G5

ASSIGNED FILE#: G 13145

ENOS R BROWN
BROWN, JANICE R
8997 NE EMERSON DR
MADRAS, OR 97741

Application No. G13145
Permit No. G12509
Certificate No.

Jefferson

Stream Index, Page No. 5

05-1980-093C

V 3 Trout Cr x mid c

FEES PAID

Date	Amount	Receipt No.
10-2-92	$615.40	92577
9-9-94	$0.60	116435
7-14-03	$45.00	61317
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Date filed
Priority
Action suspended until FPD
Return to applicant
Date of approval

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
7/14/03	Gregory Lechner,	29095 Dryland Rd, Canby, OR 97013		

CONSTRUCTION

Date for beginning 6-12-97
Date for completion 10-1-98
Extended to
Date for application of water 10-1-99
Extended to

PROSECUTION OF WORK

Form "A" filed
Form "B" filed
Form "C" filed 10-1-99

FINAL PROOF

Blank mailed
Proof received
Date certificate issued

REMARKS

G12509

SP*70900-119

Oregon
Kate Brown, Governor

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

September 30, 2020

Greg Lechner
8400 NE Qualle Rd
Madras, OR 97741

RE: Application G-13145, Permit G-12509
Address Update

Greg,

As we discussed, the mailing address associated with your permit is currently listed as:

29095 Dryland Rd
Canby OR 97013

You indicated that you have not been at that address for many years. Please confirm that your current mailing address is:

8400 NE Qualle Rd
Madras OR 97741

Once you have confirmed your new mailing address, we will update our records.

Please feel free to contact me with any questions at 503-986-0811.

Sincerely,

Gerry Clark
Program Analyst, Certificate Section,
Water Right Services Division

File

ESTES SURVEYS LLC

SURVEYS
CONSULTING

LAND & WATER RIGHTS
Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
(541) 382-7391
FAX 382-7391

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

January 13, 2002

RECEIVED
JAN 15 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Craig Kohanek, Well Specialist
Water Resources Department
158 12th Street NE
Salem, OR ~~97310-0210~~ 97301-4172

Dear Craig:

Re: G-13145

Enclosed is the pump test for Bob Brown's permit G-12509. The claim of beneficial use was submitted last year. Please have a copy sent to the file so it will be complete to issue the certificate. Thanks.

Sincerely,

Bruce

Bruce A. Estes, PLS, CWRE

enclosure

cc Bob Brown

Oregon Water Resources Department

PUMP TEST FORM COVER SHEET

Well Owner:
Name Bob Brown
Address 8997 NE Emerson Dr.
County Jefferson
City, State, Zip Madras, OR 97741
Original owner (from well log): Bob Brown

Well Location:
Twnshp 9 (N or S), Range 14 (E or W)
Section 27 ¼, ¼, ¼ NW NW NW
Well depth 158 Date drilled 7/31/92
Owners well no. (if any)
Pod_ID:
start card 42463

Water Right Information:
Application G-13145 Permit G-12509 Certificate not yet
Is this well listed on more than one water right? N (Y/N) If yes, list additional water rights below:
Application Permit Certificate
Application Permit Certificate

Pump Test:
Test Conducted by: Bruce A. Estes Well Owner? N (Y/N)
Company Estes Surveys, LLC
Address PO Box 17519 60382 Arnold MH. Date of Test 8 Jan 02
City State, Zip Salem, OR 97305 Bend, OR 97702
Daytime phone 503 585-7593 541 382-7391

Method of discharge measurement (see our brochure for acceptable methods):
Method of water-level measurement (circle one): **electric tape / pressure transducer / air line / acoustic sounder / steel tape / other** (specify)
Length of air line (if used) air line at 65' - 1 = 64' blw LSD

Pump type (circle one): **submersible / turbine / jet / centrifugal / other** (specify)
Was the pump test conducted during normal use of the well N (Y/N)

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: NA

Is there a lake, stream or other surface water body within ¼ 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. Approx. distance: NA ft
Approx. elevation difference: NA ft
Well elevation is **at / above / below** (circle one) surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side)
air line set at 64' blw LSD
Measuring point distance **above / below** (circle one) land surface 64 feet

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
1000	22.5 psi 64.0 - 52.0 =	12°
1020	22.5 psi	12°
1050	22.5 psi	12°

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
1108	400	GPM
1200	400	
1300	390	
1400	400	
1446	400	

RECEIVED
JAN 15 2002
WATER RESOURCES DEPT
SALEM, OREGON

Time pump turned on: Date 8 Jan 02 Time 1100
Time pump turned off: Date 8 Jan 02 Time 1500
Total pumping time: 4 hours 0 minutes

Note: Well must be idle for at least 16 hours prior to the test. Well off 24 hrs prior to test
Additional forms can be obtained from our web site at: http://www.wrd.state.or.us OWRD 2/9/2000

Oregon Water Resources Department

PUMP TEST DATA SHEET

Application: G-13145 Permit: G-12509 Certificate: _____ Pod_Id: _____

All water-level measurements must either be in feet and inches, or feet and decimal fractions.

Drawdown Data

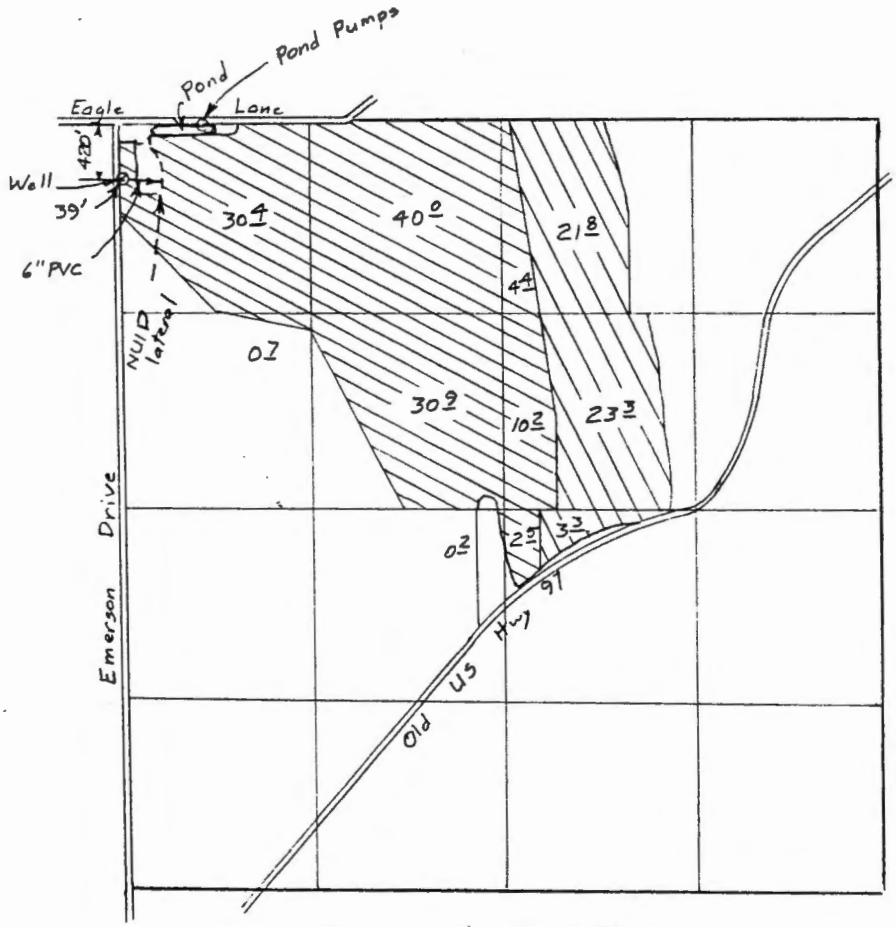
Date	Time	Time Since Pump Started (minutes)	PSI ~~Depth to Water Below Measuring Pt~~	Depth to Water Below Land Surface	Comments
8 Jan 02	1100	0	22.5psi	12.2	
	1102	2	14=32.3	31.7	
	1104	4	13=30.0	34.0	
	1106	6	12.5=28.9	35.1	
	1108	8	11.5=26.6	37.4	
	1110	10	11=25.4	38.6	
	1115	15	11		
	1120	20	11		
	1125	25	11		
	1130	30	11		
	1145	45	11		
	1200	60	11	38.6	
	1215	75	10.75=24.8	39.2	
	1230	90	10.75	39.2	
	1245	105	10.5=24.2	39.7	
	1300	120	10.25=23.7	40.3	
	1315	135	10.25	40.3	
	1330	150	10.0=23.1	40.9	
	1345	165			
	1400	180			
	1415	195			
	1430	210			
	1445	225			
	1500	240	10.0	40.9	

Recovery Data

Date	Time	Time Since Pump Stopped (minutes)	PSI ~~Depth to Water Below Measuring Pt~~	Depth to Water Below Land Surface	Comments
8 Jan 02	1500	0	10.0	40.9	
	1502	2	18=41.6	22.4	
	1504	4	19=43.9	20.1	
	1506	6	20=46.2	17.8	
	1508	8	21=48.5	15.5	
	1510	10	21.25=49.1	14.9	
	1515	15	22=50.8	13.2	

TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.

