

FILE#: G 13121

SHERRY KORCEK
BESSETTE, ROCHELLE; STEPHAN, TONI
STAR RT 5701 W HWY 126 21221 NW Yucca
REDMOND, OR 97756-8288 Ave

ph. 541-548-0789

Date filed

Priority

Action suspended until COI

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning 6-12-97

Date for completion 10-1-98

Extended to 10-1-01

Date for application of water 10-1-99

Extended to 10-1-01

PROSECUTION OF WORK

Form "A" filed 10-15-96

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Application No. G G13121

Permit No. G G12510

Certificate No.

Stream Index, Page No. 5

Deschutes
05-14-90
V1 Deschutes Remisc

Date

To Whom

ASSIGNMENTS

Address

Volume

Page

REMARKS

118 sent 10/29/96

FEES PAID

Date	Amount	Receipt No.
<u>9-17-92</u>	<u>\$576.00</u>	<u>91968</u>
<u>EXT. 7-30-99</u>	<u>100.00</u>	<u>31661</u>

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
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Form B (690-9-77)

Application No. G-13121

NOTICE OF COMPLETION OF CONSTRUCTION

I, Toni M. Stephan, the holder of Permit No. G-12510

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 15th day of MAY, 1997.

Remarks: The Area of Actual Irrigation will not exceed 95 Acres. This

system is developed to irrigate at this level, 90-95 Acres.
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of October, 1997

Toni M. Stephan
(Signature of Applicant)

905701 W. Highway 126, Redmond, OR.
Site Address: 21221 N.W. Youth Road, Redmond, OR. 97751
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

OCT 15 1996

Form A (690-9-77)

Application No. G-13121

NOTICE OF BEGINNING OF CONSTRUCTION

I, Toni M. Stephan, the holder of Permit No. G-12510

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 16th day of July, 1996.

Remarks: Aiken Well Drilling began drilling a 10" hole on July 16, 1996

and drilled to a depth of 40' by July 22, 1996. The well was capped and
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

I am currently investigating pump types to determine which will be best
authorized by your permit. to use in this situation. Two estimates from two companies have been received.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of October, 1996.

Toni M. Stephan
(Signature of Applicant)

5701 W. Highway 126, Redmond, OR.
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

OK
DSM

subject to inspection and approval by the Director
ment.

Wells which flow at various times, the meter shall be
measure both pumped and flowing discharges.

MAINTENANCE

Free of vegetative growth, debris or other foreign
water operation. All meters shall be lubricated as

RECEIVED

NOV 03 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. G-13121

NOTICE OF BEGINNING OF CONSTRUCTION

_____, the holder of Permit No. G-12510

_____, of the state of Oregon, began the actual construction of the works described

on the day of July, 1996.

Well Drilling began drilling of a 10" hole on July 16, 1996,
must state the manner of beginning of construction, the amount of work completed and the type of equipment
used. of 40' by July 22, 1996. The well was stopped and

state of this statement, and any additional information which shows a substantial beginning of construction as
discovery pump types to determine which will be best
extra. Two estimates from two companies have been received.

_____, I have hereunto set my hand this 10th day of October, 1996.

(Applicant) 5701 W. Highway 126, Redmond, Or.
(Address) 97756

to the Water Resources Department, Salem, OR 97310, when construction work is begun.

OK
DSM

FILE: G-13121 PERMIT: G-12510
Claim of Beneficial Use and Site Report

INFORMATION: Owner/ Permittee - TONI STEPHAN
21221 NW Yucca Ave.
Redmond, OR. 97756
home phone (541) 548-0789
- ROCHELLE BESSETTE
8246 NW Yucca Ave.
Redmond, OR 97756
home phone (541) 548-6088
ext. 20

SOURCE: Well in The Deschutes River Basin.

DIVERSION POINT: A 10" dia. well drilled to 400 feet is located N. 1325' x E. 40' from the Southwest Corner of Section 35, T.14S., R.12E., W.M. (See enclosed well report dated 8-20-96)

MOTOR: Franklin Electric Model 2366196025, 60 HP, 3450 max. RPMs, 240/480 voltage, 80.5 amps.

PUMP: Crown Submersible Turbine pump, model 7M340-6 set at 273 feet produces 450 GPM at 75psi. The intake is 7" with an outlet pipe diameter of 6". (see pump test dated 9-26-01)

PIPE: 64 feet of 6" pipe delivers water from the well to 3540 feet of above ground mainline (2070' of 6" and 1470' of 4") pipe. Crop and pasture irrigation is by 7100 feet of 3" portable pipe (170-40' lengths and 15-20' lengths).

HEADS: Maximun of 80 rainbird sprinklers with 5/32" nozzles or 56-5/32" sprinklers plus the Nelson 100 Big Guns with a 0.6" nozzle irrigate under a head end pressure of 56 psi and an end pressure of 54psi. Total 5/32" sprinklers is 185 and total 3/4" nozzle big guns is 3.

USE(S): Irrigation of 25.2 acres of crop and pasture.

LIFT: A 1/4" diameter by 273 feet long air line measures the well static level at 216 feet. The land is re;atively level with a gentle slope to the Northwest.

SURVEY: Combination of field measurements, tax lot maps, aerial photos and USGS 7.5' Cline Falls, Oregon quadrangle map and County Partition Plat #PP-1998-44 (CS#13395).

1 CLAIM OF BENEFICIAL USE

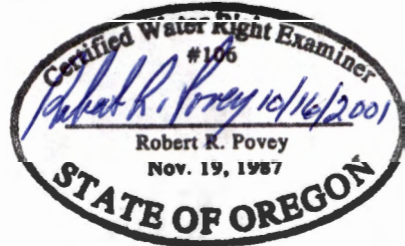


FILE: G-13121, PERMIT: G-12510
Claim of Beneficial Use and Site Report

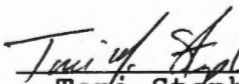
SPECIAL CONDITIONS: The water for the house and yard are from a seperate well.

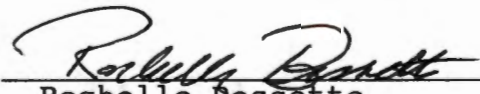
REMARKS: A request to accept a late claim is hereby requested of the Water Resources Dept. as per a phone conversation on Sept. 26, 2001 between Steve Brown, Water Right Specialist and R. Povey, CWRE #106.

The final proof survey and inspection of the use was found to be completed under the terms and conditions of Application G13121, was completed by me on 10/5/2001. The facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



We, TONI STEPHAN and ROCHELLE BESSETTE, agree to the findings of the CWRE and do submit this site report and map as our Claim of Benneficial Use of the water as provided under the terms and conditions of Application G-13121 under permit G12510.

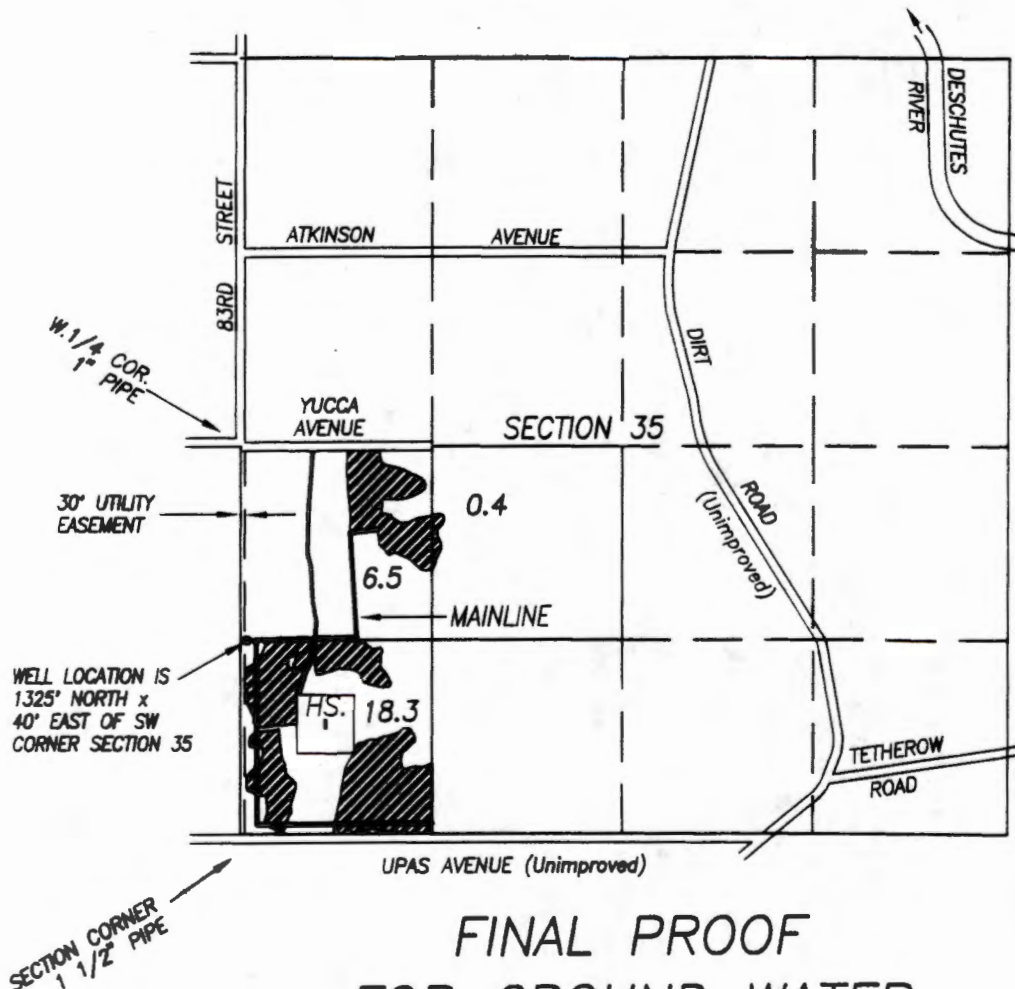

Toni Stephan


Rochelle Bessette



T.14S.,R.12E.,W.M.
SECTION 35
DESCHUTES COUNTY

SCALE: 1" = 1320'



■ - WATER ON
25.2 ACRES

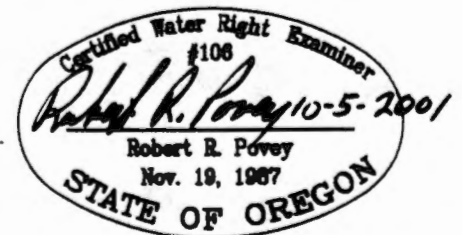


FINAL PROOF
FOR GROUND WATER

IN NAME OF: TONI STEPHAN & ROCHELLE BESSETTE
FILE: G-13121, PERMIT: G-12510

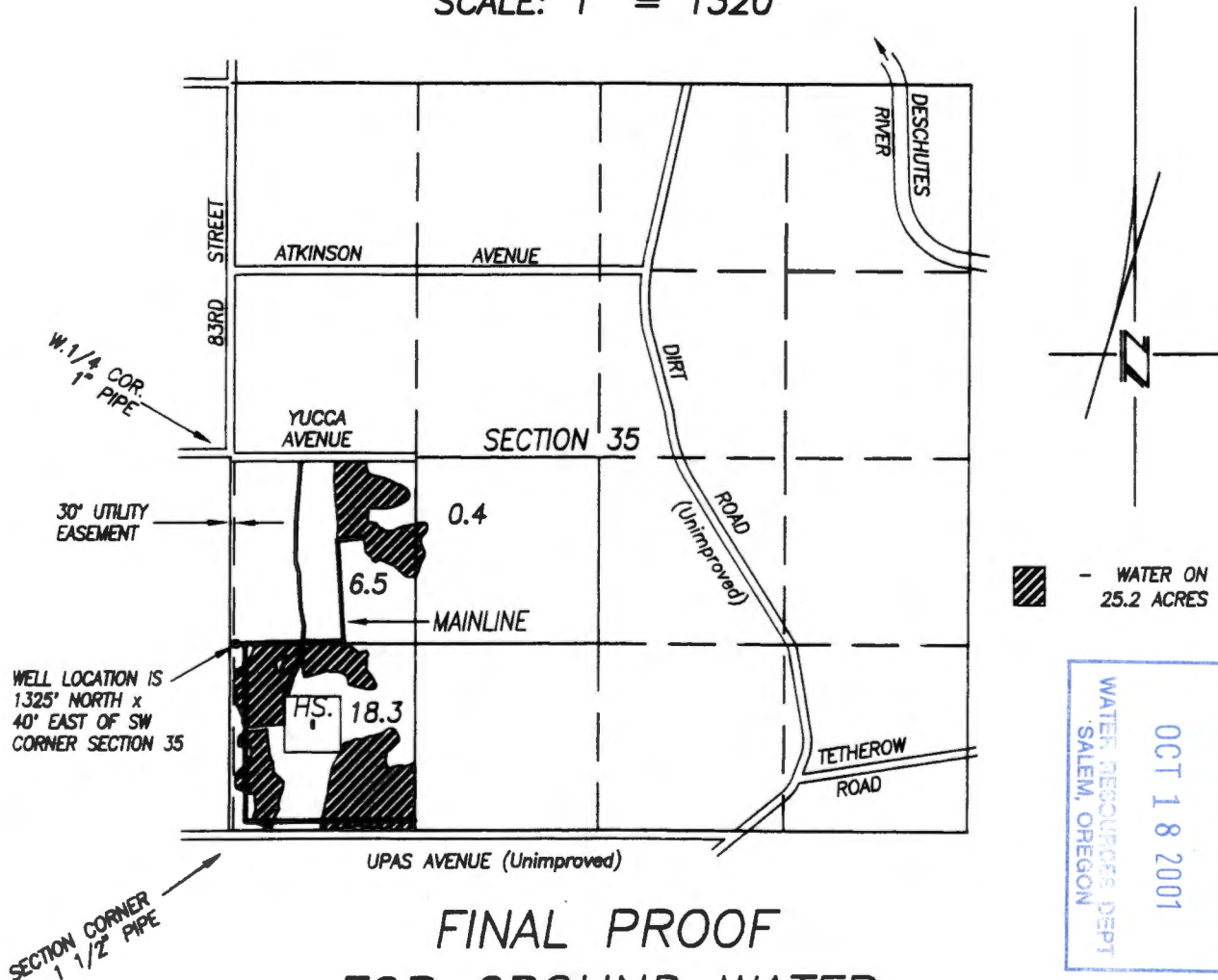
I, Robert R. Povey, Oregon Certified Water Right Examiner #106, hereby certify the above FINAL PROOF map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



