated from any one well or combination of wells.

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

Acres: 1014.2

Source: Six wells in the Starvout Creek Basin.

Date of Complete Application of Water: October 1, 2010

Original Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	14	E	W.M.	17	NE	NW	Well 1 – 1102 feet South and 1446 feet East from the NW Corner of Section 17.
1	S	14	E	W.M.	18	SE	NE	Well 2 – 100 feet South and 100 feet West from the N1/16 Corner of the SE¼NE¼ of Section 18.
1	S	14	E	W.M.	18	SE	NE	Well 3 – 100 feet South from the NE1/16 Corner of Section 18.
1	S	14	E	W.M.	18	SW	NE	Well 4 – Center N1/16 Corner of Section 18.
1	S	14	E	W.M.	18	SE	NW	Well 5 – NW1/16 Corner of Section 18.
1	S	14	E	W.M.	18	NW	SW	Well 6 – W¼ Corner of Section 18.

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	14	E	W.M.	17	NE	NW	Well 1 – 1102 feet South and 1446 feet East from the NW Corner of Section 17.
1	S	14	E	W.M.	17	NW	NW	Well 2A – 4796 feet North and 4502 feet West from the SE Corner of Section 17.
1	S	14	E	W.M.	17	NW	SW	Well 3A – 1451 feet North and 4324 feet West from the SE Corner of Section 17.
1	S	14	E	W.M.	18	SW	NE	Well 4 – Center N1/16 Corner of Section 18.
1	S	14	E	W.M.	18	SE	NW	Well 5 – NW1/16 Corner of Section 18.
1	S	14	E	W.M.	18	NW	SW	Well 6 – W¼ Corner of Section 18.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	13	E	W.M.	13	SE	NE	14.8
1	S	13	E	W.M.	13	NE	SE	39.2
1	S	13	E	W.M.	13	SE	SE	40.0
1	S	14	E	W.M.	7	SW	SE	2.9
1	S	14	E	W.M.	7	SE	SE	14.4
1	S	14	E	W.M.	17	NE	NW	9.8
1	S	14	E	W.M.	17	NW	NW	40.0
1	S	14	E	W.M.	17	SW	NW	40.0
1	S	14	E	W.M.	17	SE	NW	15.8
1	S	14	E	W.M.	17	NE	SW	27.6
1	S	14	E	W.M.	17	NW	SW	40.0
1	S	14	E	W.M.	18	NE	NE	40.0

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	14	E	W.M.	18	NW	NE	37.5
1	S	14	E	W.M.	18	SW	NE	40.0
1	S	14	E	W.M.	18	SE	NE	40.0
1	S	14	E	W.M.	18	NE	NW	17.1
1	S	14	E	W.M.	18	NW	NW	1.5
1	S	14	E	W.M.	18	SW	NW	40.0
1	S	14	E	W.M.	18	SE	NW	40.0
1	S	14	E	W.M.	18	NE	SW	40.0
1	S	14	E	W.M.	18	NW	SW	40.0
1	S	14	E	W.M.	18	SW	SW	40.0
1	S	14	E	W.M.	18	SE	SW	40.0
1	S	14	E	W.M.	18	NE	SE	40.0
1	S	14	E	W.M.	18	NW	SE	40.0
1	S	14	E	W.M.	18	SW	SE	40.0
1	S	14	E	W.M.	18	SE	SE	40.0
1	S	14	E	W.M.	19	NE	NW	40.0
1	S	14	E	W.M.	19	NW	NW	40.0
1	S	14	E	W.M.	19	SW	NW	40.0
1	S	14	E	W.M.	19	SE	NW	40.0

3. Application T-10528 proposes to change the place of use of the permit to:

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	13	E	W.M.	12	NE	SE	25.2
1	S	13	E	W.M.	12	NW	SE	14.7
1	S	13	E	W.M.	12	SW	SE	39.1
1	S	13	E	W.M.	12	SE	SE	31.7
1	S	13	E	W.M.	13	NE	NE	32.3
1	S	13	E	W.M.	13	NW	NE	40.0
1	S	13	E	W.M.	13	SW	NE	16.5
1	S	13	E	W.M.	13	SE	NE	13.8
1	S	13	E	W.M.	13	NE	NW	40.0
1	S	13	E	W.M.	13	SE	NW	18.1
1	S	13	E	W.M.	13	NE	SE	28.0
1	S	13	E	W.M.	13	SE	SE	28.8
1	S	14	E	W.M.	7	NE	SW	16.3
1	S	14	E	W.M.	7	NW	SW	3.2
1	S	14	E	W.M.	7	SW	SW	36.3
1	S	14	E	W.M.	7	SE	SW	16.6

Township		Range		Meridian	Sec	¼ ¼		Acres
1	S	14	E	W.M.	7	SW	SE	2.9
1	S	14	E	W.M.	7	SE	SE	14.4
1	S	14	E	W.M.	17	NE	NW	9.8
1	S	14	E	W.M.	17	NW	NW	38.5
1	S	14	E	W.M.	17	SW	NW	17.6
1	S	14	E	W.M.	17	SE	NW	15.2
1	S	14	E	W.M.	17	NE	SW	24.9
1	S	14	E	W.M.	17	NW	SW	20.1
1	S	14	E	W.M.	18	NE	NE	33.4
1	S	14	E	W.M.	18	NW	NE	22.1
1	S	14	E	W.M.	18	SW	NE	6.0
1	S	14	E	W.M.	18	SE	NE	9.3
1	S	14	E	W.M.	18	NE	NW	12.3
1	S	14	E	W.M.	18	NW	NW	16.7
1	S	14	E	W.M.	18	SW	NW	14.1
1	S	14	E	W.M.	18	SE	NW	2.5
1	S	14	E	W.M.	18	NE	SW	35.3
1	S	14	E	W.M.	18	NW	SW	27.5
1	S	14	E	W.M.	18	SW	SW	29.6
1	S	14	E	W.M.	18	SE	SW	35.9
1	S	14	E	W.M.	18	NE	SE	37.4
1	S	14	E	W.M.	18	NW	SE	37.6
1	S	14	E	W.M.	18	SW	SE	36.0
1	S	14	E	W.M.	18	SE	SE	20.2
1	S	14	E	W.M.	19	NE	NW	30.2
1	S	14	E	W.M.	19	NW	NW	31.0
1	S	14	E	W.M.	19	SW	NW	21.5
1	S	14	E	W.M.	19	SE	NW	11.6

The changed place of use is in bold type.