Section 27



Scale 1" = 1320'

Surveyed Sep 1, 2000

Supplemental to C- 51231 (Deschutes River)

Supplemental to C- 51233 (Crooked River)

App G-13145
Per G-12509

Claim of Beneficial Use Map
for
ENOS R. & JANICE R. BROWN

Certified Water Right Examiner #1
Bruce A. Estes
Nov. 19, 1987
STATE OF OREGON
Renewal Dec 31, 2001

RECEIVED

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

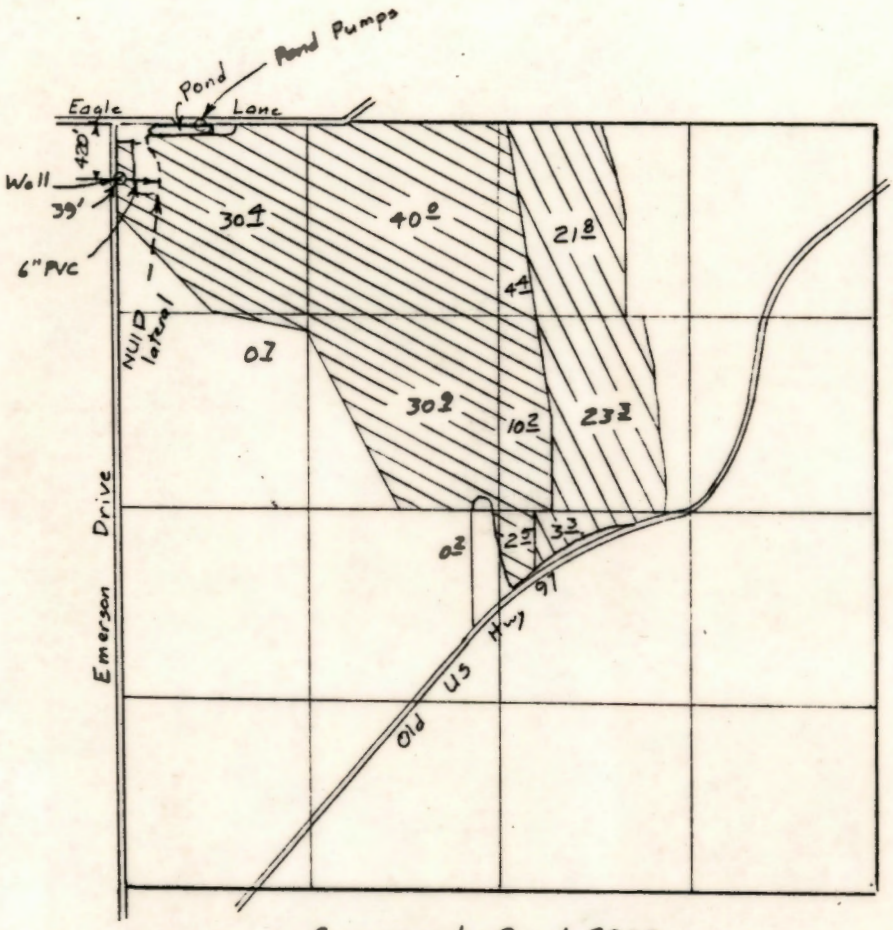
ESTES SURVEYS

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593

60382 Arnold Rd
Bend, OR 97702
(541) 382-7391

TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.

Section 27



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PO Box 17519
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Bend, OR 97702
(541) 382-7391

To: Ben Bishop
From: Steve Brown <Stephen.C.BROWN@wrd.state.or.us>
Subject: NUID - Brown
Cc:
Bcc:
Attached:

Ben,

The underlying right for the land involved with G-9075, G-13145, 58230 and 64499 are involved with ORS 540.580 transfers under consideration. Certificates 72279, 72281 and 72283 have been modified by 3111 petitions. Permits 43932, 47284, G-8467 and G-12509 (proof to be received by 10/1/2000) may not be considered until underlying primary is determined by the ORS 540.580 transfers. Withhold action until February 1, 2001.

Please let me know when the petitions are signed.

Thanks.

Steve

ESTES SURVEYS

SURVEYS
CONSULTING

LAND & WATER RIGHTS
Bruce A. Estes, PLS, CWRE

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RECEIVED
OCT 1 2 2000
WATER RESOURCES DEPT.
SALEM, OREGON

CLAIM OF BENEFICIAL USE AND SITE REPORT

Application G-13145, Permit G-12509

in the name of ENOS R. & JANICE R. BROWN

INFORMATION: Went over the project with Enos (Bob).

SOURCE: A well in the Trout Creek Basin. The well was drilled in 1992 during the drought. The pump was installed and use made as soon as possible.

DIVERSION POINT: NW 1/4 NW 1/4 of Section 27, T 9 S, R 14 E, W.M.; 420' South and 39' East from the NW corner of section 27.

USE: Supplemental irrigation of 167.7 acres of hay, alfalfa and pasture. There is an Aquamaster flow meter serial # 21773. It read 15,725,000 gallons. Use has been made since the permit was issued.

CAPACITY: The well has a 7.5 HP submersible pump which runs open discharge through a 6" buried PVC pipe downhill 15' to the NUID lateral. The lateral is gravity to a pump pond. The well log (start card # 42463) indicates a static level of 9'. The pump is set at 65' so the pump should be capable of 7.04x7.5/65-15 = 01.056 cfs. The pond has two pumps - #1 is a 40HP Baldor motor DDC with a Berkeley 4"x3" pump. It has an 8" suction pipe and sits 4' above the pond. Its capacity at 80% should be 6.6x40/4+100 = 2.54 cfs at 43 psi. Pump #2 is a GE 20 HP DDC with a 4"x3" Berkeley pump. Its capacity at 80% should be 6.6x20/ 4+100 = 1.27 cfs at 43 psi. The delivery system includes 4 wheel lines and many lengths of of 3" x 40' hand line with 5/32" nozzles. The wheel lines are capable of 33x4.4 = 145 GPM each. The permit authorized 1 cfs per 80 acres so the authorized rate for the 167.7 acres is 167.7/80 = 2.10 cfs, but the permit is only for 0.891 cfs (400 GPM) so that has to be the limit for this permit.

TIE: The well was tied to NW corner of section 27 and the map matches the NUID map.

REMARKS: The primary right under this permit is from North Unit Irrigation District delivered into the same pump pond. It is used each year. There is another right, a very close match to certificate 51233, from a spring under certificate 64499.

An inspection of the land under the terms of permit G-12509 was made by me September 1, 2000, and the facts contained in this report and accompanying map are correct to the best of my knowledge.

Certified Water Right Examiner #1
Bruce A. Estes
Nov. 19, 1987
STATE OF OREGON

We, Enos R. and Janice R. Brown, agree with Mr. Estes' findings and submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of permit G-12509 and hereby request a water right certificate be issued.

Enos R. Brown

Janice R. Brown

ESTES SURVEYS

SURVEYS CONSULTING

LAND & WATER RIGHTS
Bruce A. Estes, PLS, CWRE

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Bend, OR 97702
(541) 382-7391
FAX 382-7391

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FAX 585-7593

RECEIVED
SEP 29 2000
WATER RESOURCES DEPT
SALEM, OR

CLAIM OF BENEFICIAL USE AND SITE REPORT

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Certified Water Right Examiner #1
Bruce A. Estes
Nov. 19, 1987
STATE OF OREGON

We, Enos R.and Janice R. Brown, agree with Mr. Estes' findings and submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of permit G-12509 and hereby request a water right certificate be issued.

_____ _____

ESTES SURVEYS

SURVEYS
CONSULTING

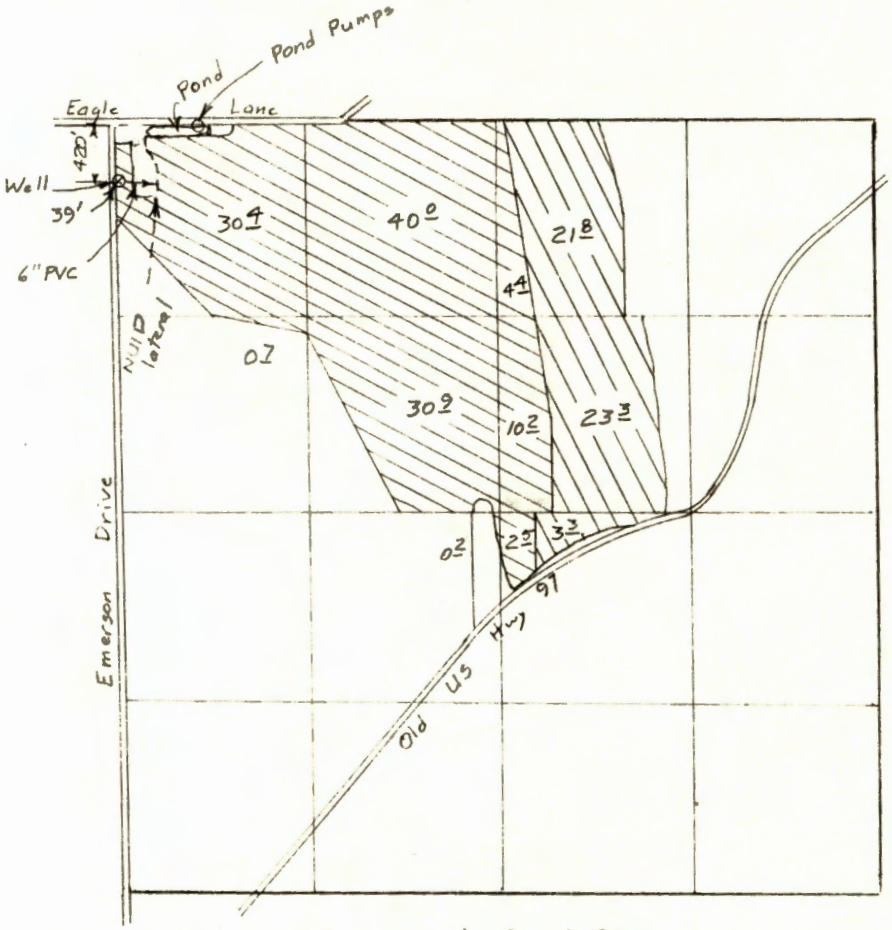
LAND & WATER RIGHTS
Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

6293 Sunnyview Rd. NE
Salem, OR 97305
(503) 585-7593
FAX 585-7593

TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.