T.14S.,R.12E.,W.M.
SECTION 35
DESCHUTES COUNTY

SCALE: 1" = 1320'

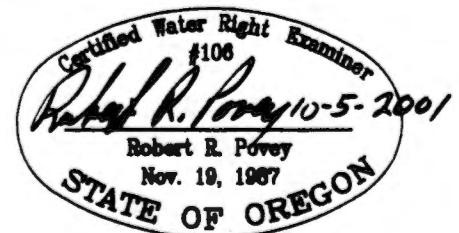


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FILE: G-13121, PERMIT: G-12510

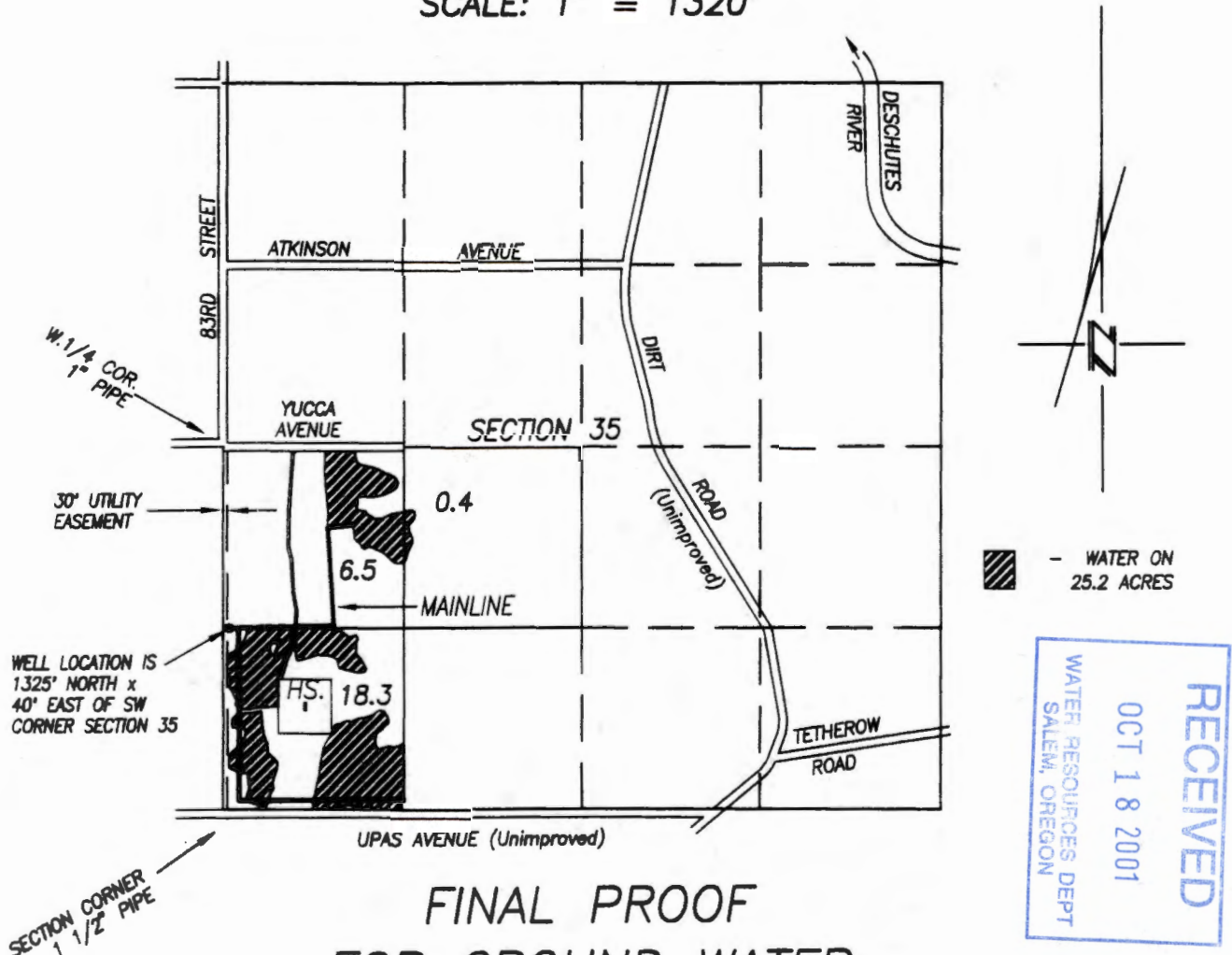
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SECTION 35
DESCHUTES COUNTY

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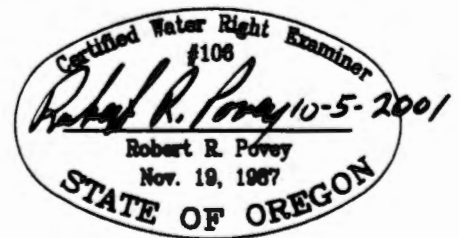


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FOR GROUND WATER

IN NAME OF: TONI STEPHAN & ROCHELLE BESSETTE
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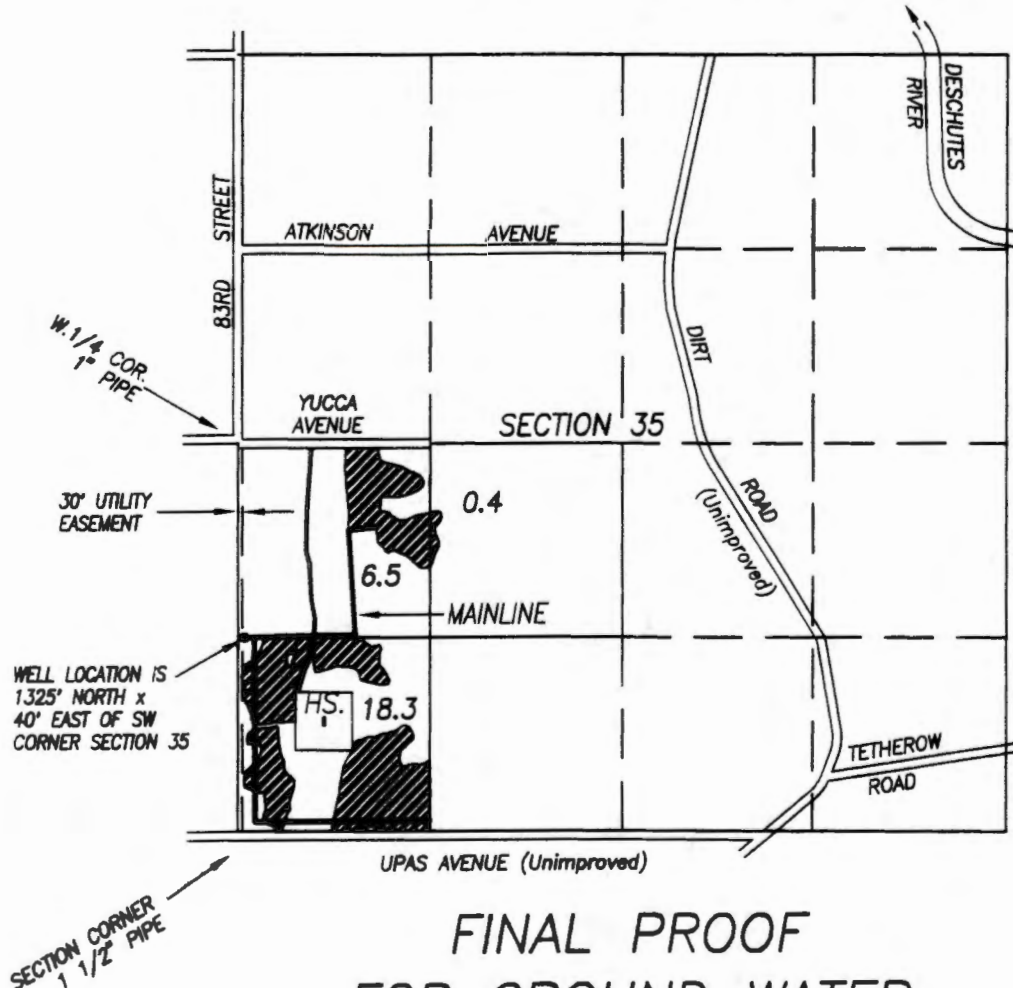
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T.14S.,R.12E.,W.M.
SECTION 35
DESCHUTES COUNTY

SCALE: 1" = 1320'



■ - WATER ON
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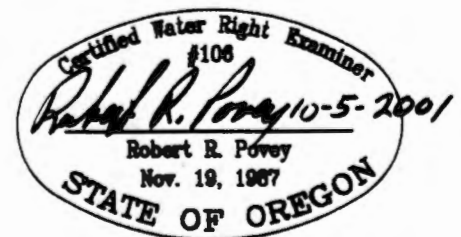


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FOR GROUND WATER

IN NAME OF: TONI STEPHAN & ROCHELLE BESSETTE
FILE: G-13121, PERMIT: G-12510

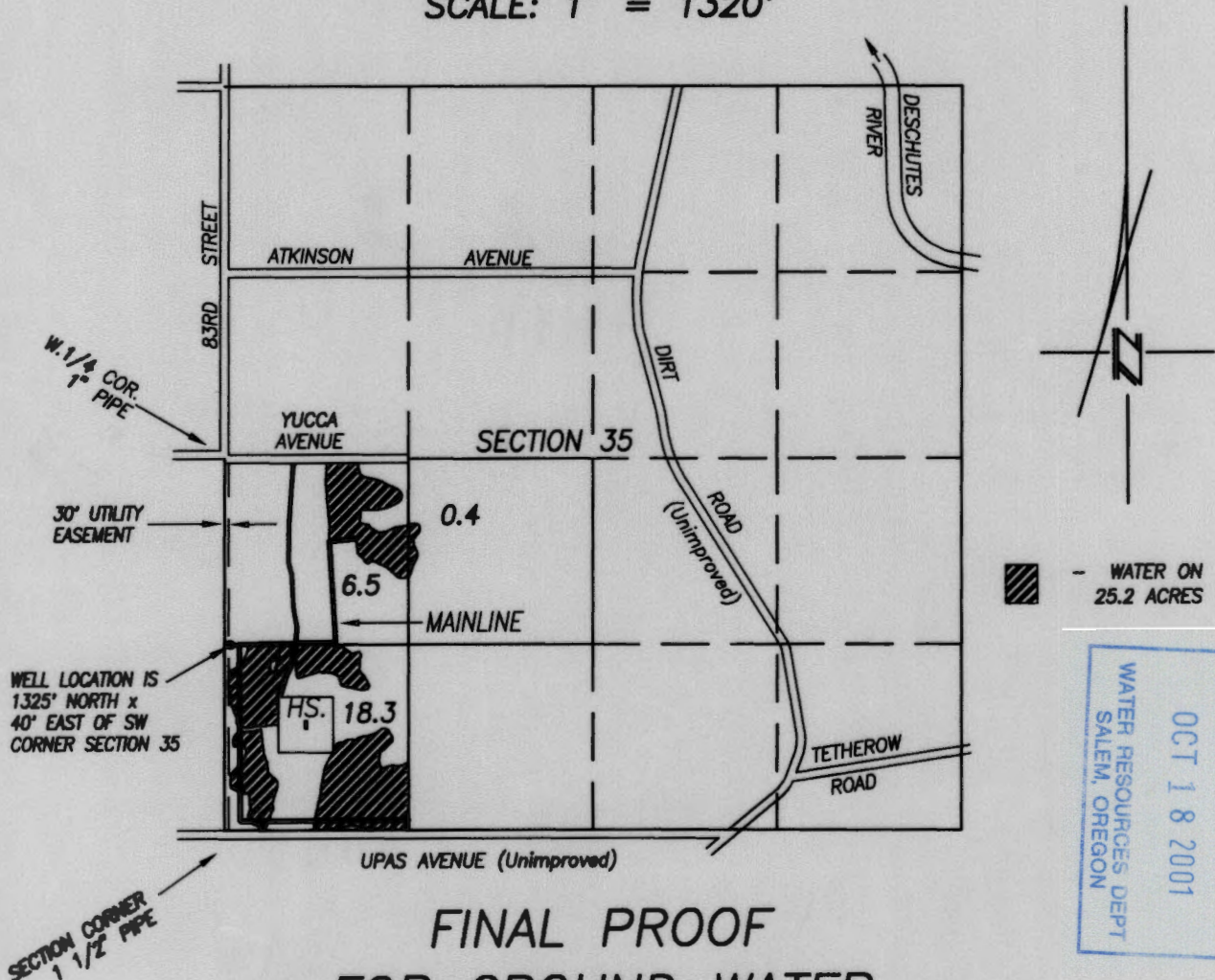
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T.14S.,R.12E.,W.M.
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DESCHUTES COUNTY

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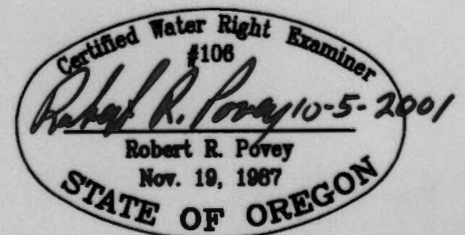


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FOR GROUND WATER

IN NAME OF: TONI STEPHAN & ROCHELLE BESSETTE
FILE: G-13121, PERMIT: G-12510

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Oregon

Theodore R. Kulongoski, Governor

APP# G-13121

Water Resources Department

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

February 7, 2003

G 12510
SHERRY, KORCEK
BESSETTE, ROCHELLE; STEPHAN,
TONI
21221 NW YUCCA AVE
REDMOND, OR 97756-8288

RE: Deschutes Ground Water Mitigation Rules, Division 505
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>

The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While only those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.

Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at Laura.K.Snedaker@wrd.state.or.us.

Sincerely,

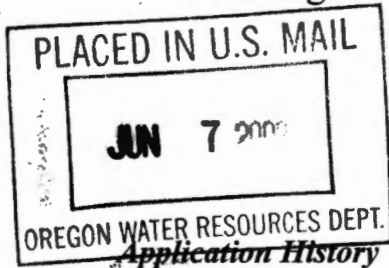
A handwritten signature in black ink, appearing to read "Paul R. Cleary". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Cleary".

Paul R. Cleary
Director

c: Kyle Gorman, South Central Region Manager
Jeremy Giffin, District 11 Watermaster
Deschutes Steering Committee Members

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13121



Final Order
Extension of Time for Permit Number G-12510

On July 30, 1999, Toni Stephan, Rochelle Bessette and Sherry Korcek submitted an application to the Department for an extension of time for permit number G-12510. The Department issued permit number G-12510 on June 12, 1996. The permit called for completion of construction of the water development project by October 1, 1998, and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on November 4, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2001, and/or the time to fully apply water to beneficial use to October 1, 2001. The protest period closed December 29, 2000. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and/or 539.010(5).

Order

The extension of time for Application Number G-13121, Permit Number G-12510, therefore, is approved. The deadline for completing construction is extended to October 1, 2001. The deadline for applying water to full beneficial use is extended to October 1, 2001.

DATED: June 4, 2002

A handwritten signature in black ink, appearing to read "Paul R. Cleary".
Paul R. Cleary, Director

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

NOTE: *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

Mailing List for Extension FO Copies

Application #G-13121
Permit #G-12510

FO Date: June 4, 2002

Original mailed to:

Applicant: Toni Stephen, Rochelle Bessette & Sherry Korcek
 21221 NW Yucca Avenue
 Redmond, Oregon 97756-8288

Copies Mailed

By: _____
(SUPPORT STAFF)

on: 5/4
(DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-13121 / Permit #G-12510
2. WRD - Watermaster District: #11 - (vacant)
3. WRD - Regional Manager: SCR - Kyle Gorman, Bend
4. ODFW - Biologist District: #7 - Steve Marx, Bend
5. DEQ - Regional Office: Eastern - Dick Nichols, Bend
6. ~~WRD - Regional Liaison: if applicable~~ *No*
7. WRD - Jonnine Fuss, Salem...*Permit record update*

Other interested parties:

- 8.
- 9.
- 10.

CASEWORKER: LJJ

[Signature]
5-24-02

Extension "Final Order" Checklist

Application # G-13121 / Permit # G-12510

Permit Holder's Name Toni Stephen / Rachelle Bassotte & Sherry Korcek
21221 NW Yucca Ave, Richmond OR 97756-8288

✓ 1. Date Extension Request submitted: 7-30-99

✓ 2. Date permit was issued: 6-12-96

✓ 3. Original "B" Date from permit: 10-1-98
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-99
(Date for complete application of water)

✓ 5. Extension PFO Date: 11-4-2000

✓ 6. WRD recommends extending "B" Date to: 10-1-2001
and extending the "C" Date to: 10-1-2001

✓ 7. Protest Deadline Date from PFO: 12-29-2000

✓ 8. Any written Protests or written Comments received within the Protest period? Yes / No ODFW - Want mitigation requirements

✓ 9. OK - "Fj" cond. in permit.
Conditions from Extension PFO? NO



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Deschutes Watershed District

61374 Parrell Road

Bend, OR 97702

(541) 388-6363

FAX (541) 388-6281



November 28, 2000

Dwight French
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

Re: Application Number G 13121, Extension Permit Number G 12510

Dear OWRD;

The Oregon Water Resources Department proposes to issue an order to approve the extension for completion of the water systems associated with Application Numbers G 13121, WR Extension Permit Number G 12510. Recent studies have determined that groundwater in the Deschutes Basin is directly connected with surface waters of the Deschutes River. As such, any further appropriation of groundwater resources in the Deschutes Basin will result in injury to senior instream water rights held by the State of Oregon. Based on this finding, the Oregon Water Resources Department must condition this permit to require adequate mitigation to avoid impacts to senior water rights or deny the extension request.

Thank-you for your time.

Sincerely,

Steven Marx
District Fisheries Biologist

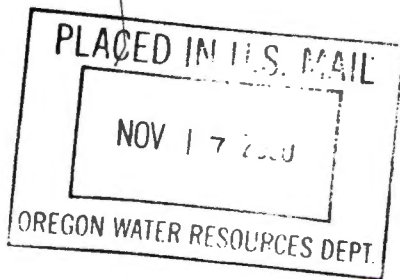
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NOV 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON



**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number G 12510

Water Right Application Number G 13121

Proposed Final Order

This Proposed Final Order applies only to permit number G 12510.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2001.

grant the extension for complete application of water from October 1, 1999 to October 1, 2001.

Application History

Permit no. G 12510 was granted by the Water Resources Department on JUNE 12, 1996. The permit authorizes use of 1.47 CFS of water from A WELL for IRRIGATION OF 117.7 ACRES in the DESCHUTES RIVER basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 12510 is attached.

On JULY 30, 1999, the Department received an application from TONI STEPHAN, ROCHELLE BESSETTE, and SHERRY KORCEK for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2001 to complete construction of the water system and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

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NOV 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up because the applicants did not get to move onto the property until late 1998, difficulty of land clearing, and labor problems.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the well and part of the water system. Water has been applied to 9.5 acres.
 - b) The applicant has invested approximately \$ 36,274 of an estimated total water system project cost of \$ 41,274.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2001 as requested by the applicant.

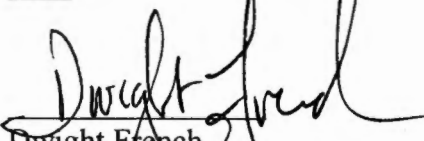
Conclusions of Law

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, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2001 to complete construction and until October 1, 2001 to complete the application of water.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998 to October 1, 2001
and
extend the permit time to complete application of water from October 1, 1999 to October 1, 2001.

DATED: NOVEMBER 14
2000


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 Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **DECEMBER 29, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

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NOV 30 2000

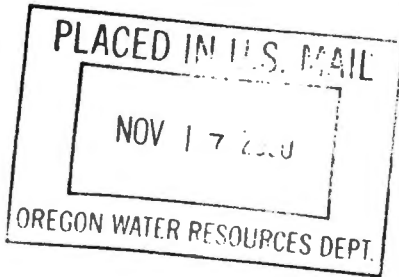
WATER RESOURCES DEPT.
SALEM, OREGON

This document was prepared by Dallas Miller. 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 272. 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 Brendalee Wilson. Her extension number is 276.

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.

**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number G 12510

Water Right Application Number G 13121

Proposed Final Order

This Proposed Final Order applies only to permit number G 12510.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2001.

grant the extension for complete application of water from October 1, 1999 to October 1, 2001.

Application History

Permit no. G 12510 was granted by the Water Resources Department on JUNE 12, 1996. The permit authorizes use of 1.47 CFS of water from A WELL for IRRIGATION OF 117.7 ACRES in the DESCHUTES RIVER basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 12510 is attached.

On JULY 30, 1999, the Department received an application from TONI STEPHAN, ROCHELLE BESSETTE, and SHERRY KORCEK for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2001 to complete construction of the water system and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up because the applicants did not get to move onto the property until late 1998, difficulty of land clearing, and labor problems.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the well and part of the water system. Water has been applied to 9.5 acres.
 - b) The applicant has invested approximately \$ 36,274 of an estimated total water system project cost of \$ 41,274.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2001 as requested by the applicant.

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, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2001 to complete construction and until October 1, 2001 to complete the application of water.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998 to October 1, 2001
and
extend the permit time to complete application of water from October 1, 1999 to October 1, 2001.

DATED: NOVEMBER 14
2000


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 Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **DECEMBER 29, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. 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 272. 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 Brendalee Wilson. Her extension number is 276.

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.

Mailing List for Extension PFO Copies

Application #G 13121

PFO Date 11/14/00

Original mailed to:

Applicant: TONI STEPHAN, ROCHELE ROSSETTE, AND SHERRY KORCEK

For Extension PFO's - Copies sent to:

1. WRD - File #
2. WRD - Watermaster District #: 11
3. WRD - Regional Manager: SC
4. ODFW District Biologist: TED WISE, BEND
5. DEQ Regional Office: DICK NICHOLS, BEND
6. ~~WRD - John Falk (for reservoir permit extensions only)~~
7. ~~WRD - Regional Liaison~~
8. ~~CWRE:~~

Other interested parties:

9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____

CASEWORKER: DSM

Copies Mailed
By: <u>JF</u>
(SUPPORT STAFF)
on: <u>11/16</u>
(DATE)

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. G-13121

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

_____, the holder of Permit No. G-12510

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1 day of October, 2001

Remarks: 26.1 surveyed acres.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of October, 2001

Tadley Stiles
(Signature of Applicant)

21221 N. W. 4th Ave. Beaverton, OR
(Address)
97006

WATER RESOURCES DEPT.
SALEM, OREGON

OCT 03 2001

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B-3 The meter shall be placed in the pipe not less than five pipe diameters downstream from any valve, elbow, or other obstruction which might create turbulent flow, or straightening vanes installed as recommended by the meter manufacturer. There shall be at least one pipe diameter of unobstructed flow on the downstream side of the meter.

B-4 All inline saddle meters equipped with U-bolt fasteners shall be provided with a sealing wire and lead seal near the terminal ends of the U-bolt following the complete installation of the meter.

B-5 The meter and register shall not be locked in a building which would prevent access to the register. The register or meter shelter may be equipped with a lock to prevent tampering or breakage, provided that the State Watermaster has a key.

B-6 Provisions shall be made for rating of the meter in accordance with the manufacturer's specifications.

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OCT 03 5001

STATE OF OREGON
WATER RESOURCES DEPT.



Bessette / Stephan
21221 N. W. Yucca Ave.
Redmond, Or. 97756-8288



Oregon WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12th STREET NE
EALSON, OR, 97310-0210

97301+4172





POVEY & ASSOCIATES—LAND SURVEYORS

REGISTERED PROFESSIONAL LAND SURVEYORS, OREGON NO. 1652 and 2039
PARTNERSHIP I.D. #93-0738184

P.O. BOX 131 • OFFICE 338 S.W. 7th • REDMOND, OREGON 97756 • (541) 548-6778
Fax (541) 548-0478

Oct. 15, 2001

Steve Brown,
c/o Oregon Water Resources Dept.
Commerce Building, 158 12th Street, NE
Salem, OR 97310-0210

RE: File 13121

Steve,

As per our phone conversation of September 26, 2001
regarding this file, we request a late claim of this Claim
of Beneficial Use and Site Report.

Sincerely,

Randy Povey, CWRE #106
Povey & Assoc., Land Surveyors

E98-04-2/S01-183/BEN-USE.WPS

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OCT 18 2001

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: PUMP TEST PROGRAM

DATE: October 31, 2001

FROM: TIMMIE BRANDT *TJB*

SUBJECT: PUMP TEST INFO

RE: **File G-13121** / Permit G-12510

The attached pump test info was submitted as part of the claim of beneficial use. (A copy of these were placed in the file) The Certificates Section needs to know if it meets the requirements. Please send a copy of any correspondence in regard to this info to the Water Rights Section so it can be placed in the file. Thank you.

STATE OF OREGON WATER RESOURCE DEPARTMENT

PUMP TEST DATA SHEET

Page 1 of 1

APPLICATION NO. 6-13121

PERMIT NO. G-12510

All water level measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle one)

[illegible]

OWRD 6/89

METHOD OF WATER LEVEL MEASUREMENT WELL

Depth of Air Line (if used) 273'

Pump Type (Turbine, Submersible, etc.) Submersible turbine

Was pump test conducted during normal use of the well no (Y/N)

Description of point from which water level was measured Air Line 273'

Is measuring point above or below ground level? Below

Distance between measuring point and ground level (correction factor) 1'8"

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If, possible, indicate if they were turned on or off during the test

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)

If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance

Approximate elevation difference

Is well elevation above or below the surface water body?

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>11:00 AM</u>	Depth to Water: <u>216' 4"</u>	(ft/in)
Time: <u>11:20 AM</u>	Depth to Water: <u>216' 4"</u>	(ft/in)
Time: <u>11:40 AM</u>	Depth to Water: <u>216' 4"</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>12:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>1:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>2:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>3:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>4:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)

Pump turned on: Date: 9/26/01 Time: 2:00 Pump turned off: Date: 9/26/01 Time: 4:00 pm
Total pumping time: 4 hours, 0 minutes.

Note: Well must be idle for at least 16 hours prior to the test.

OWRD 11/90

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OCT 18 2001

WATER RESOURCES DEPT
SALEM, OREGON

**POVEY & ASSOCIATES — LAND SURVEYORS**

REGISTERED PROFESSIONAL LAND SURVEYORS, OREGON NO. 1852 & 2039.

P.O. BOX 131 • OFFICES 48 S.W. 7th • REDMOND, OREGON 97756 • PHONE

OFFICE 548-6778

FAX 548-0478

HOME 548-5270

waits 1-888-548-6778

FAX NOTE!!

Fax No: (541) 548-0478

TO: Certificates COMPANY NAME: OR Water Resources
FAX NO. 503-378-8130 PHONE NO. 378-3739

FROM: Randy Povey CWRE 106

OPERATOR: _____

DATE: 10-15-2001 TIME: 2 pmTOTAL PAGES: 7 (including this page)RE: G-13121, permit G-12510

I remember from a class I took from Don Knauer that emailing a copy of the "pump test" to certificates referencing the original is with the "Beneficial Use and Site Report" may save some confusion in the future

Randy Povey

If you did not receive all pages or if there is a question, please call (541) 548-6778 as soon as possible.

