

ASSIGNED FILE#: S 84589
 DAVID MCKIBBEN
 FORD, LOWELL
 3415 BALLARD RD
 DALLAS, OR 97338

Name _____
 By _____
 Address _____

Date filed _____

Priority _____

Action suspended until C-18

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water 10/1/05

Extended to 10-1-2018

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

Application No. S-84589
 Permit No. 53746
 Certificate No. _____

Stream Index, Page No. _____

CANCELLED
Reinstated

FEES PAID		
Date	Amount	Receipt No.
11-20-00	535.00	41087
8-02-01	175.00	47255
5-24-16	450.00	119916
10-20-19	575.00	12171
12-19-2022	170.00 Cert. Fee	139781

FEES REFUNDED		
Date	Amount	Check No.

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page
12.30.2022	David McKibben	2450 Wallace Rd. NW; Salem, OR. 97304		
12.30.2022	Brad Ford	2200 Cherry Knoll Rd.; Dallas, OR. 97338		

**See also - R-84588*

Cancelled on May 13, 2016 Vol. 100 Pg. 460
Reinstated on May 27, 2016 Vol. 100 Pg. 665

REMARKS

Cancellation Review

Date 6 / 12 / 2015 File# S - 84589

1. C Date 10 / 1 / 2005
2. Certified Letter Date 4 / 6 / 2015
3. Return Receipt Rcvd. 4 / 13 / 2015
4. Return Receipt Signed By agent
5. Other Communication: none

Recommend Cancellation or
Hold Action until ___/___/___

CANCEL FROM
JE 8/12/15

**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 # **139781**

INVOICE # _____

RECEIVED FROM: BST Water Solutions, Inc.

APPLICATION	5-84589
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 25566 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 120.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
 _____ OTHER: (IDENTIFY) _____ \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS *46111*

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0250 OTHER (IDENTIFY) Assignment \$120.00

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: **139781**

DATED: 12-19-2022 BY: *[Signature]*



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

December 30, 2022

GSI Water Solutions, Inc.
55 SW Yamhill Street, Suite 300
Portland, OR 97204

Reference: Application S-84589, Permit S-53746

The assignment from David McKibben and Lowell Ford to David McKibben and Brad Ford has been recorded in the records of the Water Resources Department.

The Departments records will now show David McKibben and Brad Ford as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 139781 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October 1, 2018, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE). As of this date, the claim of beneficial use has not been received by the Department. This places this permit at risk of cancelation proceedings being started.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #139781

cc: David McKibben & Lowell Ford – 2450 Wallace Rd NW, Salem, OR 97304
Brad Ford – 2200 Cherry Knoll Rd, Dallas, OR 97338
Data Center, OWRD (cover letter & request)
File

Request for Assignment

OREGON



WATER RESOURCES DEPARTMENT

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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

RECEIVED

DEC 19 2022

If for multiple rights, a separate form and fee for each right will be required.

OWRD

I, Lowell Ford, David McKibben
(Name of Current Holder of Record)

2450 Wallace Rd. NW Salem OR 97304 (503)362-0850
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # S-84589; Permit # S-53746; Transfer Order # _____;

Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

Brad Ford and David McKibben

(Name of New Owner)

Brad: 2200 Cherry Knoll Rd, Dallas, OR 97338 (503)480-5751; David: Same as above

(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

_____ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 29th day of November, 2022.
(Day) (Month) (Year)

Signature of Current Holder of Record David McKibben Lowell Ford
12-6-2022

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 139781
For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MFB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Assign - Approve
MFB 12-30-2022

Check Date: 12/14/2022

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
App S-84589	12/13/2022	0021227	120.00			120.00
Oregon Water Resources Department		TOTAL	120.00			120.00
Beneficial Checking	20	00245				

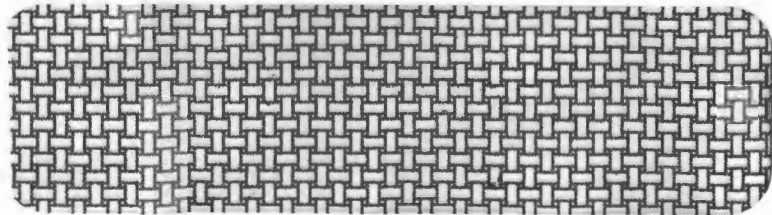
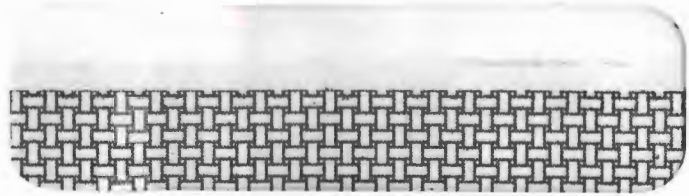
RECEIVED

DEC 19 2022

OWRD

PORTLAND OR 972

15 DEC 2022 PM 4 1



97301-126673



BJORK Mary F * WRD

From: ZIELINSKI Vicki J * WRD
Sent: Wednesday, December 28, 2022 10:24 AM
To: BJORK Mary F * WRD
Subject: RE: Address from check Receipt #139781

Good morning Mary,

Here you go:

GSI Water Solutions, Inc.
55 SW Yamhill Street, Suite 300
Portland, OR 97204

Have a great day!

Vicki J. Zielinski

Receptionist, Administrative Services Division
725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0928



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

NOTE: OWRD offices re-open to the public on Monday, May 2, 2022. Given that many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Tuesday, December 27, 2022 8:42 AM
To: WRD_DL_ASD Support <WRD_DL_ASDSupport@water.oregon.gov>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: Address from check Receipt #139781

Greetings,

Please provide the address on the check (GSI Water Solutions, Inc.) for receipt #139781, so I can pink slip this one.

Thanks so much!

Mary F. Bjork

Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

October 13, 2022

Northwest Farm Credit Services
650 Hawthorne Ave. SE, Suite 210
Salem, OR 97301-5895

Reference: Application S-84589, Permit S-53746

The requested assignment from Brad A. Ford and Bethany G. Ford to Brad A. Ford and Bethany G. Ford, and Northwest Farm Credit Services FLCA cannot be performed at this time.

The Request for Assignment must be signed by the permit holder(s) of record or proof of ownership and proof that you have not been able to contact the permit holder(s) of record must be provided.

The current permit holders of record are David McKibben and Lowell Ford.

Should you have any questions, please contact me at 503-979-9895 or mary.f.bjork@water.oregon.gov.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosures: Original Request and Fee

cc: File



RECEIVED

OCT 05 2022

OWRD



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

Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Brad A Ford and Bethany G Ford

(Name of Current Holder of Record)

2200 Cherry Knoll Road Dallas OR 97338 (503)480-5151
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # ; Permit #S-53746; Transfer order # ;
Limited License # ; Groundwater Statement # ;

as filed in the office of the Water Resources Director, to:

Northwest Farm Credit Services, FLCA

(Name of New Owner)

650 Hawthorne Ave SE, , Salem OR 97301-5895 (503)373-3000
Suite 210
(Mailing Address) (City) (State) (Zip) (Phone #)

And

Brad A Ford and Bethany G Ford

(Name of New Owner)

2200 Cherry Knoll Road Dallas OR 97338 (503)480-5151
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below DE DE

DE DE hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment

Witness my hand this 19 day of September, 2022.

(Day) (Month) (Year)

Signature of Current Holder of Record Designated by:
Bethany Ford
WF7482111604C1 Designated by:
Paul Ford
EC308AC08846B

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

COPY VIEW

RECEIVED

OCT 05 2022

OWRD



Northwest

FARM CREDIT SERVICES

650 Hawthorne Ave SE, Ste 210
Salem, OR 97301-5895

PORTLAND OR 972

3 OCT 2022 PM 2 L

NEOPOST

FIRST-CLASS MAIL

09/30/2022

US POSTAGE \$000.57⁰



ZIP 97301
041M10278019

Mary Bjork
725 Summer St. NE
Suite A
Salem, OR 97301

97301-126673





Northwest
FARM CREDIT SERVICES

650 Hawthorne Ave SE, Ste 210
Salem, OR 97301-5895

MONEY SLIP

DATE: 10-5-2022 RECEIPT #: 139280

RECEIVED FROM: Northwest Farm Credit Services

APPLICATION	
PERMIT	
TRANSFER	

CASH CHECK # 37023145 OTHER (IDENTIFY) TOTAL REC'D \$ 120.00

1083 TREASURY 4170 MISC CASH ACCT.

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 Instream Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

1083 TREASURY 4270 WRD OPERATING ACCT.

MISCELLANEOUS

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

WATER RIGHTS

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	RECORD FEE
LANDOWNER'S PERMIT	\$	0220	\$
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDROELECTRIC

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

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT -- LETTER ATTACHED

Mary Bjork
725 Summer St. NE
Suite A
Salem, OR 97301

PORTLAND OR 972
3 OCT 2022 PM 2:1



NEOPOST
09/30/2022
US POSTAGE \$000.57
FIRST-CLASS MAIL

ZIP 97301
041M10278019

OWRD

FILE#: S 84589

Name DAVID MCKIBBEN
FORD, LOWELL
By 3415 BALLARD RD
DALLAS, OR 97338
Address _____

Application No. S-84589 **CANCELLED**
Permit No. 53746 **Reinstated**
Certificate No. _____

FEES PAID	
Date	Amount
11-20-00	535.00
8-02-01	175.00
5-24-16	450.00
10-20-16	575.00
	Cert. Fee
FEES REFUNDED	
Date	Amount

Stream Index, Page No. _____

Date filed _____
Priority _____
Action suspended until 0-18
Return to applicant _____
Date of approval _____

ASSIGNMENTS			
Date	To Whom	Address	Volume

CONSTRUCTION
Date for beginning _____
Date for completion _____
Extended to _____
Date for application of water 10/1/05
Extended to 10-1-2018

REMARKS
**See also - R-84588*
Cancelled on May 13, 2016 Vol. 100 Pg. 460
Reinstated on May 27, 2016 Vol. 100 Pg. 665

PROSECUTION OF WORK
Form "A" filed _____
Form "B" filed _____
Form "C" filed _____

FINAL PROOF
Blank mailed _____
Proof received _____

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-53746, Water Right Application S-84589) FINAL ORDER
in the name of David McKibben and Lowell Ford)

Permit Information

Application:	S-84589
Permit:	S-53746
Basin:	Middle Willamette / Watermaster District 16
Date of Priority:	November 20, 2000
Source of Water:	Middle Fork Ash Creek and Mount Pisgah Reservoir, tributaries of Ash Creek
Purpose or Use:	Irrigation of 181.8 acres and maintenance of a reservoir, constructed under Application R-84588, Permit R-13073, for fish and wildlife uses
Maximum Rate/Volume:	45.0 Acre-Feet (AF) per year for irrigation and 0.45 cubic foot per second (cfs) for maintenance of a reservoir for fish and wildlife uses

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit S-53746 was issued by the Department on August 23, 2001. The permit specified complete application of water to beneficial use by October 1, 2005. On October 26, 2016, David McKibben and Lowell Ford submitted an Application for Extension of Time for Permit S-53746.

In accordance with OAR 690-315-0050(2), on December 20, 2016, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from 2005 to October 1, 2018. The protest period closed February 3, 2017, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated December 20, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

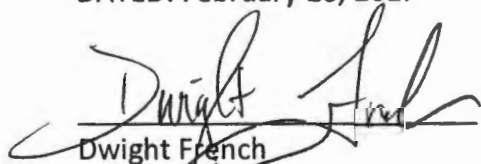
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-84589, Permit S-53746, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2005 to October 1, 2018.

DATED: February 10, 2017



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

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: February 10, 2017

Copies Mailed

Application: S-84589

By: SP

Permit: S-53746

On: 2-10-17

Original mailed to permit holder

David McKibben
Lowell Ford
3415 Ballard Road
Dallas, OR 97338

Copies sent to:

1. WRD - App. File S-84589/ Permit S-53746
2. Boatwright Engineering, Inc.
2613 12th St SE
Salem, OR 97302

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 16, Joel Plahn

CASEWORKER: CAC

Extension PFO Checklist for Other than Muni or Quasi-Municipal Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: S-84589 Permit: 53746 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: David McKibben

Permit Holder's Mailing Address: 3415 Ballard Rd. Dallas TX 97338

email D2McKibben@aol.com / lowell@illahevineyards.com

Phone Number: 503-931-3724

Agent/CWRE Ben Wright

Drainage Basin 2B County: BK Watermaster District: 16 Watermaster: Joel Plaha
Mid. W. Trowette NWR Mike McCarot

Date Permit was issued: Aug 23, 2004 Priority Date: Nov 20, 2000 Date of PN: 11-1-16

Source: middle fork of Ash Creek and Mt. Pisgah Reservoir, tributaries of Ash Creek

Use: Irrigation of 181 Acres and maintenance of a reservoir

"Q": 45.0 AF per year for Irrigation and 0.45 cfs for maintenance of a Res for fish & wildlife

Orig "A" Date: NA Orig "B" Date: NA Orig "C" Date: Oct 1 2005

Extension request received: Oct 26, 2010 Last Authorized Date: NA Last Authorized "C" Date: NA

Request Number (1, 2, 3...): 1 Proposed "B" Date: 2008 Proposed C Date: 2008

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction: <u>(Oct 1, 2005)</u>
✓		<u>meter or other 2012</u>
	✓	<u>water use reports</u>

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 45 cfs/gpm/af of the total permitted quantity of water on 174.4 acres

- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$ 198,664 Estimated Remaining Cost: \$ 0

GW REVIEW: Y N

MITIGATION REVIEW: Y N

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

- | | | | |
|-------------------------------------|-------------------------------------|--|---|
| Yes | No | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | above a state scenic waterway? | Source: OWRD "Areas Above State Scenic Waterways" Map |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | within a stream segment designated as a federal wild and scenic river? | Source: www.rivers.gov/wildriverslist.html |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | within a critical or limited Ground Water Area? | Name of area _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | within a sensitive, threatened or endangered species area | source: "/gisdata/dev/projects/salmon/div33map.aml" |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? | Date added to list _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | within an area ranking <u>low</u> moderate / high/Highest (circle one) for stream flow restoration needs | Source: OWRD "Streamflow Restoration Maps (by region) |

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints (Years: _____)

Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates
Mailing / Issuance Date: 12/13 Protest Deadline Date: 1/27/17 FO Issuance Date: 2/2/17

Reviewer's Name: _____ Date: _____

COURCHANE Corey A * WRD

From: jeanne@boatwrightengr.com
Sent: Tuesday, November 29, 2016 8:10 AM
To: COURCHANE Corey A * WRD
Subject: Re: Water Right Time Extensions

Corey,

Here is the response I received from Lowell Ford. I will send anything to you that I get from David McKibben.

Jeanne
Boatwright Engineering, Inc.
2613 12th Street SE
Salem, Oregon 97302
ph: 503-363-9225
FAX: 503-363-1051

-----Original Message-----

From: lowell ford
Sent: Monday, November 28, 2016 9:24 PM
To: jeanne@boatwrightengr.com
Cc: David McKibben ; Lowell Ford
Subject: Re: Water Right Time Extensions

Jeanne,

As for question 1.) I am certain that the spillway has been opened and closed during the annual time frame required by regulation. I can confirm I have been a participant in that activity. A picture can be forwarded to prove the boards are not in place at this time. Also, the Dam Safety inspector has annually inspected the structure. If the boards had not been installed correctly, it would have been obvious to an inspector.

2.) Boatwright Engineering has been our professional assistance since the beginning of the whole process. They have been the company to write our application, monitored our progress and will continue to represent us in the irrigation water rights process.

David will have additional comments to add to the responses to the questions that have been asked of us.

Lowell Ford

On Mon, November 28, 2016 3:21 pm, jeanne@boatwrightengr.com wrote:

- > Good afternoon Gentlemen,
- >
- >
- > Water Resources is reviewing the 2 time extension applications and
- > have asked for the following: 1) The reservoir permit requires that

> the flashboards in the spillway are removed each year by October 31st
> and not reinserted until March 1st, at the earliest. Can you confirm
> that you are managing them in compliance with this condition? 2) They
> would like to have confirmation that Jeanne & Corbey Boatwright,
> Boatwright Engineering Inc., are authorized to assist you with your
> irrigation water right, Permit S-53746. They already have this for
> the reservoir permit and would like to have them both covered.

>
> If you like, you can just respond to this email and I will forward it
> to Corey at WRD.

>
>
> Jeanne
> Boatwright Engineering, Inc.

>
>
> 2613 12th Street SE
>
>
> Salem, Oregon 97302

> ph: 503-363-9225

>
>
> FAX: 503-363-1051

>
>

Lowell Ford
Illahe Vineyards, owner
503.580.3851
lowell@illahevineyards.com

Application for Extension of Time for a Water Right Permit
(NON-Municipal/NON Quasi-Municipal water Use)



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

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OCT 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

I, **David McKibben and Lowell Ford**

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

3415 Ballard Road
ADDRESS

Dallas
CITY

OR
STATE

97338
ZIP

503-931-3724
PHONE

D2McKibben@aol.com lowell@illahevineyards.com
E-MAIL ADDRESS

the permit holder of:

Application Number **S- 84589**

Permit Number **S-53746**

[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: Day: Year:** _____, be extended to October 1, _____, [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: October Day: 1 Year: 2005**, be extended to October 1, **2018**. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Signature <i>David McKibben</i>	Date
Printed Name David McKibben	Owner, Permit Holder Title
Signature <i>David F Lowell Ford</i>	Date
Printed Name Lowell Ford	Owner, Permit Holder Title

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence

\$575 STATUTORY FEE TO:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

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SALEM, OREGON

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)
For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?
 Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: Buried mainline installed; drip irrigation installed in the vineyard; above ground irrigation used ^{on} of the pastures and hay crop. Filled reservoir.

OAR 690-315-0020(3)(A)(e)(A)

2. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2012
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Submit annual use reports	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2017
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

Until the meter was installed, we did not have the means to measure what we were using.

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[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	None	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
8/23/2001	Date the permit was signed - find date above signature on last page of permit.	
2002	Underground Mainline	\$3,800.00
2002	Underground Irrigation	\$7,081.00
2002	Drip Irrigation lines	\$30,915.00
2003	Drip Irrigation lines	\$2,821.00
2003	Big Guns & pump	\$26,460.00
2004	Drip Irrigation lines	\$16,416.00
2005	Drip Irrigation lines	\$1,215.00
10/1/2005	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2006	Irrigation System	\$6,456.00
2011	Metering System	\$2,500.00
2012	Buried main line to far pasture	\$11,000.00
2013	Drip Irrigation lines	\$90,000.00
Total Cost for Chart-B		\$198,664.00

* If exact cost is not known, you must provide your best estimate.

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4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	NA	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-C		

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: **\$198,664.00**

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = **0.45** cfs (cubic feet per second) for or, **Res Maintenance for Fish & Wildlife Use**

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = **45** AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

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WATER RESOURCES DEPT
SALEM, OREGON

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 8 below)	Maximum instantaneous rate used to date from this well - - under <u>this permit only</u> (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit								

8. If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location.

Has or will a Permit Amendment Application been/be filed? Yes No

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____ Actual location: _____ Well # _____ Actual location: _____
[OAR 690-315-0020(3)(e)(C)]

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SALEM, OREGON

9. Provide the total number of acres irrigated to date under this permit (if applicable). List by year, the number of acres irrigated each year since permit issuance, and provide a copy of the application map identifying the acres irrigated.

Total acres irrigated to date: 174.4

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____
[OAR 690-315-0020(3)(i)(j)]

10. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
	NONE SUBMIT WATER USE REPORTS	
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project:
(The total cost from CHART-E)

\$0

[OAR 690-315-0020(3)(h)]

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.

The staff gage in the reservoir and a meter on the irrigation line were overlooked during the initial construction. They are now installed and we will be submitting the required use reports.

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

We need to collect the use data during the upcoming irrigation season so we can report and achieve compliance with our permit condition.

[OAR 690-315-0020(3)(m)(n)]

14. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

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SALEM, OREGON

Attach permit, and documentation to the application.