Section 27



N

Scale 1" = 1320'

Surveyed Sep 1, 2000

Supplemental to C- 51231 (Deschutes River)

Supplemental to C- 51233 (Crooked River)

App G-13145
Per G-12509

Claim of Beneficial Use Map
for
ENOS R. & JANICE R. BROWN

Certified Water Right Examiner #1
Bruce A. Estes
Nov. 19, 1987
STATE OF OREGON
Renewal Dec 31, 2001

RECEIVED
SEP 26 2000
WATER RESOURCES DEPT
SALEM, OR

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

ESTES SURVEYS

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ESTES SURVEYS

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App # G-13145

Oregon

Theodore R. Kulongoski, Governor

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

February 7, 2003

G 12509
ENOS R,BROWN
BROWN, JANICE R
8997 NE EMERSON DR
MADRAS,OR 97741

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,

Paul R. Cleary
Director

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

Oregon
Theodore R. Kulongoski, Governor

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

July 25, 2003

Enos R. and Janice R. Brown
8997 NE Emerson Dr.
Madras, Oregon 97741

Reference: Application G-13145, Permit G-12509

The assignment from Enos R. Brown and Janice R. Brown to Gregory D. Lechner, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 61317 covering the recording fee of $45.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: receipt 61317

cc: Watermaster 11
Gregory D. Lechner
Data Center, OWRD
Mary Rohling
File

REQUEST FOR ASSIGNMENT

RECEIVED
JUL 14 2003
WATER RESOURCES DEPT
SALEM, OREGON

I, ENOS R + JANICE R BROWN
(Name of Applicant / Permit / Transfer Holder)

8997 NE EMERSON DR MADRAS OR 97741 541-475-2654
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

☑ ...hereby assign ***all my interest*** in and to application/permit/transfer;

☐ ...hereby assign ***all my interest*** in and to a ***portion*** of application/permit/transfer;
(You must include a map showing the portion of the application/permit to be assigned.)

☐ ...hereby assign ***a portion of my interest*** in and to the ***entire*** application/permit/transfer;

Application # G-13145, **Permit #** G-12509 ; **Transfer #** _____

-OR-

GR Statement # _____, **GR Certificate of Registration #** _____

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

GREGORY D. LECHNER
(Name of New Owner)

29095 DRYLAND ROAD CANBY OR 97013 (503) 702-4461
(mailing address) (City) (State) (Zip) (Phone #)

NOTE: *If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration,* ***you must provide a list of all other owners' names and mailing addresses and attach it to this form.***

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 2nd day of July, 2003.

OK ASSIGN 7/25/2003 J.S.

Applicant/Permit holder Enos R Brown

Applicant/Permit holder Janice R Brown

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 61317
- For Director by Jerry Sauter, Program Analyst in Water Rights Division JS.

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- **$25 for the first page, *and***
- **$5 for *each* additional page.**

[as required by ORS 536.050(1)(d)]

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # 61317

INVOICE # _____

RECEIVED FROM: Enos R. Brown "Farms"

BY:

APPLICATION	G-13145
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 1383 OTHER: (IDENTIFY) ☐

TOTAL REC'D $ 45.00

0401 TREASURY 0417 WRD MISC CASH ACCT

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

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	Assign	$ 45.00
TC162	DEPOSIT LIAB. (IDENTIFY)		$
0240	EXTENSION OF TIME		$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 61317 DATED: 7/14/03 BY: Donna Smith

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

JEFFERSON COUNTY TITLE

534 SW Fourth Street
PO Box 51
Madras, OR 97741

(541) 475-7201
FAX (541) 475-7869
Email: jctitle@madras.net
Web: www.jctitlecompany.com

October 3, 2002

Enos and Janice Brown
8997 NE Emerson Drive
Madras, OR 97741

RE: Escrow No.: 0210021-NS
Property Address:

Dear Mr. and Mrs. Brown:

In connection with the completion of the sale of your property, enclosed please find the following:

Promissory Note

Recorded Bargain & Sale Deed, #2002-2679 and #2002-2678

Final Closing Statement

Alternate Form 1099-S, PLEASE RETAIN FOR YOUR TAX RECORDS

Thank you for the opportunity to be of service to you. Please contact us if you have any questions regarding this transaction, or if we can be of service to you again in the future.

Sincerely,
Jefferson County Title Company

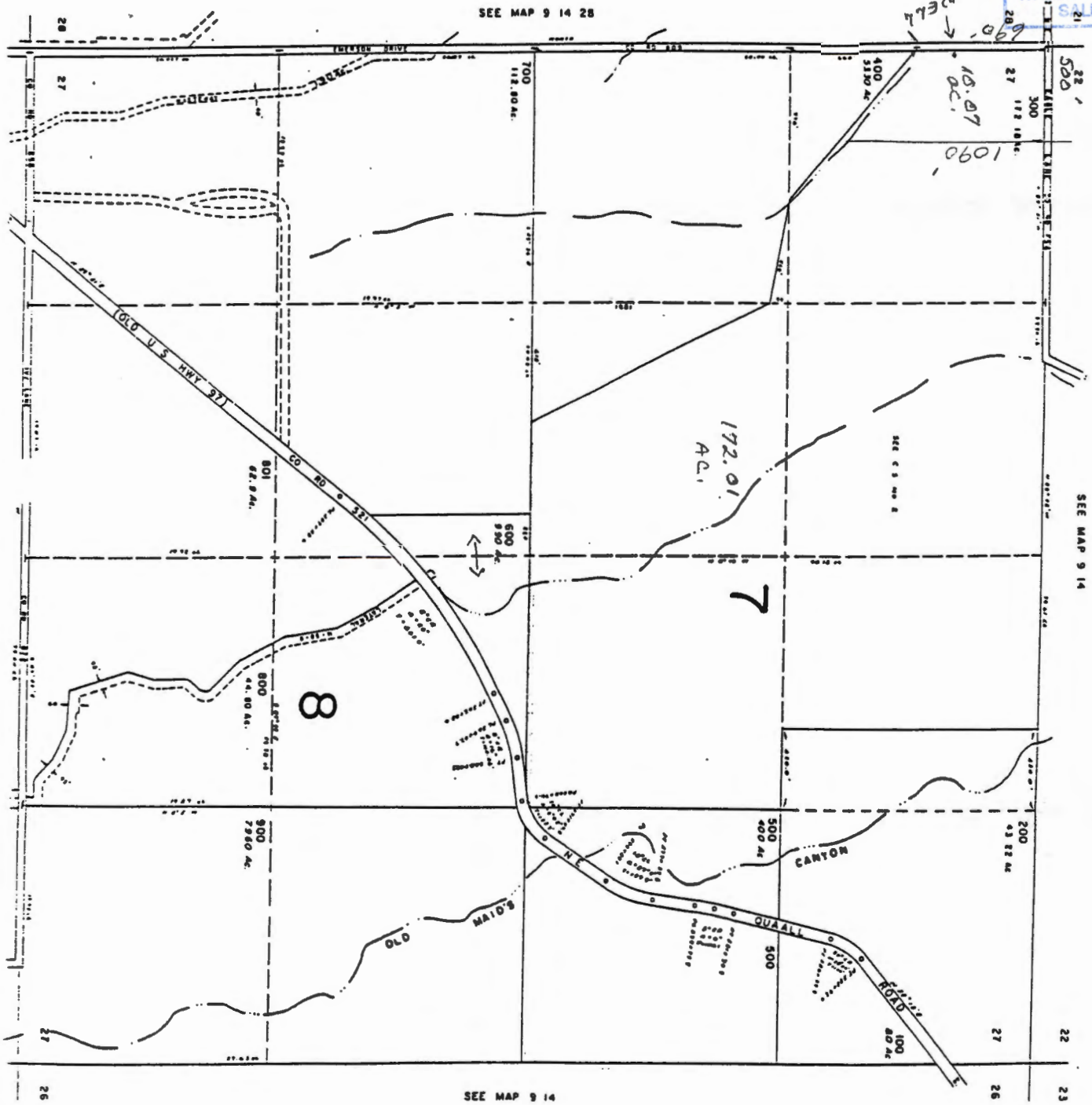
Sharon Rodgers for
Nicole A. McConnell-Steuart
Escrow Officer

enclosures

SCALE 1:9600

400 0 400 800
FEET

0 20 40
KILOMETER



JEFFERSON COUNTY

1" = 400'

9 14 27

RECEIVED
JUL 14 2003
WATER RESOURCES DEPT
SALEM, OREGON

ADDENDUM TO REAL ESTATE SALE AGREEMENT

The Oregon Real Estate Agency has reviewed this form for compliance with the applicable provisions in ORS.696 and finds that it complies with those provisions.

This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer

Re: Real Estate Sale Agreement No. 80326 Dated 10/21/01 Addendum No. A.