Thank-you!

602736

(44 required by ORS 537.765)

(START CARD) # 89693

Instructions for completing this report are on the last page of this form.

METHOD OF WATER LEVEL MEASUREMENT See below
Depth of Air Line (if used) 273'
Pump Type (Turbine, Submersible, etc.) Submersible turbine
Was pump test conducted during normal use of the well no (Y/N)

Description of point from which water level was measured Air Line 273'
Is measuring point above or below ground level? Below
Distance between measuring point and ground level (correction factor) 1' 8"

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? Y (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance _____
Approximate elevation difference _____
Is well elevation above or below the surface water body? _____

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>11:00 AM</u>	Depth to Water: <u>216' 4"</u>	(ft/in)
Time: <u>11:20 AM</u>	Depth to Water: <u>216' 4"</u>	(ft/in)
Time: <u>11:40 AM</u>	Depth to Water: <u>216' 4"</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>12:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>1:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>2:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>3:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)
Time: <u>4:00 pm</u>	Discharge Rate: <u>450</u>	(gpm)

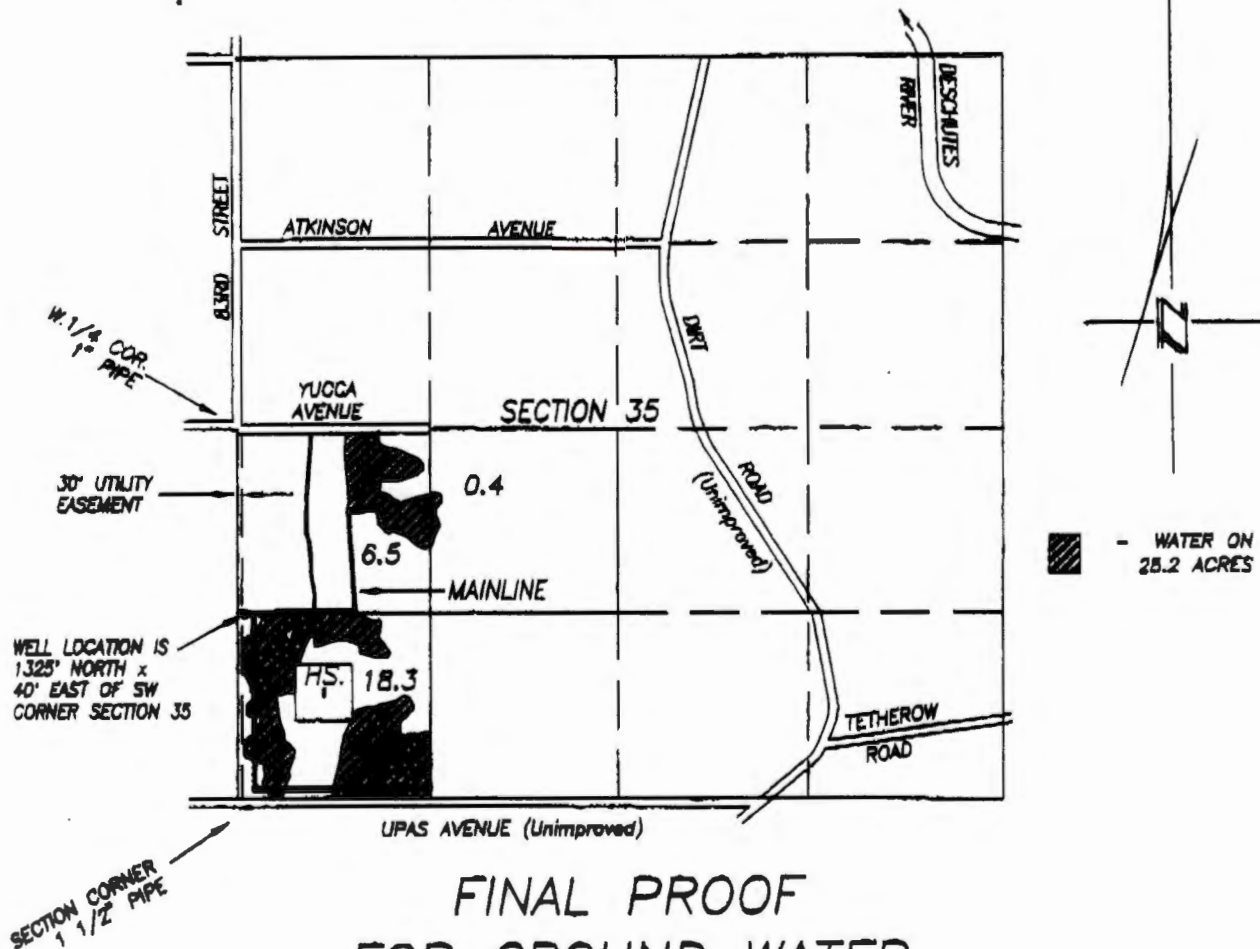
Pump turned on: Date: 9/26/01 Time: 2:00 Pump turned off: Date: 9/26/01 Time: 4:00 pm
Total pumping time: 4 hours, 0 minutes.

Note: Well must be idle for at least 16 hours prior to the test.

OWRD 11/90

T.14S., R.12E., W.M.
SECTION 35
DESCHUTES COUNTY

SCALE: 1" = 1320'

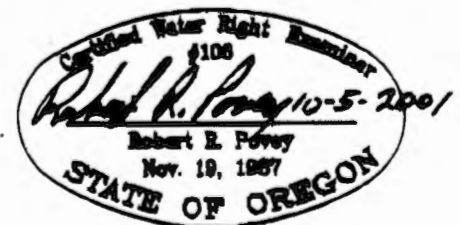


FINAL PROOF
FOR GROUND WATER

IN NAME OF: TONI STEPHAN & ROCHELLE BESSETTE
FILE: G-13121, PERMIT: G-12510

I, Robert R. Povey, Oregon Certified Water Right Examiner #106, hereby certify the above FINAL PROOF map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



FILE: G-13121 PERMIT: G-12510
Claim of Beneficial Use and Site Report

INFORMATION: Owner/ Permittee - TONI STEPHAN
21221 NW Yucca Ave.
Redmond, OR. 97756
home phone (541) 548-0789
- ROCHELLE BESSETTE
8246 NW Yucca Ave.
Redmond, OR 97756
home phone (541) 548-6088
ext. 20

SOURCE: Well in The Deschutes River Basin.

DIVERSION POINT: A 10" dia. well drilled to 400 feet is located N. 1325' x E. 40' from the Southwest Corner of Section 35, T.14S., R.12E., W.M. (See enclosed well report dated 8-20-96)

MOTOR: Franklin Electric Model 2366196025, 60 HP, 3450 max. RPMs, 240/480 voltage, 80.5 amps.

PUMP: Franklin Submersible Turbine pump set at 273 feet produces 450 GPM at 75psi. The intake is 10" with an outlet pipe diameter of 8". (see pump test dated 9-26-01)

PIPE: 64 feet of 6" pipe delivers water from the well to 3540 feet of above ground mainline (2070' of 6" and 1470' of 4") pipe. Crop and pasture irrigation is by 7100 feet of 3" portable pipe (170-40' lengths and 15-20' lengths).

HEADS: Maximum of 80 rainbird sprinklers with 5/32" nozzles or 56-5/32" sprinklers plus the Nelson 100 Big Guns with a 0.6" nozzle irrigate under a head end pressure of 56 psi and an end pressure of 54psi. Total 5/32" sprinklers is 185 and total 3/4" nozzle big guns is 3.

USE(S): Irrigation of 25.2 acres of crop and pasture.

LIFT: A 1/4" diameter by 273 feet long air line measures the well static level at 216 feet. The land is relatively level with a gentle slope to the Northwest.

SURVEY: Combination of field measurements, tax lot maps, aerial photos and USGS 7.5' Cline Falls, Oregon quadrangle map and County Partition Plat #PP-1998-44 (CS#13395).

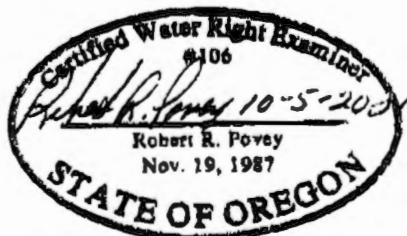
1 CLAIM OF BENEFICIAL USE

FILE: G-13121, PERMIT: G-12510
Claim of Beneficial Use and Site Report

SPECIAL CONDITIONS: The water for the house and yard are from a seperate well.

REMARKS: A request to accept a late claim is hereby requested of the Water Resources Dept. as per a phone conversation on Sept. 26, 2001 between Steve Brown, Water Right Specialist and R. Povey, CWRE #106.

The final proof survey and inspection of the use was found to be completed under the terms and conditions of Application G13121, was completed by me on 10/5/2001. The facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



We, TONI STEPHAN and ROCHELLE BESSETTE, agree to the findings of the CWRE and do submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of Application G-13121 under permit G12510.

Toni Stephan

Rochelle Bessette

OCT 30 2000

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October 26, 2000

State of Oregon
Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

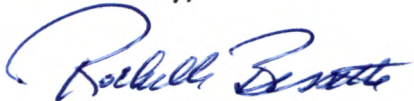
Attention: Dallas Miller, Senior Water Rights Technician

RE: File # G 13121, Permit G 12510

Dear Mr. Miller:

In a telephone conversation I had with you on this date, I informed you that a water meter has been installed on our irrigation system. This letter is being sent as a written confirmation. If you have any other questions or need more information, please contact Toni Stephan or Rochelle Bessette at 548-0789. Thank you for your attention in the matter of our request for an extension on our irrigation permit.

Sincerely,



Rochelle Bessette



Bessette / Stephan
21221 N. W. Yucca Ave.
Redmond, Or. 97756-8288

CERTIFIED MAIL



7099 3400 0016 9431 3513



U.S. POSTAGE
PAID
REDMOND, OR
97756
OCT 27, 00
AMOUNT

\$2.98



STATE OF OREGON
WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12th St. N.E.
SALEM, OR. 97301-4172

ATTENTION: DALLAS MILLER

**RETURN RECEIPT
REQUESTED**

B-13121 ← DSM

EXTENSION REVIEW CHECKLIST

Application #: G 13121 / Permit #: G 12510

Permittee: Toni Stephan & Rachelle Bessette

POD Location: T14S R12E Sec 35 Stream Basin: Deschutes River

County Deschutes

1. Has the applicant filled out the updated extension application form? Y / N If no, has certified request for new form been sent? Y / N
2. Shortcomings based on review of updated extension form (information needed before PFO can be completed) Y / N
3. Extension request received: 7 30 99 Number of request (ie first): 1
4. Permit Issued: 6 12 96 Use: IRRIGATION 117.7 A.
5. Source: A WELL
6. Q: 1.47 CFS
7. Original B Date: 10 1 98 Original C Date: 10 1 99
8. Last Approved B Date: — Last Approved C Date: —
9. Proposed B Date: — Proposed C Date: 10 1 01
10. Amount Invested: \$36,224 Total Cost: \$41,274-
11. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit Y / N
12. Progress in perfecting the permit is being held up by APPLICANTS WEREN'T ABLE TO MOVE ON TO PROPERTY UNTIL LATE 1998. PROBLEMS CLEARING LAND, LABOR PROBLEMS
13. The applicant has / has not pursued perfection of the right in good faith and with reasonable diligence.
14. Work on the water development project completed to date includes: WELL DRILLED, WATER SYSTEM IN, WATER APPLIED TO 9.5 A.
15. The work remaining to be completed consists of: LAND CLEARING, IRRIGATE REMAINING ACREAGE.
16. Based on the written record, the Department finds there is / is not good cause to approve the extension request.
17. Conditions METERING

Name: DSM

Date: 11 2 00

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JUL 30 1999

WATER RESOURCES DEPT.
SALEM, OREGON

AUG 26 1999

APPLICATION FOR EXTENSION OF TIME

WATER RESOURCES DEPT.
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Toni M. Stephan / Rochelle Bessette, 21221 N.W. Yucca Ave., Redmond, Or. 97756-8288, 541-548-0789.

Record owner of application No. G-13121 permit No. G-12510, do hereby request that the time in which to:

[] complete the construction of works and/or purchase and installation of the equipment necessary to use of water, which time now expires on October 1, 19__, be extended to October 1, ____, and/or the time in which to

[x] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1999, be extended to October 1, 2001.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1- Did water system construction/well drilling begin within the time specified in the permit [yes/no]? yes

2- Have you put any water to use under this permit [yes/no]? yes

If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? yes If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time.

3- I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.

(a) within past year 4 acre pasture, 4.25 acre seed field (dryland grass), we have begun to clean up a new field for seed production and clear for more pasture and a hay field.

(b) prior to this past year 1996 drilled irrigation well, 1997 purchased 2500 ft. of mainline, 100 handlines with risers, installed electrical panel for pump, installed pump, 20 acres of trees felled.

and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) 9.5 acres

4- Cost of project to date \$36,274.00. Projected cost for completion of project \$3,000 - \$5000.