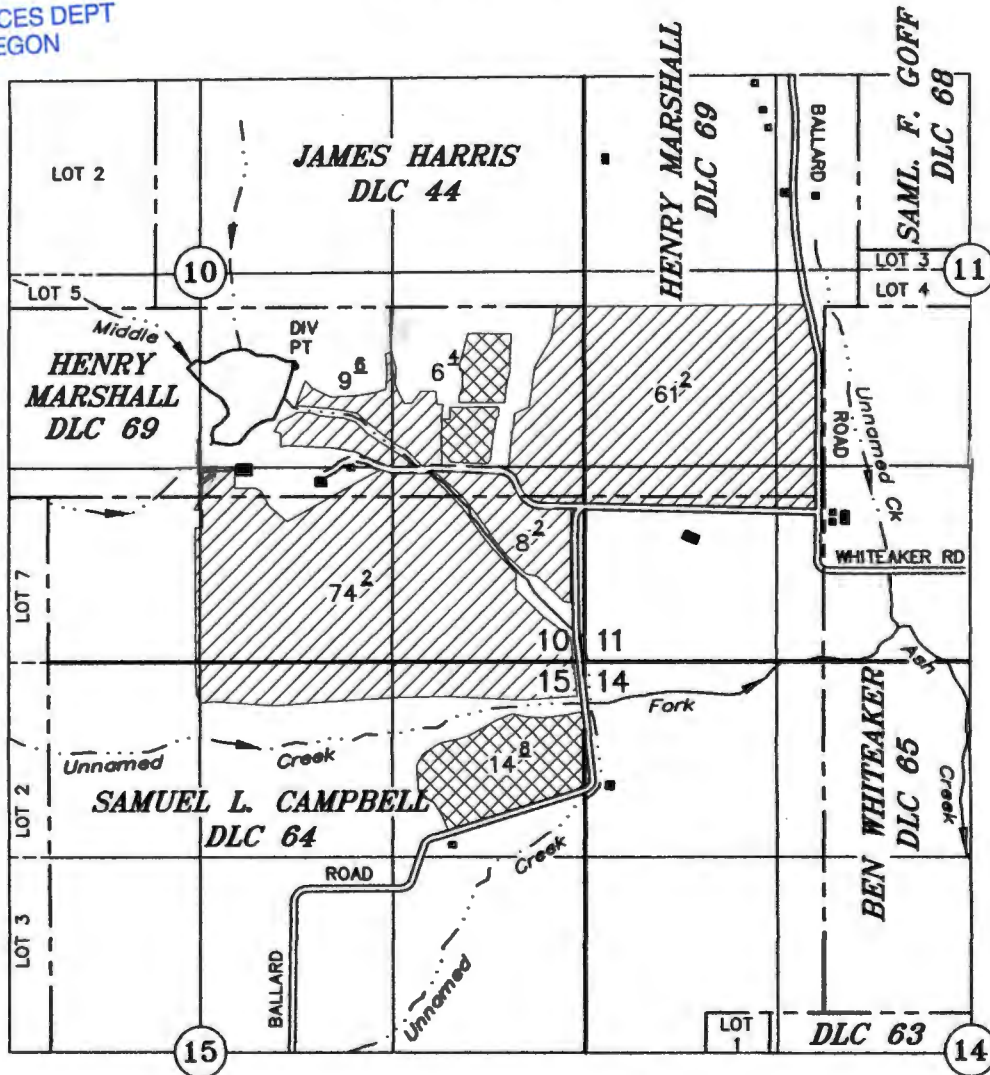
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OCT 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

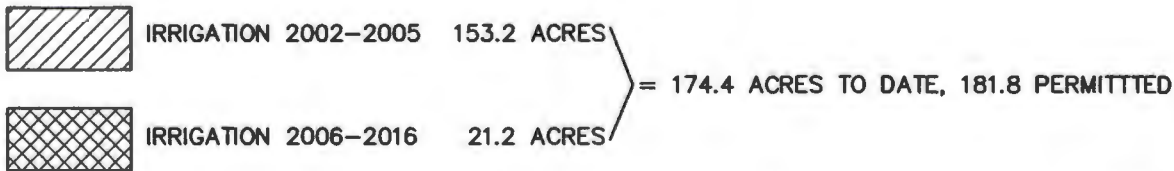
T8S R5W WM

POLK COUNTY



TAX LOTS:
 8.5.10 00700
 8.5.11 00700
 8.5.15 00100

DIV PT PUMP: 400' S & 1990' W OF THE SE COR JAMES HARRIS DLC 44



APPLICATION FOR EXTENSION OF TIME

Application No. S-84589 Permit No. S-53746

David McKibben & Lowell Ford

OCTOBER 2016
 SCALE: 1" = 1320'

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-53746, Water Right Application S-84589) PROPOSED FINAL
in the name of David McKibben and Lowell Ford) ORDER

Permit Information

Application:	S-84589
Permit:	S-53746
Basin:	Middle Willamette / Watermaster District 16
Date of Priority:	November 20, 2000
Source of Water:	Middle Fork Ash Creek and Mount Pisgah Reservoir, tributaries of Ash Creek
Purpose or Use:	Irrigation of 181.8 acres and maintenance of a reservoir, constructed under Application R-84588, Permit R-13073, for fish and wildlife uses
Maximum Rate/Volume:	45.0 Acre-Feet (AF) per year for irrigation and 0.45 cubic foot per second (cfs) for maintenance of a reservoir for fish and wildlife uses

Please read this Proposed Final Order in its entirety.

In summary, the Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2018.¹

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

¹ Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department

Application – Application for Extension of Time

Agent – Boatwright Engineering, Inc.

ODFW – Oregon Department of Fish and Wildlife

PFO – Proposed Final Order

AF – acre-feet

cfs – cubic feet per second

AUTHORITY

Generally, see **ORS 537.230** and **OAR Chapter 690 Division 315**.

ORS 537.230(3) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under **ORS 539.010(5)** and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

FINDINGS OF FACT

Background

1. On August 23, 2001, Permit S-53746 was issued by the Department. The permit authorizes the use of up to 45.0 AF of water per year for irrigation of 181.8 acres, and 0.45 cfs of water for maintenance of a reservoir for fish and wildlife uses, from Middle Fork Ash Creek and Mount Pisgah Reservoir, tributaries of Ash Creek. The permit specified complete application of water to the use was to be made on or before October 1, 2005.

2. On October 26, 2016, the permit holders, David McKibben and Lowell Ford, submitted an "Application for Extension of Time" to the Department, requesting the time to apply water to full beneficial use under the terms of Permit S-53746 be extended from October 1, 2005 to October 1, 2018. This is the first permit extension requested for Permit S-53746.
3. On November 1, 2016 notification of the Application for Extension of Time for Permit S-53746 was published in the Department's Public Notice. No public comments were received regarding the extension application.
4. On November 29, 2016, the permit holder submitted an authorization for Boatwright Engineering, Inc. (agent) to represent the permit holder as their agent.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On October 26, 2016, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Construction of the water system began prior to October 1, 2005, as specified in the permit as being the date to apply water to full beneficial use. The permit holder states, construction of the water system began in 2002.
7. On February 5, 2010, photographic evidence was submitted to the Department, and is kept on file in the Department's Dam Safety section, file number M-7. The photographic evidence illustrates that construction of the water delivery system began in 2002. The Department has determined the permit holder has satisfied the condition requiring beginning of construction of the water system.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

8. As of October 26, 2016, the permit holder states the remaining work to be completed consists of meeting all permit conditions, including submitting annual water use reports, and applying water to full beneficial use.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2018, to accomplish the application of water to beneficial use under the terms and conditions of Permit S-53746 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. The application states work was accomplished within the time allowed in the permit as follows:
 - a. Construction of the water system began prior to October 1, 2005.
 - b. Work was accomplished during the original development time frame under Permit S-53746. The work consisted of; installation of underground mainlines; irrigation components, drip irrigation lines, a pump, and big guns.
 - c. Since October 1, 2005, the permit holder has accomplished the installation of an irrigation system, a metering system, buried mainline to the far pasture, and drip irrigation lines.

The Department has determined that work has been accomplished within the time allowed in the permit, which provides evidence of good cause and reasonable diligence from the appropriator towards the complete application of water to a beneficial use.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The Department has considered the permit holder's compliance with conditions, and has identified the following concern: the record does not show that (1) annual reports of the amount of water used each month have not been received by the Department.
11. The application states a metering system was installed in 2011.

The Department has determined that this extension will allow the annual water use reports be submitted after October 1, 2005, to comply with the condition of "The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the

Director," in an effort to make proof of beneficial use of the water as required by Permit G-53746.

Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

12. The application states a maximum volume of 45.0 AF of water for irrigation of 174.4 acres, and a maximum rate of 0.45 cfs of water for maintenance of Mount Pisgah Reservoir for fish and wildlife uses has been diverted from the Middle Fork Ash Creek and Mount Pisgah Reservoir, tributaries of Ash Creek.

Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2005.

Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

13. The application states the permit holder has invested about \$198,664, which is the total projected cost for complete development of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

14. The Application has demonstrated good faith of the appropriator under Permit S-53746.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

15. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53746; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
16. Current Water Availability Analysis for the Willamette River, (Tributary to Columbia River) at the mouth (watershed ID 183), shows that water is available at 80% exceedance.

17. The points of diversion are located on Middle Fork Ash Creek and Mount Pisgah Reservoir, and are not located within a Withdrawn Area.
18. Ash Creek is not located within or above a state or federal scenic waterway.
19. Ash Creek is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.
20. The points of diversion are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

21. No other economic interests dependent on completion of the project have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

22. No other factors relevant to the determination of the market and present demand for water and power have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

23. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

24. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

25. The application did not identify unforeseen events.

Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]

26. The application did not state if a denial of the extension would result in undue hardship.

CONCLUSIONS OF LAW

1. The Applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The Applicant complied with timeline requirements to begin construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

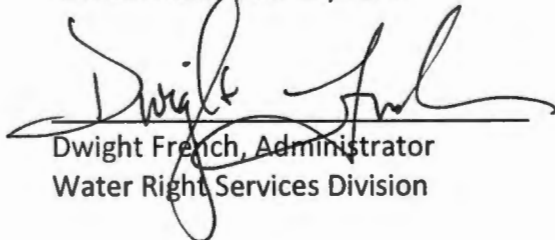
4. Based on Finding of Facts 6 through 14, full application of water to beneficial use can be accomplished by October 1, 2018⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit S-53746 from October 1, 2005 to October 1, 2018.

DATED: December 20, 2016



Dwight French, Administrator
Water Right Services Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **February 3, 2017**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

⁵Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Mailing List for Extension PFO Copies

PFO Date: December 20, 2016

Copies Mailed

Application: S-84589
Permit: S-53746

By: SP
On: 12-20-16

Original mailed to Applicant:

David McKibben
Lowell Ford
3415 Ballard Road
Dallas, OR 97338

Copies sent to:

1. WRD - App. File S-84589/ Permit S-53746
2. Boatwright Engineering, Inc.
2613 12th St SE
Salem, OR 97302

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 16, Joel Plahn

CASEWORKER: CAC

PERMIT STATUS REVIEW BY M. Bambergre DATE 3-3-15 FILE # S-84589

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO Dept. has **already sent a certified** 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

_____ Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-2005 BASIN NUMBER 2 WM # 14

CWRE or AGENT Boatwright engineering Inc

Send letter
MSB 3-3-15

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT S-53746) ORDER

Findings of Fact

1. On May 13, 2016, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The Permittee requested reconsideration of the May 13, 2016, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and necessary re-instatement fees required under ORS 536.050 were received.

PERMITS TO USE SURFACE WATER:

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
David McKibben	2	16	S-84589	S-53746
Lowell Ford				

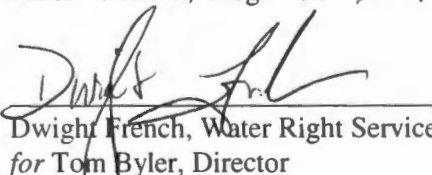
Conclusions of Law

1. Permit(s) may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permits listed above are reinstated.
2. The Department will take no action to cancel this permit until 120 Days, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on MAY 27, 2016.


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL May 31, 2016
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

Special Order Volume 100 Page 665

May 24, 2016



Boatwright Engineering Inc.

2613 12th ST SE, SALEM, OREGON 97302
civil engineers • land surveyors

503 363-9225 FAX 363-1051

Jerry Sauter
Oregon Water Resources Department
725 Summer Street, Suite A
Salem, Oregon 97301-1266

RECEIVED

MAY 24 2016

WATER RESOURCES DEPT
SALEM, OREGON

Re: Application S-84589
Permit S-53746

Dear Jerry,

Our clients, David McKibben and Lowell Ford, are the joint holders of the above referenced water right permit which received a Cancellation Order, dated May 13, 2016, recorded in Special Order Volume 100, Page 460. Messrs McKibben and Ford wish to have the permit reinstated and intend to file a Time Extension Request for this permit to complete its perfection.

This irrigation permit is associated with Application R-84588, Permit R-13073 about which I have been in contact with you regarding its need for a Time Extension and our enlistment to assist in its preparation.

The only items left to perfect the rights were the installation of meters or other suitable measuring devices and those have been installed. Annual use measurement will be collected and reported to the Department.

Mr. McKibben has a farm appraisal scheduled for June 3rd and would appreciate it if the reinstatement can be processed by that date so that he can inform the appraiser that his water rights remain in good standing.

Enclosed please find a check in the amount of \$450 for the required reinstatement fee.

Sincerely,

Jeanne Boatwright

CC: Lowell Ford
David McKibben

O.K.
RE - JUNE 15 12
5/24/2016

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

David McKibben S-84589
 Lowell Ford
 3415 Ballard Rd
 Dallas, OR 97338



9590 9402 1280 5246 7542 59

2. Article Number (Transfer from service label)

7016 0340 0000 2325 9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Liz Mingay*

Agent
 Addressee

B. Received by (Printed Name)

Liz Mingay

C. Date of Delivery

5-23-16

D. Is delivery address different from item 12? Yes
 If YES, enter delivery address below. No

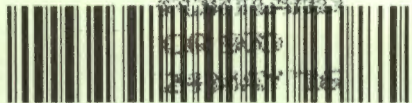
RECEIVED
 MAY 26 2016

OWRD

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

USPS TRACKING #



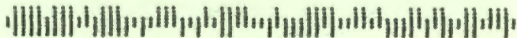
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 1280 5246 7542 59

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
725 Summer St NE, STE A
Salem, OR 97301



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
David McKibben	2	16	S-84589	S-53746
Lowell Ford				

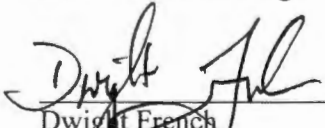
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on May 13, 2016.



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

PLACED IN U.S. MAIL May 20, 2016
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may 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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-84589

David McKibben
3415 Ballard Rd.
Dallas, OR 97338

2. Article Number

(Transfer from service label)

7014 1200 0000 8251 2917

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Bette McKibben

 Agent Addressee

B. Received by (Printed Name)

Bette McKibben

C. Date of Delivery

4.9.15

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

 NoRECEIVED
APR 13 2015

OWRD

3. Service Type

 Certified Mail® Priority Mail Express™ Registered Return Receipt for Merchandise Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee)

 Yes

Domestic Return Receipt

WRKF

UNITED STATES POSTAL SERVICE

PORTLAND
OR 970

09 APR '15

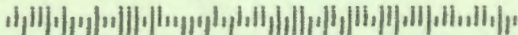
F41 4 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
Attention: Kate Fitzgerald
725 Summer St. NE, Suite A
Salem, OR 97301





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

April 6, 2015

Certified mail number 7014 1200 0000 8251 2917

Return receipt requested

David McKibben
3415 Ballard Rd.
Dallas, OR 97338

Reference: Application S-84589, Permit S-53746

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2005.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2005. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (June 5, 2015) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Machel Bamberger by telephone at 503-986-0802, Corey Courchane by telephone at 503-986-0825, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-84589

OWRD Watermaster District 16



STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID MCKIBBEN & LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503) 623-6214

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

APPLICATION FILE NUMBER: S-84589

SOURCE OF WATER: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR,
TRIBUTARIES OF ASH CREEK

PURPOSE OR USE: IRRIGATION OF 181.8 ACRES AND MAINTENANCE OF A
RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84588, PERMIT R-13073, FOR
FISH AND WILDLIFE USES

MAXIMUM RATE/VOLUME ALLOWED: 45.0 ACRE-FEET PER YEAR FOR IRRIGATION
AND 0.45 CUBIC FOOT PER SECOND FOR MAINTENANCE OF A RESERVOIR FOR FISH
AND WILDLIFE USES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND NOVEMBER
1 THROUGH JUNE 30 FOR MAINTENANCE OF A RESERVOIR FOR FISH AND WILDLIFE
USE

DATE OF PRIORITY: NOVEMBER 20, 2000

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 10, T8S, R5W,
W.M.; 595 FEET SOUTH & 2095 FEET WEST FROM SE CORNER DLC 44

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 2.5 acre-feet for each acre irrigated during the
irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

		IRRIGATION	
SE 1/4 SW 1/4	1.5 ACRES		
NE 1/4 SE 1/4	20.6 ACRES		
NW 1/4 SE 1/4	3.5 ACRES		FISH & WILDLIFE USES
SW 1/4 SE 1/4	33.7 ACRES		
SE 1/4 SE 1/4	35.9 ACRES		
SECTION 10			

IRRIGATION

NE 1/4 SW 1/4 7.7 ACRES

NW 1/4 SW 1/4 34.1 ACRES

SW 1/4 SW 1/4 9.1 ACRES

SE 1/4 SW 1/4 2.2 ACRES

SECTION 11

NW 1/4 NW 1/4 0.2 ACRES

SECTION 14

NE 1/4 NE 1/4 23.1 ACRES

NW 1/4 NE 1/4 9.3 ACRES

NE 1/4 NW 1/4 0.9 ACRES

SECTION 15

TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

STANDARD CONDITIONS

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

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

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

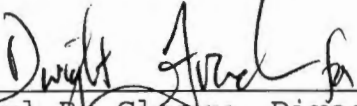
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 23, 2001



Paul R. Cleary, Director
Water Resources Department

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

Application S-84589 Water Resources Department
Basin 2 Volume 10 ASH CR & MISC
JWG WEEK 299

PERMIT 53746
District 16

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-84589

Final Order

Application History

On November 20, 2000, DAVID MCKIBBEN AND LOWELL FORD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 29, 2001. The protest period closed July 13, 2001, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.


Order

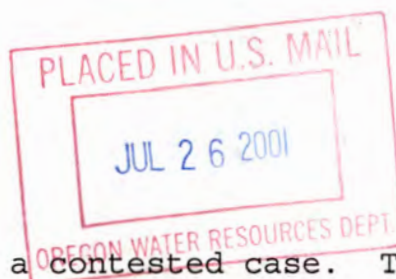
Upon payment of outstanding permit recording fees, Application S-84589 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-84589.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED July 25, 2001


Paul R. Cleary, Director



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 458.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF POLK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID MCKIBBEN & LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503)623-6214

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

APPLICATION FILE NUMBER: S-84589

SOURCE OF WATER: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR,
TRIBUTARIES OF ASH CREEK

PURPOSE OR USE: IRRIGATION OF 181.8 ACRES AND MAINTENANCE OF A
RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84588, PERMIT _____, FOR FISH
AND WILDLIFE USES

MAXIMUM RATE/VOLUME ALLOWED: 45.0 ACRE-FEET PER YEAR FOR IRRIGATION AND
0.45 CUBIC FOOT PER SECOND FOR MAINTENANCE OF A RESERVOIR FOR FISH AND
WILDLIFE USES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND NOVEMBER 1
THROUGH JUNE 30 FOR MAINTENANCE OF A RESERVOIR FOR FISH AND WILDLIFE USE

DATE OF PRIORITY: NOVEMBER 20, 2000

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 10, T8S, R5W, W.M.;
595 FEET SOUTH & 2095 FEET WEST FROM SE CORNER DLC 44

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 2.5 acre-feet for each acre irrigated during the irrigation
season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

			<u>IRRIGATION</u>	
SE 1/4	SW 1/4	1.5 ACRES		
NE 1/4	SE 1/4	20.6 ACRES		
NW 1/4	SE 1/4	3.5 ACRES		FISH & WILDLIFE USES
SW 1/4	SE 1/4	33.7 ACRES		
SE 1/4	SE 1/4	35.9 ACRES		
SECTION 10				

IRRIGATION

NE 1/4 SW 1/4 7.7 ACRES
 NW 1/4 SW 1/4 34.1 ACRES
 SW 1/4 SW 1/4 9.1 ACRES
 SE 1/4 SW 1/4 2.2 ACRES
 SECTION 11

NW 1/4 NW 1/4 0.2 ACRES
 SECTION 14

NE 1/4 NE 1/4 23.1 ACRES
 NW 1/4 NE 1/4 9.3 ACRES
 NE 1/4 NW 1/4 0.9 ACRES
 SECTION 15

TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

STANDARD CONDITIONS

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

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

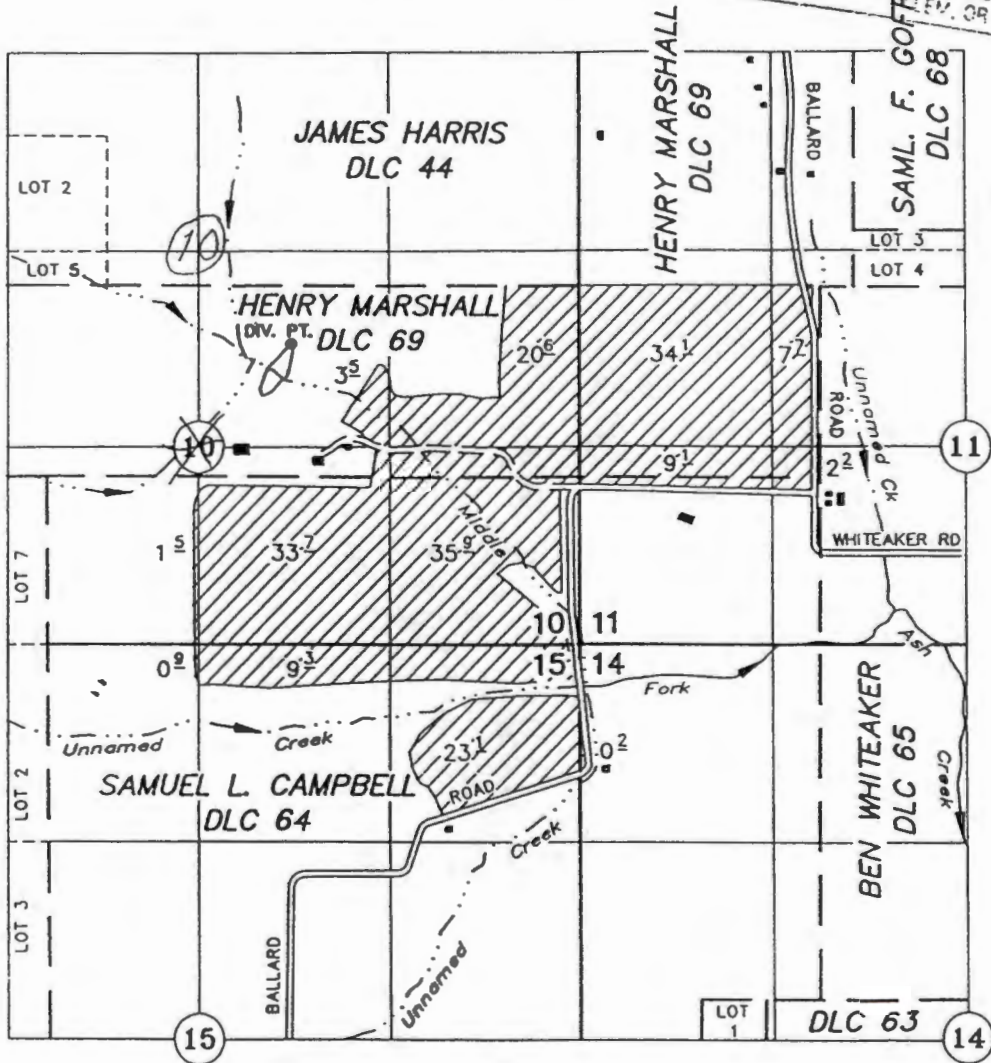
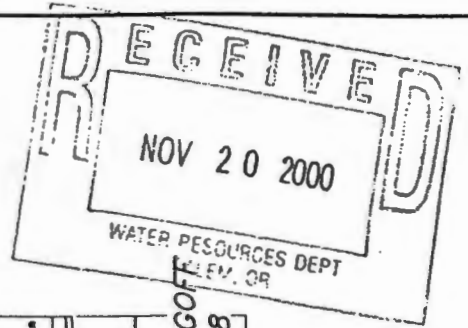
Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2001

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

T8S R5W WM
POLK COUNTY



TAX LOTS:
8.5.10 00700
8.5.11 00700
8.5.15 00100

NO 5-8458
 NO.