Buyer: LECHNER

Seller: BROWN

The real property described as: TH 9/14/27 TL 300, Eagle Lake

SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.

1. This offer to purchase is contingent upon the sale of buyers property on 225 Clyde Story Road, Belfield, Or. and the following conditions.
   A. Approval of conditional use or building permit for property.
   B. Approval of irrigation and pump list.
   C. Approval of all water rights.
   D. Approval of sale by buyers attorney.

2. Acceptance of offer is contingent upon planning commission approval of lot line adjustment to move TL 600 to property adjoining Emerson Lane

3. Possession may be extended up to 30 days to move cattle.

4. A right of way for irrigation from buyers well to buyers property will be reserved.

5. Right of way for sellers remaining water right shall be reserved from pond.

Legal descriptions for above water reservations shall be approved by both buyer & seller prior to closing

Buyer Signature [signature] Date Oct 21, 01 A.M. P.M.

Buyer Signature Date , A.M. P.M.

Seller Signature Earl R. Brown Date Oct 21/01 A.M. 2:00 P.M.

Seller Signature Janice R. Brown Date 10-21-01 A.M. 2:00 P.M.

Listing Licensee Selling Licensee

Listing Firm Broker Initials/Date / Selling Firm Broker Initials/Date /

FINAL AGENCY ACKNOWLEDGMENT

Final Acknowledgment of Agency Relationship

Buyer and Seller hereby acknowledge and consent to the following agency relationships in this transaction:
(1) Charles Dougherty (Selling Licensee) and RE/MAX Land & Homes (Selling Firm) are agents of (check one):
☐ the Buyer exclusively ("buyer agency"). ☐ the Seller exclusively ("seller agency or subagency"). ☒ both the Seller and the Buyer ("in-company transaction").
(2) Charles Dougherty (Listing Licensee) and RE/MAX Land & Homes Real Estate (Listing Firm) are the agents of (check one): ☐ the Seller exclusively. ☒ both the Seller and the Buyer ("in-company transaction").

Buyer shall sign this acknowledgment at the time of signing this Agreement before submission to Seller. Seller shall sign this acknowledgment at the time this Agreement is first submitted to Seller, even if this Agreement will be rejected or a counter offer will be made. Seller's signature to this Final Agency Acknowledgment shall not constitute acceptance of the Agreement or any terms therein.

Buyer [signature] Print Gary D. Lechner Date 6-13-01
Buyer _____ Print _____ Date _____
Seller [signature] Print Enos R. Brown Date Oct 21/01
Seller Janice R. Brown Print JANICE R. BROWN Date 10-21-01

REAL ESTATE SALE AGREEMENT

Upon signature by Seller and Buyer, this Agreement is a legal and binding contract.
If not understood, seek competent legal advice before signing.

DEFINITIONS: All references in this Agreement to "licensee" or "firm" shall refer to real estate agents and their brokerages, respectively, licensed in the State of Oregon, pursuant to ORS Chapter 696.

Price/Description

Buyer (print name(s)) Greg Lechner, offers to purchase from Seller (print name(s)) Bob and Jan Brown, the following described real property (hereinafter "the Property") situated in the County of Jefferson, State of Oregon, (legal description) 9/12/27 TL 300, and commonly known as (street address) N/A

for the purchase price (in U.S. currency) of ..... A $ 320,000
on the following terms: Earnest money herein receipted for..... B $ 5,000
on _____ as additional earnest money, the sum of..... C $ _____
at or before closing, the balance of down payment..... D $ _____
at closing and upon delivery of ☒ DEED ☐ CONTRACT the sum of (Lines B, C, D and E must equal Line A)..... E $ 315,000
Payable as follows: from the proceeds of sale of buyers property at 225 Clyde Story Road, Cottonwood, WA. This purchase is contingent upon the close of buyers prospective sale For additional details, see Addendum _____

Buyer Representation

BUYER REPRESENTS THAT: Buyer has sufficient funds available to close this transaction in accordance with this Agreement and is not relying on any contingent source of funds unless otherwise disclosed in writing herein.
IF A NEW LOAN IS REQUIRED, THIS TRANSACTION IS SUBJECT TO BUYER AND PROPERTY QUALIFYING FOR THE LOAN. Buyer agrees to make written loan application not later than N/A business days from date this Agreement is signed by Seller and Buyer, complete necessary papers, and exert best efforts, including payment of all application, appraisal and processing fees, in order to procure the loan.

Required Repairs

REQUIRED REPAIRS: Seller agrees to pay a total of not more than $ N/A for repairs identified in any inspections requested herein by Buyer and/or for any repairs identified by lender as a condition to granting Buyer's loan.

Title Insurance

TITLE INSURANCE: Unless otherwise provided herein, this transaction is subject to Buyer's review and approval of a preliminary title report and the recorded covenants, conditions and restrictions ("the report and CC&Rs") showing the condition of title to the Property. Upon execution of this Agreement by all parties, Seller will, at Seller's sole expense, promptly order the report and CC&Rs from an Oregon title insurance company and furnish them to Buyer. Upon receipt of the report and CC&Rs, Buyer shall have 10 business days (five (5) if not filled in) within which to notify Seller, in writing, of any matters disclosed in the report and CC&Rs which is/are unacceptable to Buyer ("the objections"). Buyer's failure to timely object, in writing, to any matters disclosed in the report and/or CC&Rs shall constitute acceptance of the report and/or CC&Rs. If, within N/A business days (five (5) if not filled in) following receipt of the objections, Seller fails to remove or correct the matters identified in the objections, or does not give written assurances reasonably satisfactory to Buyer that they will be removed or corrected prior to the closing date, all earnest money shall be promptly refunded to Buyer and this transaction shall be of no further binding effect between Seller and Buyer. Within thirty (30) days after closing, Seller shall furnish to Buyer an owner's standard form policy of title insurance insuring marketable title in the Property to Buyer in the amount of the purchase price, free and clear of the objections and all other title exceptions agreed to be removed as part of this transaction.

Sale Agreement # 803266
Buyer Initials GDL Date 06/2001

ADDENDUM TO REAL ESTATE SALE AGREEMENT

The Oregon Real Estate Agency has reviewed this form for compliance with the applicable provisions in ORS.696 and finds that it complies with those provisions.

This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer

Re: Real Estate Sale Agreement No. 803266 Dated 10/21/01 Addendum No. "B"

Buyer: LECHNER

Seller: BROWN

The real property described as: TM 9/14/27 TL 300 (Eagle Lane)

SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.

* 1. All water rights on property along with BLM lease to be transfered to buyer.

2. Seller agrees to assist buyer in leasing additional 2 leases presently farmed by seller.

3. Buyer & seller are both doing 1031 Tax free exchanges and agrees to assist each other at No Cost to Either.

Buyer Signature [signature] Date Oct 21, 01 A.M. 1:45 P.M.

Buyer Signature _____ Date _____, _____ A.M. _____ P.M.

Seller Signature Earl Brown Date Oct 21/01, _____ A.M. 2:00 P.M.

Seller Signature Janice R. Brown Date 10-21-01, _____ A.M. 2:00 P.M.

Listing Licensee _____ Selling Licensee _____

Listing Firm Broker Initials/Date _____ / _____ Selling Firm Broker Initials/Date _____ / _____

Addendum Page _____ of _____ Pages

Oregon
John A. Kitzhaber, M.D., Governor

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

November 23, 1999

ENOS & JANICE BROWN
8997 NE EMERSON DR
MADRAS OR 97741

REFERENCE: File G13145
Permit G12509

We have received your notice that complete application of water has been made under the above permit .

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 2000.** A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request. This is not required if your priority date is before December 20, 1988.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