4. Application T-10528 proposes to change the point of appropriation of Well 4 under the permit to:

Township		Range		Meridian	Sec	¼ ¼		Location
1	S	13	E	W.M.	13	SW	NE	Well 4A - 3453 feet North and 1845 feet West from the SE Corner of Section 13.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on February 12, 2008, and in the _____ newspaper on _____, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
6. The changes would not result in injury to other water rights.
7. The proposed place of use is owned and/or controlled by the permit holder.
8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.
10. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The change in point of appropriation of Well 4 and the change in place of use of 346.1 acres proposed by Permit Amendment Application T-10528 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

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

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

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. The former place of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-15989 remain the same.
6. Permit G-15989, in the name of The Miller Ranch Co., is amended as described herein.



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**

- Per Amen

Transfer Application: T-10528

Review Due Date: 3-13-2008

Applicant Name: Miller Ranch Company

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

Reviewer(s): Robert Wood

Date of Review: Feb. 22, 2008

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: Currently, there is no regulation of ground water in the Fifteenmile Basin. However, we are noting declines in some of the aquifers in the area.
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: No known return flows.
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: N/A
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: Source: Groundwater Section should be consulted to verify that well 4a will tap the same source as the original well. Also, as noted above, we are starting to see significant ground water declines in the Fifteenmile Basin. Several new applications in the area have been denied. Full development of this permit will likely have an increased negative impact on the resource.
10. What alternatives may be available for addressing any issues identified above: None that I'm aware of. We have already issued the permit.
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	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

INTEROFFICE MEMO

TO: TRANSFER SECTION DATE: 2-13-08

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

(SIGNATURE) Mike Zwart date signed 4/11/08

SUBJECT: PERMIT AMENDMENT # 10528

A change in: POU POD POA of water.

In the name(s) of Miller Ranch Company

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

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

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

The existing right may not be valid because _____

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

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

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

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

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

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



**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files

Date: April 11, 2008

From: Michael J. Zwart

Subject: Application Review: T-10528, Miller Ranch Company
(Permit Amendment)

This application proposes a change in place of use and an additional POA. The authorized well #4 was not drilled and proposed well 4A is located about 4250 feet to the west. The proposed well should develop the same basalt aquifer as a result of a permit condition regarding well construction. The permittee is aware of this permit condition.

I find that the proposed change may be made without injury provided the following: the right is valid and the Watermaster can approve the proposal.



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

February 13, 2008

THE MILLER RANCH CO.
66359 U.S. HWY 197
DUFUR OR 97021

Reference: Permit Amendment T- 10528

On February 4, 2008 we received your request for permit amendment. The application was accompanied by \$1665.25. Our receipt 91371 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.

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

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

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

cc: Watermaster #3
Groundwater
Thomas Walker, 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 02/12/08

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: Wasco
Transfer: T -10528
Water Right: Permit:G 15989 *
Priority Date: 2005
Name: THE MILLER RANCH COMPANY
Address: 66359 US HIGHWAY 197; DUFUR OR 97021
Change: POU/POA
Source: A WELL
Authorized POU: T1S R13E 13
T1S R14E 17, 18, 19
Proposed POU: T1S R13E 12, 13
T1S R14E 7, 18
Authorized POA: T1S R14E 18
Proposed APOA: T1S R13E 13

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.

Indicate in this column whether or not the item is satisfied.

Permit Amendment Application – ORS 537.211

Completeness Checklist

Applicant's Name: Miller Ranch Co. (Form last revised: October 30, 2006)

Section A – Status of Permit

Is this a permit that can be amended?

NOTE: The Department CANNOT accept a Permit Amendment application for any permit that has:

- ___ 1) a permit completion date that has expired; *or*
___ 2) a pending permit extension of time application on file with the Department; *or*
___ 3) a pending claim of beneficial use report on file with the Department.

If the subject permit falls 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 Permit Amendment process? [ORS 537.211(4)]

NOTE: Only POD, POA or POU changes are allowed on Permit Amendments.

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?

Fee Schedule – ORS 536.050(1)(h)

- ~~\$350~~ - Base fee (1st change and 1st CFS of water) *400*
+ ~~\$350~~ - Each additional type of change requested *400*
+ ~~\$175~~ - For each CFS, or fraction thereof, requested beyond 1st CFS *800 (4 extra CFS)*
(for POU, Type of Use, or Exchange)

Total Required Fees: 1600

Total Fees Paid: 1665.25

Fees Due (if any): 0

Refund Due (if any): 65.25

If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Permit Amendment application complete?

All required elements necessary for a complete permit amendment 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.

• Applicant's name, mailing address and contact information. (Page 1)

• Agent's name, mailing address and contact information, if applicable. (Page 1)

• Are multiple permits being amended? YES NO (Page 2)
If YES..... the applicant must supply a separate "set" of pages 3 through 7 of the application form for each permit to be amended.

• The type of amendment being proposed. (Page 2)

• Reason for the permit amendment. (Page 2)

• Current permit information – permit number, use, priority date, source(s), etc. (Page 3)