DIV. PT. PUMP: 400' S. AND 1990' W. OF THE SE COR. JAMES HARRIS DLC 44

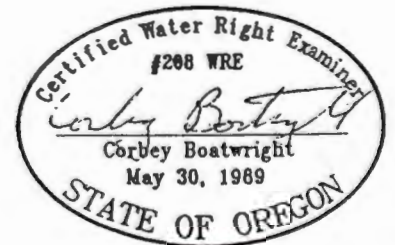
APPLICATION TO APPROPRIATE SURFACE WATER

Application No. _____ Permit No. _____

David McKibben

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

NOVEMBER 20, 2000
SCALE: 1" = 1320'



**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 # **121717**

INVOICE # _____

RECEIVED FROM: **Ford Family LLC /
Illaha Vineyard**
BY: **Lowell Ford / Pauline Ford**

APPLICATION	X See Below
PERMIT	
TRANSFER	

CASH: CHECK: # **1498** OTHER: (IDENTIFY)

TOTAL REC'D \$ **1150.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS **4011 * S-84589**
0407 COPY & TAPE FEES **R-84588** \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$ **200**
TC162 DEPOSIT LIAB. (IDENTIFY) \$ **375.00**
0240 EXTENSION OF TIME \$ **1150.00**

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

WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR		\$	0219 \$
LANDOWNER'S PERMIT			0220 \$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (P.W.H.D.) \$
0231 HYDRO LICENSE FEE (P.W.H.D.) \$
HYDRO APPLICATION \$

**RECEIVED
OVER THE COUNTER**

TREASURY OTHER / HDX

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

RECEIPT: **121717**

DATED: **10-26-10** BY: **Pauline Ford**



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 27, 2016

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-84589 (Permit S-53746)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Application: S-84589

Permit: S-53746

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit

Holder(s) David McKibben & Lowell Ford ✓

WRIG...Money Received on: 10-26-2016

Extension Specialist ...

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

Stacy Phillips...

N/A Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 11-1-16

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN Jeffrey

NOTES:

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-84589

Final Order

Application History

On November 20, 2000, DAVID MCKIBBEN AND LOWELL FORD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 29, 2001. The protest period closed July 13, 2001, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

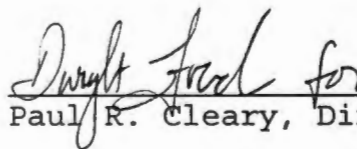
Order

Upon payment of outstanding permit recording fees, Application S-84589 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-84589.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED July 25, 2001


Paul R. Cleary, Director



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 458.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

10/17

STATE OF OREGON

COUNTY OF POLK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID MCKIBBEN & LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503)623-6214

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

APPLICATION FILE NUMBER: S-84589

SOURCE OF WATER: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR,
TRIBUTARIES OF ASH CREEK

PURPOSE OR USE: IRRIGATION OF 181.8 ACRES AND MAINTENANCE OF A
RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84588, PERMIT _____, FOR FISH
AND WILDLIFE USES

MAXIMUM RATE/VOLUME ALLOWED: 45.0 ACRE-FEET PER YEAR FOR IRRIGATION AND
0.45 CUBIC FOOT PER SECOND FOR MAINTENANCE OF A RESERVOIR FOR FISH AND
WILDLIFE USES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND NOVEMBER 1
THROUGH JUNE 30 FOR MAINTENANCE OF A RESERVOIR FOR FISH AND WILDLIFE USE

DATE OF PRIORITY: NOVEMBER 20, 2000

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 10, T8S, R5W, W.M.;
595 FEET SOUTH & 2095 FEET WEST FROM SE CORNER DLC 44

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 2.5 acre-feet for each acre irrigated during the irrigation
season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION

SE 1/4 SW 1/4 1.5 ACRES
NE 1/4 SE 1/4 20.6 ACRES
NW 1/4 SE 1/4 3.5 ACRES
SW 1/4 SE 1/4 33.7 ACRES
SE 1/4 SE 1/4 35.9 ACRES

FISH & WILDLIFE USES

SECTION 10

IRRIGATION

NE 1/4 SW 1/4 7.7 ACRES
 NW 1/4 SW 1/4 34.1 ACRES
 SW 1/4 SW 1/4 9.1 ACRES
 SE 1/4 SW 1/4 2.2 ACRES
 SECTION 11

NW 1/4 NW 1/4 0.2 ACRES
 SECTION 14

NE 1/4 NE 1/4 23.1 ACRES
 NW 1/4 NE 1/4 9.3 ACRES
 NE 1/4 NW 1/4 0.9 ACRES
 SECTION 15

TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

STANDARD CONDITIONS

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

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

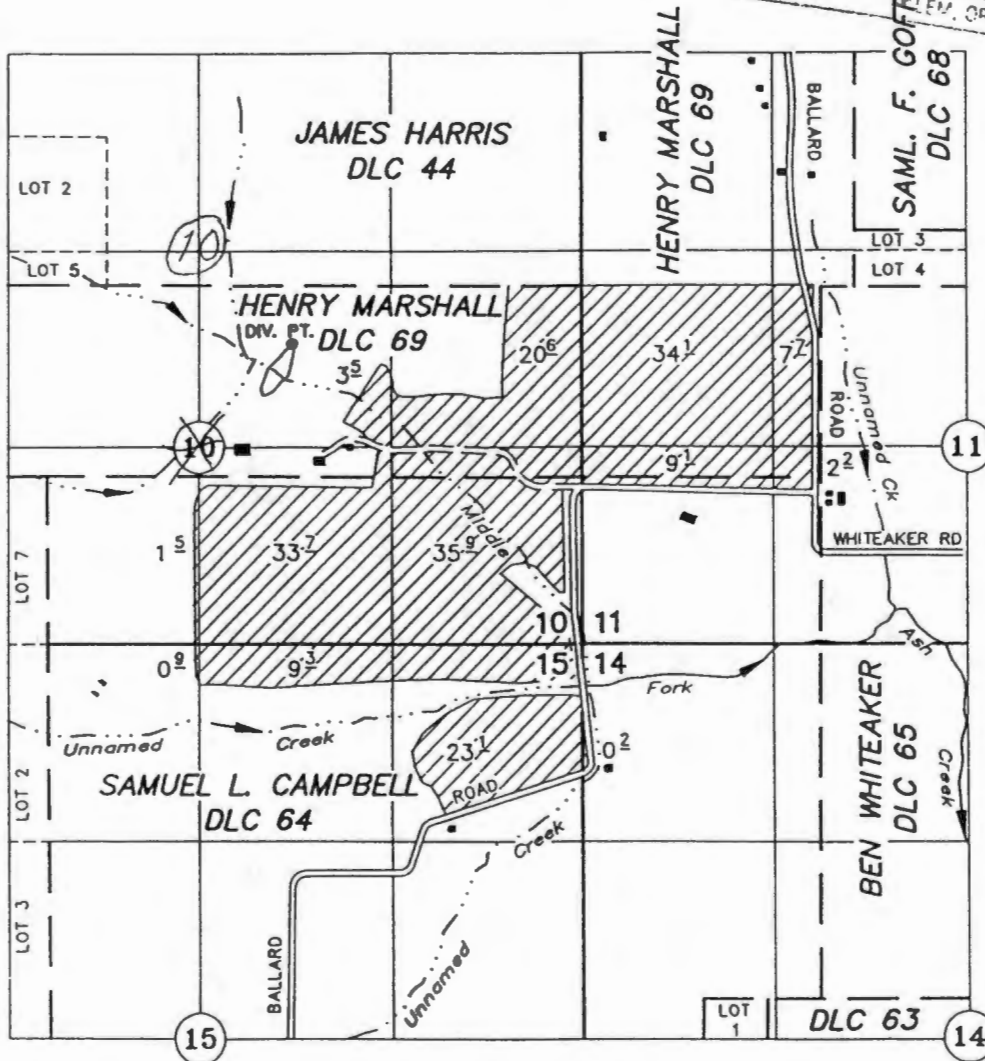
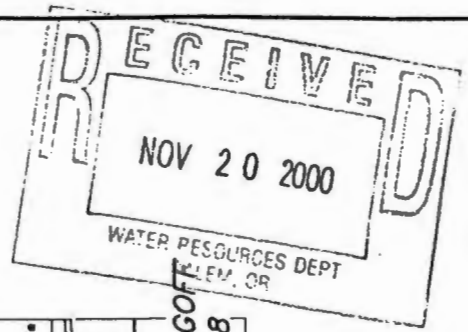
Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2001

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

T8S R5W WM
POLK COUNTY



TAX LOTS:
8.5.10 00700
8.5.11 00700
8.5.15 00100

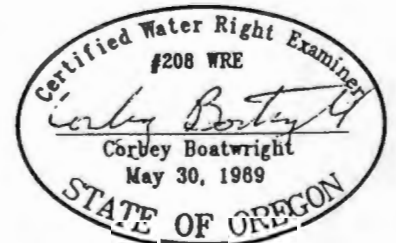
Application No. 85-85-5-8458
 Permit No.

DIV. PT. PUMP: 400' S. AND 1990' W. OF THE SE COR. JAMES HARRIS DLC 44

APPLICATION TO APPROPRIATE SURFACE WATER

Application No. _____ Permit No. _____

David McKibben



NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

NOVEMBER 20, 2000
SCALE: 1" = 1320'

FO CHECKLIST

FILE # S-84589
PFO WEEK # 38
FO WEEK # 298

PFO TO FO CONVERSION

REVIEW DATE: 7/23/01
INITIALS: JWS
WM District 16
Region Mgr NW
ODFW Bio Dist 4

FILE#: S 84589

Applicant Name and Mailing Address: DAVID MCKIBBEN
FORD, LOWELL
3415 BALLARD RD
DALLAS, OR 97338

In preparing to create the FO, you should check the following:

1. Y/N Were comments or protests received? If so, **from whom and when?** _____

_____ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)

2. OK On the PFO CC list, verify names and mailing addresses of **ALL** commentors (regardless of comment date, **affected landowners**, and **those who paid the \$10 fee**.)

3. Y/N/NA Have affected land owners been notified?

4. Y/N/NA Has ODFW asked for self certification of screening condition?
If so, write "ODFW CERT" in the permit block on the front of the file.

6. Y/N Is water use prohibited for one or more months of the normal use period?
If yes, is short season letter on file? _____. If short season letter is lacking, see item #10 below.
Give applicant 60 days to submit required information.

7. Y/N Do the PFO conclusions require modification? Why? _____
(If YES, circle FOMOD and one other type below)

8. _____ Correct PFO errors (such as POD or POU location (verify from map)

9. Include or exclude permit conditions and management codes.

10. Y/N Is further processing possible? If not state reason: _____

11. _____ Verify Payment of recording fees (circle the appropriate option)

(1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO.**

(2) Issue FO w/o permit if fees are lacking.

Exam Fee Paid	<u>250</u>
Q fee	<u>285</u>
Subtotal	<u>535</u>
Recording Fee	<u>175</u>
Total	<u>710</u>
Amount Paid	<u>535</u>
Amount due/refund	<u>175</u>

1 st CFS/AF	<u>150</u>
Addnl.	<u>135</u>
TOTAL Q	<u>285</u>

FO Type: (circle types) DENIAL FO w/o PERMIT (REASON: Lacks Fees) Lacks Easement Map Other

FO & PERMIT (Permit # _____) FOMOD MGMT CODES::

12. ___ Assign permit numbers to files with oaths, fees, and no protests or other issues.

Once FO document is completed:

15. ___ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 297 ~~298~~ & delete duplicates.

16. ___ Print final draft of document and submit to team leader for review

17. ~~Y~~ / N Team leader review completed

18. Route to Dwight for signature

20. Update folders

21. To support for mailing

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-84589

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On November 20, 2000, DAVID MCKIBBEN & LOWELL FORD submitted an application to the Department for the following water use permit:

- Amount of Water: 45.0 ACRE-FEET FOR IRRIGATION AND 0.45 CUBIC FOOT PER SECOND FOR POND MAINTENANCE
- Use of Water: IRRIGATION OF 181.8 ACRES AND MAINTENANCE OF A RESERVOIR FOR FISH AND WILDLIFE USES
- Source of Water: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR, TRIBUTARIES OF ASH CREEK
- Area of Proposed Use: POLK County within SECTION 10, SECTION 11, SECTION 14, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

On 3/23/01, the Department mailed the applicant notice of its Initial Review, determining that "The appropriation of 45.0 AF of stored water only from Mt. Pisgah Reservoir (to be constructed under Application #R-84588) for the irrigation of 181.8 acres may be allowed from March 1 through October 31 of each year. The use of 0.011 CFS (5.0 GPM) of water from Middle Fork Ash Creek, a tributary of Ash Creek, to maintain Mt. Pisgah Reservoir (to be constructed under Application #R-84588 for Multi-Purpose Use, which includes but is not limited to irrigation, fish life and wildlife) may be allowed only during the period September 1 through June 30 of each year. The appropriation of stored water under this Application #S-84589 for irrigation purposes is contingent upon the approval of Reservoir Application #R-84588." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 3/27/01, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Willamette Basin Program allows the following uses: irrigation and maintenance of a reservoir for fish and wildlife uses.

Senior water rights exist on Middle Fork Ash Creek and Mount Pisgah Reservoir, tributaries of Ash Creek, or on downstream waters.

Middle Fork Ash Creek and Mount Pisgah Reservoir, tributaries of Ash Creek are not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) year round. The Department's finding regarding the availability of water from the Mount Pisgah Reservoir is contingent upon approval of application R-84588.

The Department finds that the amount of water requested, 45.0 acre-feet for irrigation and 0.45 cubic foot per second for maintenance of a reservoir for fish and wildlife uses, is acceptable.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The use of water for irrigation shall be from stored water only.

The use of water for maintenance of the reservoir for fish and wildlife uses shall be allowed from November 1 through June 30.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

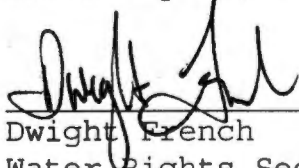
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED May 29, 2001



Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **July 13, 2001**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310
Fax: (503)378-2496

STATE OF OREGON

COUNTY OF POLK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID MCKIBBEN & LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503)623-6214

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

APPLICATION FILE NUMBER: S-84589

SOURCE OF WATER: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR,
TRIBUTARIES OF ASH CREEK

PURPOSE OR USE: IRRIGATION OF 181.8 ACRES AND MAINTENANCE OF A RESERVOIR
FOR FISH AND WILDLIFE USES

MAXIMUM RATE/VOLUME ALLOWED: 45.0 ACRE-FEET PER YEAR FOR IRRIGATION AND
0.45 CUBIC FOOT PER SECOND FOR MAINTENANCE OF A RESERVOIR FOR FISH AND
WILDLIFE USES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND NOVEMBER 1
THROUGH JUNE 30 FOR MAINTENANCE OF A RESERVOIR FOR FISH AND WILDLIFE USE

DATE OF PRIORITY: NOVEMBER 20, 2000

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 10, T8S, R5W, W.M.;
595 FEET SOUTH & 2095 FEET WEST FROM SE CORNER DLC 44

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 2.5 acre-feet for each acre irrigated during the irrigation
season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>IRRIGATION</u>	<u>FISH & WILDLIFE USES</u>
SE 1/4 SW 1/4	1.5 ACRES	UNKNOW
NE 1/4 SE 1/4	20.6 ACRES	
NW 1/4 SE 1/4	3.5 ACRES	
SW 1/4 SE 1/4	33.7 ACRES	
SE 1/4 SE 1/4	35.9 ACRES	

SECTION 10

	<u>IRRIGATION</u>	<u>FISH & WILDLIFE USES</u>
NE 1/4 SW 1/4	7.7 ACRES	
NW 1/4 SW 1/4	34.1 ACRES	
SW 1/4 SW 1/4	9.1 ACRES	
SE 1/4 SW 1/4	2.2 ACRES	
SECTION 11		
NW 1/4 NW 1/4	0.2 ACRES	
SECTION 14		
NE 1/4 NE 1/4	23.1 ACRES	
NW 1/4 NE 1/4	9.3 ACRES	
NE 1/4 NW 1/4	0.9 ACRES	
SECTION 15		
TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.		