5- Have there been any unforeseen events which delayed development of water system? No, the system has been ready for over a year.

dk ✓

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JUL 30 1999

WATER RESOURCES DEPT
SALEM, OREGON

- 6- Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] No.
- 7- What reasons was the project not completed within permit time limits? This project will not be completed on time for several reasons. The first and biggest setback was that we did not live on the property until late Dec. 1998. Our plans, originally, were to be living here by Sept. 1997. Because of special regulations and procedures for farm property, it took us more than a year longer than we expected to qualify for a conditional use permit. We are now living on the property and work can progress at a much faster pace. The second setback to clearing the property for water use was that some of the people we have hired to do work for us have not followed through with the work they agreed to do. Two years ago, I hired a man & his crew to knock down 20 acres of trees and clear the trees so I could get my first field ready for planting. He knocked down the trees but never came back to clear them away. My family and some friends have been working on clearing this area of trees since May 1998. We have cleared enough to put in a 4 1/2 acre grass seed field and have about 3-4 acres almost cleared for the next field. The third problem has been that clearing the land just plain takes a lot of time. We have been trying to clear an area and get a field planted in that space before moving on to the next site. This has been very time consuming as there are many rocks and trees to clear. We have learned that there is a faster way to clear which we are doing now. Instead of clearing each field and preparing it for planting we have learned that we should limb the trees and clear the brush so we can get water to all areas then we can concentrate on field development later. Using this technique, we will have at least 20 more acres limbed and ready for water by the end of the summer. We are trying to do the work on this property ourselves, as we have no more money to hire people, especially when they don't do what they agreed to do for the money. We are working very hard on this property and take a lot of pride in seeing the changes that are occurring. It is just taking much longer than we anticipated.
- 8- Has there been any change in the demand for water or power since permit was issued? No. No new wells have been drilled and no new homes have been added to the electricity load.
- 9- Has there been any change in the market for water or power since the permit was issued? No. The same electrical company serves this area as before and wells are the source of water, both domestic and irrigation.
- 10- Will the income or use from this project provide reasonable returns against the investment in this project? (please explain) Yes, when we are finished with the fields we want to put in, we will receive a good income as well as produce our own hay and have pasture for our horses and livestock.
- 11- If the extension request is denied, is the current level of water use economically feasible? (please explain) No. We do not have enough land put into production to offset the cost of the pump & system or the electrical cost of operating the pump.

RECEIVED

AUG 26 1999

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUL 30 1999

WATER RESOURCES DEPT.
SALEM, OREGON

12- Is there an alternative source of water available [yes/no please explain] ? No. properties in this area are on wells. There are no canals or ditches to bring water to this area.

13- Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain) No. According to the Watermaster, in this county there is plenty of water in the aquifer and this years' heavy snows will surely keep it that way.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

I am the permittee or have authorization from the permittee to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Signature

Toni W. Ayler 7/26/99

Richard Bennett 8/23/99

SEE ATTACHED LETTER

RECEIVED

AUG 26 1999

WATER RESOURCES DEPT.
SALEM, OREGON

August 19, 1999

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Or. 97310-0210

RE: Permit G12510

Since the original water rights permit request of September 17, 1992 was filed, I have relinquished all rights to the property at 21221 N. W. Yucca Ave., Redmond, Oregon. I am no longer an owner of this property but because my name appears on the original request, I am authorizing Toni Stephan to act as my agent in this matter.

Sincerely,

Sherry L. Korcek
Sherry L. Korcek

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:

Toni Stephan
Rochelle Bessette
21221 NW Yucca Ave
Redmond OR 97756-8288

2. Article Number (Copy from service label)

G13121 WR
3689 9721

COMPLETE THIS SECTION ON DELIVERY**A. Received by (Please Print Clearly)**

ROCHELLE BESSETTE

B. Date of Delivery

10-19-00

C. Signature

X Rochelle Bessette

☐ Agent☐ Addressee**D. Is delivery address different from item 1?**

If YES, enter delivery address below:

☐ Yes☐ No**3. Service Type**☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.**4. Restricted Delivery? (Extra Fee)**☐ Yes

UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OR 97301-4172





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

CERTIFIED MAIL Return Receipt Requested

OCTOBER 13, 2000

TONI STEPHAN AND ROCHELLE BESSETTE
21221 NW YUCCA AVE
REDMOND, OR 97756- 8288

RE: File # G 13121, Permit G 12510

Dear Extension Applicants:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

- ▶ Has water metering been installed yet, as the permit requires before water use?

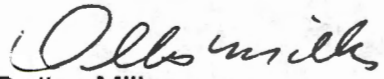
Please submit this information by **November 13, 2000**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

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

Should you have any questions regarding your extension request or the required materials listed above, please call me at (503) 378-8455, extension 272, or toll free within Oregon at 1-800-624-3199.



Sincerely,

A handwritten signature in cursive script, appearing to read "Dallas Miller".

Dallas Miller
Senior Water Rights Technician

cc: Watermaster District # 11



Oregon

John A. Kitzhaber, M.D., Governor

August 16, 1999

Water Resources Department

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

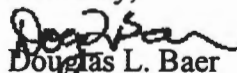
TONI STEPHAN
21221 NW YUCCA AVE
REDMOND, OR 97756

REFERENCE: APPLICATION G13121

Your application for extension of time for permit G12510 has been received and is currently being reviewed. As requested in your original water rights permit request of September 17, 1992, your permit was issued to Sherry Korcek, Rochelle Bessette, and Toni Stephan. As co-owners of the permit their signatures are required on the application under the statement reading, "I am the permittee..." Alternately, you may submit a signed statement from them authorizing you to act as their agent in this matter.

Thank you for your attention to this detail. If you need further assistance please contact the Water Rights Section at the address listed above or phone (503) 378-3739.

Sincerely,



Douglas L. Baer
Water Rights Technician

enc: copy of ext app (to applicant only)

CC: Watermaster # 11

File



RECEIVED

JUL 30 1999

WATER RESOURCES DEPT.
SALEM, OREGON

**APPLICATION FOR EXTENSION OF TIME
TO THE WATER RESOURCES DIRECTOR OF OREGON**

I, Toni M. Stephan / Rochelle Bessette, 21221 N.W. Yucca Ave., Redmond, Or. 97756-8288, 541-548-0789.

Record owner of application No. G-13121 permit No. G-12510, do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to use of water, which time now expires on October 1, 19____, be extended to October 1, _____, and/or the time in which to

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1999, be extended to October 1, 2001.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1- Did water system construction/well drilling begin within the time specified in the permit [yes/no]? yes

2- Have you put any water to use under this permit [yes/no] ? yes

If yes, has that use been made consistent with the terms and conditions of the permit [yes/no] ? yes If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time.

3- I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.

(a) within past year 4 acre pasture, 4.25 acre seed field (dryland grass), we have begun to clean up a new field for seed production and clear for more pasture and a hay field.

(b) prior to this past year 1996 drilled irrigation well, 1997 purchased 2500 ft. of mainline, 100 handlines with risers, installed electrical panel for pump, installed pump, 20 acres of trees felled.

and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) 9.5 acres

4- Cost of project to date \$36,274.00. Projected cost for completion of project \$3,000 - \$5000.

5- Have there been any unforeseen events which delayed development of water system? No, the system has been ready for over a year.

db ✓

RECEIVED

JUL 30 1999

WATER RESOURCES DEPT.
SALEM, OREGON

- 6- Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] No.
- 7- What reasons was the project not completed within permit time limits? This project will not be completed on time for several reasons. The first and biggest setback was that we did not live on the property until late Dec. 1998. Our plans, originally, were to be living here by Sept. 1997. Because of special regulations and procedures for farm property, it took us more than a year longer than we expected to qualify for a conditional use permit. We are now living on the property and work can progress at a much faster pace. The second setback to clearing the property for water use was that some of the people we have hired to do work for us have not followed through with the work they agreed to do. Two years ago, I hired a man & his crew to knock down 20 acres of trees and clear the trees so I could get my first field ready for planting. He knocked down the trees but never came back to clear them away. My family and some friends have been working on clearing this area of trees since May 1998. We have cleared enough to put in a 4 1/2 acre grass seed field and have about 3-4 acres almost cleared for the next field. The third problem has been that clearing the land just plain takes a lot of time. We have been trying to clear an area and get a field planted in that space before moving on to the next site. This has been very time consuming as there are many rocks and trees to clear. We have learned that there is a faster way to clear which we are doing now. Instead of clearing each field and preparing it for planting we have learned that we should limb the trees and clear the brush so we can get water to all areas then we can concentrate on field development later. Using this technique, we will have at least 20 more acres limbed and ready for water by the end of the summer. We are trying to do the work on this property ourselves, as we have no more money to hire people, especially when they don't do what they agreed to do for the money. We are working very hard on this property and take a lot of pride in seeing the changes that are occurring. It is just taking much longer than we anticipated.
- 8- Has there been any change in the demand for water or power since permit was issued? No. No new wells have been drilled and no new homes have been added to the electricity load.
- 9- Has there been any change in the market for water or power since the permit was issued? No. The same electrical company serves this area as before and wells are the source of water, both domestic and irrigation.
- 10- Will the income or use from this project provide reasonable returns against the investment in this project? (please explain) Yes, when we are finished with the fields we want to put in, we will receive a good income as well as produce our own hay and have pasture for our horses and livestock.
- 11- If the extension request is denied, is the current level of water use economically feasible? (please explain) No. We do not have enough land put into production to offset the cost of the pump & system or the electrical cost of operating the pump.

RECEIVED

JUL 30 1999

WATER RESOURCES DEPT.
SALEM, OREGON

12- Is there an alternative source of water available [yes/no please explain] ? No. properties in this area are on wells. There are no canals or ditches to bring water to this area.

13- Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain) No. According to the Watermaster, in this county there is plenty of water in the aquifer and this years' heavy snows will surely keep it that way.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

I am the permittee or have authorization from the permittee to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Signature

Toni up. Ayhan

7/26/99

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13121

Final Order

Application History

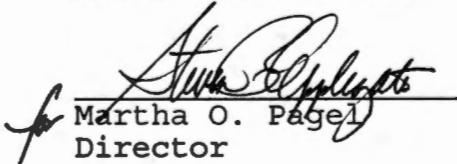
On September 17, 1992, SHERRY KORCEK, ROCHELLE BESSETTE, AND TONI STEPHEN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 12, 1996. The protest period closed April 26, 1996, and no protest was filed.

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

Order

Application G-13121 therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12510 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED June 12, 1996


Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SHERRY KORCEK, ROCHELLE BESSETTE, AND TONI STEPHAN
STAR RT 5701 W HWY 126
REDMOND, OREGON 97756

(541) 548-8520

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13121

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 117.7 ACRES

RATE OF USE: 1.47 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 17, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 35, T14S, R12E, W.M.; 1325 FEET NORTH AND 40 FEET EAST FROM SW THE CORNER OF SECTION 35

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 40.1 ACRES

NW 1/4 SW 1/4 38.4 ACRES

SW 1/4 SW 1/4 39.2 ACRES

SECTION 35

TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- 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.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

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

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

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

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

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

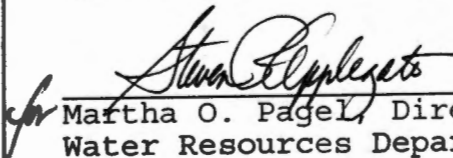
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued June 12, 1996


Martha O. Page, Director
Water Resources Department

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **31661**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Toni M. Stephan
BY: _____

APPLICATION	(7-1312)
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ✓ 90-8202 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) EXT. OF TIME \$100.00

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 #

31661

DATED: 7-30-99 BY: Ryan Wright

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **31661**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Toni M. Stephan
BY: _____

APPLICATION	<u>7-13121</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ✓ 90-8202 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

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0410 RESEARCH FEES

\$

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\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

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WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

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0206

\$

WELL CONSTRUCTION

EXAM FEE

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0219

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CARD #

0210 MONITORING WELLS

\$

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HRDRO APPLICATION

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DATED: 7-30-99 BY: Ryan Wright

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

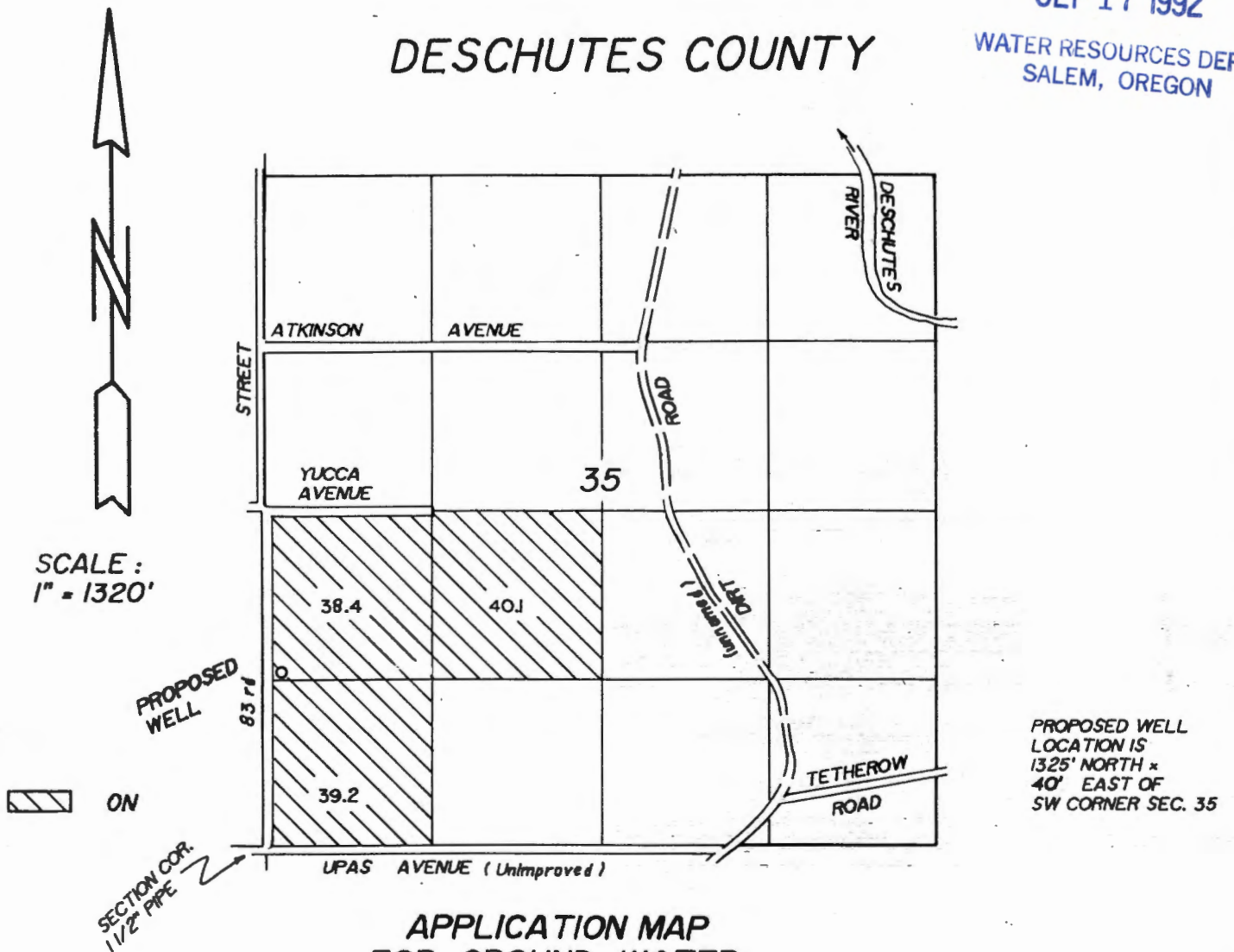
T.14S., R.12E., W.M.