OK	- If for a change in POU.....Are there any "layered" irrigation rights, permits, or GR registrations appurtenant to the same place of use as the permit proposed to be amended? YES NO (Page 3) - 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).
OK	- Location description of the authorized POA/POD to be amended. (Page 4) - NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. - Additionally, if the existing authorized source is ground water (POA), the applicant must either: 1) supply a copy of the well log(s), <u>or</u> 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 4 of the application.
OK	- Location description of the existing authorized POU and associated acres (if applicable). (Page 5) - NOTE: Ensure that the location and number of acres listed per 1/4 1/4 in the application match those illustrated on the application map.
OK	- Location description of the proposed POA/POD. (Page 6) - NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. - Additionally, if the proposed source is ground water (POA), the applicant must either: 1) supply a copy of the well log(s), <u>or</u> 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 6 of the application.
OK	- Location description of the proposed POU and associated acres (if applicable). (Page 7) - NOTE: Ensure that the location and number of acres listed per 1/4 1/4 in the application match those illustrated on the application map.
OK	- Affected districts and local governments. <u>None</u> (Page 8) - If within a district/local government jurisdiction, ensure that name & mailing address is provided.
OK	- Is the applicant the permit holder of record? YES NO (Page 8) - If NO..... the applicant must either submit: 1) a Request for Assignment form & fee in order to be assigned to the permit, <u>or</u> 2) an Affidavit of Consent from the permit holder giving permission for the amendment.
OK	If the permit holder of record does not own or control the land TO which the place of use is being moved, has a Request for Assignment form been submitted to assign the owner of the TO land to the permit? YES NO (Page 9)
OK	- Map..... (NOT required to be prepared by a CWRE). (Page 10) __ north arrow __ size & scale __ other: _____ __ authorized acreage per 1/4 1/4 matches the permit __ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) __ point plotted for the authorized POD/POA agrees with location coordinates __ 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	- Land Use form, if applicable. (Page 10) - May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in permit.
OK	- Signature(s) of applicant(s): (Page 11) <u>All</u> applicants listed on page 1 of the application must sign the application.
WRD Completeness Reviewer's Name: <u>S. Henderson</u> Date: <u>2-5-08</u>	



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

February 13, 2008

THE MILLER RANCH CO.
66359 U.S. HWY 197
DUFUR OR 97021

Reference: Permit Amendment T- 10528

On February 4, 2008 we received your request for permit amendment. The application was accompanied by \$1665.25. Our receipt 91371 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.

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

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

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

cc: Watermaster #3
Groundwater
Thomas Walker, 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 02/12/08

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: Wasco
Transfer: T -10528
Water Right: Permit:G 15989 *
Priority Date: 2005
Name: THE MILLER RANCH COMPANY
Address: 66359 US HIGHWAY 197; DUFUR OR 97021
Change: POU/POA
Source: A WELL
Authorized POU: T1S R13E 13
T1S R14E 17, 18, 19
Proposed POU: T1S R13E 12, 13
T1S R14E 7, 18
Authorized POA: T1S R14E 18
Proposed APOA: T1S R13E 13

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.

January 29, 2008

Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE., Suite A
Salem, Oregon 97301-1271

**Re: Miller Ranch
Pending Groundwater Appropriation Application**

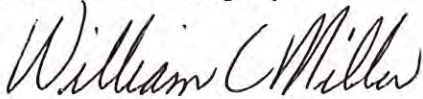
Gentlemen/Ladies:

WHPacific, Inc. is hereby authorized to act as an agent of the Miller Ranch Company, in regards to the attached groundwater appropriation application. We expect WHPacific to prepare and file appropriate application documents, respond to your questions and needs, and generally facilitate the desired groundwater application.

Thank you for your assistance.

Sincerely,

Miller Ranch Company



William C. Miller
President and Manager

T 10528

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SALEM, OREGON

January 29, 2008

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

**Re: The Miller Ranch Company
Application File No. G-16439
Permit No. G-15989
Permit Amendment Application
WHP File No.: 30162.1001**

Gentlemen/Ladies:

On behalf of Mr. Bill Miller of The Miller Ranch Company, I have compiled the enclosed permit amendment application requesting your approval of a change in the authorized place of use and a change in the point of appropriation. Your review and approval are respectfully requested.

The following documents are enclosed for your consideration and use:

- Executed Permit Amendment Application
- Check in the Amount of \$1,665.25 for Oregon Water Resources Department (OWRD) Permit Amendment Fees
- Application Map
- Letter Authorizing W&H Pacific to Act as an Agent
- Land Use Form

Over the past year, The Miller Ranch Company determined adjacent lands north of Highway 197 were better suited for a portion of their proposed orchard. The enclosed permit amendment application requests authority to change the place of use for approximately 346.1 acres as well as a change in the place of appropriation for Well 4 from section 18 to section 13.

The Miller Ranch Company remains fully committed to their Wasco County orchard and has made significant progress in perfecting the permit through extensive development of their orchard and construction of wells. Please consider the enclosed documents and our request for a permit amendment. We appreciate your assistance and look forward to your review and response.

Very truly yours,

W&H Pacific, Inc.

Niall Boggs, EIT

Cc: Bill Miller
Thomas A. Walker, PE, CWRE

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wrDataEntry: OWRD Water Right Data Entry Application:

File New Wr Update Wr View New XfrApp

Wr Search	Stakeholder		Related Docs	Limits	Snp Trait	Comments	StreamCodes		owrd Directory
	POU Use	POU Loc	POU Loc Del	POU Loc Spnd	POU Loc Xfer	POU Loc/Tbl			
	POD Loc	POD Use	POD Reserv	POD Instream	POD<=>POU		Workflow	Xfr Application	XfrStakeholder
Water Right	Claim	Application	Permit	Certificate	Order	Decree	Transfer	Merge	History

Search Results:

Date	Title
▶ 4/2/2008	POU Discrepancy

Selected Information:

Date: 4/2/2008

Type: Pou Update

Title: POU Discrepancy

Comment: FO V72 P333 lists 40.0 acres in SWNW, section 18, 1S 14E. Should be 33.6 acres as listed on P-G16439. mfr

Records Returned: 1 ☒ Keep Search Results?

Select

Query Time:

Exit

Stakeholder: THE MILLER RANCH CO.

