

ASSIGNED

FILE#: G 14840

STEVEN P EMERICK

64771 UPPER ROCK CR RD

ARLINGTON, OR 97812

Application No. G G14840

Permit No. G G-13748

Certificate No. \_\_\_\_\_

G-17924

G-17927

T-12723 (SAP)

FEEES PAID

Date	Amount	Receipt
9-14-98	400	245
9-25-98	1150.00	249
10-4-99	175.00	335
1/25/02	65.00	505
9/26/03	100.00 Cert. Fee	632

Stream Index, Page No. \_\_\_\_\_

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until 0-20

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

CONSTRUCTION

Date for beginning 8/13/2000

Date for completion \_\_\_\_\_

Extended to \_\_\_\_\_

Date for application of water 01/03

Extended to 10-1-08 10-1-2016

10-1-2020

PROSECUTION OF WORK

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

FINAL PROOF

Blank mailed \_\_\_\_\_

Proof received 10-29-2019

Date certificate issued \_\_\_\_\_

COBU MAP # 206-A-7

ASSIGNMENTS

Date	To Whom	Address	Volume	P
1/25/02	Gary Wilder	18048 Middle Rock Creek Ln, Arlington, OR 97812	9	114
5/14/2009	GARY HIATT	64771 UPPER ROCK CREEK RD ARLINGTON OR 97812		

8/2/2013

ROCK CREEK CROSSING, LLC  
20982 NW MILLACOMA  
PORTLAND OR 97229

REMARKS

for Per. G-17927

T-9572 V. 63 p. 56

T-12723 V. 108 p. 753

10/18/2019 Mark Hiatt and Tanna Hiatt for Permit G-17927  
65320 Upper Rock Creek Rd., Arlington, OR. 97812

FEEES PAID

DATE	AMOUNT	RECE
5-14-09	50.00	964
10-11-11	625.00	109
8-2-13	75.00	1094
10-15-19	100.00	1316
10-29-19	200.00	131

Static water  
level Measurement  
mailed 4/27/09  
check w/ Tiffany  
if not in file

JAC  
4/28/09

Claudia Hiatt -

(541) 454-0303

→ pump man took off flowmeter  
to get it repaired -

→ Claudia Hiatt  
§ 64771

New  
owner  
Upper Rock Creek  
Arlington OR

ERIK 9.7812  
345-7961 Need Assignment?  
4/28/09

- 1/2 100' of 3.0 is used from the  
SOURCE WATER SOURCE. Can he use  
ANY GW?

- 1/2 100' of 2.0 is used from the  
SOURCE IS HE DIME FOR THE WELL?

- If he can not use it after 1/2  
of 3.0 THEN WE HAVE RESOURCES  
THE STREAM.

(SEE CONDITION FIRST FULL @ PAGE 3)

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MEMORANDUM

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TO: JUSTIN IVERSON, GROUND WATER SECTION  
FROM: CERTIFICATE SECTION – TONYA MILLER \*  
SUBJECT: PUMP TEST FOR  
APPLICATION G-14840, PERMIT G-17927  
DATE: NOVEMBER 6<sup>TH</sup>, 2019

The attached pump test was recently received. We have retained the original for the application file.

Oregon Water Resources Department  
**PUMP TEST FORM COVER SHEET**

Log ID: 6544 50652  
 gw\_pump\_test\_id: 101093  
 gw\_pump\_test\_well\_id: 4256

**Well Owner:**  
 Name: Rock Creek Crossing LLC  
 Address: 64771 Upper Rock Creek Road  
 County: Gilliam  
 City: Arlington State: OR Zip: 97812  
 Original owner (from well log): Rock Creek Crossing LLC

**Well Location:**  
 Township: 1 S Range: 21 E  
 Section: 24  $\frac{1}{4}$ : SE  $\frac{1}{16}$ : NE  $\frac{1}{64}$ : NW  
 Well depth: 275.0 Date drilled: 11/18/2013  
 Owners well no. (if any): \_\_\_\_\_  
 POD ID: GILL 50652

**Water Right Information:**  
 Application: G-14840 Permit: G-17927 Certificate: \_\_\_\_\_  
 Is this well listed on more than one water right?  Yes If yes, list additional water rights below:  
 Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_  
 Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_

**Pump Test:**  
 Test Conducted by: Larry Toll (and Dave Cummings) Well Owner?  Yes  
 Company: Tenneson Engineering (and Rock Creek Crossing, LLC)  
 Address: for Tenneson Engineering- 3775 Crates Way Date of Test: 10/15/2019  
 City: The Dalles State: OR Zip: 97058  
 Daytime phone: 541-296-9177