Measurement, recording and reporting conditions:

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

STANDARD CONDITIONS

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

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

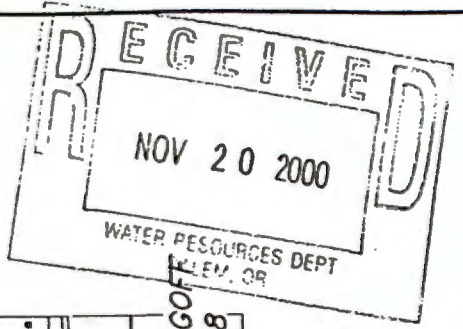
Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2001

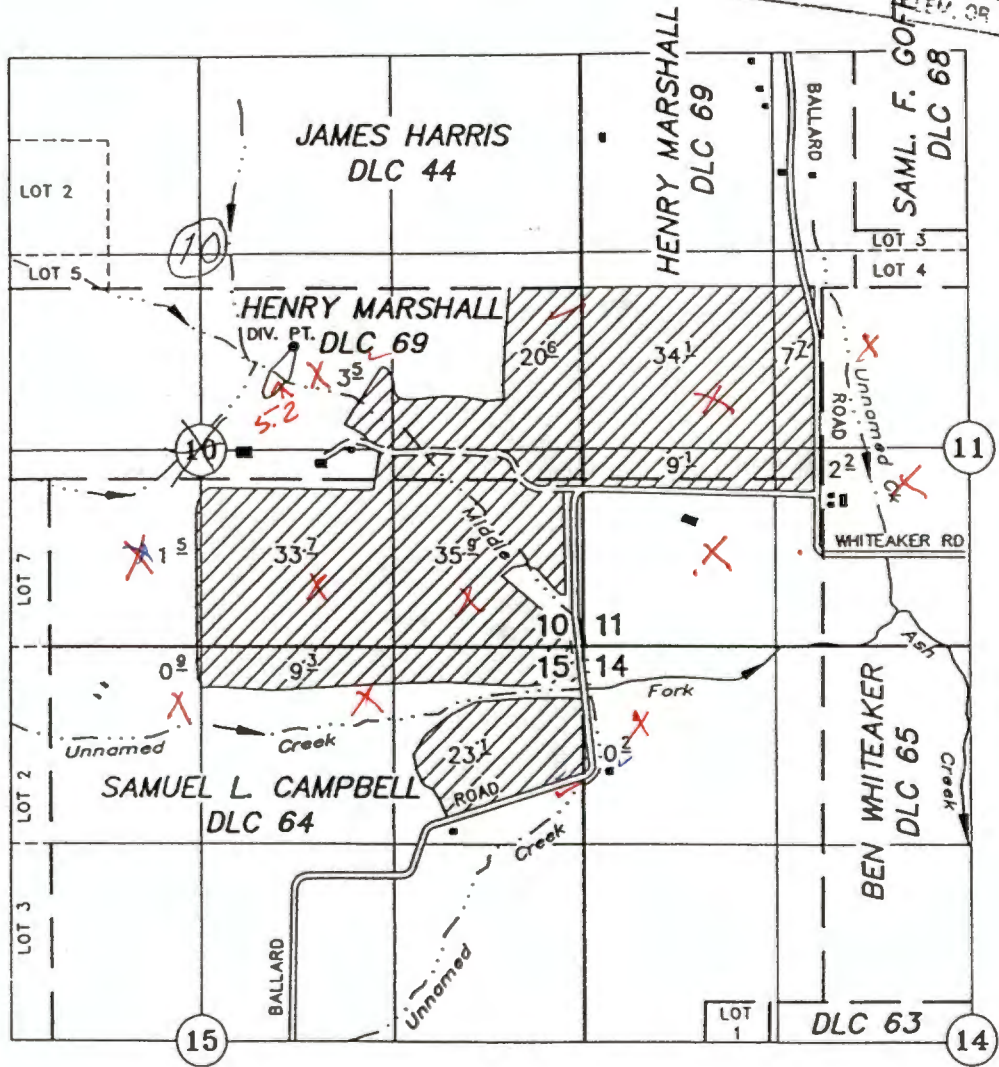
DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

"WORK COPY"



T8S R5W WM
POLK COUNTY



TAX LOTS:
8.5.10 00700
8.5.11 00700
8.5.15 00100

Survey No. 8548-8548
Record No.

DIV. PT. PUMP: 400' S. AND 1990' W. OF THE SE COR. JAMES HARRIS DLC 44

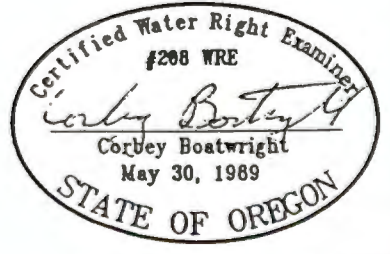
APPLICATION TO APPROPRIATE SURFACE WATER

Application No. _____ Permit No. _____

David McKibben

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

NOVEMBER 20, 2000
SCALE: 1" = 1320'





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 23, 2001

DAVID MCKIBBEN
LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503)623-6214

Reference: File S-84589

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of and potential limitations to your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The appropriation of 45.0 acre-feet (AF) of stored water only from Mt. Pisgah Reservoir (to be constructed under Application #R-84588) for the irrigation of 181.8 acres **is allowable** under OAR 690-502-040(4)(c), the Willamette Basin Program.
3. Additionally, the use of 5.0 gallons per minute (GPM), or 0.011 cubic foot per second (CFS), of live flow from the Middle Fork Ash Creek, a tributary of Ash Creek, to maintain Mt. Pisgah Reservoir (to be constructed under Application #R-84588 for Multi-Purpose Use, which includes but is not limited to irrigation, fish life and wildlife) **is limited to September 1 through June 30** of each year, under OAR 690-502-040(4)(b)(c) and OAR 690-502-050(1)(e), the Willamette Basin Program.



4. The appropriation of 45.0 AF of stored water from a reservoir to be constructed under Application #R-84588, is contingent upon the approval of Reservoir Application #R-84588. Provided that Application #R-84588 is approved, the appropriation of 45.0 AF of stored water for irrigation purposes, under this Application #S-84589, made be made at any time during the irrigation season.
5. Water in the amount 0.011 CFS from Middle Fork Ash Creek, a tributary of Ash Creek, for reservoir maintenance of Mt. Pisgah Reservoir (to be constructed under Application #R-84588) **is available** at any time during the year.
6. Under OAR 690-502-040(6) of the Willamette Basin Program, the irrigation season is from March 1 through October 31 of each year.
7. On March 22, 2001, the applicants requested that the Department waive the customary two-week "Stop Processing" opportunity for this application. The applicants wish to proceed immediately with the processing of Application #R-84588. In order to advance to the next stage of the process, Application #R-84588 will appear on the Department's next publication of the Public Notice, being Tuesday, March 27, 2001.

Summary of Initial Determinations

The appropriation of 45.0 AF of stored water only from Mt. Pisgah Reservoir (to be constructed under Application #R-84588) for the irrigation of 181.8 acres may be allowed from March 1 through October 31 of each year.

The use of 0.011 CFS (5.0 GPM) of water from Middle Fork Ash Creek, a tributary of Ash Creek, to maintain Mt. Pisgah Reservoir (to be constructed under Application #R-84588 for Multi-Purpose Use, which includes but is not limited to irrigation, fish life and wildlife) may be allowed only during the period September 1 through June 30 of each year.

PLEASE NOTE: The appropriation of stored water under this Application #S-84589 for irrigation purposes is contingent upon the approval of Reservoir Application #R-84588.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #3 above, your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

The applicant may withdraw the application and receive a refund (minus a \$50 processing charge per application.) To accomplish this withdrawal, the applicant must notify the Department in writing that they wish to stop the processing of the application.

On March 22, 2001, however, the applicant requested that the Department waive the customary two-week "Stop Processing" opportunity for this application. The applicant wish to proceed immediately with the processing of Application #R-84588. In order to advance to the next stage of the process, Application #R-84588 will appear on the Department's next publication of the Public Notice, being Tuesday, March 27, 2001.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
 3. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is November 20, 2000.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455, extension 201. Feel free to call me at (800) 624-3199 or (503) 378-8455, extension 264, if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496.

Sincerely,



Lisa J. Juul
Water Rights Specialist

cc: Regional Manager, Watermaster District 16, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

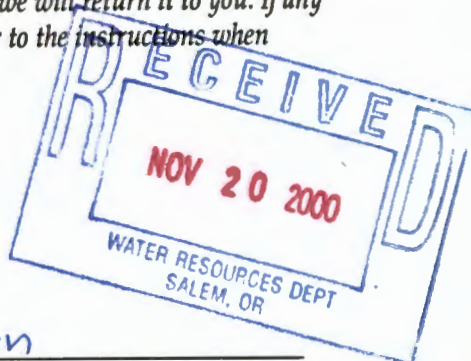
S-84589
wab 02-183 & Stored Water
pou 02-183 & Stored Water
gw N/A



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.



1. APPLICANT INFORMATION

A. Individuals

Applicant: David McKibben
First Last

Co-applicant: Lowell Ford 503-362-0850
First Last OR
2450 Wallace Rd NW Salem OR 97304

Mailing address: 3415 Ballard Rd
Dallas OR 97338
City State Zip

Phone: 503-623-6214 503-931-3724 503-362-0850
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use		
App. No. <u>S-84589</u>	Permit No. _____	Date <u>11-20-2000</u>

Application No. S-84589
Permit No.

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Middle Fork Ash Creek Tributary to: Ash Creek ?
Willamette River
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

B. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Water Use.")
- No Please check the appropriate box below.
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or access.

List the names and mailing addresses of all affected landowners

Source # 2 - per Appl.
11-20-00
Mt. Pisgah Reservoir,
trib to Middle Fork
Ash Creek.
- to be constructed
under Appl. R-84588.

*If more than 25 landowners are involved, a list is not required. See instr

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

Application No. S-84589
Permit No.

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use	Amount
STORE	irrigation - vineyard	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
STORE	irrigation - pasture	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
CREEK	irrigation - vineyard	<input type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> af
↓ maintainance of pond (see R-84588- Use is multipurpose)		0.45 <input checked="" type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> af

45

3-22-01

year round = pond maintainance

C. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31 FRR
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 65.6 vineyard 116.2 pasture
(This number should be consistent with your app)

Total - 181.8 ac

4. WAT

65.6 - vineyard

116.2 - pasture

A. Diversion

What method will you use to divert water fr

- Pump (give horsepower and pump type) 5 hp centrifuge - vineyard
20 hp centrifuge - pasture
- Head-gate (give dimensions) _____
- Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other (describe) _____



Application No. S-84589
Permit No.

C. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

- Pipe (give diameter and total length)

Diameter 6" 4" 6" Length 2900 1350 3000 } vineyard } pasture

- Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

Irrigation or land application method (check all that apply):

- Flood High-pressure sprinkler Low pressure sprinkler
- Drip Water cannons Center pivot system
- Hand lines Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source In-line storage (tank or pond) Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

drip irrigation will be used for the vineyard. A Conservation Management Plan is being developed with NRCS and an application is being submitted to USDA/SCS as a part of Environmental Quality Incentives Program (EQIP). The vineyard will be established in accordance with the LIVE (Low Input Viticulture + ecology) standards.

5. RESOURCE PROTECTION

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: screens will be used

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: work will be completed when the creek is

dry.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: pumps will be removed during the winter months

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: As stated earlier, steps will be taken to eliminate erosion and environmental practices will be practiced to minimize chemical impacts.

Other: _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

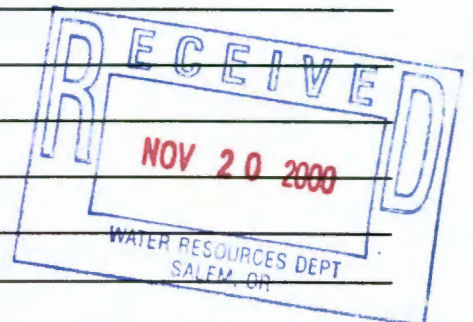
Proposed date construction will begin 7-1-01 plus one year

Proposed date construction will be completed 10-15-01 plus two years

Proposed date beneficial water use will begin 3-1-02 plus five years

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.



Application No. 5-84589
Permit No. _____

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Daniel McMillan
Signature of Applicant

11-16-00
Date

Lowell Ford
Signature of Co-applicant

11-20-00
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

Application No S-84589
Permit No.

PFO CHECKLIST

Application #: S 84589

County Polk Basin: WILLAMETTE 2
Township 85 Range SW Section 10 1/4 1/4 NWSE

- 1. Shortcomings preventing PFO, FO, or permit? **Y / N** Should process continue **Y / N**
- 2. Groundwater Review **A B C D** River/Stream Name _____
 - a. Groundwater Availability **A B C**
 - b. Is second groundwater review complete? **Y / N** necessary? **Y / N**
 - c. Is the well located in a GWLA or CA? **Y / N** (If Y or close include map of POD) Area _____

- 3. Is use from **BOR / Doug Co.** project? **Y / N** Contract in file? **N /** Contract # _____
- 4. Is the use allowed by the Basin Program? **Y / N** Limited? **Y / N** ALLOWED 9-6/30

5. Water Availability Data OK / REDONE / NA (80% live flow & 50% storage) _____

6. Is the source **withdrawn** or limited by statute or Department order? **Y / N** _____

7. Is the Proposed Use located in or above a **SWW**? **Y / N** _____

8. Division 33: **Y / N / NA** Above Bonn (after July 17, 1992) **Y / N** Limit to April 15 - September 30 **Y / N**
Below Bonn (after April 8, 1994; June 3, 1994) **Y / N** add PISPC **Y / N**
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) **Y / N**

9. IR identifies as on DEQ 303d List? **Y / N / NA** Comments received? **Y / N** _____

10. Have **conflicts** been addressed? **Y / N / NA** _____

11. Rate 1/80
Duty 2.5 Season: Normal F&W LIFE YRRMS IRR Req _____

12. Rate: Max 45 x .01 = .45 cfs 0.45 cfs MAINT FOR F&W LIFE
181.8 x 2.5 = 454.5 AF IRR Req .45 AF IRR

13. **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF) condition 7I and municipal require the **Large** condition AKRES x .0125 = 2.27 cfs

14. **Conditions** W/M - ALLOW STORES H2O ONLY FOR IRR, MAINTENANCE 11-6/30, PISPC MANS FISH SCREENS
New River Basin or Bonanza? **Y / N / NA** (see M:\groups\wr\pfo\findings & other lang) PER ODFW COMMENTS

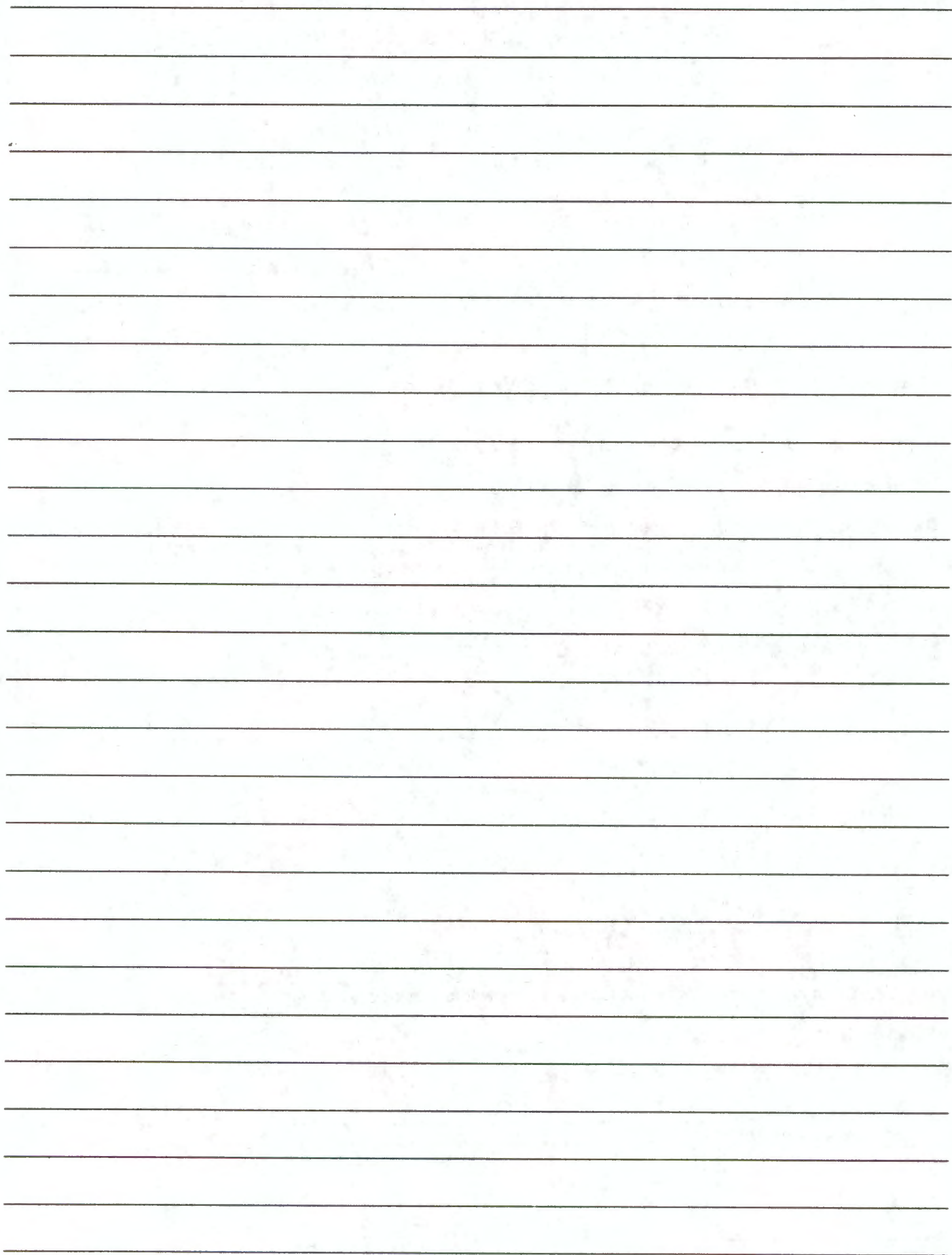
15. IR Date 3/23/01 Public Notice Date 3/27/01 Comment Rec'd _____

16. Filed after 10/23/99? **Y / N** (if Y A date should be removed)

17. CWRE, representatives or Property owners to notify? **Y / N** CORREY BOATWRIGHT (CWRE)

summary:

Initials: RWR Date: 5/23/01



See Memo 3-22-01

IR CHECKLIST

NOTE: - Added 0.44 cfs (197 gpm) for Res main. Priority 3-22-01

Application #

5-84589

Priority Date:

11-20-2000 - for orig. 0.01 cfs

Basin:

2-Willamette

County:

Polk

Watermaster District: #

16-NW

Township:

8S

Range:

5W

Section:

10-11-14-15

WID: #

183

POU WID: #

183

POD
NWSE of
Sec. 10

Sec 10 - SESW & all SW
Sec 11 - all SW 1/4
Sec 14 - NW NW
Sec 15 - NENE, NWNE
& NENW

1. Complete by Minimum Requirements checklist? Yes No
Items still required: OK

2. ☆Groundwater/Surface Water Interference: A B C D If "A", indicate River/Stream

☆Groundwater Availability: A B C ☆Conditions to be included on IR? List under Item #23 (over)

★★PLEASE NOTE: If GW / SW Interference (above) = "B", "C" or "D".....Skip Items #5, #14, #18 & #19

3. Basin Maps checked? Yes No Mid Fork Ash Cr → Ash Cr → Willamette River (Rmi 95.5)

4. Within or above a Scenic Waterway? Yes No Scenic Waterway
If Yes.....cc: State Parks Dept. Conditions/Restrictions? Yes No

5. Within Oregon Streamflow Restoration Area? Yes No If Yes, include Streamflow Restoration Block

6. Is the well located in a Groundwater Limited Area? Yes No Name _____ GW Limited Area

7. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes No If Yes...Notify DEQ immediately!!!
If Yes...cc: Andy Schaedel, NW Region Water Quality Manager, 2020 SW Fourth Ave, Portland, OR 97201
Call Andy at Phone #: 503-229-6121 & E-mail Andy at: "SMTPschaedel.andrew.l@deq.state.or.us"

8. Requested Use & Rate: IRRIG of 181.8 AC - 45.0 AF - stored water
(65.6 AC - vineyard) (116.2 AC - pasture) * Pond Maintenance (45.0 AF Res) → 202 gpm = 0.45 cfs from Mid Fork Ash Cr.
* Pond Main. for Fish/Life & Wildlife

9. Season requested by applicant: IR - Mar thru Oct / PM - 1/yr. Round

10. For Irrigation: Rate 1/80 Duty 2 1/2 Season March 1 - Oct 31

11. For Nursery or Cranberry: Rate _____ Duty _____ Season _____ stored water

12. Allowed under Basin Program? Yes No OAR 690-502-040(4)(c) - from live flow
Limitations? Yes No limited to Sept. 1 - June 30 only.

13. Withdrawn? Yes No Season Allowed: OAR 690-502-040(4)(c)(b) - the irrigation season.
* OAR 690-502-040(4)(b) - Res. Maintenance allowed consistent with classification being Sept. 1 - June 30 only

14. Water Availability Applies? Yes No (80% or 50%) Water Avail - Year Round

15. Conflict? Yes No
= plat cards.

Application No. 84589
Permit No.