Snp Origin: Transfer

Status: Non-Cancelled

Stage: Complete

OWRD

Decree:

Claim:

App: G16439

Permit: G15989

Cert:

Xfer: T 10331

Snp ID: 151268

**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 # **91371**

INVOICE # _____

RECEIVED FROM: William C. Miller

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10528

CASH: ☐ CHECK: # ☒ 10238 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1665.25

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ 0202 \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$1665.25
WELL CONSTRUCTION EXAM FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

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

RECEIPT: **91371**

DATED: 2-4-08 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



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

Application for Permit Amendment or Ground Water Registration Modification

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

1. TYPE OF APPLICATION

Please check **one** of the following:

☒ Permit Amendment

☐ Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: The Miller Ranch Company

First

Last

Address: 66359 US Highway 197

Dufur

City

OR

State

97021

Zip

Phone: (541) 467-2274

Home

Same

Work

Other

Fax: (541) 467-2274

E-Mail address: mlrranch@aol.com

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3. AGENT INFORMATION

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

Name: W&H Pacific, Inc. – Attn: Thomas Walker

First

Last

Address: 920 SW Emkay Suite C100

Bend

City

OR

State

97702

Zip

Phone: (541) 388-4255

Home

Work

Other

Fax: (541) 388-4229

E-Mail address: twalker@whpacific.com

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

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

☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

Permit Amendments

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

Ground Water Registration Modifications

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

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

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

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

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- Reason(s) for amendment/modification(s): Planting sites on the north side of Highway 197 are better suited to crop. Well #4A location on north side of Highway 197 better located for irrigating north side crops.

T 10528

5. CURRENT PERMIT OR REGISTRATION INFORMATION

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

☒	Permit to be Amended:	<u>Application G-15989</u> Permit Number	<u>October 1, 2010</u> Current Completion Date of Permit
☐	Ground Water Registration to be Modified:	 Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: The Miller Ranch Co.
- County: Wasco
- Authorized Use(s) to be affected by this Amendment/Modification: Agricultural and Irrigation
Uses on 1014.2 Acres
- Priority Date(s): April 14, 2005

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

- All Source(s) of Water to be affected by this Amendment/Modification: Well 4 in Starvout Creek Basin

Tributary to: _____

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

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

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

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

- Remarks: _____

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A	Well 4 April 2005	1 South	14 East	W.M.	18	SW ¼ NE ¼	1S 14 18 100	@ C-N 1/16 Corner, Section 18

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

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

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

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

or

- 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
Well 4-not constructed	N/A	N/A	N/A	N/A	N/A	N/A	N/A N/A	N/A	N/A

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

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

Location of Existing Authorized Place of Use to be Affected:

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

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
	1S	13E	WM	13	NE SE	1S 13 13 100	11.2
	1S	13E	WM	13	SE SE	1S 13 13 100	11.2
	1S	13E	WM	13	SE NE	1S 13 13 100	1.0
	1S	14E	WM	18	NE NW	1S 14 18 100	5.7
	1S	14E	WM	18	NW NE	1S 14 18 100	15.4
	1S	14E	WM	18	NE NE	1S 14 18 100	6.6
	1S	14E	WM	18	SW NW	1S 14 18 100	19.5
	1S	14E	WM	18	SE NW	1S 14 18 100	37.5
	1S	14E	WM	18	SW NE	1S 14 18 100	34.0
	1S	14E	WM	18	SE NE	1S 14 18 100	30.7
	1S	14E	WM	18	NW SW	1S 14 18 100	12.5
	1S	14E	WM	18	NE SW	1S 14 18 100	4.7
	1S	14E	WM	18	NW SE	1S 14 18 100	2.4
	1S	14E	WM	18	NE SE	1S 14 18 100	2.6
	1S	14E	WM	18	SW SW	1S 14 18 100	10.4
	1S	14E	WM	18	SE SW	1S 14 18 100	4.1
	1S	14E	WM	18	SW SE	1S 14 18 100	4.0
	1S	14E	WM	18	SE SE	1S 14 18 100	19.8

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

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

[illegible]

T 10528

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well 4A in Starvout Creek Basin	1S	13 E	W.M.	13	SW NE	1S13 13 100	3453' north & 1845' west of the SE section corner of section 13.

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	N/A	10"	unknown	unknown	unknown	unknown	145' (traces)	422'	unknown	741' (backfilled 741-795')

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SALEM, OREGON

T 10528

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

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
	1S	13E	WM	12	NW SE	1S 13 12d 100	14.7
	1S	13E	WM	12	NE SE	1S 13 12d 100	25.2
	1S	13E	WM	12	SW SE	1S 13 12d 100	39.1
	1S	13E	WM	12	SE SE	1S 13 12d 100	31.7
	1S	13E	WM	13	NE NW	1S 13 13 100	40.0
	1S	13E	WM	13	NW NE	1S 13 13 100	40.0
	1S	13E	WM	13	NE NE	1S 13 13 100	32.3
	1S	13E	WM	13	SE NW	1S 13 13 100	18.1
	1S	13E	WM	13	SW NE	1S 13 13 100	16.5
	1S	14E	WM	7	NW SW	1S 14 7 100	3.2
	1S	14E	WM	7	NE SW	1S 14 7 100	16.3
	1S	14E	WM	7	SW SW	1S 14 7 100	36.3
	1S	14E	WM	7	SE SW	1S 14 7 100	16.6
	1S	14E	WM	18	NW NW	1S 14 18 100	15.2
	1S	14E	WM	18	NE NW	1S 14 18 100	0.9

Remarks: _____

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**WATER RESOURCES DEPT
SALEM, OREGON**

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

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

Wasco County

2705 East Second Street

The Dalles, OR 97058

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WATER RESOURCES DEPT
SALEM, OREGON

8. PERMIT HOLDER OF RECORD

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

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

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

If "No", the applicant must either:

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

or

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

T 10528

9. LAND OWNERSHIP

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

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

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

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

If for a Ground Water Registration Modification:

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

If "No", provide the following information:

Names of Current Landowner(s): _____

First

Last

Address: _____

City

State

Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____

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.

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SALEM, OREGON**

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10. ATTACHMENTS

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

Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

Land Use Information Form:

- ☒ Enclosed; *or*
- ☐ Not required if **all** of the following are met:
- 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.

Water Well Reports/Well Logs:

- ☐ The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☒ 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.

Fees:

- ☒ Amount enclosed: \$ 1,665.25
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments Only...

Request for Assignment:

- ☐ Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; **OR** the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.
*The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; *or**
- ☒ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; **OR** the applicant is **not** the permit holder of record but **is** supplying an Affidavit of Consent from the permit holder.

Affidavit of Consent:

- ☐ Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; *or*
- ☒ N/A. Not required because the applicant is the permit holder of record.

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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.