cc: Watermaster
CWRE

Application No. G-13145

Permit No. G12509

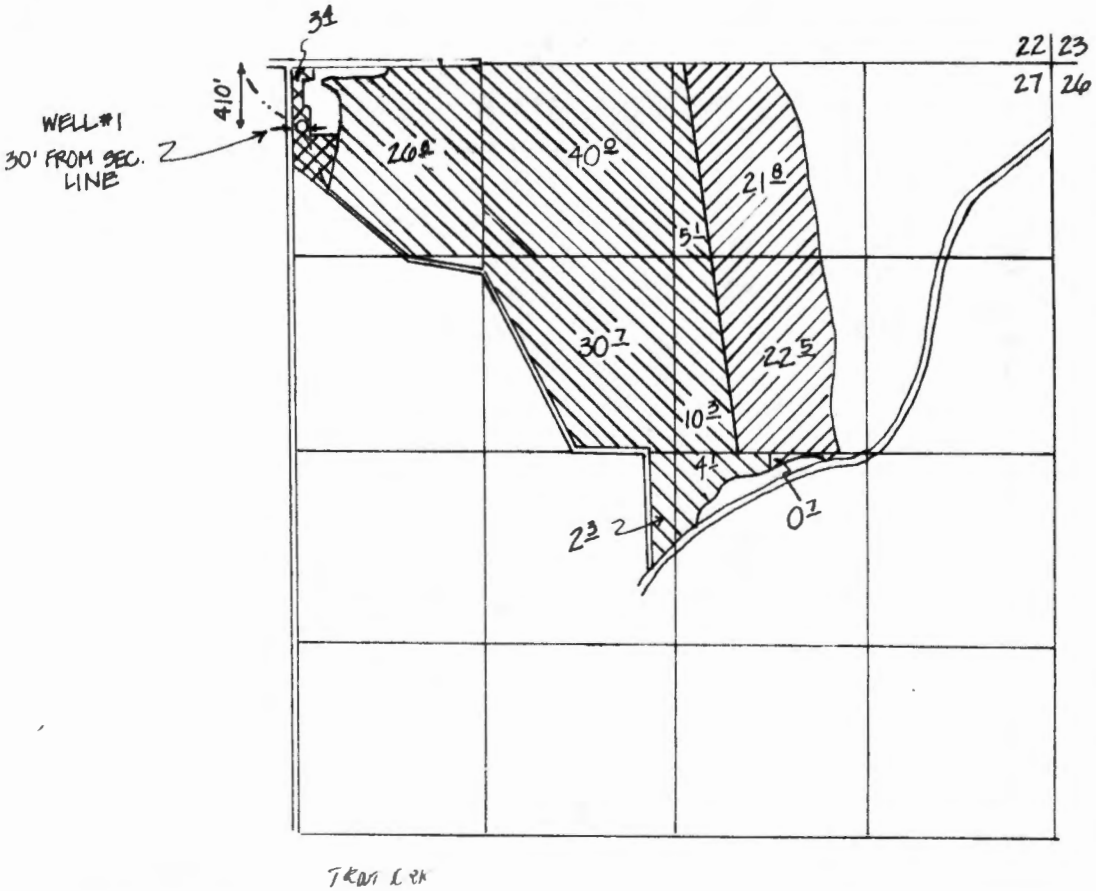
APPLICATION MAP

FOR APPROPRIATION OF WATER FROM WELL #1

SEC. 27, T. 9S., R. 14E., W.M.

JEFFERSON COUNTY, OREGON

SCALE 1" = 1320'



NO REPRESENTATION IS INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

TOTAL THIS MAP = 167.7 AC

LEGEND

WELL #1 SUPPLEMENTAL C - 51231 (24921) TOTAL = 40.0 + 5.1 + 10.3 + 30.7 + 4.1 + 2.3 + 26.8 = 119.3 AC

WELL #1 SUPPLEMENTAL PERMIT #47284 (64499) = 21.8 + 22.5 + 0.7 = 45.0 AC TOTAL

WELL #1 SUPPLEMENTAL C-51233 (45404) = 3.4 AC TOTAL

DEJARNATT LAND SURVEYS, INC.
63885 N. HWY. 97
BEND, OREGON 97701
(503) 382-4192

Certified Water Right Examiner
033
Gary L. DeJarnett
Gary L. DeJarnett
Nov. 19, 1987
STATE OF OREGON

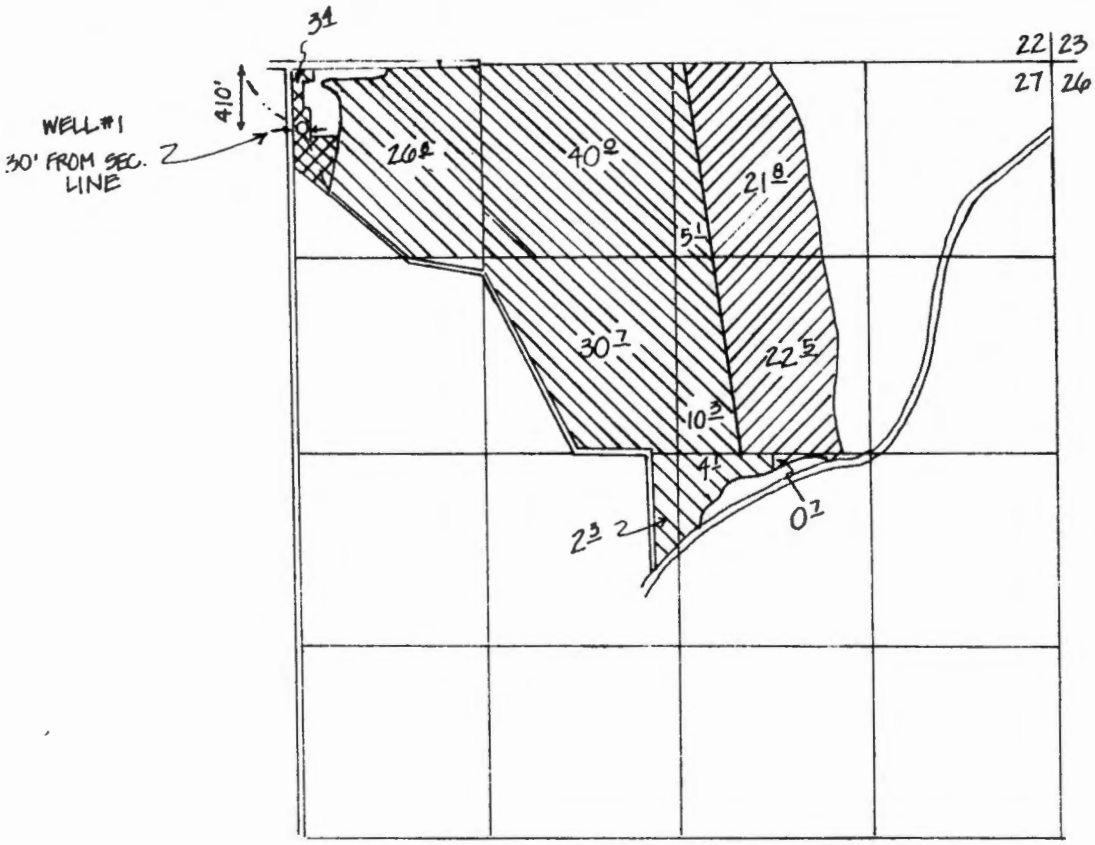
JOB # 92024
SHEET 1 OF 1

APRIL 20, 1992
REVISED 7-6-92
REVISED 8-7-92

Application No: G-13145 APPLICATION MAP
Permit No: G12509 FOR APPROPRIATION OF WATER FROM WELL
SEC. 27, T. 9S., R. 14 E., W.M.

JEFFERSON COUNTY, OREGON

SCALE 1" = 1320'



NO REPRESENTATION IS INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

TOTAL THIS MAP = 167.7 AC

LEGEND

WELL #1 SUPPLEMENTAL C - 51231 (24921) TOTAL = 40.0 + 5.1 + 10.3 + 30.7 + 4.1 + 2.3 + 26.8 = 119.3 AC

WELL #1 SUPPLEMENTAL PERMIT # 47284 (L-4499) = 21.8 + 22.5 + 0.1 = 45.0 AC TOTAL

WELL #1 SUPPLEMENTAL C - 51233 (45194) = 3.4 AC TOTAL

DEJARNATT LAND SURVEYS, INC.
63885 N. HWY. 97
BEND, OREGON 97701
(503) 382-4192

JOB # 92024
SHEET 1 OF 1

APRIL 20, 1992
REVISED 7-6-92
REVISED 8-7-92

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13145

Final Order

Application History

On October 2, 1992, ENOS R AND JANICE R BROWN 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-13145 therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12509 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED June 12, 1996

for Steven Pluegate
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 JEFFERSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ENOS R AND JANICE R BROWN
8997 NE EMERSON DR
MADRAS, OREGON 97741

(541) 475-2654

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

APPLICATION FILE NUMBER: G-13145

SOURCE OF WATER: A WELL IN TROUT CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 167.7 ACRES

RATE OF USE: 0.891 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: OCTOBER 2, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 27, T9S, R14E, W.M.; 410 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER OF SECTION 27

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:

NW 1/4 NE 1/4	26.9 ACRES
SW 1/4 NE 1/4	32.8 ACRES
NE 1/4 NW 1/4	40.0 ACRES
NW 1/4 NW 1/4	30.2 ACRES
SE 1/4 NW 1/4	30.7 ACRES
NE 1/4 SW 1/4	2.3 ACRES
NW 1/4 SE 1/4	4.8 ACRES

SECTION 27
TOWNSHIP 9 SOUTH, RANGE 14 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

for Martha O. Pagel, Director
Water Resources Department

FO CHECKLIST

168 AC

PFO TO FO CONVERSION

FILE # 13145 REVIEW DATE: 5 /28/1996

WEEK # [redacted] 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? 2x158 316 / 616 100 10AC
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

Route to: (circle one) MC: 7BG/BR/JG/DR

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JERRY	DOUG

Modify FO as needed to: INITIALS : JWS

9. JWS 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. JWS 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-13145 submitted by	)	ORDER
ENOS R & JANICE R BROWN		

FINDINGS OF FACT

Water Use Request

1. ENOS R & JANICE R BROWN requested use of 0.891 CFS (400.0 GALLONS PER MINUTE) of water from A WELL IN TROUT CREEK BASIN FOR SUPPLEMENTAL IRRIGATION OF 167.7 ACRES within the an Deschutes River basin.

2. The area of proposed use is in Jefferson County within SECTION 27, TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.

3. The water delivery system is described by the applicant as follows: A 7 1/2 HP submersible pump will deliver water to wheel and hand lines.

4. The request was made in Application G-13145 which was received by the Water Resources Department on October 2, 1992.

Affected Waters

1. This proposed use of groundwater is above a State Scenic Waterway.

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. 0.891 cfs 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 to 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-13145, the following criteria were found to be relevant by the Department.
   a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
   b. The Jefferson 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 APRIL 1 TO NOVEMBER 1.

5. The Department finds that no more than 0.891 CFS would be necessary for the proposed use. The amount of water requested, 0.891, is allowable for the proposed use.