* Max "Q" Calculation
 Reservoir → $\frac{45}{100} \times 0.01 = 0.45$ cfs
 Main Reservoir

- ✓ 16. BOR project? Yes No If Yes... Contract # and Duty: _____
- ✓ 17. Land use approval: OK'd Needs Approval County Notified N/A
- ✓ 18. Subject to Division 33: Yes No N/A = Well does not have the potential for substantial interference

★ Upper Columbia Div 33 Rules (Above Bonneville)? Yes No
 If Yes..... **NO WATER USE ALLOWED** from **APRIL 15** thru **SEPTEMBER 30** of each year
 ❖❖❖(EXCEPT for Domestic Use & other Exempt uses under OAR 690-33-140)❖❖❖

- cc: ODFW Biologist District # _____ NMFS.....Marc Liverman
- Columbia River Intertribal Fish Commission Dept. Of Agriculture.....Steve Applegate
- US Fish & Wildlife DEQ → East Region - Dick Nichols, Bend
- NW Power Planning Council → West Region - John Blanchard, Medford
- Northwest Region - Andy Schaedel, Portland

★ Statewide Div 33 Rules ("Sensitive" statewide (Blue on Map) & "Threatened or Endangered" OUTSIDE Columbia Basin)? Yes No
 If Yes...cc: ODFW Biologist District # 4 - Gary Galovich - Corvallis ★ **DIVISION 33 CONDITIONS** ★
 Steve Applegate.....Dept. of Agriculture → Above Bonneville: "B54B"
 DEQ → ~~East Region - Dick Nichols, Bend~~ → Below Bonneville: "PISPC"
 → West Region - John Blanchard, Medford
 → Northwest Region - Andy Schaedel, Portland
 ❖❖NOTE: If "Q" is over 1.0 CFS, See: OAR 690-33-220(3)

- ✓ 19. On DEQ 303d (Water Quality Limited) list? Yes No If Yes...cc: appropriate Regional Water Quality Manager
 East Region - Dick Nichols, Bend West Region - John Blanchard, Medford NW Region - Andy Schaedel, Portland

✓ 20. Within Dept. of Agriculture Water Quality Management Area? Yes No If Yes.....cc: Mike Wolf - Dept. of Ag
ADOPTED: TUALATIN__ BEAR CREEK(ROGUE)__ UMATILLA__ UPPER GRANDE RONDE__ YAMHILL__ LOWER DESCHUTES__
 NORTH COAST__ (includes: Lower Columbia/Clatskanie, Lower Columbia, Necanicum, Nehalem, Wilson/Trask/Nestucca)

DRAFT RULES: LOWER COLUMBIA/SANDY__ CLACKAMAS__ MOLALLA/PUDDING__ FRENCH/PRAIRIE__ NORTH SANTIAM__
 HOOD RIVER__ MID DESCHUTES__ N FORKS JOHN DAY__ (includes: Middle Fork John Day, North Fork John Day)
 UMPQUA__ (includes: Umpqua, North Umpqua, South Umpqua) MALHEUR__ (includes: Willow/Malheur, Bully,
 Lower Malheur, Upper Malheur, Farewell Bend, Middle Snake/Payette)

IN COMMITTEE: COQUILLE__ COOS__ MID COAST__ (includes: Siletz/Yaquina, Alsea, Siuslaw, Siltcoos) WALLA WALLA__
 SOUTHERN WILLAMETTE VALLEY__ (includes: Coast Willamette, Middle Willamette, McKenzie) UPPER JOHN DAY__
 KLAMATH HEADWATERS__ (includes: Butte, Sprague, Williamson, Upper Klamath, Upper Klamath Lake) LOST RIVER__
 INLAND ROGUE__ (includes: Lower Rogue, Middle Rogue, Upper Rogue, Applegate, Illinois)
 WALLOWA__ (includes: Wallowa, Lower Grande Ronde, Imnaha)

✓ 21. WM District: NWR: 1 2 16 18 20 NCR: 3 4 5 21 ER: 6 8 9 10 SCR: 11 12 17 SWR: 13 14 15 19

✓ 22. Initial Review will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

✓ 23. ★ Proposed Allowed Use & Rate: $\frac{45}{100}$ AF of stored water only for Irrig of 181.8 Ac - Mar. 1 - Oct. 31

★ Proposed Allowed Period of Use: 0.01 cfs for Reservoir Main - Sept. 1 - June 30

★ Measuring condition: Small Medium Large

★ Conditions (BOR, GW, other)? Yes No

Reviewer's Name: [Signature] Cond - "PISPC" Date: 3-19-2001

See 690-502-050(1)(e)

Main Stem Willamette River Subbasin

690-502-050 The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-060 through 690-502-150:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except storage:

(A) Second Periwinkle Creek (also known as Cox Creek and Ash Creek) and tributaries near Willamette River mile 118 at Albany are withdrawn from further appropriation by order of the State Engineer dated November 20, 1950;

(B) Croisan Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(C) Pringle Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(D) Mill Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(E) An unnamed stream and tributaries flowing through Section 24, Township 6 South, Range 4 West, Willamette Meridian, a tributary to Spring Valley Creek in Section 19, Township 6 South, Range 3 West, Willamette Meridian, are withdrawn from further appropriation by order of the State Engineer dated August 18, 1950;

(F) Corral Creek and tributaries near Willamette River mile 40 are withdrawn from further appropriation by order of the State Engineer dated August 7, 1951;

(G) Hatlin Creek and tributaries tributary to Potter Creek near Oregon City are withdrawn from further appropriation by order of the State Engineer. dated September 22, 1950.

(b) The Willamette River main stem down-stream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses;

(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;

(d) The Willamette River main stem above the confluence with the McKenzie River to the confluence of the Middle and Coast Forks of the Willamette River, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

(cont.)

for: Irrigation Use of live flow from Sept. 1 - June 30 only.

(e) Except as specified in subsection (1)(a) of this rule, tributaries of the Main Stem Willamette River Subbasin are classified for domestic, livestock, municipal, industrial, irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette River or its tributaries above USGS Gage 14174000 (SW 1/4 Section 6, Township 11 South, Range 3 West) at Albany, Oregon, for natural flows of the Willamette River below 1,750 cubic feet per second plus waters released from storage of up to 3,140 cubic feet per second measured at the aforementioned gage;

(b) The Willamette River or its tributaries above USGS Gage 14191000 (SW 1/4 Section 22, Township 7 South, Range 3 West) at Salem, Oregon, for natural flows of the Willamette River below 1,300 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(c) The Willamette River or its tributaries above USGS Gage 14198000 (SE 1/4 Section 23, Township 3 South, Range 1 West) at Wilsonville, Oregon, for natural flows of the Willamette River below 1,250 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(d) The Willamette River or its tributaries above Willamette Falls at Oregon City for natural flows of the Willamette River below 1,500 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at or near said Willamette Falls and maintained to the mouth.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.300 & 536.340
Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Middle Fork Willamette River Subbasin

690-502-060 The Middle Fork Willamette River Subbasin includes the Middle Fork Willamette River and tributaries upstream from its confluence with the Coast Fork Willamette River south of Springfield:

(1) Surface water classification:

(a) The North Fork of the Middle Fork Willamette River, from a point one mile upstream from the railroad bridge near Westfir to its headwaters, and Waldo Lake, are designated state scenic waterways. These waters and tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as otherwise specified in subsection (c) of this section, the Middle Fork of the Willamette River and tributaries below Dexter Dam are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through January 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from February 1 through August 31;

Storage

General Provisions

690-502-040 (1) Water availability: The classifications in OAR 690-502-050 through 690-502-150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-050 through 690-502-150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-050 through 690-502-150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

(4) Storage:

(a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

(b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;

(c) Water legally stored may be released or used at any time for any beneficial purpose, such as domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

(5) Groundwater recharge: Use of surface water to recharge groundwater shall be subject to the same limitations and season as specified in section (4) of this rule. Use of groundwater from one aquifer to recharge another shall be allowed only if consistent with the classification of the providing aquifer as specified in OAR 690-502-160.

(6) Expanded irrigation season: Unless expressly limited by statute, court decree, order, administrative rule (including classification, except for use of stored water), water availability or any other permit condition, an irrigation season of March 1 to October 31 shall apply to future permits for primary and supplemental irrigation.

(7) Conservation: The Department shall require that special conservation and water use efficiency conditions be employed when permitting the use of water from

the Columbia River Basalt Group, low-yield aquifers and water quality limited streams.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92



Water Availability for WID 183

WATER AVAILABILITY TABLE

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
 Basin: WILLAMETTE
 Watershed ID Number: 183 (and Nested Subbasins) Exceedance Level: 80
 Time: 12:51 Date: 03/16/2001

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	182	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	183	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

Water Avail — Year Round

STREAM NAMES

Basin: WILLAMETTE
 Watershed ID Number: 183 (and Nested Subbasins)
 Time: 12:51 Date: 03/16/2001

Select an Item Number for More Details

Item	Watershed ID	Stream Name
1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R
3	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

LIMITING WATERSHEDS

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
 Watershed ID Number: 183
 Basin: WILLAMETTE
 Time: 12:51 Exceedance Level: 80
 Date: 03/16/2001

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	15800.0
2	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	11100.0
3	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	11800.0
4	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	10200.0
5	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	10700.0
6	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	5830.0
7	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R	YES	2040.0
8	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R	YES	1040.0
9	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R	YES	1360.0
10	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	2910.0
11	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	7640.0
12	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	14900.0
Stor	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	*****

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH
 Basin: WILLAMETTE
 Watershed ID Number: 181 Exceedance Level: 80
 Time: 12:51 Date: 03/16/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	484.00	207.00	26800.00	.00	1500.00	25300.00
2	30000.00	3530.00	204.00	26300.00	.00	1500.00	24800.00
3	28500.00	4600.00	191.00	23700.00	.00	1500.00	22200.00
4	25400.00	4420.00	183.00	20800.00	.00	1500.00	19300.00
5	20700.00	2170.00	189.00	18300.00	.00	1500.00	16800.00
6	11000.00	1260.00	382.00	9360.00	.00	1500.00	7860.00
7	6280.00	1640.00	396.00	4240.00	.00	1500.00	2740.00

8	4890.00	1460.00	366.00	3070.00	.00	1500.00	1570.00
9	4930.00	1090.00	340.00	3500.00	.00	1500.00	2000.00
10	5990.00	355.00	142.00	5490.00	.00	1500.00	3990.00
11	12700.00	376.00	164.00	12200.00	.00	1500.00	10700.00
12	24800.00	430.00	205.00	24200.00	.00	1500.00	22700.00
Stor	19700000	1310000	179000	18200000	0	1090000	17200000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH
 Basin: WILLAMETTE
 Watershed ID Number: 181
 Time: 12:51 Date: 03/16/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	217.01	.00	334.03	99.54	4.54	23.69	10.07	2.69	692.00
2	3254.25	.00	334.03	99.54	4.54	23.69	10.07	2.69	3730.00
3	4311.46	6.44	334.03	99.54	4.54	23.69	10.07	2.69	4790.00
4	4085.33	42.76	334.03	99.54	4.54	23.69	10.07	2.69	4600.00
5	1601.43	292.48	330.18	99.53	4.39	23.69	8.39	2.69	2360.00
6	12.96	585.75	907.85	99.28	4.24	23.69	8.39	2.69	1640.00
7	.10	1000.90	905.03	94.00	4.24	23.69	8.39	2.50	2040.00
8	.05	785.09	905.03	94.00	4.24	22.28	8.39	2.50	1820.00
9	.06	388.32	902.78	99.23	4.24	22.28	8.39	2.69	1430.00
10	.15	27.71	332.24	99.28	4.24	22.29	8.39	2.69	497.00
11	65.98	.00	334.03	99.28	4.54	23.69	10.07	2.69	540.00
12	159.92	.00	334.03	99.54	4.54	23.69	10.07	2.69	634.00

DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH
 Basin: WILLAMETTE
 Watershed ID Number: 181
 Time: 12:51 Date: 03/16/2001

APP #	181A	0	0	0	0	0	0	0	MAXIMUM
Status	Cert.								
1	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
2	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
3	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
4	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
5	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
6	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
7	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
8	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
9	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
10	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
11	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
12	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AB MOLALLA R
 Basin: WILLAMETTE
 Watershed ID Number: 182
 Time: 12:51 Exceedance Level: 80
 Date: 03/16/2001

Month	Natural	CU + Stor	CU + Stor	Expected	Reserved	Instream	Net
	Stream	Prior to	After	Stream	Stream	Water	Water
	Flow	1/1/93	1/1/93	Flow	Flow	Rights	Available
1	21400.00	1120.00	157.00	20100.00	.00	1500.00	18600.00
2	23200.00	7540.00	154.00	15500.00	.00	1500.00	14000.00
3	22400.00	6310.00	150.00	15900.00	.00	1500.00	14400.00
4	19900.00	6320.00	149.00	13400.00	.00	1500.00	11900.00
5	16600.00	3290.00	160.00	13100.00	.00	1500.00	11600.00
6	8740.00	1030.00	331.00	7380.00	.00	1500.00	5880.00
7	4980.00	1100.00	337.00	3540.00	.00	1500.00	2040.00

8	3830.00	978.00	312.00	2540.00	.00	1500.00	1040.00
9	3890.00	729.00	302.00	2860.00	.00	1500.00	1360.00
10	4850.00	251.00	131.00	4470.00	.00	1500.00	2970.00
11	10200.00	270.00	140.00	9790.00	.00	1500.00	8290.00
12	19300.00	297.00	156.00	18800.00	.00	1500.00	17300.00
Stor	15200000	1740000	150000	13300000	0	1090000	12200000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Basin: WILLAMETTE

Watershed ID Number: 182

Time: 12:51

Date: 03/16/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	914.00	.00	249.00	84.90	3.80	17.90	8.72	2.87	1280.00
2	7329.20	.00	248.87	84.89	3.80	17.93	8.72	2.87	7700.00
3	6091.81	4.35	248.87	84.89	3.80	17.93	8.72	2.87	6460.00
4	6071.38	28.76	248.87	84.89	3.80	17.93	8.72	2.87	6470.00
5	2892.60	200.02	245.02	84.88	3.80	17.92	7.05	2.87	3450.00
6	191.66	401.00	652.39	84.63	3.80	17.93	7.05	2.87	1360.00
7	.32	680.06	649.57	79.35	3.80	17.93	7.05	2.67	1440.00
8	.21	530.51	649.57	79.35	3.80	16.52	7.05	2.67	1290.00
9	.01	263.74	651.82	84.58	3.80	16.52	7.05	2.87	1030.00
10	.04	18.82	248.58	84.63	3.80	16.53	7.05	2.87	382.00
11	43.07	.00	248.87	84.63	3.80	17.93	8.72	2.87	410.00
12	86.30	.00	248.87	84.89	3.80	17.93	8.72	2.87	453.00

DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Basin: WILLAMETTE

Watershed ID Number: 182

Time: 12:51

Date: 03/16/2001

APP #	182A	0	0	0	0	0	0	0	MAXIMUM
Status	Cert.								
1	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
2	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
3	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
4	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
5	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
6	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
7	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
8	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
9	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
10	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
11	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
12	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 183

Time: 12:51

Date: 03/16/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	18400.00	1280.00	35.50	17100.00	.00	1300.00	15800.00
2	20100.00	7700.00	33.40	12400.00	.00	1300.00	11100.00
3	19600.00	6480.00	31.50	13100.00	.00	1300.00	11800.00
4	18000.00	6480.00	31.20	11500.00	.00	1300.00	10200.00
5	15500.00	3410.00	42.00	12000.00	.00	1300.00	10700.00
6	8310.00	1100.00	77.60	7130.00	.00	1300.00	5830.00
7	4710.00	1100.00	83.00	3530.00	.00	1300.00	2230.00

8	3620.00	1010.00	62.80	2550.00	.00	1300.00	1250.00
9	3680.00	833.00	55.80	2790.00	.00	1300.00	1490.00
10	4650.00	413.00	23.00	4210.00	.00	1300.00	2910.00
11	9400.00	434.00	26.40	8940.00	.00	1300.00	7640.00
12	16700.00	455.00	35.40	16200.00	.00	1300.00	14900.00
Stor	13500000	1830000	32500	11600000	0	942000	10700000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Basin: WILLAMETTE

Watershed ID Number: 183

Time: 12:51

Date: 03/16/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	894.00	.00	341.00	58.40	3.40	12.60	4.38	2.70	1320.00
2	7310.89	.00	341.48	58.41	3.40	12.59	4.38	2.69	7730.00
3	6083.96	3.07	341.48	58.41	3.40	12.59	4.38	2.69	6510.00
4	6066.90	19.05	341.56	58.41	3.40	12.59	4.38	2.69	6510.00
5	2891.35	140.80	337.66	58.41	3.40	12.59	4.38	2.69	3450.00
6	191.16	284.03	622.35	58.15	3.40	12.59	4.38	2.69	1180.00
7	.31	481.44	620.07	54.55	3.40	12.59	4.38	2.50	1180.00
8	.21	372.87	620.03	54.55	3.40	12.58	4.38	2.50	1070.00
9	.01	186.04	621.79	58.11	3.40	12.58	4.38	2.69	889.00
10	.03	13.31	341.24	58.15	3.40	12.58	4.38	2.69	436.00
11	37.79	.00	341.48	58.15	3.40	12.59	4.38	2.69	460.00
12	67.31	.00	341.48	58.41	3.40	12.59	4.38	2.69	490.00

DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Basin: WILLAMETTE

Watershed ID Number: 183

Time: 12:51

Date: 03/16/2001

APP #	183A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1300.00	.00	.00	.00	.00	.00	.00	1300.00
2	1300.00	.00	.00	.00	.00	.00	.00	1300.00
3	1300.00	.00	.00	.00	.00	.00	.00	1300.00
4	1300.00	.00	.00	.00	.00	.00	.00	1300.00
5	1300.00	.00	.00	.00	.00	.00	.00	1300.00
6	1300.00	.00	.00	.00	.00	.00	.00	1300.00
7	1300.00	.00	.00	.00	.00	.00	.00	1300.00
8	1300.00	.00	.00	.00	.00	.00	.00	1300.00
9	1300.00	.00	.00	.00	.00	.00	.00	1300.00
10	1300.00	.00	.00	.00	.00	.00	.00	1300.00
11	1300.00	.00	.00	.00	.00	.00	.00	1300.00
12	1300.00	.00	.00	.00	.00	.00	.00	1300.00

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

0.45¢

Plat Card Report for: *Township: 8S, Range: 5W Section: 10*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
* 12/31/1850	D 40221	40221 (no image)	dlc: 64	✓ NCR - Appears No claim filed - under 311 petition?																	
S 84589				Subject file																	
11/20/2000																					
S 84589			dlc: 64																		
11/20/2000	*																				
S 84589			dlc: 69																		
11/20/2000	*																	PM			
S 84589			dlc: 69																		
11/20/2000	*																	20.600 IR	3.500 IR		

[Return to Plat Card Search Page.](#)

NOTE: Please read the disclaimer before using this information. Frequently asked questions are discussed in our Plat Card [FAQ](#).

Plat Card Report for: *Township: 8S, Range: 5W Section: 11*

Application No. 84589
Permit No.

* See Ash Cr. Decree Map

T. 8s R5w Sec 11

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
12/31/1850	D 40221	40221 (no image)	dlc: 64																			
12/31/1850	D 40221	40221 (no image)	dlc: 65																			
12/31/1850	D 40221	40221 (no image)	dlc: 65																			
12/31/1908	D 40232	40232 (no image)	dlc: 69								DO											
12/31/1900	D 40234	40234 (no image)	dlc: 65																			
5/30/1980	R 8240	60796 (no image)	dlc: 65								LV											
5/30/1980	S 60210	S 45568 (no image)	dlc: 65																			
1/1/1993	R 75722	R 100958 69747																				
12/27/1994	P 77337																					

* Ash Creek Decree

other side of Road

✓ NCR - other side of Road

✓ NCR - other side of Road

✓ NCR

Plat Card Report for: Township: 8S, Range: 5W Section: 11

Application No. 54589
Permit No.

NOTE: Please read the disclaimer before using this information. Frequently asked questions are discussed in our Plat Card FAQ.

Plat Card Report for: *Township: 8S, Range: 5W Section: 14*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
* 12/31/1850	D 40221 *	40221 (no image)	dlc: 64						LV													
* 12/31/1850	D 40221 *	40221 (no image)	dlc: 64						LV													
12/31/1888	D 40225 *	40225 (no image)	dlc: 64																			
12/31/1888	D 40225 *	40225 (no image)	dlc: 76																			
3/31/1874	D 40233 *	40233 (no image)	dlc: 65			LV		LV				LV										
R 75675 1/1/1993	R 100921	69710 -																				
P 80890 1/25/1996																						
S 84589 11/20/2000			dlc: 64						0.200 IR													

Ash Cr. Decree

WCR other side of Road

Subject Title

[Return to Plat Card Search Page.](#)

NOTE: Please read the disclaimer before using this information. Frequently asked questions are discussed in our Plat Card FAQ.

Plat Card Report for: *Township: 8S, Range: 5W Section: 15*

Application No. *84589*
Permit No.

T 85 R 5 W Sec. 15

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
* 12/31/1850	D 40221	40221 (no image)	dlc: 64	LV																		
* 12/31/1850	D 40221	40221 (no image)	dlc: 64	LV																		
12/31/1888	D 40225	40225 (no image)	dlc: 64			DO	LV															LV
12/31/1878	D 40231	40231 (no image)	dlc: 76												LV						LV	LV
12/31/1878	D 40231	40231 (no image)	dlc: 76																			LV
R 58913 7/13/1979	R 7978	57879 (no image)																				LV
S 84589 11/20/2000			dlc: 64	23.100 IR	9.300 IR			0.900 IR														

Ash Creek Decree

Subject File

[Return to Plat Card Search Page.](#)

NOTE: Please read the disclaimer before using this information. Frequently asked questions are discussed in our Plat Card [FAQ](#).

Application No 84589
Permit No.

Wm #16

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 3/23/01 21 day Deadline Date: 4/20/01 Application # 84589

Applicant's Name: Mc Keenan

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: Pisgah Reservoir & Middle Fork Ash Creek
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?

YES NO SOMETIMES Middle Fork Ash Creek
If sometimes, describe the time period, Between: Nov and Mid-July See Ra-84588
according to owner

2) Does the source ever go dry in the area of the proposed diversion?

YES NO Don't know. Live flow Reservoir

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

YES NO

If YES, please explain: _____

4) Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?