11. SIGNATURES

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

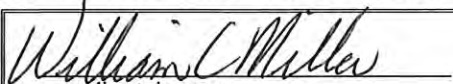
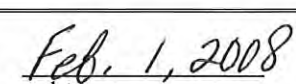
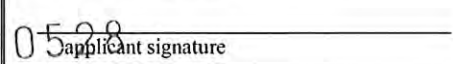
- ☐ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership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

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

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

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

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

 applicant signature	 name (print)	 date
 applicant signature	 name (print)	 date

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Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. **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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Miller Ranch Company

Address: 66359 US Highway 197

City: Dufur State: OR Zip: 07021 Day Phone: 541-467-2274

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)			Proposed Land Use
*	Exclusive Farm Use (EFU)	☒ Diverted	☒ Conveyed	☒ Used	Agricultural Production
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
*	Reference Attached Tax Lot Maps	☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	
		☐ Diverted	☐ Conveyed	☐ Used	

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

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☒ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____
☒ Other Agricultural

Briefly describe: The Miller Ranch Company intends to apply for a groundwater appropriation to allow irrigation of land holdings near Dufur.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water _____

Indicate the estimated quantity of water the use will require: 12.5 ☒ CFS ☐ GPM ☐ Acre-Feet (source)

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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SALEM, OREGON

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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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide 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): §.210(B)(1). Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Bruce Barnett Date: 3/29/2005
 Title: Associate Planner Phone: 541 506 2560
 Signature: [Signature]

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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.

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SALEM, OREGON

Receipt for Request for Land Use Information

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

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

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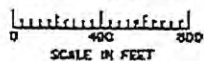
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SALEM, OREGON**

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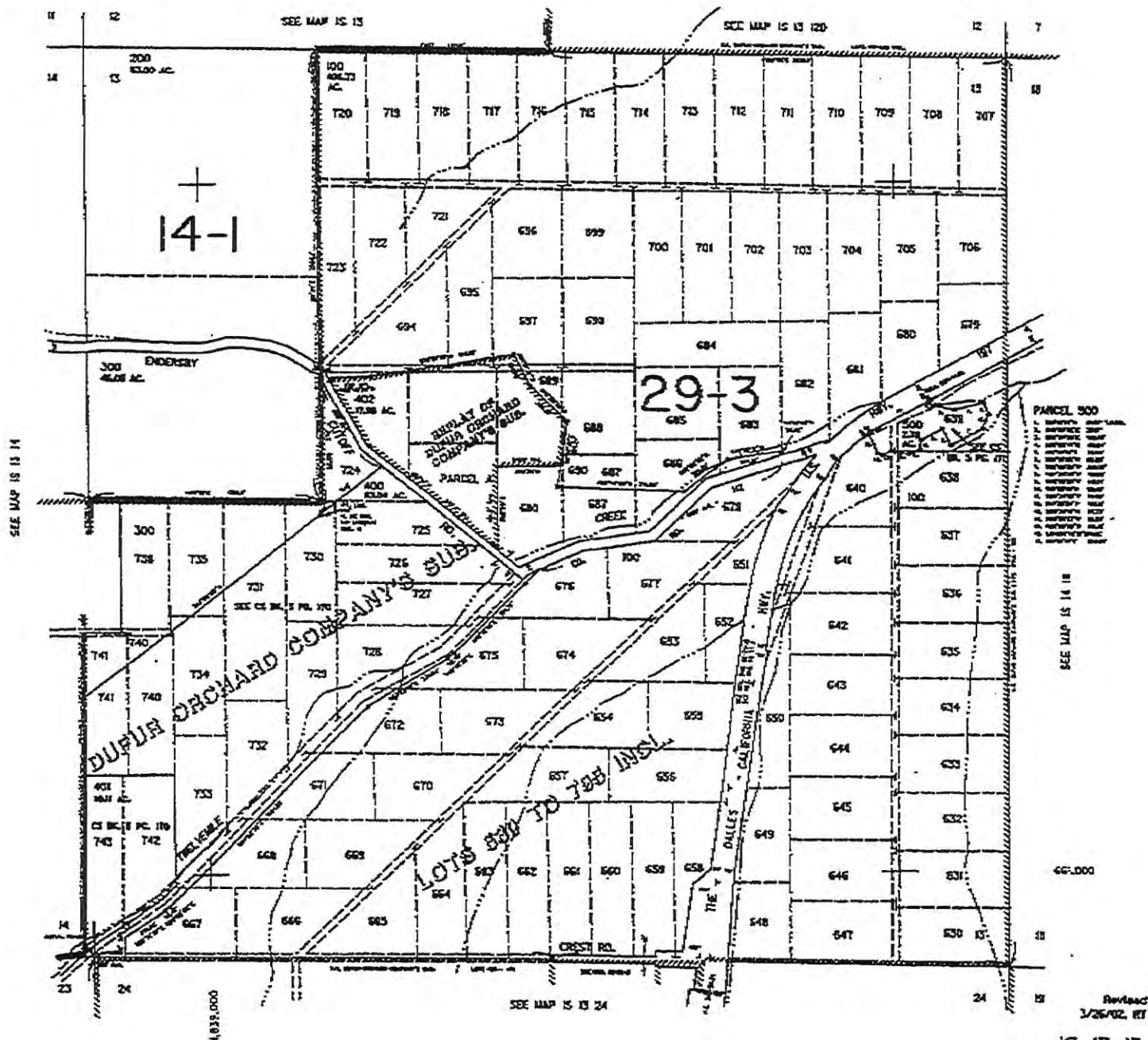
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ASSESSMENT PURPOSE ONLY



WASCO COUNTY
1" = 400'

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Revised
3/26/02, RT
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SALEM, OREGON