6. Jefferson 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 Jefferson 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-13145 in the name of ENOS R & JANICE R BROWN be approved for SUPPLEMENTAL IRRIGATION OF 167.7 ACRES as provided in the attached draft permit.

DATED March 12, 1996

Dwight Greene for

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 JEFFERSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ENOS R & JANICE R BROWN
8997 NE EMERSON DR (503)475-2654
MADRAS, OREGON 97741

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

APPLICATION FILE NUMBER: G-13145

SOURCE OF WATER: A WELL IN TROUT CREEK BASIN within the Deschutes basin

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 167.7 ACRES

Rate of use: 0.891 CFS

Period of allowed use: MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR

DATE OF PRIORITY: October 2, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 27, T 9S, R14E, W.M.; 410 FEET SOUTH & 30 FEET EAST FROM NW CORNER, SECTION 27.

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:

NW 1/4 NE 1/4 26.9 ACRES
SW 1/4 NE 1/4 32.8 ACRES
NE 1/4 NW 1/4 40.0 ACRES
NW 1/4 NW 1/4 30.2 ACRES
SE 1/4 NW 1/4 30.7 ACRES
NE 1/4 SW 1/4 2.3 ACRES
NW 1/4 SE 1/4 4.8 ACRES
SECTION 27
TOWNSHIP 9 SOUTH, RANGE 14 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 #: G 13145 Vol 3 Subbasin TROUT CRK & MISC

Basin: 5 WAB: _____

Township 9S Range 14E Section 27 1/4 1/4 _____

✓ 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. Withdrawl? Y / (N) _____ season allowed _____

✓ 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 400 GPM (.891) Duty 3 Season 4/1 - 11/1

✓ 11. Use Supp 167.7 Period of Allowed Use APR 1 - NOV 1

✓ 12. Priority Date(s) 10/2/92 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 (≤0.1cfs, ≤9.2AF), (Medium) (>0.1 or <1.5cfs, >9.2 or <100AF) Large (≥1.5 cfs, ≥100 AF)?

✓ 20. Permit conditions from TR/IR (Y) / N (4I) 7B

✓ 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#

OVER →

Name: RWK Date: 2/26/96

NORTH UNIT IRR DIST
2024 NW BEECH ST
MADRAS, OR 97741

Oregon

WATER
RESOURCES
DEPARTMENT

August 30, 1994

ENOS R BROWN
BROWN, JANICE R
8997 NE EMERSON DR
MADRAS, OR 97741

Reference: File G 13145

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 14, 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,

Thomas E. Shook
Water Right 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 14, 1994

1. APPLICATION FILE NUMBER -G 13145

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

ENOS R BROWN
BROWN, JANICE R
8997 NE EMERSON DR 503-475-2654
MADRAS, OR 97741
COUNTY OF JEFFERSON

Date application received for filing and/or tentative date
10/2/92

SOURCE: A WELL IN TROUT CREEK BASIN

Purpose and/or use: SUPPLEMENTAL IRRIGATION OF 167.7 ACRES.

Flow: 400.0 GALLONS PER MINUTE

Point of Diversion Location:
NW 1/4 NW 1/4, SECTION 27, T 9 S, R 14 E, W.M.;
410 FEET SOUTH & 30 FEET EAST FROM NW CORNER, SECTION 27.

Place of use:

NW 1/4	NE 1/4	26.9	ACRES
SW 1/4	NE 1/4	32.8	ACRES
NE 1/4	NW 1/4	40.0	ACRES
NW 1/4	NW 1/4	30.2	ACRES
SE 1/4	NW 1/4	30.7	ACRES
NE 1/4	SW 1/4	2.3	ACRES
NW 1/4	SE 1/4	4.8	ACRES

SECTION 27
TOWNSHIP 9 SOUTH, RANGE 14 EAST, 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 that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

CONFLICTS WITH OTHER WATER RIGHTS:

> There are no existing rights from this point of diversion. See proposed permit conditions.
>
> There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.89 CUBIC FOOT PER SECOND (CFS) 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 13145

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 TO NOVEMBER 1

3. Rate of use: 0.89 CFS

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

12. 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.

13. 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-13145

ROUTED TO: Water Rights

TOWNSHIP/
RANGE-SECTION: 9S/14E-27

CONDITIONS ATTACHED? [X] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW conditions 7B & 7J

Reviewer: K. Lite

Water Resources Department

MEMO February 22, 1996

TO **Application G-** 13145

FROM **GW:** K. Lite
(Reviewer's Name)

SUBJECT **Scenic Waterway Interference Evaluation**

☒ Yes
☐ No

The source of appropriation is within or above a Scenic Waterway.

☒ Yes
☐ No

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☒ 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.

FLOW REDUCTION: *(To be filled out only if Preponderance of Evidence box is not checked)*

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.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

4/27/94

TECHNICAL REVIEW CHECKLIST

1. Application: G-13145

2. 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

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

418

0.89CFS

3. 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.

4. N/A No oath is required because application was filed before June 5, 1992.

5. U Application fees:

167.7

$100-10
316 158
416

Examination fee:	$200
Recording fee:	$416
TOTAL REQUIRED	$616
TOTAL SUBMITTED	$615 40
AMOUNT DUE prior to issuance of permit	$ 60¢
AMOUNT OVERPAID refund due applicant	$ —

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

7. 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.)

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

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

10. N/A No statement of ownership was required for applications filed before August, 1990.

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

12. 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.

13. S IRRIGATION use(s) is/are classified uses(s) under the DESCHUTES Basin Program, OAR 690 - 505-003 - (1)(G)

Land Use Compatibility:

14. As expressed by the Planning Department of JEFFERSON COUNTY

15. 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 Art 3, Sec 301 (A)(1)).

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

17. N/A 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:

18. N/A Plans, specifications and supporting information for the dam and impoundment area.

Application No. G-13145
Permit No.

EXHIBIT A

Legal Description:

TRACT 1:
The West half of the Northeast quarter of Section 27; the Northeast quarter of the Northwest quarter of Section 27; the Southeast quarter of the Northwest quarter of Section 27; SAVE AND EXCEPTING THE FOLLOWING described portion thereof: Beginning at the Southwest corner of said Southeast quarter of the Northwest quarter; thence North along the West line thereof, a distance of 1221 feet; thence Southeasterly to a point which is 618 feet East of said Point of Beginning; thence West 618 feet to the Point of Beginning; and SAVE AND EXCEPTING the East 420 feet of the Northwest quarter of the Northeast quarter of said Section 27.

TRACT 2:
That portion of the Southwest quarter of the Northwest quarter of Section 27 described as follows: Beginning at the Northeast corner of said Southwest quarter of the Northwest quarter; thence South along the East line thereof, a distance of 99 feet; thence Northwesterly to a point which is 544 feet West of said Point of Beginning; thence East 544 feet to the Point of Beginning.

TRACT 3:
The Northwest quarter of the Northwest quarter of Section 27; SAVE AND EXCEPT the following described portion thereof: Beginning at the Southwest corner of said Northwest quarter of the Northwest quarter; thence North along the West line thereof, a distance of 660 feet; thence Southeasterly to a point which is 776 feet East of the Point of Beginning; thence West 776 feet to the Point of Beginning.

TRACT 4:
A portion of the Northeast quarter of the Southwest quarter of Section 27 described as a strip 220 feet wide along the East line of said Northeast quarter of the Southwest quarter lying North of the right of way of The Dalles-California Highway U.S. #97 (old route).

TRACT 5:
That portion of the Northwest quarter of the Southeast quarter of Section 27 lying North of the right of way of The Dalles-California Highway U.S. #97 (old route).

All in Township 9 South, Range 14 East of the Willamette Meridian, Jefferson County, Oregon.

A PORTION OF THE NORTH ½ of SECTION 27, T. 9S., R. 14 E.W.M. JEFFERSON Co., OREGON.

Application No. G-13145

Permit No.

Planning Official Initials: CAM

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.

RECEIVED
OCT - 2 1992
Water Resources Dept.
Salem, Oregon

Applicant Name: ENOS R. BROWN
Address: 8997 N.E. EMERSON DRIVE
MADRAS, OR 97741

Phone: (503) 475-2654

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

- [x] Irrigation (crop type, golf course, nursery or greenhouse): MINT, ALFALFA, PASTURES
- [x] Livestock (type of livestock, feedlot, slaughterhouse): COW-CALF
- [ ] 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):

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. ~~1400~~ 1322 Gallons per minute. ____ Acre-Feet
[ ] Reservoir or pond	
[x] Ground Water	

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

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.

RECEIVED
OCT - 2 1992
Water Resources Dept.
Salem, Oregon

Applicant's Name: ENOS R. BROWN
Address: 8997 N.E EMERSON DRIVE
City: MADRAS *State:* OR *Zip:* 97741
Phone: (503) 475-2654 *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
S27, T9S, R 14E #300	FARM ZONE			✓
SEC 27, T9S, R 14E #600	FARM ZONE			✓

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):* Art. 3, Section 301(A)(1). *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: Jefferson County
Staff Contact: Chuck McGraw Phone: 475-4462
Signature: Chuck McGraw Date of Information Request: 9-29-92

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Chuck McGraw
Title: Planning Director
Signature: Chuck McGraw

Date: 9-29-92
Phone: 475-4462

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:

Oregon Water Resources Department
3850 Portland Rd. NE
Salem, OR 97310
378 - 3671

WaterWatch

RECEIVED
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 Report for:
G-13145, Brown, Supplemental Irrigation, Trout Crk/Deschutes

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective.**

The technical report fails to include many of the elements and evaluations required in OAR 690-11-160(1). The specific areas of deficiency are the same as those identified in WaterWatch's objections for G-12905 which are hereby incorporated into this objection.