YES NO probably See Ra-84588

5) Did you meet with staff from another agency to discuss this application?

YES NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

YES NO

If YES, please explain: Allow use of stored water only. No
live flow for irrigation. Allow instream Nov-June 30.

Comments: See Ra-84588

Name: Bill Lefever Date: 4.25.2001 Title: WM #76

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@ wrd.or.state.us

To PFO or:

[5/1/01]

Please note
WM limits.
maintenance season.

Kerry

1014 WM #16

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 3/23/01 21 day Deadline Date: 4/20/01 Application # R 84588

Applicant's Name: McKibben & Ford

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: Middle Fork Ash Crk.
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?
 YES NO SOMETIMES According to owner.

If sometimes, describe the time period, Between: November and 3rd July

2) Does the source ever go dry in the area of the proposed diversion?
 YES NO According to owner.

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

YES NO

If YES, please explain: _____

4) Is there sufficient flow at the proposed point or diversion to satisfy all existing water rights and provide the quantity of water requested under this application?
 YES NO, probably Do we have a definition of "all existing water rights" yet?

5) Did you meet with staff from another agency to discuss this application?

YES NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

YES NO

If YES, please explain: Allow storage during Nov. - June 30.

Comments: 18 dam location 14 & 15 pond area 16 d.s. Dave McKibben on site during review. Water flowing in north and south branches. Measure about west branch. Plans to grow grapes and alfalfa.

Name: Bob Jensen Date: 4.24.2001 Title: WM #76

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdr.or.state.us

ODFW Review – Division 33 Application

Applicant: David McKibben & Lowell Ford

Application: R84588 & S84589

These applications are for the construction and maintenance of a reservoir in the Middle Fork Ash Creek basin, a tributary to Ash Creek and the Willamette River. Ash Creek and its tributaries can provide seasonal rearing habitat for juvenile Upper Willamette spring chinook salmon and juvenile Upper Willamette winter steelhead, species federally listed as “Threatened” under the Endangered Species Act. These streams can also provide spawning and rearing habitat for native cutthroat trout.

ODFW visited this proposed site with the applicant in September of 2000. The sole purpose of that visit was to determine whether fish passage would be an issue if a dam were to be constructed. The stream in question is a small seasonal tributary of the Middle Fork Ash Creek. Based upon our assessment of available habitat above this point, downstream habitat conditions and our knowledge of the life histories of fish species in the Ash Creek basin we determined that fish passage would not be required at this site. We also observed that through the landowner’s past or existing management of the stream channel, barriers to any potential fish movement currently exist.

Application # R84588 is for the appropriation of water from November 1 to June 30 of each year for storage in the reservoir that is to be constructed. Again, fish passage would not be required. Application # S84589 is for the use of stored water from the reservoir and the use of 0.011 CFS from the Middle Fork of Ash Creek to maintain the reservoir. I apologize if my interpretation is not correct but I assume that the 0.011 CFS would be coming from the stream above the reservoir and, based on the OWRD initial determinations, that appropriation would only be allowed from September 1 to June 30. Given the already low summer stream flows in the basin below this point, any removal of stream water during the drier months could impact fisheries downstream.

Gary Galovich
Fish Biologist
ODFW
04/23/01

X-Mailer: Novell GroupWise Internet Agent 5.5.2.1
Date: Wed, 25 Apr 2001 14:57:22 -0700
From: "Gary Galovich" <Gary.M.Galovich@state.or.us>
To: LEFEVER Kerry A <Kerry.A.Lefever@state.or.us>
Subject: Re: Div 33 review - applications R-84588 and S-84589 McKibben,Ford

As requested....

>>> Kerry Lefever <Kerry.A.Lefever@state.or.us> 04/24/01 03:56AM >>>
Gary,

Applications R-84588 and S-84589 McKibben, Ford were sent to you on March 23, 2001, due April 20, 2001.

Did you receive these applications?

Please send your review comments.

Thanks.

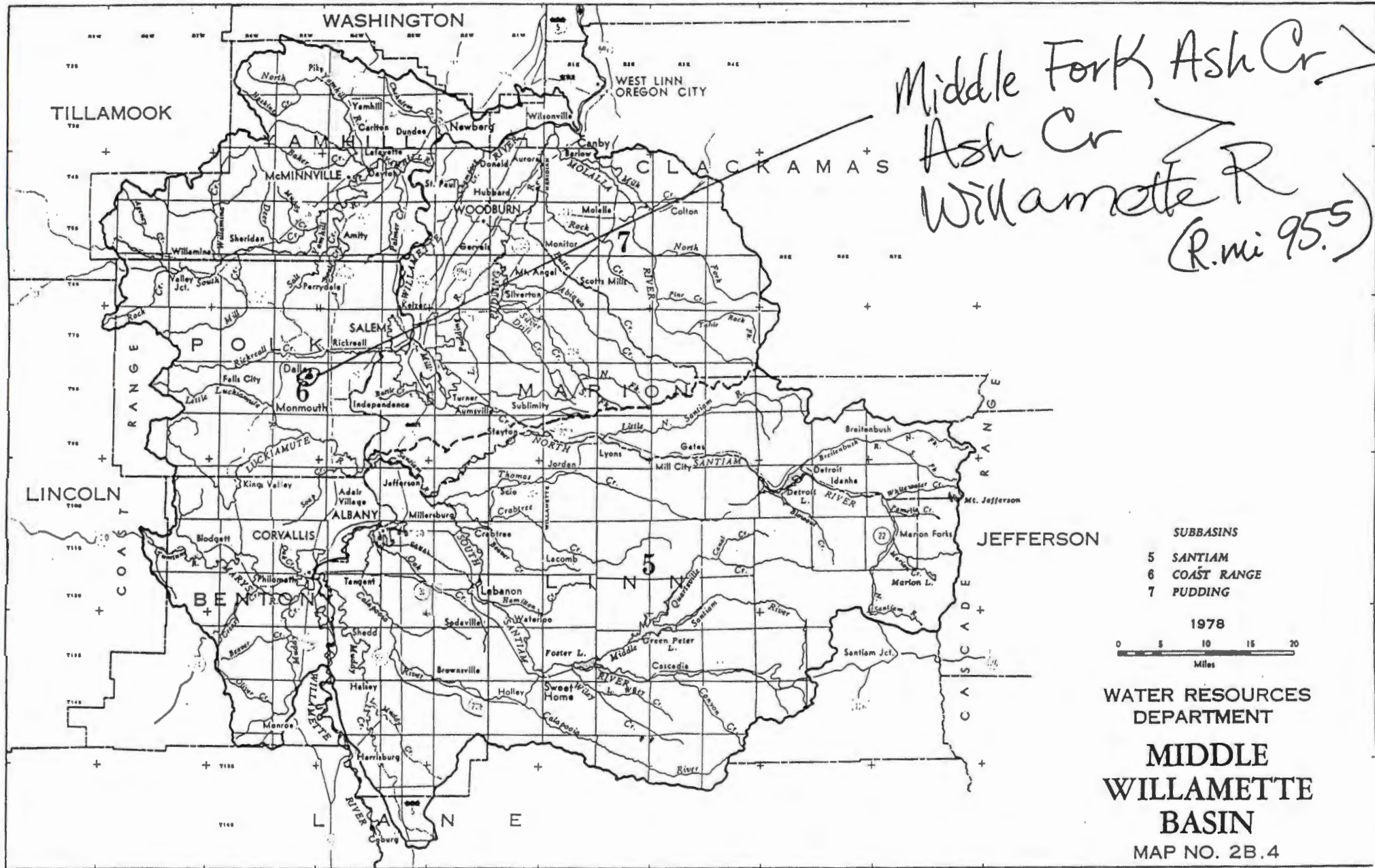
Kerry



Div 33 - R84588 & S84589.doc



TEXT9.htm



This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 23, 2001

DAVID MCKIBBEN
LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503)623-6214

Reference: File S-84589

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the preliminary analysis of and potential limitations to your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The appropriation of 45.0 acre-feet (AF) of stored water only from Mt. Pisgah Reservoir (to be constructed under Application #R-84588) for the irrigation of 181.8 acres **is allowable** under OAR 690-502-040(4)(c), the Willamette Basin Program.
3. Additionally, the use of 5.0 gallons per minute (GPM), or 0.011 cubic foot per second (CFS), of live flow from the Middle Fork Ash Creek, a tributary of Ash Creek, to maintain Mt. Pisgah Reservoir (to be constructed under Application #R-84588 for Multi-Purpose Use, which includes but is not limited to irrigation, fish life and wildlife) **is limited to September 1 through June 30** of each year, under OAR 690-502-040(4)(b)(c) and OAR 690-502-050(1)(e), the Willamette Basin Program.



4. **The appropriation of 45.0 AF of stored water from a reservoir to be constructed under Application #R-84588, is contingent upon the approval of Reservoir Application #R-84588.** Provided that Application #R-84588 is approved, the appropriation of 45.0 AF of stored water for irrigation purposes, under this Application #S-84589, made be made at any time during the irrigation season.
5. Water in the amount 0.011 CFS from Middle Fork Ash Creek, a tributary of Ash Creek, for reservoir maintenance of Mt. Pisgah Reservoir (to be constructed under Application #R-84588) **is available** at any time during the year.
6. Under OAR 690-502-040(6) of the Willamette Basin Program, the irrigation season is from March 1 through October 31 of each year.
7. On March 22, 2001, the applicants requested that the Department waive the customary two-week "Stop Processing" opportunity for this application. The applicants wish to proceed immediately with the processing of Application #R-84588. In order to advance to the next stage of the process, Application #R-84588 will appear on the Department's next publication of the Public Notice, being Tuesday, March 27, 2001.

Summary of Initial Determinations

The appropriation of 45.0 AF of stored water only from Mt. Pisgah Reservoir (to be constructed under Application #R-84588) for the irrigation of 181.8 acres may be allowed from March 1 through October 31 of each year.

The use of 0.011 CFS (5.0 GPM) of water from Middle Fork Ash Creek, a tributary of Ash Creek, to maintain Mt. Pisgah Reservoir (to be constructed under Application #R-84588 for Multi-Purpose Use, which includes but is not limited to irrigation, fish life and wildlife) may be allowed only during the period September 1 through June 30 of each year.

PLEASE NOTE: The appropriation of stored water under this Application #S-84589 for irrigation purposes **is contingent upon the approval of Reservoir Application #R-84588.**

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #3 above, your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

The applicant may withdraw the application and receive a refund (minus a \$50 processing charge per application.) To accomplish this withdrawal, the applicant must notify the Department in writing that they wish to stop the processing of the application.

On March 22, 2001, however, the applicant requested that the Department waive the customary two-week "Stop Processing" opportunity for this application. The applicant wish to proceed immediately with the processing of Application #R-84588. In order to advance to the next stage of the process, Application #R-84588 will appear on the Department's next publication of the Public Notice, being Tuesday, March 27, 2001.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
 3. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is November 20, 2000.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455, extension 201. Feel free to call me at (800) 624-3199 or (503) 378-8455, extension 264, if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496.

Sincerely,



Lisa J. Juul
Water Rights Specialist

cc: Regional Manager, Watermaster District 16, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-84589
wab 02-183 & Stored Water
pou 02-183 & Stored Water
gw N/A

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-84589

Applicant: DAVID MCKIBBEN FORD, LOWELL

County: POLK

Watermaster: District 16

Priority Date: November 20, 2000

Source: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR, TRIBUTARIES OF ASH CREEK

Use: IRRIGATION OF 181.8 ACRES AND POND MAINTENANCE

Quantity: 45.0 ACRE-FEET FOR IRRIGATION & 0.011 CFS FOR POND MAINTENANCE

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 10 ASH CR & MISC

Point of Diversion Location: NWSE, SECTION 10, T 8S, R5W, W.M.; 400 FEET SOUTH & 1990 FEET WEST FROM SE CORNER, JAMES HARRIS DLC 44 NWSE, SECTION 10, T 8S, R5W, W.M.; 400 FEET SOUTH & 1990 FEET WEST FROM SE CORNER, JAMES HARRIS DLC 44

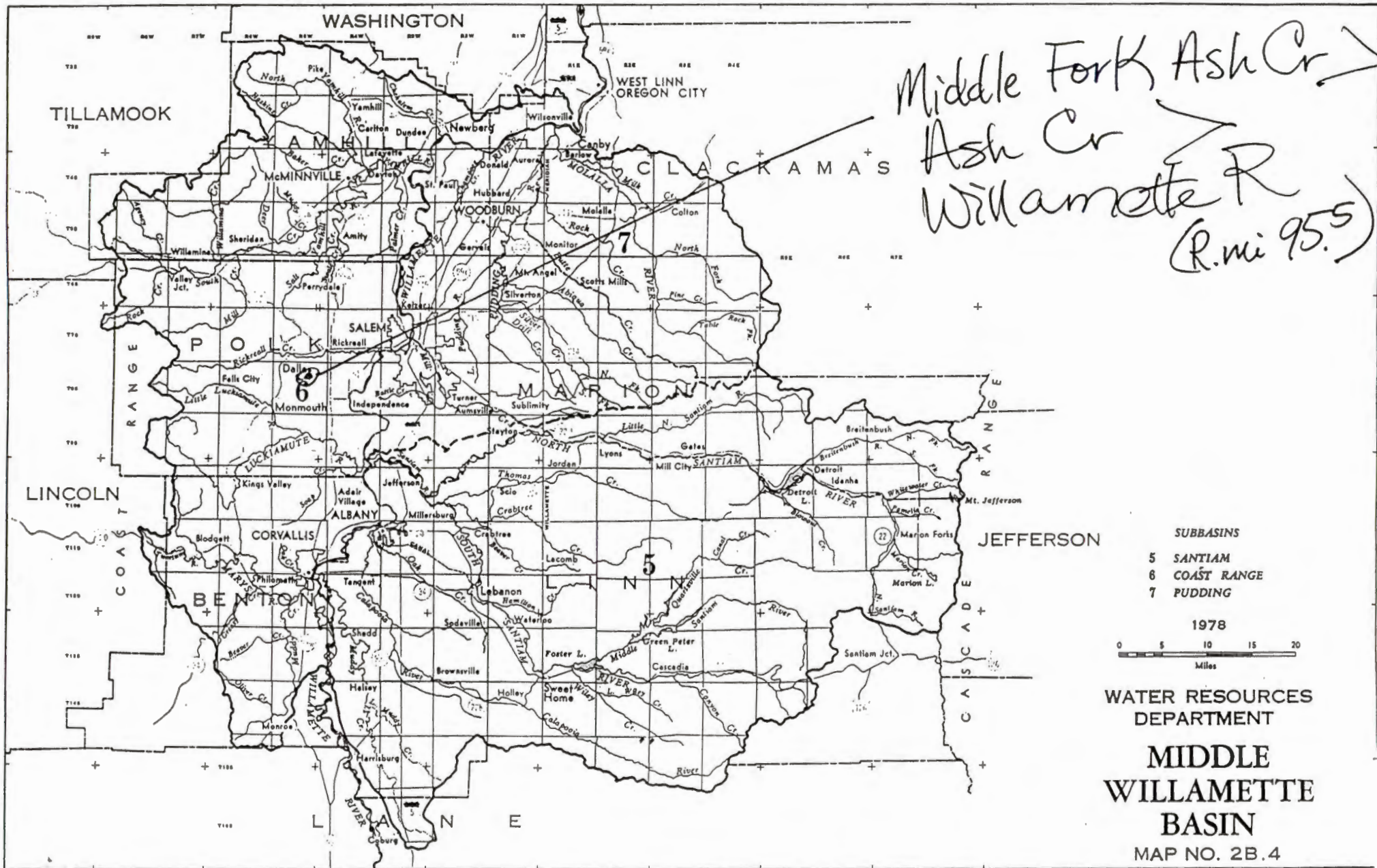
Place of Use: SESW 1.5 ACRES NESE 20.6 ACRES NWSE NWSE 3.5 ACRES SWSE 33.7 ACRES SESE 35.9 ACRES, SECTION 10 NESW 7.7 ACRES NWSW 34.1 ACRES SWSW 9.1 ACRES SESW 2.2 ACRES, SECTION 11 NWNW 0.2 ACRES, SECTION 14 NENE 23.1 ACRES NWNE 9.3 ACRES NENW 0.9 ACRES, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE:

PLEASE NOTE: Applicant has waived the Two-Week "Stop Processing" opportunity. This application will appear on the next possible Public Notice, being Tuesday, March 27, 2001.

PUBLIC NOTICE DATE: Tuesday, March 27, 2001

30 DAY COMMENT DEADLINE DATE: Thursday, April 26, 2001



- SUBBASINS**
- 5 SANTIAM
 - 6 COAST RANGE
 - 7 PUDDING



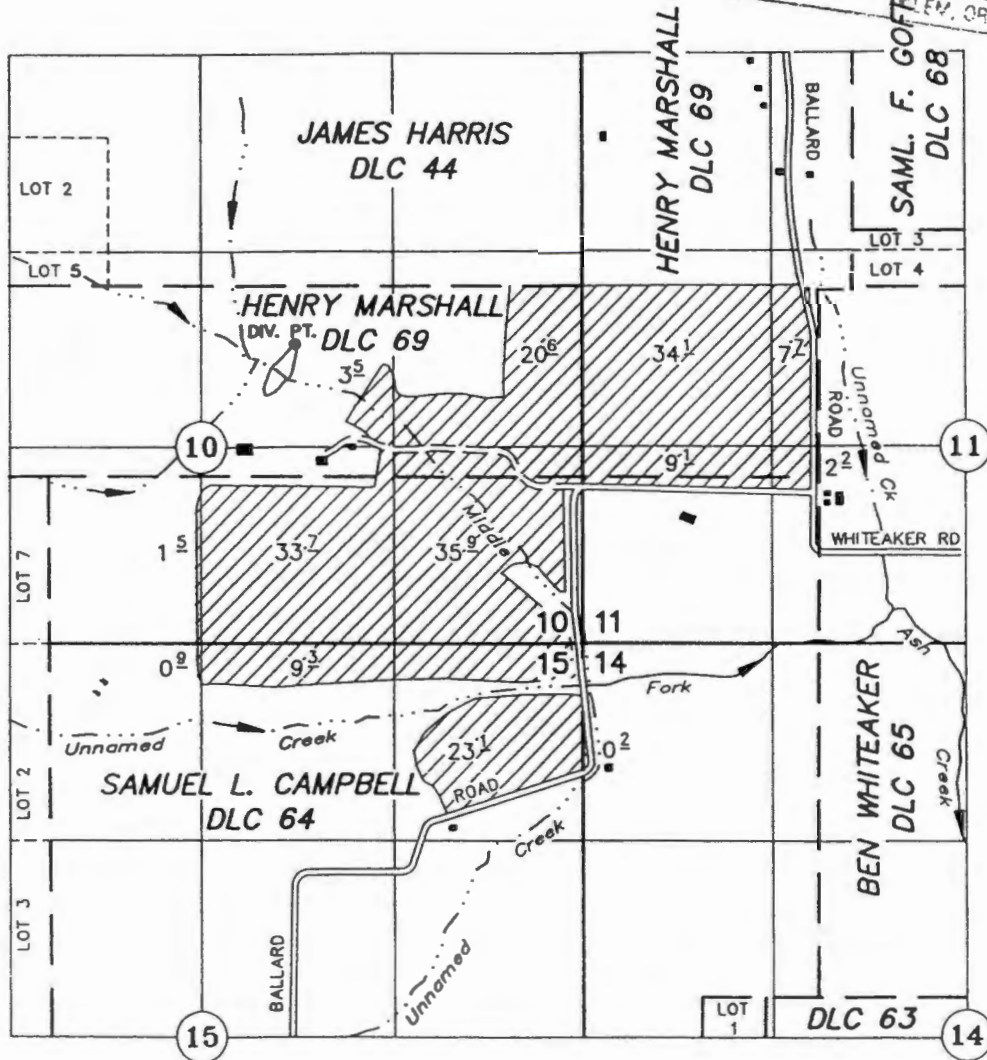
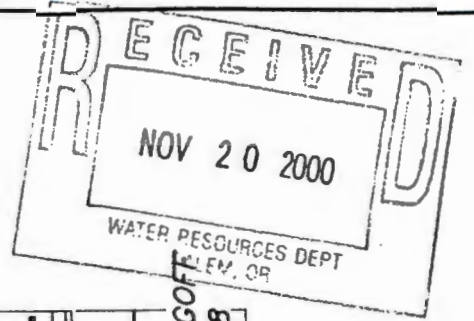
WATER RESOURCES
DEPARTMENT

**MIDDLE
WILLAMETTE
BASIN**

MAP NO. 2B.4

This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.

T8S R5W WM
POLK COUNTY



TAX LOTS:
8.5.10 00700
8.5.11 00700
8.5.15 00100

Survey No. 5-8458
 Plat No.