FEB 04 2008

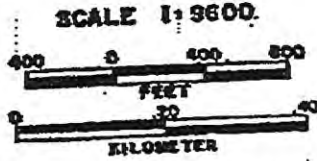
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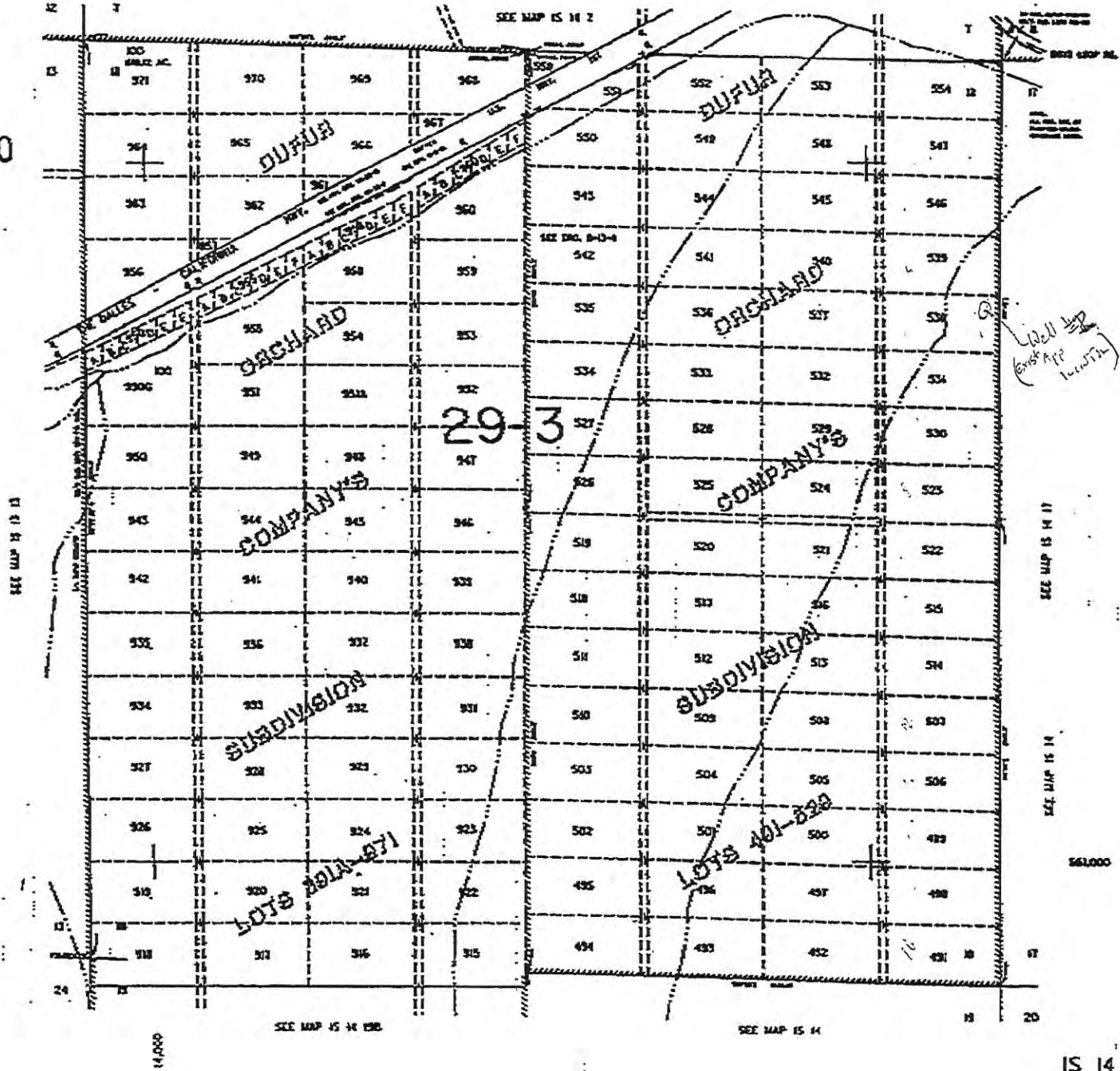
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1" = 400'

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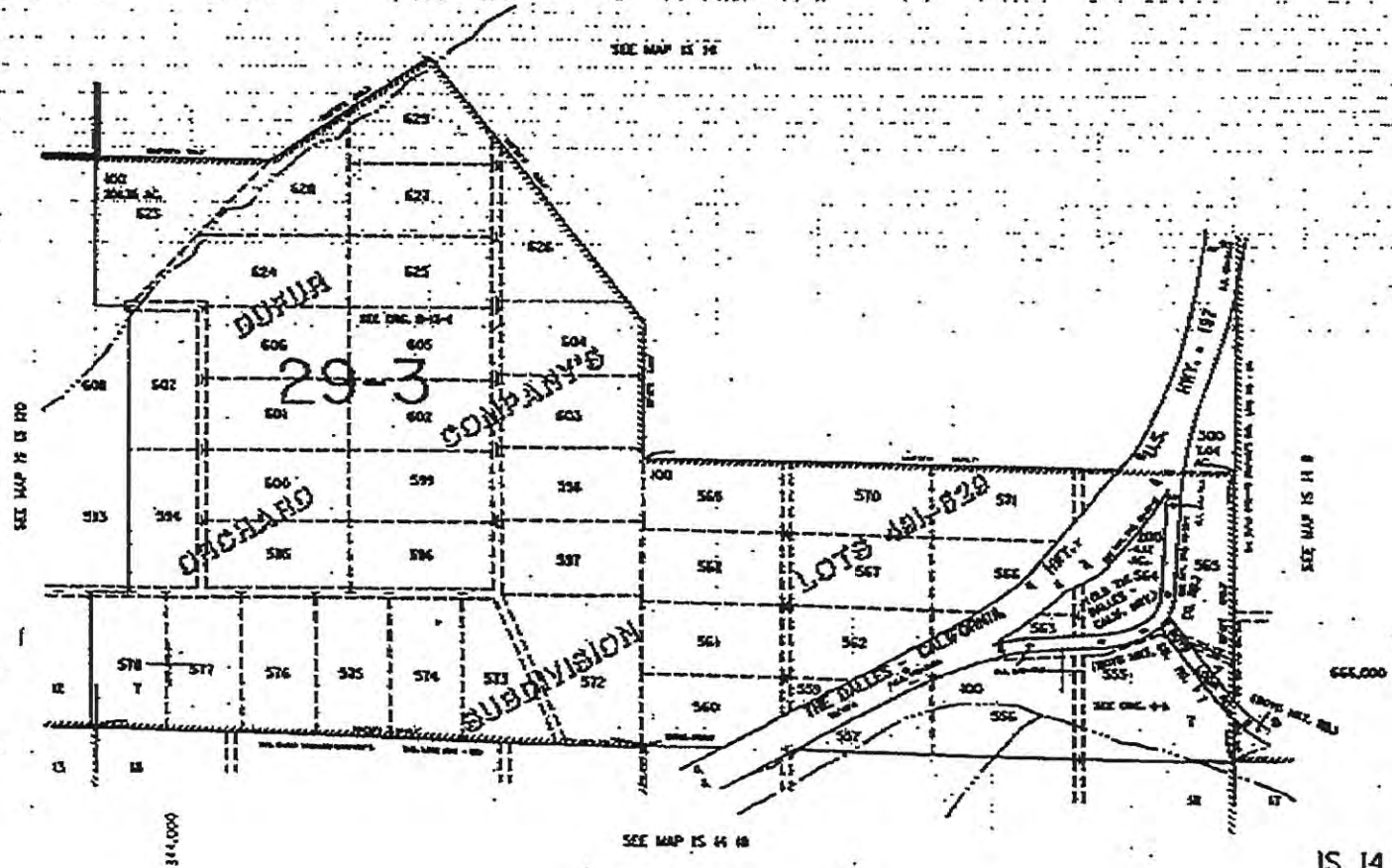
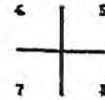
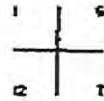
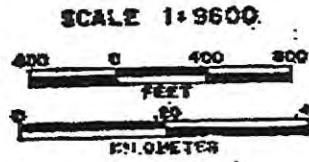
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WASCO COUNTY