DESCHUTES COUNTY

RECEIVED

SEP 17 1992

WATER RESOURCES DEPT.
SALEM, OREGON

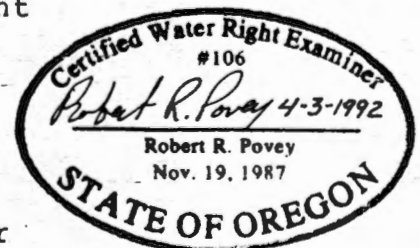


APPLICATION MAP
FOR GROUND WATER

IN THE NAME OF S. KORCEK, R. BESSETTE, T. STEPHAN

I, Robert R. Povey, Oregon Certified Water Right Examiner #106, hereby certify the above application map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



Application No. G - 13121

RECEIVED

SEP 17 1992

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Ground Water

Applicant(s) Sherry Korcek, Rochelle Bessette, Toni Stephan
(Please print or type - use dark ink)

Mailing Address: Star Rt 5701 W. Hwy 126
Redmond Ore 97756 503-548-8520
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. THE DEVELOPMENT (number of wells, tile lines, infiltration galleries, etc.): 1 Well

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: more than 1 mile @ 5,650

Elevation difference between streambed and development: _____

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 12" Depth in feet: ≈ 280'

Type and size of well casing: 10" No. of feet: ≈ 280'

Estimated depth to water: ≈ 200'

Type of access port or measuring device: Airline

Wells to be drilled by: John Johnson

Address: 3626 N.W. Coover Redmond, Ore. 97756

If the water well is flowing artesian, describe your water control and conservation works: _____

Not drilled yet

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 660 cubic feet per second, OR 660 gpm gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Irrigation

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; _____

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation	<u>117.7</u>
Other (describe)	_____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

8" mainline for 1300 ft with 6" mainline
coming off that for 1320 ft - 5 wheel line sets
with 32 sprinklers approx 7 gal per min sprinklers
4" pipe 40 ft long. 100 to 120 horse power
submersible pump as needed.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin Oct 1, 1993

Proposed date construction work will be completed Oct 1, 1994

Proposed date water use will be completed Oct 1, 1995

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

RECEIVED

SEP 17 1992

WATER RESOURCES DEPT.
SALEM, OREGON

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

☒ Applicant ☐ CWRE ☐ Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

☒ Applicant ☐ CWRE ☐ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS:

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

Sherry L. Korcek
Signature of Applicant

9/9/92
Date

Rebecca Bessett
Signature of Co-Applicant, if any

9/13/92
Date

Toni J. Staph

9/13/92

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 17th day of September, 19 92, at 8:00 o'clock, A M.

APPLICATION NO: G-13121

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-13121

WATERMASTER # 11

REGIONAL MANAGER: SOUTH CENTRAL REGION

ODF&W - Deschutes County;

CWRE (if agent):

DEO

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

CASEWORKER : RWK

7

FO CHECKLIST

118 AC

PFO TO FO CONVERSION

FILE # 613121

REVIEW DATE: 5 /28/1996

WEEK # 33

INITIALS : LLS

In preparing the FO, you should check the following:

1. Y/N Were comments or protests received in response to the PFO?
2. List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid Prepare refund request for excess fees
(2) Issue FO w/o permit if fees are lacking
(3)
4. Y/N Has the applicant signed an oath of accuracy for the application? 2x108 200 100 100K
216
516
5. Y/N Has ODFW asked for self certification on screening condition?
6. Y/N Is water use prohibited for one or more months of the normal use period?
7. Y/N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

DENIAL FO w/o PERMIT
LARRY CORY

Route to: (circle one)
FO & PERMIT COMMENTS
JERRY DOUG

-MC: 7B6/BAJGJR

Modify FO as needed to:

INITIALS : my

9. my Respond to significant comments, issues, or disputes related to the proposed use of water
10. Include or exclude permit conditions and management codes
11. Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
12. Correct PFO errors (such as POD or POU location (verify from map), Permit format)
13. Y/N Is further processing possible? If not state reason:

Once FO document is completed:

14. my Save WordPerfect document in M:\T\FO\WEEK 38 & delete duplicates
15. Print final draft of document and submit to team leader for review
16. Y/N Team leader review completed

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-13121 submitted by	)	ORDER
SHERRY KORCEK, ROCHELLE BESSETTE, & TONI STEPHAN		

FINDINGS OF FACT

Water Use Request

1. SHERRY KORCEK, ROCHELLE BESSETTE, & TONI STEPHAN requested use of 1.47 CFS (660.0 GALLONS PER MINUTE) of water from A WELL IN DESCHUTES RIVER BASIN for IRRIGATION OF 117.7 ACRES.
2. The area of proposed use is in Deschutes County within SECTION 35, TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.
3. The water delivery system is described by the applicant as follows:
The irrigation will be accomplished with 1300 feet of 8 inch mainline, 1320 feet of 6 inch mainline, (5) 4 inch wheel lines with (32) 7 gpm sprinklers each, pumped from the well with a 120 HP submersible pump.
4. The request was made in Application G-13121 which was received by the Water Resources Department on September 17, 1992.

Affected Waters

1. This proposed use of groundwater is above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely DESCHUTES RIVER.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on August 30, 1994.
4. The technical review determined:
 - a. IRRIGATION OF 117.7 ACRES is allowed under the Deschutes Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested for the period April 1 through November 1.
 - d. The use would not injure existing water rights.

5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-13121, the following criteria were found to be relevant by the Department.
 - a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
 - b. The Deschutes County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received
 - g. The Scenic Water Way Act 390.835 (8) ground water related applications

CONCLUSIONS OF LAW

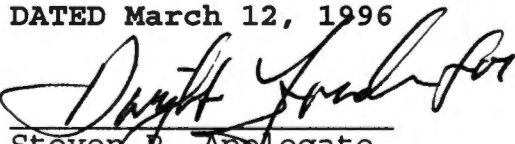
1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification as follows: The period of allowed use will be March 1 through October 31 of each year.
2. At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.
3. The Department has further determined that, to protect the resource, an additional condition(s) on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require that the use may be regulated if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
4. The period of allowed use is March 1 through October 31.
5. The Department finds that no more than 1.47 cfs would be necessary for the proposed use. The amount of water requested, 1.47 cfs, is allowable for the proposed use.
6. Deschutes County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Deschutes County Comprehensive Land Use Plan.

7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.
9. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
10. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-13121 in the name of SHERRY KORCEK, ROCHELLE BESSETTE, & TONI STEPHAN be approved for IRRIGATION OF 117.7 ACRES as provided in the attached draft permit.

DATED March 12, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on April 26, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SHERRY KORCEK, ROCHELLE BESSETTE, & TONI STEPHAN
STAR RT 5701 W HWY 126
REDMOND, OREGON 97756

(541)548-8520

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13121

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 117.7 ACRES

Rate of use: 1.47 CFS

Period of allowed use: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: September 17, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 35, T14S, R12E, W.M.; 1325 FEET NORTH & 40 FEET EAST FROM SW CORNER, SECTION 35

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 40.1 ACRES
NW 1/4 SW 1/4 38.4 ACRES
SW 1/4 SW 1/4 39.2 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- 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.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT

Water Resources Department
Director

PFO CHECKLIST

Application #: C 13121 Vol 1 Subbasin DESCHUTES Riv & MISC

Basin: 5 WAB: _____

Township 14S Range 12E Section 35 1/4 1/4 NW SW

- ☒ 1. Completeness checklist verified? Y / N
- ☒ 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y N
- ☒ 3. Groundwater review A B C D
 - ☒ a. convert 4 series macro conditions to 7 series Y / N
 - ☒ b. Is second groundwater review necessary? Y / N reason _____
 - ☒ c. Is the well located in a groundwater limited area? Y / N
 - ☒ d. SWW Y / N
- ☒ 4. SWW restrictions Y / N _____
- ☒ 5. TMDL Basin? NONE or Tualatin, Yamhill, Pudding
- ☒ 6. Basin Program limitations? Y N _____
- ☒ 7. Withdrawal? Y / N _____ season allowed _____
- N 8. Basin Maps have been checked. The River Mile is _____
- NA 9. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992)
 - a. Notify Ken Stahr due to change in Q, Duty, or Season Y / N _____
- ☒ 10. Rate 660 GPM (1.47 cfs) Duty 3 Season MAR - OCT 31
- ☒ 11. Use 117.7 Period of Allowed Use MAR - OCT 31
- ☒ 12. Priority Date(s) 9/17/92 TR mail date 8/30/94
- ☒ 13. B.O.R. project Y / N contract # _____
- ☒ 14. Division 33 Y / N (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994)
- ☒ 15. Conflicts Y / N _____
- ☒ 16. Objections? Y / N WW IR or TR modified? Y / N _____
- ☒ 17. Additional conditions 7J
- ☒ 18. Land use approval OK'd needs approval county notified NA
- M 19. SIZE Small ($\leq 0.1\text{cfs}$, $\leq 9.2\text{AF}$), Medium (> 0.1 or $< 1.5\text{cfs}$, > 9.2 or $< 100\text{AF}$) Large ($\geq 1.5\text{cfs}$, $\geq 100\text{AF}$)
- ☒ 20. Permit conditions from TR/IR Y / N 7R (42)
- ☒ 21. Watermaster District #: 11
- ☒ 22. Regional Office (NWR, NCR, ER, SCR, or SWR)
- ☐ 23. PFO has been saved and moved to m:\t\pfo\done\week#\app# from m:\t\pfo\work\week#\app#

Name: RWK Date: 3/27/94

August 30, 1994

WATER
RESOURCES
DEPARTMENT

SHERRY KORCEK
BESSETTE, ROCHELLE; STEPHAN, TONI
STAR RT 5701 W HWY 126
REDMOND, OR 97756

Reference: File G 13121

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



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

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

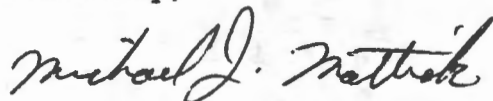
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before November 10, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Mattick".

Michael J. Mattick
Water Rights Specialist

Enclosures

Report Date: August 30, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: November 10, 1994

1. APPLICATION FILE NUMBER -G 13121
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

SHERRY KORCEK
BESSETTE, ROCHELLE; STEPHAN, TONI
STAR RT 5701 W HWY 126
REDMOND, OR 97756
COUNTY OF DESCHUTES

503-548-8520

Date application received for filing and/or tentative date of priority: 9/17/1992

SOURCE: A WELL IN DESCHUTES RIVER BASIN

Purpose and/or use: IRRIGATION OF 117.7 ACRES.

Flow: 660.0 GALLONS PER MINUTE

Point of Diversion Location:

NW 1/4 SW 1/4, SECTION 35, T 14 S, R 12 E, W.M.;
1325 FEET NORTH & 40 FEET EAST FROM SW CORNER, SECTION 35.

Place of use:

NE 1/4 SW 1/4 40.1 ACRES
NW 1/4 SW 1/4 38.4 ACRES
SW 1/4 SW 1/4 39.2 ACRES

SECTION 35

TOWNSHIP 14 SOUTH, RANGE 12 WEST, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 660 GPM is likely available for 7 months.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: G 13121

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: April 1 through November 1.
3. Rate of use: 660 gallon per minute
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. 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.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited

to, restrictions on the use, penalties, or cancellation of the permit.

7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
11. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year.
12. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13121

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 14S/15E-35

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW
conditions 7B & 7J

Reviewer: K. Lite

MEMO

TO Application G- 13121

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes☐ No☒ Yes☐ No

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]

TO: Water Rights Section July 25, 1994
FROM: Groundwater/Hydrology Section K. Lite
SUBJECT: Application G-13121 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or _____ have the potential for substantial interference with the nearest
 - b. ☒ will not surface water source, namely Deschutes; or
 - c. _____ will if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. _____ will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 4F;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was, or constructed according to the standards in effect at the time of
 - b. ☐ was not original construction or most recent modification.
 - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__.

(Signature)

COMPLETED

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
G - 13121	11/18/95	MC

A checkmark (✓) indicates that the item is incomplete or defective.