◆ **The Use As Proposed is Not in the Public Interest.**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f).

1. **The proposed use depletes flows and adversely affects the water quality needed to meet existing water rights for surface waters and for numerous public instream uses of the Deschutes River.**

The 1984 Deschutes Basin Plan states:

• **General Findings:**

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months. Finding 3.

River related recreation is important to the economy of the upper Deschutes Basin. Finding 25.

The support of resident and stocked fish is essential to river related recreation. Finding 26.

WaterWatch of Oregon 921 SW Morrison, Suite 438 Portland, Oregon 97205
phone: (503) 295-4039; fax (503) 227-6847

Recommended base flows suggested by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities. Finding 27.

Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows. Finding 33.

Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available. Finding 34.

- **Middle Deschutes findings include General Findings 3 & 27 and:**

There is inadequate streamflow for fishery requirements. Finding 20.

- **Lower Deschutes findings include General Findings #3 and:**

Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 3

In April, 1986, Deschutes County and the City of Bend conducted a "River Study". That study included extensive goals and policies. See River Study p. 13-2 through 6. Among those policies are: (1) Increase Deschutes River stream flows from Wickiup Reservoir on down; (2) Maintain stream flows in the little Deschutes River and its tributaries that will provide for irrigation, fisheries, wildlife and recreation needs; and (3) Increase stream flows below the north canal dam, below the irrigation diversion in Tumalo creek, and below the main irrigation diversions in Squaw Creek. Id.

The Deschutes River system supports a variety of fish life including rainbow, brown and cutthroat trout and steelhead. The Deschutes River supports a major Oregon sports fishery. Low flows during summer months impair fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas and promoting excessive growth of algae. *See Mathisen, Upper Deschutes River Water Resource Review, pgs. 10-11.* Low flows in the winter adversely effect fish habitat by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river, and increasing fish deaths due to severe ice conditions on the river. *Id.*

Several segments of the Deschutes River have received state scenic waterway designation. Several segments of the Deschutes River have also been federally designated

under the Federal Wild and Scenic Rivers Act. Currently there are several instream water rights and pending instream water right applications for the Deschutes River mainstem and tributaries. Applications 070695 and 070087 filed in September of 1990 and October of 1989 request protection of Deschutes River flows needed for habitat for bull, rainbow and brown trout, kokanee and coho salmon and summer and winter steelhead.

Applications 070247 and 070339, filed in March and May of 1990 request protection of Trout Creek flows needed for the survival of rainbow trout and summer steelhead. Steelhead populations in the Deschutes system 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 the Act. The instream water right certificates and pending applications serve the public interest by protecting flows needed for fish, pollution abatement and recreation in the Deschutes River. As a tributary to the Columbia River, the Deschutes River contribute flows for listed threatened and endangered fish populations in the Columbia River.

In addition to the water quantity problems, the Deschutes River mainstem suffers from water quality problems. Oregon statutes require that the WRD's actions ensure the protection of the water quality in Oregon's river and groundwater aquifers. See, ORS 468B.015(2) & (4), ORS 468B.020(1), ORS 468B.155, OAR 690-410-010(1). One segment of the river is listed in the Department of Environmental Quality's 1992 *Water Quality Status Assessment Report, 305(b) Report* as water quality limited. This segment of the river is unable to support the designated beneficial use of aquatic life. Several other segments can only partially support aquatic life. DEQ has also identified water withdrawals as a cause of Deschutes River quality problems. Further depletion of surface water flow will only exacerbate these existing water quality problems. In addition, runoff from this agricultural use may add to existing stream quality problems.

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 groundwater 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 will deplete already overallocated surface waters in the basin.

2. Measurement and reporting

When determining whether a proposed use is in the public interest the Commission is required to consider the "control of the waters of this state for all beneficial purposes" and the water resources policies in the statute. ORS 537.170(5)(c) and 537.170(5)(g). The Oregon Legislature has recognized that in order to maintain and increase the economic and general welfare of the people of Oregon the State must ensure "the proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority." ORS 536.220(1). The Legislature has also found that it is "in the interest of the public welfare" that activities be "designed to encourage, promote and secure the . . . control of" Oregon's water resources. ORS 536.220(2)(a).

The Groundwater Act of 1955 declares and finds that the right to control of Oregon's water "from all sources of water supply belongs to the public . . ." ORS 537.525. The Act sets forth policies to ensure the "preservation of the public welfare, safety and health." ***Id.*** These policies call for the control of the groundwater resource in order to prevent depletion, to determine and maintain reasonably stable water levels, and to determine the characteristics of groundwater statewide. ORS 537.525. These statutory policies are reflected in the Commission's Groundwater Management Policy. OAR 690-410-010. When approving groundwater applications the State can impose conditions or limitations as needed to protect the "public welfare, safety and health." ORS 537.620(5).

Water use measurement and reporting requirements are essential if the State is to achieve these statutory policies and goals. These requirements generate critical information on actual water use and the effect of the use on the water resource. It also gives the Department information vital to management and enforcement efforts, it provides information necessary to "clean up" the Department's water right records and helps with future water use planning. *See* Testimony of Martha O. Pagel, Before the Senate Joint Committee on Water Policy, 2/2/93, pgs. 1-5.

Continuous information about groundwater use and groundwater characteristics is critical 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."

Those using the resource should provide the needed information. The Department should require this applicant to measure and report the rate and duty. 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 permit issued, the Department needs to know the rate at which water is being used. While it maybe 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 "volume" be substituted with the following language: "rate and duty".

If this application was 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, permits in perpetuity while information regarding the capacity of the resource to support continued expansion of use in the basin is ongoing. This application should either be denied or should be held until the study is completed.

3. The proposed use is likely to impair the public interest because it 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

the use 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 publics interest in maintaining instream flows for public uses of Trout Creek, and the Deschutes and Columbia Rivers.

The Department's Division 9 rules require the 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 report and the groundwater staff memo on this application concluded that the proposed use would not interfere with streamflows in Trout Creek, the technical report contains proposed conditions (9 and 13) which allows regulation of use if it interferes with surface water rights. Thus, it appears that there is potential for interference.[1]

As we have stated before, these conditions only protect existing surface water rights[2]. 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, these conditions place the burden on the resource which is unacceptable given the presence of weak fish stocks.

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. Until the required level of scientific certainty needed for decision making is determined and the information developed, this application should not be approved.

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[1] It is unclear how a determination of non-interference could have been made given the fact that wells are "shallow wells" and are located 35 feet from surface waters.

[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.

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 River is tributary), and the threatened and endangered fish species with rely on this resource, this and other permit 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 Petition (hereby incorporated as part of this objection) the proposed use will impair and be detrimental to the public interest in the resource.

4. Approving this application 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 appears to have concerns over the effect of the other proposed use on surface waters as evidenced by the "interference conditions" proposed in that technical report. As noted above, any 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 is contrary to the State Scenic Waterways Act. This application must be denied.

5. The proposed use violates 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). 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). 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. This applicant should be required to show, prior to issuance of any permit, that their proposed use is efficient and should be required to develop and implement a conservation plan as a condition of use.

This is an application for a supplemental permit. Presumably this application was filed because the applicant's existing source of water is not sufficient to meet their water use needs at all times. The implication is that the water resource in the area of this use is overallocated and can not serve all existing users. Given this situation and given the importance of fish populations in the basin, the critical status of fish populations in the Columbia system, and the water quality problems it is imperative that the water use be as efficient as possible. As a policy matter, all applicants for supplemental permits should be required to show that their use of water is efficient (perhaps as measured by the use of best practicable technology) **prior to** obtaining a new supplemental water right.

Allowing the proposed use to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes River basin will exacerbate existing overallocation problems, water quality problems, and will 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.

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

One of the proposed permit conditions in the technical report requires 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.

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7. This application was processed out of order.

This application were filed in 1992. There are currently three pending instream water right applications that were filed in 1989 and 1990 over two years prior to this groundwater application. The Commission has directed the Department to process applications in the order received. This ground water application 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 this application 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. This ground water application should not be processed until after the instream water right applications are processed.

8. This application is 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. This application was filed in October of 1992 and has the potential to substantially interfere with surface waters in the Deschutes Basin. Thus this application is subject to the requirements in OAR 690-33.

Sincerely,

Karen A. Russell
Assistant Director

TO: Water Rights Section July 25, 1994

FROM: Groundwater/Hydrology Section K. Lite
Reviewer's Name

SUBJECT: Application G-13145

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.X will not surface water source, namely Trout Creek; 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.X will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
      i.X The permit should contain condition #(s) 4I;
      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 b.____was not constructed according to the standards in effect at the time of 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)

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

JEFF 109

AUG 27 1992
WATER RESOURCES DEPT
SALEM, OREGON

15/14E/Ctbb

(START CARD) # 42463 labeled

(1) OWNER: Well Number

Name Bob Brown
Address 8997 NE Emerson
City Madras State Ore Zip 97741

(2) TYPE OF WORK:
[x] New Well [ ] Deepen [ ] Recondition [ ] Abandon

(3) DRILL METHOD:
[x] Rotary Air [ ] Rotary Mud [ ] Cable
[ ] Other

(4) PROPOSED USE:
[ ] Domestic [ ] Community [ ] Industrial [x] Irrigation
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval [ ] Yes [x] No Depth of Completed Well 158 ft.
Explosives used [ ] Yes [x] No Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	56	cement	20	9	44 sacks
12"	56	158	bentonite	8 9	0	27 sacks

How was seal placed: Method [ ] A [ ] B [x] C [ ] D [ ] E
[x] Other poured
Backfill placed from ft. to ft. Material
Gravel placed from 20 ft. to 50 ft. Size of gravel 1" minus

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	+ 1	56	.250	[x]	[ ]	[x]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
Liner:					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
[x] Perforations Method machine
[ ] Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
25	50	1/8by	1¼			[ ]	[ ]
			1710			[x]	[ ]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]

(8) WELL TESTS: Minimum testing time is 1 hour
[x] Pump [ ] Bailer [ ] Air [ ] Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
385			1 hr.