DIV. PT. PUMP: 400' S. AND 1990' W. OF THE SE COR. JAMES HARRIS DLC 44

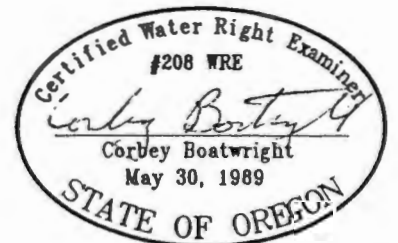
APPLICATION TO APPROPRIATE SURFACE WATER

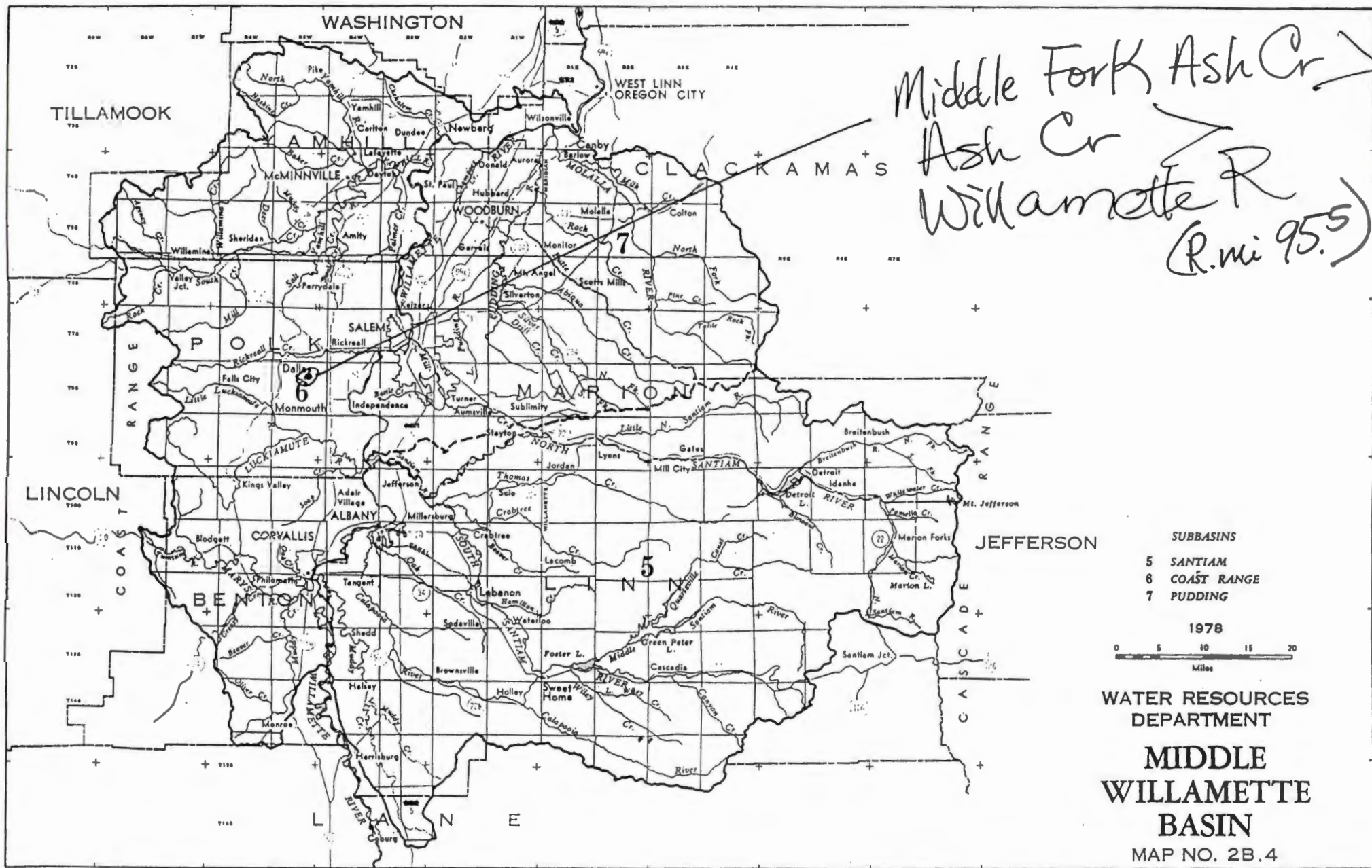
Application No. _____ Permit No. _____

David McKibben

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

NOVEMBER 20, 2000
SCALE: 1" = 1320'





Middle Fork Ash Cr
 Ash Cr
 Willamette R
 (R. mi 95.5)

- SUBBASINS
- 5 SANTIAM
 - 6 COAST RANGE
 - 7 PUDDING



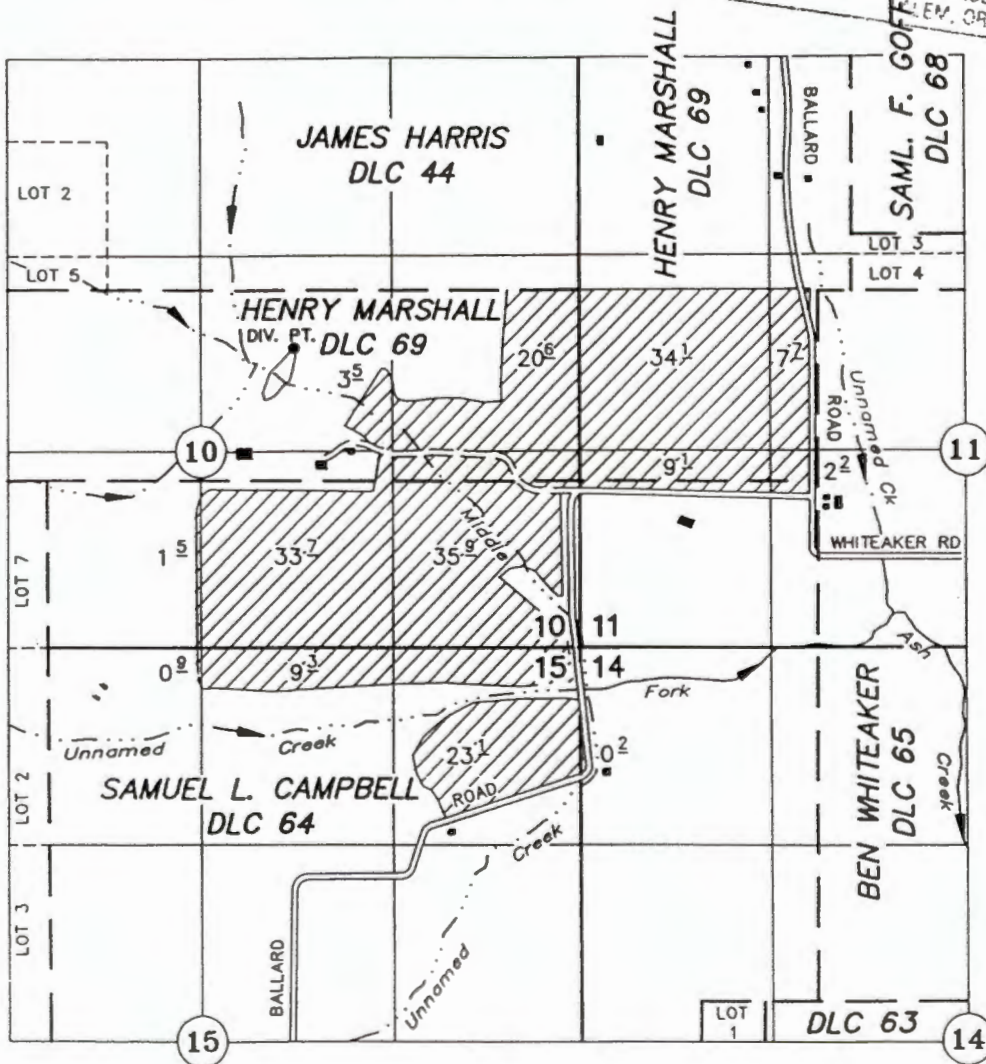
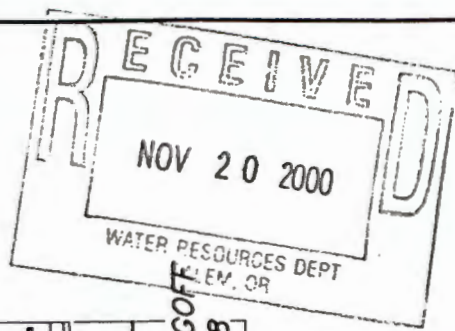
WATER RESOURCES
 DEPARTMENT

**MIDDLE
 WILLAMETTE
 BASIN**

MAP NO. 2B.4

This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.

T8S R5W WM
POLK COUNTY



TAX LOTS:
8.5.10 00700
8.5.11 00700
8.5.15 00100

Application No. 5-84589
 Permit No.

DIV. PT. PUMP: 400' S. AND 1990' W. OF THE SE COR. JAMES HARRIS DLC 44

APPLICATION TO APPROPRIATE SURFACE WATER

Application No. _____ Permit No. _____

David McKibben



NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

NOVEMBER 20, 2000
SCALE: 1" = 1320'

S-84589

MEMORANDUM

Date: March 22, 2001
To: Application Files #R-84588 and #S-84589 (Ford & McKibben)
From: Lisa Juul, Initial Review
Subject: Type of Use and Quantity Clarification

On March 22, 2001, Lowell Ford (co-applicant) came to the Salem office to clarify some elements of Applications #R-84588 and #S-84589 submitted by Mr Ford and co-applicant David McKibben. Please take note of the following clarifications:

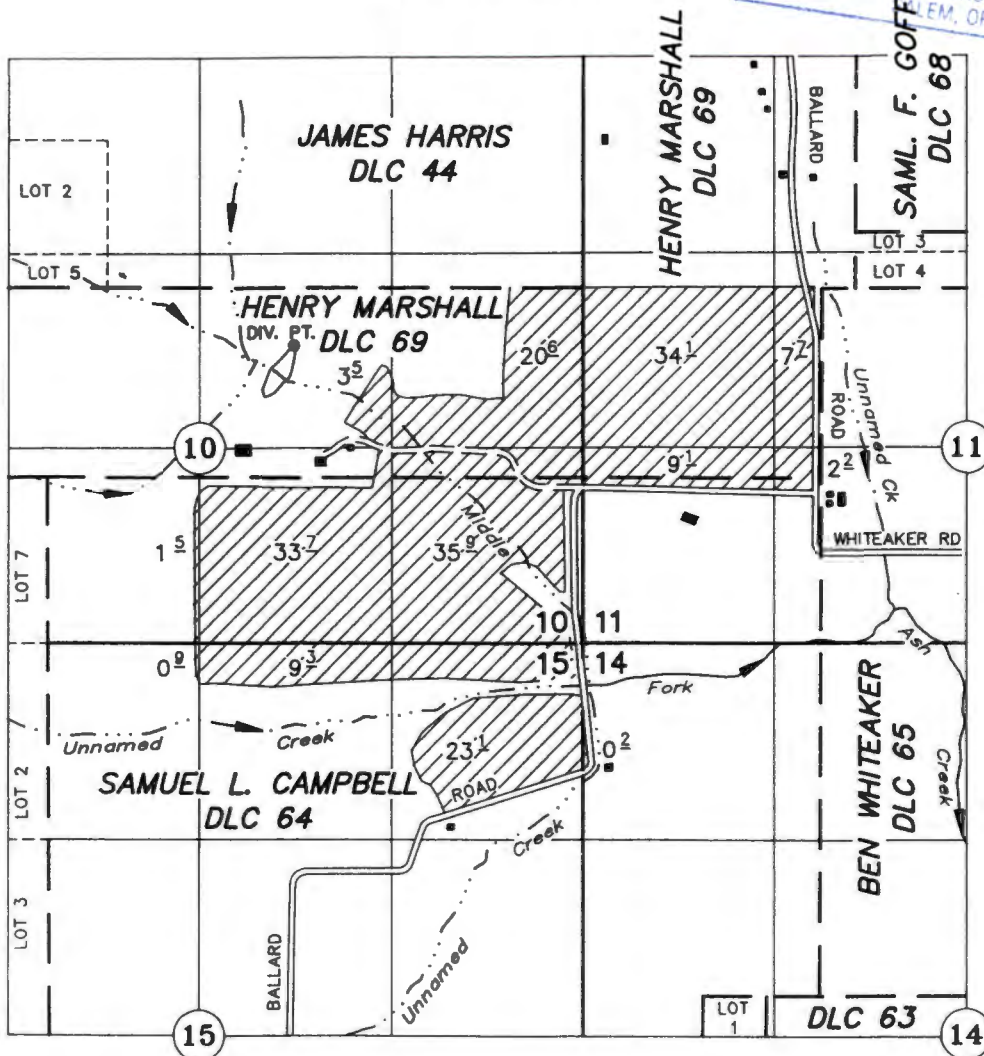
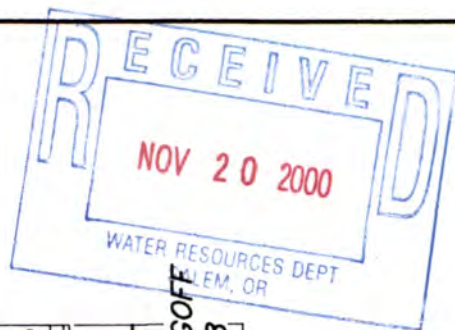
Application #R-84588

1. The applicants submitted preliminary plans and specs prepared by a CWRE for the reservoir proposed under Application #R-84588.
2. The type of use was intended to be "Multi-Purpose Use, including but not limited to Irrigation, Fish Life and Wildlife."

Application #S-84589

1. The type of use indicated on the application was unclear. In an effort to clarify, the applicants stated that the intent of the secondary surface water permit (#S-84589) was to:
 - ▶ Appropriate water stored in the reservoir (under #R-84588) for irrigation of 181.8 acres; **and**
 - ▶ To maintain the level of the reservoir for Fish Life and Wildlife.
2. The quantity of water requested for Reservoir Maintenance was not indicated..... However, the use was requested at the time it was originally submitted. Therefore, the following is being noted in order to clarify and complete Application #S-84589:
 - ▶ 0.45 cubic foot per second of water from Ash Creek is requested for reservoir maintenance for a reservoir proposed to store 45.0 acre-feet (under #R-84588).

T8S R5W WM
POLK COUNTY



TAX LOTS:
8.5.10 00700
8.5.11 00700
8.5.15 00100

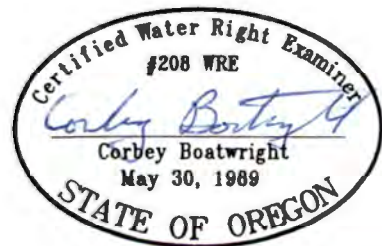
Application No. 5-84589
Permit No.

DIV. PT. PUMP: 400' S. AND 1990' W. OF THE SE COR. JAMES HARRIS DLC 44

APPLICATION TO APPROPRIATE SURFACE WATER

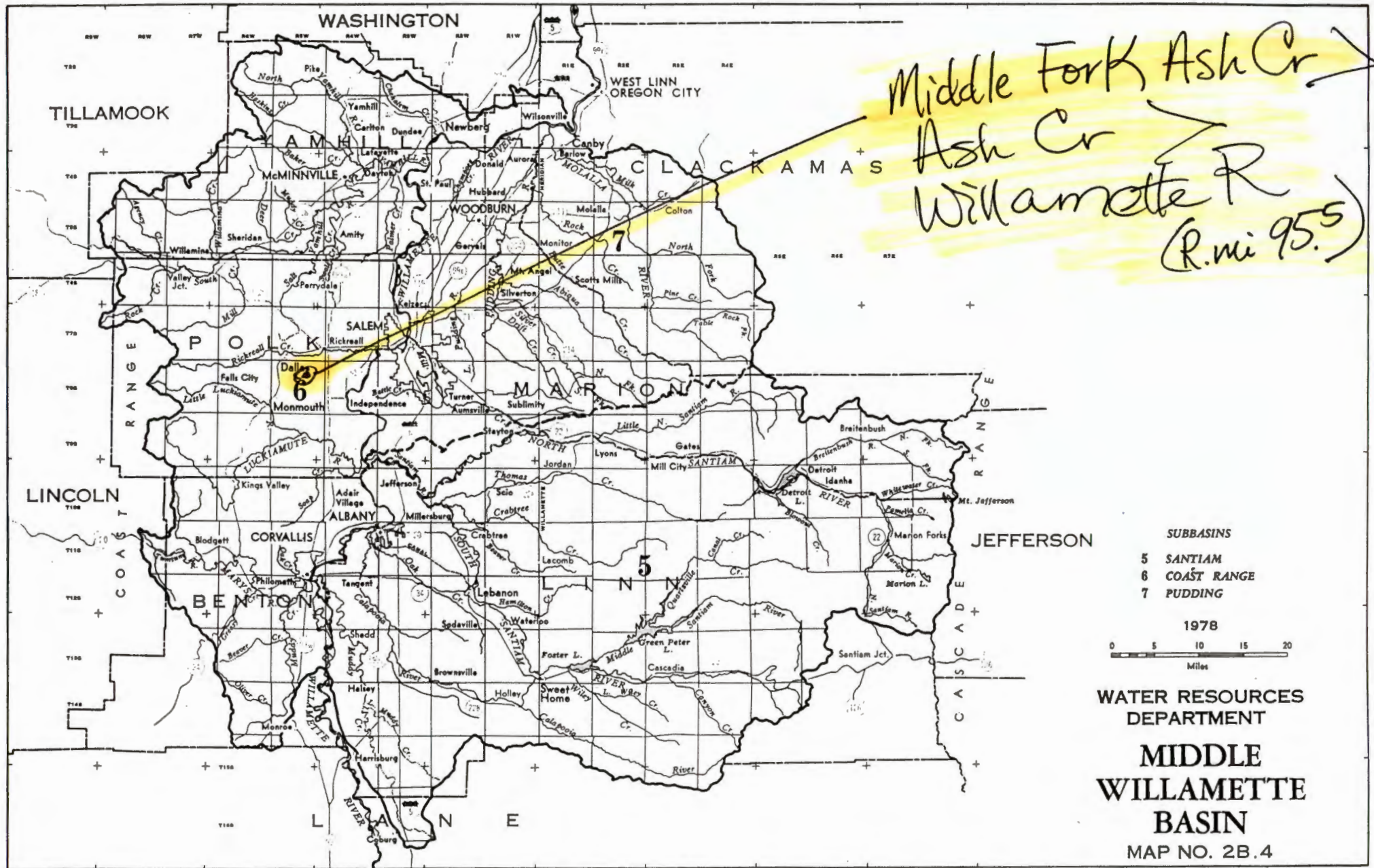
Application No. _____ Permit No. _____

David McKibben



NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

NOVEMBER 20, 2000
SCALE: 1" = 1320'



This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

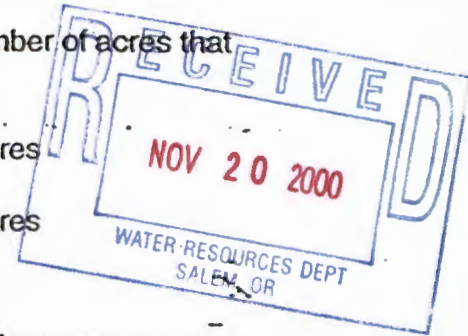
Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 1818 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____



2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Vineyard Full season Partial season (from: _____ to _____)
- 2. pasture Full season Partial season (from: _____ to _____)
- 3. _____ Full season Partial season (from: _____ to _____)
- 4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

45 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours
- Other, explain: _____

Application No. 5-84589
Permit No.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 23, 2001

DAVID MCKIBBEN
LOWELL FORD
3415 BALLARD ROAD
DALLAS, OREGON 97338

(503)623-6214

Reference: File S-84589

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of and potential limitations to your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The appropriation of 45.0 acre-feet (AF) of stored water only from Mt. Pisgah Reservoir (to be constructed under Application #R-84588) for the irrigation of 181.8 acres **is allowable** under OAR 690-502-040(4)(c), the Willamette Basin Program.
3. Additionally, the use of 5.0 gallons per minute (GPM), or 0.011 cubic foot per second (CFS), of live flow from the Middle Fork Ash Creek, a tributary of Ash Creek, to maintain Mt. Pisgah Reservoir (to be constructed under Application #R-84588 for Multi-Purpose Use, which includes but is not limited to irrigation, fish life and wildlife) **is limited to September 1 through June 30** of each year, under OAR 690-502-040(4)(b)(c) and OAR 690-502-050(1)(e), the Willamette Basin Program.



4. The appropriation of 45.0 AF of stored water from a reservoir to be constructed under Application #R-84588, ***is contingent upon the approval of Reservoir Application #R-84588.*** Provided that Application #R-84588 is approved, the appropriation of 45.0 AF of stored water for irrigation purposes, under this Application #S-84589, made be made at any time during the irrigation season.
5. Water in the amount 0.011 CFS from Middle Fork Ash Creek, a tributary of Ash Creek, for reservoir maintenance of Mt. Pisgah Reservoir (to be constructed under Application #R-84588) **is available** at any time during the year.
6. Under OAR 690-502-040(6) of the Willamette Basin Program, the irrigation season is from March 1 through October 31 of each year.
7. On March 22, 2001, the applicants requested that the Department waive the customary two-week "Stop Processing" opportunity for this application. The applicants wish to proceed immediately with the processing of Application #R-84588. In order to advance to the next stage of the process, Application #R-84588 will appear on the Department's next publication of the Public Notice, being Tuesday, March 27, 2001.