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WASCO

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SALEM, OREGON

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SCALE IN FEET

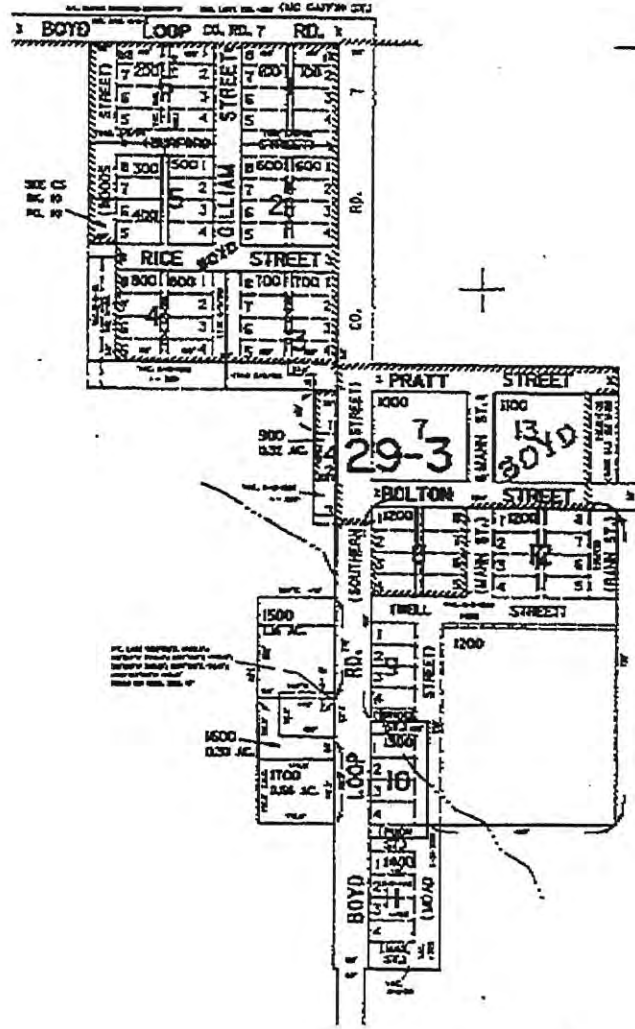
7 8
16 17

1/4 COR.

NW SEC. 17 T.1S. R.14E. W.M.
WASCO COUNTY
1" = 200'