- _____ 1. Examination fees (and recording fees, if for PFO/FO). /
- _____ 2. Name and address of the applicant, and title if applicable. /
- _____ 3. Source of water. /
- _____ 4. Use of water. /
- _____ 5. Amount of water. /
- _____ 6. Description of delivery system. /
- _____ 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others. /
- _____ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant. /
- _____ 9. Proposed dates of beginning and completion of construction, and complete application of water. /
- _____ 10. If for **municipal use**, the present population to be served and expected future water requirements. /
- _____ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water. /
- _____ 12. If for a **reservoir**: /
 - _____ a. The height of the dam.
 - _____ b. The storage capacity.
 - _____ c. The area submerged.
 - _____ d. The maximum depth.
 - _____ e. The construction method (earthfill, concrete, flashboard, etc.).
 - _____ f. A description of the outlet conduit.
 - _____ g. A description of the spillway.
- _____ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them. /
- _____ 14. If the application was made under HB 2107:
 - _____ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - _____ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - _____ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- _____ 15. An oath that the application information is true and correct. /
- _____ 16. The signature of the applicant(s). /
- _____ 17. A satisfactory map of the proposed POD & POU. /
- _____ 18. A Land Use Information Form or receipt. /
- _____ 19. A legal description of the property where water will be used. /

WaterWatch

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NOV 09 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Delivered via messenger

November 9, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, Oregon 97310

Re: ~~Objection to Technical Reports for:~~
~~G 13121, Korcek, Irrigation, Deschutes Basin~~
~~G 12757, G 12924, Avion Water Co., Quasi-municipal, Deschutes~~
~~G-13181, City of Redmond, Suppl. Irrigation, Deschutes~~

Overview

The above referenced applications propose to use 28 cfs of ground water in the Bend area of the Deschutes Basin. This amount, when added to the other pending groundwater applications that have been proposed for issuance in just this month, bring the total amount of new groundwater use that have been proposed for approval in this area up to 67.8 cfs of ground water.

These applicants are looking to ground water as a source of water supply because existing surface water supplies, whether from natural flow or Bureau of Reclamation (BOR) projects in the basin, are insufficient to meet both existing needs and further development in the basin. This surface water shortage is due, in part, to the state's failure to manage the resource in a way that prevents overallocation of the resource.

Unfortunately for these applicants, there is growing evidence that pumping of the ground water resource will interfere with the already overallocated surface waters in the Deschutes Basin. There is also concern about the capacity of the ground water resource to sustain continued development. The Deschutes River system supports, among other things, a major sports fishery and two state designated scenic waterways. It also supports anadromous fish populations that have been petitioned for listing under the federal Endangered Species Act and resident fish populations that have been determined by the United States Fish and Wildlife Service as warranting listing under the Act.

Any solution to these applicants' water supply problems will not come from ignoring existing water supply and environmental problems and issuing permits for these applications. The solution must come from increasing efficiencies in water use, obtaining a better understanding of the resource before any further permits are issued and achieving a better balance of water use in the basin. It is for these and other reasons that WaterWatch of Oregon submits these objections pursuant to OAR 690-11-170.

◆ **The Technical Reports are Defective**

The technical reports fail to include many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in Water Watch's objection to G-11923 and are hereby incorporated by reference.

◆ **The Uses as Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9), and (10). See also, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f). The proposed uses would deplete flows needed to meet existing water rights for surface waters and for numerous public instream uses of the Deschutes River. The 1984 Deschutes Basin Plan is replete with findings relating to the overallocation of surface waters in the Deschutes River basin and the insufficiency of flows needed for public uses such as fish life and recreation. See General Findings 2 - 3, 25 - 27, 33 - 34, Middle Deschutes Finding 20 and Lower Deschutes Finding 3.

The Department has determined that a hydraulic connection exists between surface and groundwater in the Deschutes River system. See Agenda Item J-3, July 17, 1992, page 2. A 1930 Department of Interior Report by Harold Stearns states that the Deschutes River is primarily fed by springs. Stearns, pg. 25. The report describes a resource that is highly permeable in parts and drains into the Deschutes canyon, providing over 1,000,000 acre feet per year of water and over 1,500 cfs in the middle Deschutes Basin. Stearns, pg. 191, 208.

A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report, pg. 18. Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg. 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters, and further permits to use groundwater are likely to deplete already overallocated surface waters in the basin.

The Deschutes River supports a variety of fish life including summer and winter steelhead, rainbow, redband and bull trout, kokanee and coho salmon. Deschutes summer steelhead have been petitioned for listing under the Federal Endangered Species Act. Bull trout have been determined by the United States Fish and Wildlife Service as warranting listing under this Act. Low flows during summer months impairs fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas,

and promoting excessive growth of algae. Existing instream water right applications # 070087 and #070695 seek to protect streamflows in the Deschutes and there are several existing instream water rights. These instream water right applications were filed in October of 1989 and September of 1990, prior to these groundwater applications.

These groundwater applications are near a segment of the Deschutes River which has been designated as a state scenic waterway. The "Diack" flows adopted by the Water Resources Commission to protect the values of the scenic waterway are already not met from April through November. In addition, the Deschutes River which is tributary to the Columbia River, contributes flows that may be needed for threatened and endangered fish populations in the Columbia River.

The Department of Environmental Quality has identified the Deschutes River mainstem as suffering from water quality problems. Further depletion of surface water flow will only exacerbate these existing water quality problems in the Deschutes.

1. Measurement and reporting.

WaterWatch supports most of the elements of the proposed measurement and reporting conditions for these applications. However, we do not support the limitation which only requires recording the reporting of the "amount" or "volume" of water use. This phrase only requires measurement and reporting of the total duty - not both rate and duty. As a policy matter, WaterWatch believes that the Department's measurement and reporting conditions should enable the Department to obtain information relating to both rate and duty of water use.

One of the conditions proposed is the rate at which water can be diverted. In order to determine whether there is exact compliance with the terms and conditions of any permits issued, the Department needs to know the rate at which water is being used. While it may be possible to extrapolate an estimated rate at which the water is being used from the total duty - it is not as accurate a measure of use as requiring record keeping of the actual rate of use. The Department should require measurement of both rate and duty. We request the term "amount" be substituted with the following language: "rate and duty".

The Avion Water Company's applications G 12924 and G 12757 propose to divert 25.8 cfs, a very large amount of water. If these applications were approved, this applicant should be required to measure and report the rate and duty of water use and report general

water use information.¹ In addition, these same conditions should also apply to G 13181 which proposes to use ground water as supplemental irrigation of a golf course.

Information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource. . . . If the demands of growing communities are to be met in a timely manner, it is imperative that the state, local governments, citizens and the development community work together to generate more and better groundwater information."

If these applications were approved, there should be conditions requiring measurement and reporting of well levels, groundwater flow velocities and aquifer depth. This information is critical for resource protection and management. It also provides additional information that can be used in the ongoing cooperative ground water/surface water study that the Water Resources Department, the USGS and others.

However, even with these conditions, WaterWatch does not support the issuance of further groundwater permits in the basin. The ongoing groundwater study is in response to concerns about the effect of continued allocation of groundwater in the basin on surface and ground waters in the basin. It is bad public policy to continue to issue ground water permits, which allow use in perpetuity, while information regarding the capacity of the resource to support continued expansion of use in the basin is ongoing. These applications should either be denied or should be held until the study is completed.

¹ The proposed permit conditions 5 and 12 for application G 12757 are conflicting. Proposed condition 5 states that the Director may require installation of measuring device and reporting. Proposed condition 12 requires installation of measuring device and annual reporting. To be consistent, the language in proposed condition 5 should be amended to be the same as proposed condition 5 in G 12924 (with our suggested amendments) and the language in proposed condition 12 relating to measurement and reporting should be deleted.

2. The uses are likely to impair the public interest because they will interfere with surface waters in the basin.

The Department has determined that, in general, the groundwater resource is hydraulically connected to surface waters in the area. However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that these uses will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a). This determination is particularly critical given the existing overallocation of surface waters, the water quality problems and the public's interest in maintaining instream flows for public uses of the Deschutes and Columbia Rivers.

The Department's Division 9 rules require it to determine whether the proposed wells produce water from a confined or unconfined aquifer. OAR 690-09-040(1). The rules also require the Department to determine the distance of the proposed wells to surface water sources and whether the aquifer is hydraulically connected to surface waters. OAR 690-09-040. The rules then allow certain assumptions to be made depending upon the outcome of these determinations and require further analysis of the applications if the proposed uses do not fit within these assumptions. Id. A review of the application files reveal no determination of the distance of the wells to surface waters, whether the aquifers to be tapped are confined or extent of hydraulic connect to surface waters.

While the technical reports and the groundwater staff memos on G 13181, G 12924 and G 13121 concluded that the proposed uses would not interfere with the Deschutes, the technical reports contain proposed conditions allowing regulation of these uses if they interfere with surface water rights. Thus, it appears that there is potential for interference.

As we have stated before, these proposed conditions (9 and 13) only protect existing surface water rights². They do nothing to prevent interference unless it has already occurred and do not protect resource values that are not protected by water rights. In addition, the conditions place the burden on the resource which is unacceptable given the presence of weak fish stocks and important resource values.

² This condition does not comply with the requirements of the State Scenic Waterways Act which mandates protection of scenic waterway resource values which do not have protection in the form of instream water rights.

The groundwater staff's review of G 12757 concluded that the proposed use would have the potential for interference with surface waters in the Deschutes but concluded that conditioning the use would "adequately protect the surface water source." The only condition proposed relating to interference was condition 9 which is identical to that proposed in the other three applications and language in proposed condition 12 which requires regulation to protect prior appropriators. As stated above, these proposed conditions do nothing to protect the resource.

The groundwater staff's report for G 12757 also indicated concerns about the static water levels in the well and the possible need for reconstruction of the well. Proposed condition 12 in the technical report requires measurement of water levels but does not include any requirement for well reconstruction. This condition also requires the permittee to measure water levels, but does not specify when these measurements are to occur and does not provide any requirement for ongoing measurement and reporting of static water levels.

The Department and Commission have recognized in the past the increasing pressure to develop groundwater in the basin and expressed concern over the ability of the resource to meet new demands. To the agency's credit, it has helped to initiate a study of the ground and surface water resources in the Basin. Unfortunately, this study will not be completed for several years. Until the required level of scientific certainty needed for decision making is determined and the information developed, these applications should not be issued.

In addition, as stated in WaterWatch's January, 1994 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to protect the public's interest in the Columbia River system (of which the Deschutes and Crooked River is tributary), and the threatened and endangered fish species that rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined in the objection and in WaterWatch's January Petition (hereby incorporated as part of this objection) the proposed use will impair and be detrimental to the public interest in the resource.

3. Approving these applications is contrary to the state scenic waterways statute and OAR 690-11-195(2)(a).

The state Scenic Waterways Act places a duty upon the Commission and it's Department to preserve the free flowing character of the Deschutes scenic waterway in

amounts needed for fish, wildlife and recreation. ORS 390.835(1). The "Diack" flows adopted by the Commission are the flows that have been determined by the Commission as necessary to protect the values of the scenic waterway. The Department has a duty to make findings on ground and surface water applications as to whether or not the proposed use will deplete with streamflows in the scenic waterway segment. If the proposed use will deplete streamflows below the adopted "Diack" or if the proposed use will deplete flows when "Diack" flows are already not met, the Department must reject the application. The Department failed to analyze these proposed uses and their effects on the Deschutes scenic waterway.

The Department has determined that G 12757 has the potential to interfere with streamflows in the Deschutes River and appears to have concerns over the effect of the other three applications on surface waters in the Deschutes as evidenced by the "interference condition" proposed in that technical report. As noted above, the state scenic waterway flows are currently not being met in at least one of the scenic waterway segments from at least April through November. Any new appropriations which cause further depletion of streamflows, either directly from the scenic waterway or from tributaries to the scenic waterway segment, during the months when "Diack" flows are not being met are contrary to the State Scenic Waterways Act. These applications must be denied.

4. The uses violate Oregon's Statewide Policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

In addition, Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. These applicants should be required to show, prior to issuance of any permit, that their proposed uses are efficient. The applicants should

also be required to submit a water conservation/management plan prior to permit approval and implement the plan as a condition of use.

Allowing these uses to go forward, as currently conditioned, violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes basin will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

5. A public interest determination is impossible because essential information appears to be missing.

One of the proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and these uses are found to be in the public interest, then this condition should be amended to require periodic pump tests. The condition should not, however, limit the Director's discretion as to when she can require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

6. These applications were processed out of order.

These applications were filed in 1992. There are currently two pending instream water right applications that were filed in 1989 and 1990 over two years prior to these groundwater applications. The Commission has directed the Department to process applications in the order received. These ground water applications will effect streamflows needed for these senior instream water right applications and must not be considered until after the instream water right applications are processed. The processing and approval of these applications is not only contrary to Commission directive it unfairly elevates these individual consumptive uses above public instream uses. This is unacceptable and reflects the Department's continued bias towards individual consumptive uses. These ground water applications should not be processed until after the instream water right applications are processed.

- 7. Applications G-12924, G-13121 and G-13181 are subject to the requirements of OAR 690-33.**

OAR 690-33 applies to applications to appropriate hydraulically connected groundwater with the potential for substantial interference and which were filed after July 17, 1992. These applications were filed after this date and have the potential to substantially interfere with surface waters in the Deschutes Basin. Thus all three of these applications are subject to the requirements in OAR 690-33.

- 8. The use proposed in G 12757 and G 12924 are not compatible with local land use plans and are contrary to the Department's own rules.**

We continue to be concerned about the interplay between water use permitting and land use planning. In the Deschutes Basin, as elsewhere in the state, much of the growth contemplated by new water use applications may be within the scope of the local comprehensive plan, however that does not change the fact that water supplies are limited and may not be available to meet the total growth contemplated in the land use plan. Land use approval, if obtained, does not automatically mean that continued growth can be sustained. The County and Water Resources Department's joint water supply study in the Deschutes is an apparent recognition of this potential gap in planning. Unfortunately, the far sighted view of the need to understand the resource has not penetrated the permitting arms of both the water and land use agencies. Regardless of whether the technical requirements of the water and land use rules are met, we continue to raise the point that it is bad public policy to continue to issue permits and allow continued development in the basin in the face of a troubled resource.

The applicant has not yet received land use approval for the development contemplated in these applications. The land use form in the application file for G 12757 states that the tentative plat for the development has not yet been obtained. The statement on the form that land use approval is "Being Pursued Satisfactorily" does not change the fact that there is no land use approval for the land use that will be served by this proposed use.