Summary of Initial Determinations

The appropriation of 45.0 AF of stored water only from Mt. Pisgah Reservoir (to be constructed under Application #R-84588) for the irrigation of 181.8 acres may be allowed from March 1 through October 31 of each year.

The use of 0.011 CFS (5.0 GPM) of water from Middle Fork Ash Creek, a tributary of Ash Creek, to maintain Mt. Pisgah Reservoir (to be constructed under Application #R-84588 for Multi-Purpose Use, which includes but is not limited to irrigation, fish life and wildlife) may be allowed only during the period September 1 through June 30 of each year.

PLEASE NOTE: The appropriation of stored water under this Application #S-84589 for irrigation purposes ***is contingent upon the approval of Reservoir Application #R-84588.***

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #3 above, your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

The applicant may withdraw the application and receive a refund (minus a \$50 processing charge per application.) To accomplish this withdrawal, the applicant must notify the Department in writing that they wish to stop the processing of the application.

On March 22, 2001, however, the applicant requested that the Department waive the customary two-week "Stop Processing" opportunity for this application. The applicant wish to proceed immediately with the processing of Application #R-84588. In order to advance to the next stage of the process, Application #R-84588 will appear on the Department's next publication of the Public Notice, being Tuesday, March 27, 2001.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
 3. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is November 20, 2000.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455, extension 201. Feel free to call me at (800) 624-3199 or (503) 378-8455, extension 264, if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496.

Sincerely,



Lisa J. Juul
Water Rights Specialist

cc: Regional Manager, Watermaster District 16, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-84589
wab 02-183 & Stored Water
pou 02-183 & Stored Water
gw N/A

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-84589

Applicant: DAVID MCKIBBEN FORD, LOWELL

County: POLK

Watermaster: District 16

Priority Date: November 20, 2000

Source: MIDDLE FORK ASH CREEK AND MOUNT PISGAH RESERVOIR, TRIBUTARIES OF ASH CREEK

Use: IRRIGATION OF 181.8 ACRES AND POND MAINTENANCE

Quantity: 45.0 ACRE-FEET FOR IRRIGATION & 0.011 CFS FOR POND MAINTENANCE

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 10 ASH CR & MISC

Point of Diversion Location: NWSE, SECTION 10, T 8S, R5W, W.M.; 400 FEET SOUTH & 1990 FEET WEST FROM SE CORNER, JAMES HARRIS DLC 44 NWSE, SECTION 10, T 8S, R5W, W.M.; 400 FEET SOUTH & 1990 FEET WEST FROM SE CORNER, JAMES HARRIS DLC 44

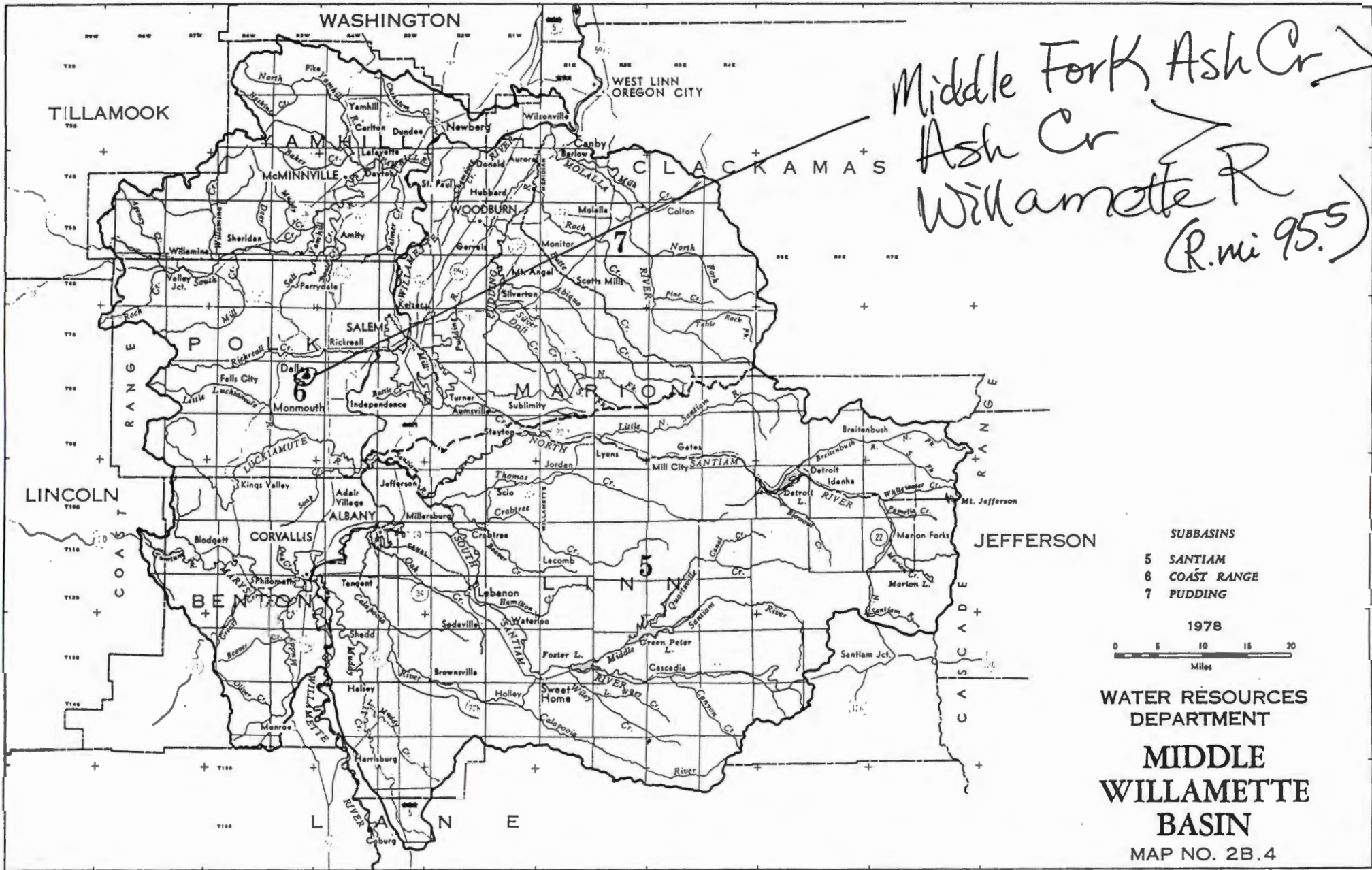
Place of Use: SESW 1.5 ACRES NESE 20.6 ACRES NWSE NWSE 3.5 ACRES SWSE 33.7 ACRES SESE 35.9 ACRES, SECTION 10 NESW 7.7 ACRES NWSW 34.1 ACRES SWSW 9.1 ACRES SESW 2.2 ACRES, SECTION 11 NWNW 0.2 ACRES, SECTION 14 NENE 23.1 ACRES NWNE 9.3 ACRES NENW 0.9 ACRES, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE:

PLEASE NOTE: Applicant has waived the Two-Week "Stop Processing" opportunity. This application will appear on the next possible Public Notice, being Tuesday, March 27, 2001.

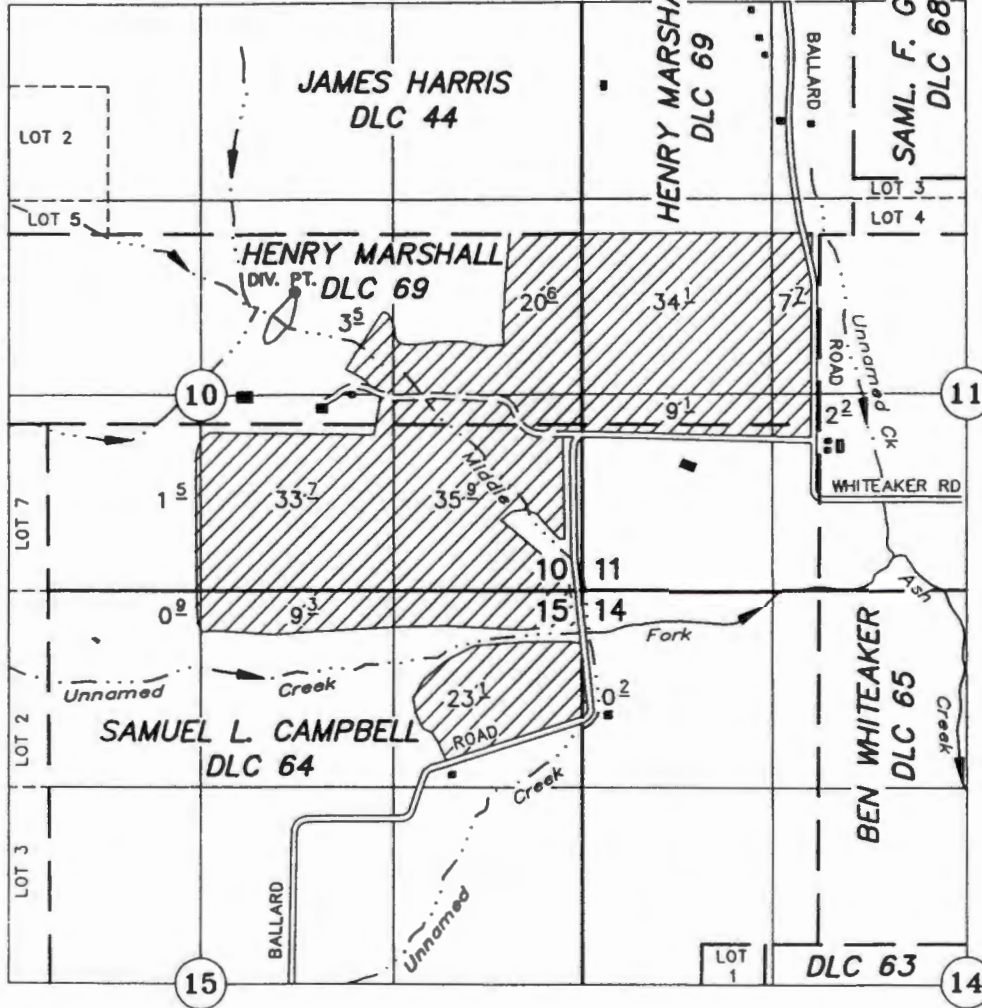
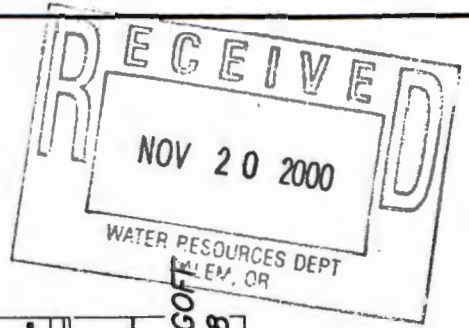
PUBLIC NOTICE DATE: Tuesday, March 27, 2001

30 DAY COMMENT DEADLINE DATE: Thursday, April 26, 2001



This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.

T8S R5W WM
POLK COUNTY



TAX LOTS:
8.5.10 00700
8.5.11 00700
8.5.15 00100

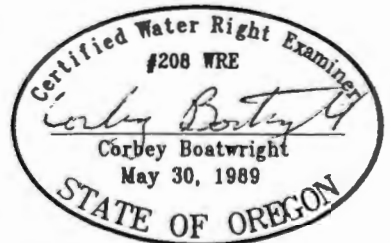
Application No. 85-8-8458
 Permit No.

DIV. PT. PUMP: 400' S. AND 1990' W. OF THE SE COR. JAMES HARRIS DLC 44

APPLICATION TO APPROPRIATE SURFACE WATER

Application No. _____ Permit No. _____

David McKibben



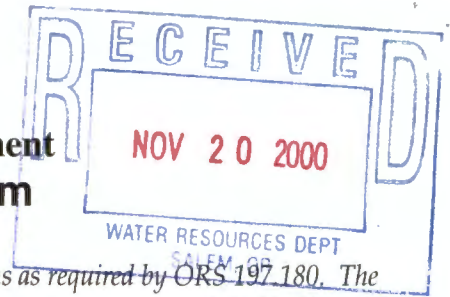
NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

NOVEMBER 20, 2000
SCALE: 1" = 1320'



Application No 5-84589
 Permit No.

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. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: David McKibben

Address: 3415 Ballard Rd

City: Dallas State: OR Zip: 97338 Day Phone: 503-931-3724

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)		
<u>8.5.10 00700</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>8.5.11 00700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>8.5.15 00700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

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

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): IRRIGATION

Briefly describe: Tax lot 8.5.11 00700, drip irrigation for vineyard
tax lots 8.5.10 00700, 8.5.11 00700 hand line sprinklers for
pasture, the balance of the water is for fish habitat

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Central Ash Creek
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

45 CFS GPM Acre-Feet

Application No. 5-84589

Permit No.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your 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); PCZO 136.030(A) . Go to section B "Approval" below
ORS 215.203
- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

B. Approval

Please provide printed name and written signature.

Name: Diane Rolph Date: 11-16-00

Title: Associate Planner Phone: (503) 623-9237

Signature: Diane Rolph

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.

May need to apply for build/electrical permits as they apply to proposed structures for the project. Our understanding is that this is a 20' earthen dam.

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 will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

DESCRIPTION SHEET

TRACT 1: Beginning at the Northwest corner of the Donation Land Claim of B. Whiteaker, being Not. No. 2272, Claim No. 65 in Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence South 19.54 chains to the Northeast corner of the S. L. Campbell Donation Land Claim No. 2273, Claim No. 64 in said Township and Range; thence West 100.11 chains; thence North 19.32 chains; thence East 76.57 chains, more or less, to the Southeast corner of the James Harris Donation Land Claim, Notification No. 1960 in said Township and Range; thence Easterly about 24.94 chains to the place of beginning.

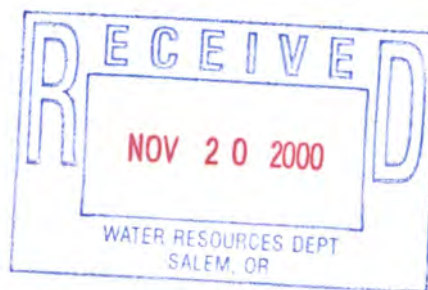
TRACT 2: Beginning at the Northwest corner of the "L" of the Henry Marshall Donation Land Claim No. 69 in Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence running North 15.31 chains; thence East 26.43 chains; thence South 15.31 chains to the North line of the "L" of the Marshall Donation Land Claim; thence West 26.43 chains to the place of beginning.

TRACT 3: Beginning at the Northwest corner of the Donation Land Claim of Samuel L. Campbell and wife, Notification No. 2273, Claim No. 64 in Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence South $89^{\circ} 34'$ East 53.94 chains; thence South 1° East 13.51 chains; thence South 8° East 15.19 chains; thence South $71^{\circ} 30'$ West 18.66 chains; thence South 13° West 5.30 chains; thence West 37.31 chains to the West line of said Campbell Donation Land Claim; thence North 39.97 chains to the place of beginning.

SAVE AND EXCEPT that portion thereof conveyed to L. I. Bursell by deed recorded August 28, 1919 in Volume 68, Page 435, Deed Records for Polk County, Oregon.

Application No.
Permit No.

S-84589



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 # **119916**

INVOICE # _____

RECEIVED FROM: Ford Family LLC / Mahe
 BY: Vineyard; Lowell Ford
Pauline Ford

APPLICATION	S-84589
PERMIT	
TRANSFER	

CASH: CHECK:# 1467 OTHER: (IDENTIFY)

TOTAL REC'D \$ 450.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) Reinstate Permit \$ 450.00
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

EXAM FEE			RECORD FEE
\$	0202		\$
\$	0204		\$
\$			

WELL CONSTRUCTION

EXAM FEE			LICENSE FEE
\$	0219		\$
	0220		\$

0201 SURFACE WATER
 0203 GROUND WATER
 0205 TRANSFER
 0218 WELL DRILL CONSTRUCTOR
 LANDOWNER'S PERMIT
 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 _____ \$ _____

**RECEIVED
 OVER THE COUNTER**

RECEIPT: **119916**

DATED: 5/24/16 BY: Carbs Turner

6-1-01

Permit fee \$175-

Application R-84588
S-845889

Lowell Ford
2450 Wallace Rd NW
Salem OR 97304
503-362-0850

RECEIVED

AUG 02 2001

WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **41887**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

R-84588

RECEIVED FROM: Bette L. M. Cribb
BY: _____

APPLICATION	<u>S-84589</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 920.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

PCA # 66611

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY) _____	\$	
(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$	

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ <u>920.00</u>	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY) _____			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **41887**

DATED: 11-20-00 BY: [Signature]

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 41887

188 1/2TH ST. S.E.
SALEM, OR 97310-0110
374 3948 (782-8150) FAX

INVOICE #

RECEIVED FROM: _____
BY: _____
DATE: _____
CHECK: CASH:
OTHER IDENTIFICATION: _____
TOTAL RECEIVED: \$ _____

PAID TO: _____
MISCELLANEOUS: _____
COPIES & TRIP FEES: _____
RESEARCH FEES: _____
MISC REVENUE: _____
PERSONAL USE: _____
WATER RIGHTS: _____
SURFACE WATER: _____
GROUND WATER: _____
TRANSFER: _____
WELL CONSTRUCTION: _____
WELL DRILL CONSTRUCTION: _____
LANDOWNER'S PERMIT: _____
OTHER: _____

ADDITIONAL INFORMATION: _____
REGISTRATION NUMBER: _____
OTHER IDENTIFICATION: _____
OTHER IDENTIFICATION: _____

1	1
2	2
3	3
4	4
5	5

PERMITS OF EXPENSE: _____
ADDITIONAL FEES: _____
WELL OPERATING COST: _____
MISCELLANEOUS: _____
COPIES & TRIP FEES: _____
RESEARCH FEES: _____
MISC REVENUE: _____
PERSONAL USE: _____
WATER RIGHTS: _____
SURFACE WATER: _____
GROUND WATER: _____
TRANSFER: _____
WELL CONSTRUCTION: _____
WELL DRILL CONSTRUCTION: _____
LANDOWNER'S PERMIT: _____
OTHER: _____

1	1
2	2
3	3
4	4
5	5

0200	EXAM FEE	1	1
0201	EXAM FEE	1	1
0202	EXAM FEE	1	1
0203	EXAM FEE	1	1
0204	EXAM FEE	1	1
0205	EXAM FEE	1	1
0206	EXAM FEE	1	1
0207	EXAM FEE	1	1
0208	EXAM FEE	1	1
0209	EXAM FEE	1	1
0210	EXAM FEE	1	1
0211	EXAM FEE	1	1
0212	EXAM FEE	1	1
0213	EXAM FEE	1	1
0214	EXAM FEE	1	1
0215	EXAM FEE	1	1
0216	EXAM FEE	1	1
0217	EXAM FEE	1	1
0218	EXAM FEE	1	1
0219	EXAM FEE	1	1
0220	EXAM FEE	1	1
0221	EXAM FEE	1	1
0222	EXAM FEE	1	1
0223	EXAM FEE	1	1
0224	EXAM FEE	1	1
0225	EXAM FEE	1	1
0226	EXAM FEE	1	1
0227	EXAM FEE	1	1
0228	EXAM FEE	1	1
0229	EXAM FEE	1	1
0230	EXAM FEE	1	1
0231	EXAM FEE	1	1
0232	EXAM FEE	1	1
0233	EXAM FEE	1	1
0234	EXAM FEE	1	1
0235	EXAM FEE	1	1
0236	EXAM FEE	1	1
0237	EXAM FEE	1	1
0238	EXAM FEE	1	1
0239	EXAM FEE	1	1
0240	EXAM FEE	1	1
0241	EXAM FEE	1	1
0242	EXAM FEE	1	1
0243	EXAM FEE	1	1
0244	EXAM FEE	1	1
0245	EXAM FEE	1	1
0246	EXAM FEE	1	1
0247	EXAM FEE	1	1
0248	EXAM FEE	1	1
0249	EXAM FEE	1	1
0250	EXAM FEE	1	1

WELL CONST START FEE: _____
WELL CONST START FEE: _____
MONTGOMERY WELLS: _____
OTHER: _____

LOTTERY PROCEEDS: _____
LOTTERY PROCEEDS: _____

HYDRO ACTIVITY: _____
HYDRO LICENSE FEE (NEW/ADJ): _____
HYDRO LICENSE FEE (NEW/ADJ): _____
HYDRO APPLICATION: _____

Application No. S-84589
Permit No.

RECEIVED
OVER THE COUNTER

RECEIPT # 41887

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **47255**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Ford Family Limited
BY: _____

APPLICATION	S84589
PERMIT	
TRANSFER	

CASH: CHECK: # 19-7076 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
(New) TC162 DEPOSIT LIAB. (IDENTIFY)	\$	

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$ 175.00
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY LIC NUMBER

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

RECEIPT # **47255**

DATED: 08/02/01 BY: C. Vance