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SEE MAP 15 14 8



SEE MAP 15 14 17

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Revised
1/25/02, RT

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SALEM, OREGON

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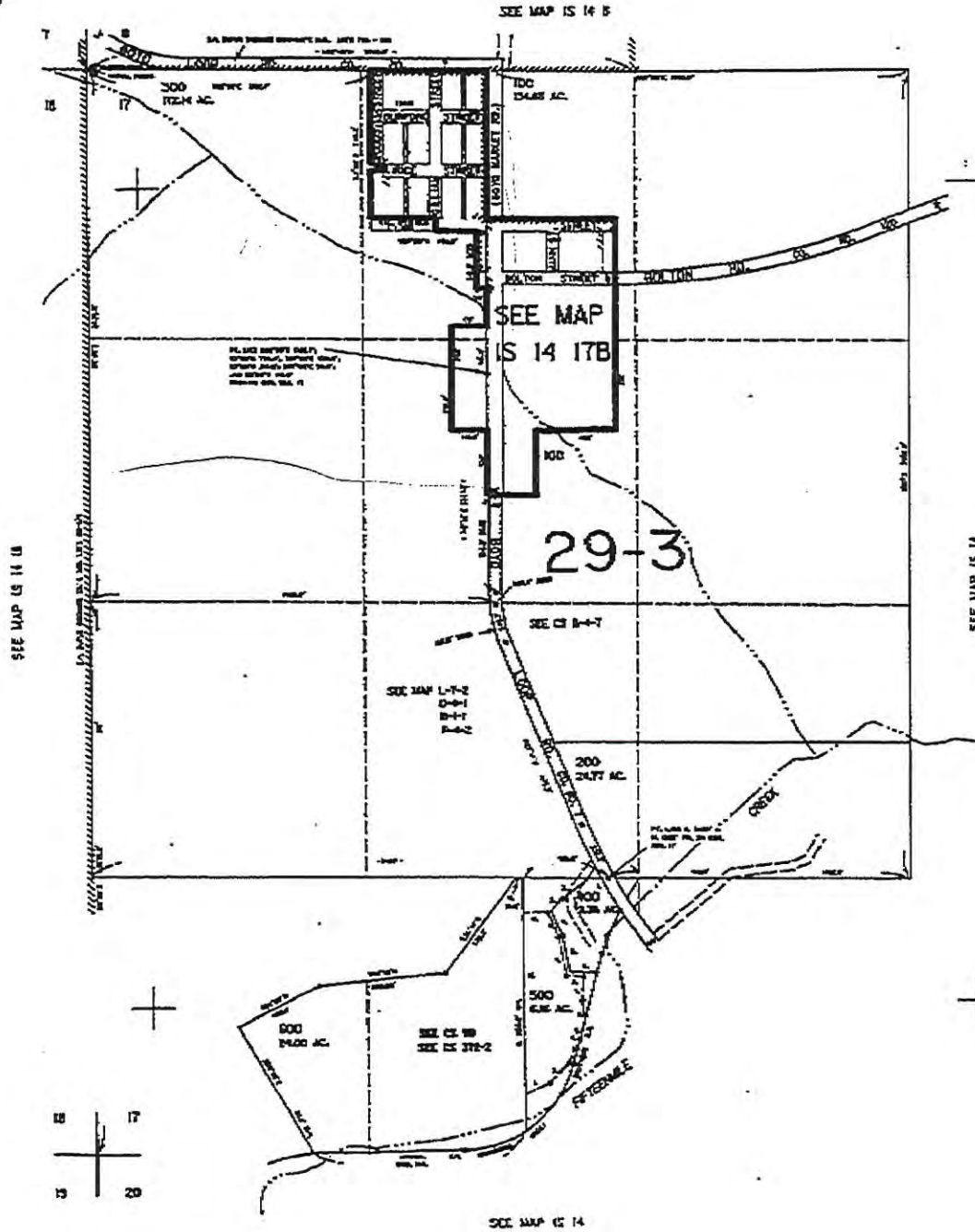
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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SCALE IN FEET
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ION 17 T.1S. R.14E. W.M.
WASCO COUNTY
1" = 400'

IS 14 17
& INDEX



17 16
17 16

PARCEL 400
1. 100' x 100'
2. 100' x 100'
3. 100' x 100'
4. 100' x 100'

PARCEL 500
1. 100' x 100'
2. 100' x 100'
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1/25/02, RT

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SEE MAP IS IN 40

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ROUGH LOG

"Tres Amigos Orchard, aka-Miller Ranch #4

Brown silty soil, sandstone	0-9
Grey-brown sandstone, occ. cemented gravel, occ. boulders	9-75
Tan-brown siltstone, occ. claystone	75-145
Grey claystone/siltstone <i>traces water "dripping"</i>	145-155
Tan-brown siltstone <i>"</i>	155-180
Brown sandstone <i>"</i>	180-200
Brown basalt, very weathered	200-215
Black/brown basalt, occ. weathered	215-220
(SWL 175'- 2 Nov. 2007)	
Black-brown, grey-brown basalt, hard	220-250
Brown basalt, broken <i>water bearing @ 250"</i>	250-270
Grey-brown, grey-black basalt, broken <i>water bearing, est. total 15gpm</i>	270-290
Grey-black basalt, hard	290-318
Brown basalt & lava, interbed <i>water bearing</i>	318-330
Grey-brown, grey-black basalt, occ. broken <i>water bearing, est 40gpm</i>	330-355
(SWL 185'- 5 Nov. 2007----- Bore hole grouted 345'-240')	
Grey-black basalt, hard, occ. calcite seams, w/ grey-brown basalt, occ. frac.	355-422
Brown basalt & lava, broken <i>water bearing, est. 150gpm+</i>	422-432
Grey-black basalt, hard, occ. grey-brown basalt, occ. frags.	432-568
(SWL 200'-15 Nov. 2007-----Bore hole grouted 460'-270')	
Black basalt, broken, interbed <i>water bearing, loss zone</i>	568-573
Grey-black basalt <i>est. 250gpm total</i>	573-588
Softer basalt -lost all returns of cuttings	588-(605)
(Water cascading-low SWL grouted bore hole to close void)	
Occ. Hard basalt streaks (video log on 1-10-2008 showed continued open work in the basalts to a bottom at 741' in fill)	
10" bore-hole with no returns drilled "blind" with no returns of cuttings	605-735
10" bore-hole with no returns drilled "blind" now backfilling on shutdown	735-795
(SWL 448' on 1-10-2008 in video run, water cascading above static, est. 100gpm.	

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PROPOSED PLACE OF USE ("TO" LANDS)
TOTAL AREA = +/- 346.1 ACRES



1 INCH = 1320 FT.

PROPERTY OWNER:
THE MILLER RANCH COMPANY
66359 US HWY 197
DUFUR, OR 97021

APPLICANT:
THE MILLER RANCH COMPANY

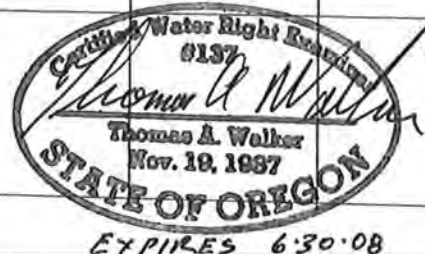
REQUEST:
GROUNDWATER APPROPRIATION
FOR PRIMARY IRRIGATION AND
AGRICULTURAL USE

LEGEND:

- EXISTING AUTHORIZED PLACE OF USE TO BE AFFECTED ("FROM" LANDS)
- PROPOSED PLACE OF USE ("TO" LANDS)
- PROPOSED FUTURE WELL
- EXISTING WELL
- FORMER SITE OF RELOCATED WELL

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE DIMENSIONS OR THE LOCATION OF PROPERTY OWNERSHIP LINES.

EXISTING AUTHORIZED PLACE OF USE ("FROM" LANDS)
TOTAL AREA = +/- 346.1 ACRES



PERMIT AMENDMENT – APPLICATION MAP FOR IRRIGATION AND AGRICULTURAL USE WATER RIGHTS
TOWNSHIP 1 SOUTH, RANGE 14 EAST AND RANGE 13 EAST

T 10528