OAR 690-11-030(1)(f) requires that "prior to the completion of the technical review" applications must include the required land use information. These applications do not include the required land use information. OAR 690-11-160 specifies that the technical review contain an evaluation of the compatibility information received. Thus, the technical review cannot be completed and the applications should not move forward.

The rules require the Department to conclude that the mandatory informational requirement has been met if the information has not been received. The rule itself is arbitrary, capricious and contrary to law and should be declared invalid. The rule is also contrary to OAR 690-05-035(4)(a) which requires the Department to "(r)equire land use information be submitted with applications." The information "shall be sufficient to assess compatibility as specified on forms contained in the Department's Land Use Planning Guide." *Id.* Thus, OAR 690-11-030(7) which requires that the land use information requirement is satisfied even if no information is received means that the Department will not receive "information sufficient to assess compatibility."

Regardless of the outcome of this "informational requirement" dance, OAR 690-11-030(1)(f) states that if the land use information is not received or post marked "before the end of the 30-day comment period" the Department may presume that the proposed use is compatible with land use plans and regulations. OAR 690-11-030(7). This presumption can not be applied in this case. The WRD has been informed that there is no land use approval for this proposed development. Clearly a presumption of compatibility cannot be made for this proposed water use.

Finally, OAR 690-050-035(4)(b) allows approval of proposed uses if the proposed use meets the requirements of state water law (including the permit application requirements referenced above) and the land use is "allowed outright or does not require discretionary land use approvals" or the applicant has already received the necessary land use approvals. The land use served by this proposed use is not allowed outright, the discretionary land use approvals have not been given and the use as proposed does not meet the substantive and procedural requirements of Oregon Water Law. Thus, the proposed use cannot be approved.

Once the Department has followed the substantive and procedural requirements of Oregon water law and if the Department finds the proposed use is in the public interest, the Department may withhold approval until the applicant has received all land use approvals or condition the permit if land use approvals are "pending." If the use were to be found to be in the public interest and all the requirements of Oregon water law are met, the WRD should withhold final action on these applications until final land use approval is achieved. In addition, given the WRD's current lack of knowledge relating to the extent of interference with surface waters and its ongoing study of the hydrology of the Deschutes River basin, it is in the public interest to withhold permit issuance.

9. **Approval of G-13181 is not in the public interest because it is not a reasonable use of water.**

The technical report for this application indicates the proposed use of water is irrigation. A review of the file indicates that the water will be used for watering of grass for a golf course. In an arid desert ecosystem, in an area where ground and surface water sources are subject to competing demands such as for municipal water supplies, or the growing of crops, it is not in the public interest to issue a water right for such a use - a use which has little economic value.

There appears to be a potential for other sources of water such as treated effluent for this proposed use. Has the applicant explored this option? At the very least the applicant should be required to show that there are no other source alternatives.

10. Applications G 12751 and G 12924 raise water quality issues

As mentioned above, the Deschutes River is identified by the Oregon Department of Environmental Quality (DEQ) as having water quality problems caused in part by water withdrawals. Further depletion of surface water flow through groundwater appropriations will only exacerbate these existing water quality problems. The proposed permit conditions do nothing to protect the resource. In addition, the use proposed in G 12757 and G 12924 (quasi-municipal) involves the creation of effluent creating the possibility of even further degradation of water quality.

When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of these proposed uses on the water quality of the river. See also OAR 690-11-195(4)(c).

The technical report does not reveal where the effluent generated from this proposed water use is treated and discharged. If the proposed use results in discharges of effluent to surface waters, the applicant must be required to show that it has a valid discharge permits from the Department of Environmental Quality and the Department should consult with DEQ to determine the effects of this proposed use on water quality. Any application approval must include a condition that the permittee comply with permit conditions and relevant water quality standards and requirements.

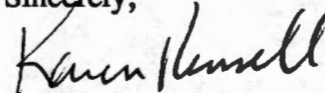
In sum, the use proposed in these applications may impair and be detrimental to the public's interest in maintaining sufficient streamflows to abate pollution in, and preventing further pollution of the Deschutes River. See ORS 537.170(5)(a), (b), (c) and (g) and OAR 690-11-195(3), (4)(a)(D), (c)(A) (d), & (f). These streamflows are needed to protect water quality for fish and wildlife, human use such as fishing and swimming, and for existing and future economic development in the Deschutes River basin.

11. **G 12924 is not in the public interest because the proposed condition #12 appears to be a standard condition and is not specifically geared to protect this resource.**

This condition requires the permit holder to stop use if the well "displays a total static water-level decline of 25 or more feet." What is the aquifer depth in this situation? As we understand it, this is a standard condition. This condition will not protect the resource if the

aquifer depth is, for example, 20 feet. If this is the case, this condition would allow the permittee to pump the aquifer dry before they would be required to stop. The aquifer depth must be determined in order to determine the level of "tolerable" static water level decline. If the aquifer depth is unknown at this time - then there should be a permit condition requiring the permittee to conduct tests to determine the aquifer depth - prior to beginning use.

Sincerely,



Karen A. Russell
Assistant Director

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SEP 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

August 30, 1994

WATER
RESOURCES
DEPARTMENT

SHERRY KORCEK
BESSETTE, ROCHELLE; STEPHAN, TONI
STAR RT 5701 W HWY 126
REDMOND, OR 97756

Reference: File G 13121

Hello:

Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract).

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



Michael J. Mattick
Water Rights Specialist

cc: Robert R. Povey, CWRE

THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2SW1/4) AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) 1/4 SECTION THIRTY-FIVE (35), TOWNSHIP FOURTEEN (14) SOUTH, RANGE TWELVE (12) EAST OF THE WILLAMETTE MERIDIAN, DESSHUTES COUNTY, OREGON, EXCEPT THE NORTH 30 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4SW1/4).



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

BESSETTE / STEPHAN
11485 MOJAVE DRIVE
MIRA LOMA, CA 91752



OREGON WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH STREET NE
SALEM, OR 97310 - 0210

ATTENTION: MICHAEL J. MATTICK



COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G 13121

WATERWATCH

ODF&W - County: Deschutes

WATERMASTER #: 11

REGIONAL MANAGER: SC

CWRE: Robert R. Povey

DEO

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

CASEWORKER (initials/date)

mm 8/30/94

ORIGINAL TO APPLICANT 6/28/94

August 30, 1994

SHERRY KORCEK
BESSETTE, ROCHELLE; STEPHAN, TONI
STAR RT 5701 W HWY 126
REDMOND, OR 97756

Reference: File G 13121

Hello:

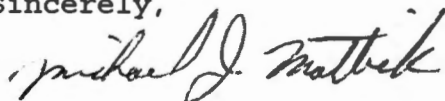
Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

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Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



Michael J. Mattick
Water Rights Specialist

cc: Robert R. Povey, CWRE



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

Application No. 6-1321

Planning Official Initials: _____

Permit No. _____

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Sherry Korcek, Rochelle Bessette, Toni Stephan
 Address: STARKE 5701 W. Hwy 126
Redmond, Ore., 97756
 Phone: 548-8520

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): Crop types - Alfalfa & Grass Hay - possible Nursery! - Greenhouse
- ☒ Livestock (type of livestock, feedlot, slaughterhouse): Cattle Horses
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

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SEP 17 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☐ Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>660</u> Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☒ Ground Water	

Land Use Information Form: Permits, Licenses, Water Uses in Addition to
Classified Uses

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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 request for water use. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Sherry Korcek, Rochelle Bessette, Toni Stephan
Address: Star Rt 5701 W. Hwy 126
City: Redmond State: Ore Zip: 97756
Phone: 548-8520 WRD Application No.: _____

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<u>14-12 4200</u>	<u>EFU-40</u>			

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant or the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) 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): Chapter 18.16 County Code Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

WRD Applicant Name: _____

Receipt for Request for Land Use Information

This section should be completed by a local government official and returned to the applicant upon request by the applicant for land use information.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Paul Blikstad

Title: Associate Planner

Date: 9-9-92

Phone: 388-6575

Signature: Paul Klehtat

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.

Continuations or Additional Comments:

TECHNICAL REVIEW CHECKLIST

Application: G/1312/Review Date: 8/30/94

- S indicates information was completed or adequately addressed.
 U indicates information is needed, or incomplete, or inadequately addressed
 N/A indicates Not Applicable

SUMMARY	
<u>S</u>	Land Use
<u>NA/yes/no</u>	Substantial SW interference w/GW (if yes, see results of surface water availability analysis)
<u>S</u>	Conflicts
<u>S</u>	Water Availability (<u>GW Report</u>) (Water Availability Sub-basin)
<u>SI</u>	The application, map and supporting data are complete and free of defects.
<u>yes NA</u>	A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

S

The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

NA

No oath is required because application was filed before June 5, 1992.

S

Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 316
TOTAL REQUIRED	\$ 516
TOTAL SUBMITTED	\$ 516
AMOUNT DUE prior to issuance of permit	\$ 0
AMOUNT OVERPAID	\$
refund due applicant	\$

100 + 2x 108

40.1
 38.4
 39.2
 117.7

S Proposed dates of beginning and completion of construction, and complete application of water.

S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)

U A written copy of the legal description of the property on which the water is to be used.

NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

NA No statement of ownership was required for applications filed before August, 1990.

S The proposed use is not restricted or prohibited by statute.

S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

S Irrigation use(s) is/are classified uses(s) under the Deschutes Basin Program, OAR 690 - 505-002

Land Use Compatibility:

14. As expressed by the Planning Department of Deschutes

S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section Chapter 18.16). County Code

NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

NA 18. Plans, specifications and supporting information for the dam and impoundment area.

WaterWatch

O F O R E G O N

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SEP 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

September 25, 1992

Stephen C. Brown
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #G13121, Sherry Korcek
Deschutes Basin, Deschutes Co., 660 gpm, Irrigation

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5)

Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

Jim Myron

bc:

September 21, 1992

SHERRY KORCEK
BESSETTE, ROCHELLE; STEPHAN, TONI
STAR RT 5701 W HWY 126
REDMOND, OR 97756

REFERENCE: File(s) G-13121

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



DATE INITIALS

9-17-82 N. J. M.

MINIMUM REQUIREMENTS TO FILE

Name and mailing address
Source of water
Quantity of water
Location of project
Use of water
Signature of applicant
Allowable use by policy
State Engineer withdrawal
Legislative withdrawal
Land use approved ☒ pending _____

FIELD OPERATIONS

Application date stamped per money receipt date
Stream Indexed
Stream Code _____
Scenic Waterway _____
Findings:
1) Concluded - Scenic-Reg Ack letter
2) Under Study - Scenic-Ack letter
3) Basin 2 - Willamette-Ack letter
Plat Carded and copy made YES NO
Conflicts (well _____ surface _____) _____
Prior ISWR # _____
Within Irrigation District _____ (name)
Notified
District excerpt received _____
Entered in Paradox
Prepare six copies of Draft Permit
Send one copy to Data Center

SUPPORT SERVICES

Stamp contents with application number
Mail/Provide copies of draft permits to DEQ, ODFW,
PARKS, AND WATERMASTER
Mail ack letter (provided by Data Center) with
receipt to applicant, cc to CWRE and file
Place label on file and card
If dam is over 10 feet or storage exceeds 9.2 AC-FT,
route file to Dam Safety Section
Notify Irrigation District

FIELD OPERATIONS

	YES	NO
Ownership Statement	_____	_____
Name and address of all owners	_____	_____
Other landowners notified	_____	_____
Legal Description	_____	_____
Need Commission review	_____	_____
Requests greater than 5.0 cfs	_____	_____
Dam height greater than 20 feet	_____	_____
Storage greater than 100 acre-feet	_____	_____
Out of Basin diversion	_____	_____
Groundwater recharge project	_____	_____
Other substantial public interest	_____	_____
GW comments received	_____	resolved _____
ODFW comments received	_____	resolved _____
DEQ comments received	_____	resolved _____
Interest Groups	_____	_____
Water availability received	_____	_____
Objections received	_____	resolved _____
Protest received	_____	resolved _____
Management Codes	_____	_____

EXAMINATION FEE: _____
RECORDING FEE: _____

TOTAL: _____
REFUND: _____
DEFICIENT: _____

REMARKS: _____



Bessette/Stephen
21321 N. W. Yacon Ave.
Redmond, Or. 97756-8288



DOUGLAS L. BAER

WATER RIGHTS TECHNICIAN

WATER RESOURCES DEPARTMENT

COMMERCE BUILDING

158 12TH STREET NE

Salem, OR. 97310-0210

97310+0700



5701 16. Hwy 126
Redmond OR 97756



WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12th STREET N.E.
SALMON, OR. 97310

97310/0703





Rockton Ranch
Bessette/Stephan
21221 N. W. Yucca Ave.
Redmond, Or. 97756-8288

CERTIFIED

Z 407 636 603

RETURN RECEIPT
REQUESTED

MAIL

Dallas Miller ✓
WATER Right Permit Extensions

WATER RIGHTS

158 12th St. N.E.

Salem, OR. 97310

NUMBER 88468

Check 516⁰⁰ MO Cash

 Surface Application

 Reservoir Application

✓ Ground Water Application

 Transfer Application

 Power Claim

 Hydroelectric Examination

 Hydroelectric License

 Copying TO: Dave Macrae

 Assignment

 Extension of Time

 Other 200.⁰⁰ - Exam

 P-6 316.⁰⁰ - Recording

 Quadrangle

 Basin

 Protest

 Constructors Examination

 Constructors License

 Adjudication

CD 13-00 1-1-99

Application No. **G13121**

No. **G12510**

SHERRY KORCEK

BESSETTE, ROCHELLE; STEPHAN, TONI

~~STAR RT 5701 W HWY 126~~ 21221 NW Yucca Ave

REDMOND, OR

97756 - 8288

Assigned

Address

Beginning construction

6-12-97

Completion of construction

10-1-98

Extended to

10-1-2001

Complete application of water

10-1-99

Extended to

10-1-2001