Temperature of Water 54 Depth Artesian Flow Found
Was a water analysis done? [ ] Yes By whom
Did any strata contain water not suitable for intended use? [ ] Too little
[ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Jefferson Latitude Longitude
Township 9 S N or S. Range 14 E E or W. WM.
Section 27 NW ¼ NW ¼
Tax Lot 300 Lot Block Subdivision
Street Address of Well (or nearest address)
8997 NE Emerson MadraS, Ore

(10) STATIC WATER LEVEL:
9 ft. below land surface. Date 7-31-92
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 20

From	To	Estimated Flow Rate	SWL
20	51		9

(12) WELL LOG:
Ground elevation

Material	From	To	SWL
heavy clayey soil	0	20	
gravel & cobbles (WB)	20	51	
white soapstone ??	51	65	
brn ss	65	80	
gray congl	80	89	
~~xxx~~ dk gray basalt	89	158	

Date started 7-22-92 Completed 7-31-92

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed [signature] WWC Number 1575
Date 7-31-92

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed [signature] WWC Number 595
Date 7-31-92

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C 10/

Oregon

WATER
RESOURCES
DEPARTMENT

August 30, 1994

ENOS R BROWN
BROWN, JANICE R
8997 NE EMERSON DR
MADRAS, OR 97741

Reference: File G 13145

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 fees.

Prior to issuance of the permit, we will need to receive total fees in the amount of $616.00; being an examination fee of 200.00 and a permit recording fee for the irrigation of 167.7 acres of $416.00. Since you have previously submitted $615.40, an additional amount of $0.60 is required.

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,

Thomas E. Shook
Water Right Specialist

cc: DeJARNATT, CWRE

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

4/27/94

TECHNICAL REVIEW CHECKLIST

1. Application: G-13145

2. 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

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

4/8

0.89CFS

3. 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.

4. N/A No oath is required because application was filed before June 5, 1992.

5. U Application fees:

167.7

$100 - 10
316 158
416

Examination fee:	$200
Recording fee:	$416
TOTAL REQUIRED	$ 616
TOTAL SUBMITTED	$ 615 40
AMOUNT DUE prior to issuance of permit	$ 60¢
AMOUNT OVERPAID refund due applicant	$ —

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

7. 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.)

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

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

10. N/A No statement of ownership was required for applications filed before August, 1990.

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

12. 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.

13. S IRRIGATION use(s) is/are classified uses(s) under the DESCHUTES Basin Program, OAR 690 - 505-003-(1)(G)

Land Use Compatibility:

14. As expressed by the Planning Department of JEFFERSON COUNTY

15. 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 ART 3, SEC 301 (A)(1)).

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

17. N/A 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:

18. N/A Plans, specifications and supporting information for the dam and impoundment area.

Oregon

WATER
RESOURCES
DEPARTMENT

G-13145

September 25, 1992

Enos R. and Janice R. Brown
8997 NE Emerson Drive
Madras, OR 97741

We have reviewed an application to use water. We need additional information so we can accept, review and decide if a application may be approved.

Please provide the following:

_____ A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.

___X___ Land use information signed by the County. (required before we can accept the application, a form is enclosed).

_____ An oath that the information contained in the application is a true and accurate representation of the proposed water use.

_____ Total fees in the amount of $615.40.

___X___ Other: The application, supporting data and check no. 4920 in the amount of $615.40 is being returned.

We will complete our analysis when the application and information noted above is received.

Contact the Application/Permits Section at 378-3739 if you have any questions.

cc: CWRE

form2

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

ENOS R. BROWN
JANICE R. BROWN
8997 NE EMERSON DRIVE 475-2654
MADRAS, OR 97741

4920

Sept 23 1992

24-12/1230

PAY TO THE ORDER OF Oregon Water Resources Dept $ 615.40

Six Hundred Fifteen and 40/100 DOLLARS

First Interstate Bank

First Interstate Bank of Oregon, N.A.
Madras Branch
P.O. Box X
Madras, Oregon 97741-0059

FOR Application fee

Janice R. Brown

[redacted]

FIRST INTERSTATE – IMAGE BUFF

WaterWatch
OF OREGON

October 17, 1992

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

RE: Application for Permit #G13145, Enos Brown
Trout Cr. Basin, Jefferson Co., 400 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 <u>in any way</u> 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 <u>all</u> 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:

WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

Application No. G-13145

RECEIVED
SEP 25 1992
Water Resources Dept.
Salem, Oregon

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) ENOS R BROWN + JANICE R. BROWN
(Please print or type - use dark ink)

Mailing Address: 8997 N.E. EMERSON DRIVE
MADRAS (City) OREGON (State) 97741 (Zip) "503" 475-2654 (Daytime Phone No.)

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

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OCT - 2 1992
Water Resources Dept.
Salem, 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: _____

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:* 158'

Type and size of well casing: #250 12" *No. of feet:* 58'

Estimated depth to water: 46'

Type of access port or measuring device: _____

Wells to be drilled by: Johnson Well drilling

Address: 3626 NW COYNER Redmond ORE. 97756

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

2. ***TOTAL AMOUNT OF WATER*** *to be applied to beneficial use:* _____ *cubic feet per second,* ***OR*** 400 *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:** to supplement North unit irrigation and Crooked River Water in dry years

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 167.7

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).*

7½ Hp submersible Pump
400' 5" PVC
Most irrigation is with Wheel Line + Some Hand Line

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

Proposed date construction work will begin 7-22-92

Proposed date construction work will be completed 8-7-92

Proposed date water use will be completed 10-20-92

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.

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:

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Salem, Oregon

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.

Ewell Brown — 7-31-92
Signature of Applicant — *Date*

Janice R. Brown — 7-31-92
Signature of Co-Applicant, if any — *Date*

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 2nd day of October, 1992, at 8:00 o'clock, A M.

APPLICATION NO: G-13145

A:APPFORM 9/89

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 116435

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

INVOICE # G

RECEIVED FROM: Enos R. Brown
BY:

APPLICATION	13145
PERMIT	
TRANSFER	

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

TOTAL REC'D $ 0.60

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS		$
831.087	PUBLICATIONS / MAPS		$
830.650	PARKING FEES Name / month		$
	OTHER: (IDENTIFY)		$

REDUCTION OF EXPENSE

COST CENTER AND OBJECT CLASS — CASH ACCT. — VOUCHER # — $

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES		$
850.200	RESEARCH FEES		$
880.109	MISC REVENUE: (IDENTIFY)		$
520.000	OTHER (P-6) (IDENTIFY)		$

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
842.001	SURFACE WATER	$	842.002	$
842.003	GROUND WATER	$	842.004	$ 0.60
842.005	TRANSFER	$	842-006	$
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**
842.022	WELL DRILL CONSTRUCTOR	$	842.023	$
	LANDOWNER'S PERMIT		842.024	$

OTHER (IDENTIFY)

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	$	CARD #	
	MONITORING WELLS	$	CARD #	

OTHER (IDENTIFY)

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	$

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		$
842.115	HYDRO LICENSE FEE (FW/WRD)		$
	HYDRO APPLICATION		$

RECEIPT # 116435 DATED: 9-9-94 BY: D. Bushell

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

attn:
Tom Shook

RECEIVED
SEP - 9 1994
WATER RESOURCES DEPT.
SALEM, OREGON

9-3-94

Re: File G 13145

Thank you for working on our irrigation application.

Enclosed is $.60 which is necessary to complete our fee.

Hope this will help expedite matters.

Sincerely
Janice Brown

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.

RECEIVED
SEP 24 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. G-13145

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Ivas R. Brown, the holder of Permit No. G-12509 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 22 day of September, 1999.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 22 day of September, 1999.

Ivas R. Brown
(Signature of Applicant)

8997 NE Emerson Dr. Madras Ore 97741
(Address)

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.

E. R. Brown
8997 N. E. Emerson Dr
Madras, Or 97741

VI BEND, OR 977
PM
6 SEP
1994

Oregon Water Resources Dept
158 12th St. NE
Salem, Or 97310-0210

attn: Thomas E. Shook

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13145

ROUTED TO: Tom Shook

TOWNSHIP/
RANGE-SECTION: 9S/14E-27

CONDITIONS ATTACHED? [X] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:

Note Condition

Reviewer: K. Lite

FPD

Application No. G13145
Permit No. G12509

ENOS R BROWN
BROWN, JANICE R
8997 NE EMERSON DR
MADRAS, OR 97741

Assigned

Address

Beginning construction 6-12-97

Completion of construction 10-1-98

Extended to

Complete application of water 10-1-99

Extended to

Form 111