Method of discharge measurement (see our brochure for more information): Flow meter  
 Method of water-level measurement (pick one or enter other method used): Electric tape  
 Length of air line (if used): \_\_\_\_\_

Pump type (pick one or enter other method used): Submersible  
 Was the pump test conducted during normal use of the well?  Yes Note: \_\_\_\_\_

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?  Yes Note: \_\_\_\_\_  
 If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: \_\_\_\_\_

Is there a lake, stream or other surface water body within  $\frac{1}{4}$  mile of the tested well?  Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: 600.00 ft Approx. elevation difference: 60.00 ft

Well elevation is above surface water body. ROCK CREEK (NO FLOW IN CREEK THIS DATE)

Description of measuring point (e.g. top port of 1 inch port pipe, west side) Remove bolt from sanitary seal for etape access  
 Measuring point distance above land surface 0.87 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
<u>9:27 am</u>	<u>75.92</u>	<u>75.05</u>
<u>9:48 am</u>	<u>75.92</u>	<u>75.05</u>
<u>10:10 am</u>	<u>75.91</u>	<u>75.04</u>

**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)
<u>10:19 am</u>	<u>370.00</u>	<u>gpm (gallons per minute)</u>
<u>11:15 am</u>	<u>370.00</u>	<u>gpm (gallons per minute)</u>
<u>12:15 pm</u>	<u>360.00</u>	<u>gpm (gallons per minute)</u>
<u>1:15 pm</u>	<u>350.00</u>	<u>gpm (gallons per minute)</u>
<u>2:15 pm</u>	<u>360.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: Date 10/15/2019 Time 10:15 am  
 Time pump turned off: Date 10/15/2019 Time 2:15 pm  
 Total pumping time: 4 hours 0 minutes

**Note:** Well must be idle for at least 16 hours prior to the test. YES  
 Additional forms can be obtained from our web site at: [www.oregon.gov/owrd](http://www.oregon.gov/owrd)

Signature: Larry Toll

RECEIVED  
 OCT 29 2019  
 OWRD



**^ Flow meter:**

During the pump test the flow meter was read periodically to track pumping rate. The meter needle had about a 50 gpm bounce in the flow. There were three estimated flow rates. The flow rates listed below were my reading of the general range of the needle.

Meter reading including bounce was about 350 gpm to 400 gpm and is listed on Pump Test as 370 gpm.

Meter reading including bounce was about 340 gpm to 390 gpm and is listed on Pump Test as 360 gpm.

Meter reading including bounce was about 330 gpm to 380 gpm and is listed on Pump Test as 350 gpm.

**\* Flow Rate Variability:**

As to the slight variability of the flow rate, I believe this has to do with the change in elevation of the pivot that was operating during the test. When the test started there was a repair man fixing the drive system on the pivot. This did not affect the amount of water flowing into the pivot. The pivot was therefore not moving until about 12:00. The exact time was not noted because it was not believed to be of any consequence. My best guess is that it was between 11:45 and 12:15. At this point the drive was fixed and the pivot started to move.

Depth to water readings started to come up and the flow dropped slightly. Dave Cummings noted that the end of the pivot was moving slightly up the hill. We continued the test without any adjustments to the pump.

At about 1:20 it appeared from a visual observation that the last tower on the pivot began to start down in elevation. This tower was about an 1/8 mile away. Included is an aerial photo showing approximately where the pivot was when the test started and where it was at the finish. There is a draw that shows on the photo to the southwest of the well and pivot center. Where the draw would intersect the field appears to be about the high point of the this field.

When the pivot started moving it was moving up hill, increasing the head on the pump and the discharge dropped. As discharge dropped the water level in the well came up.

Once the pivot started down the hill the head on the pump started to decrease and the discharge rate increased. The water level in the well started dropping again.

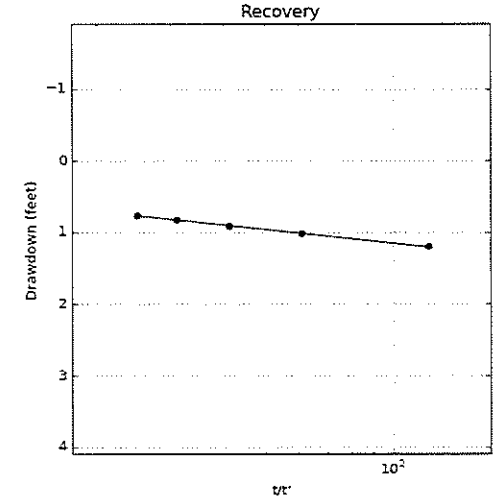
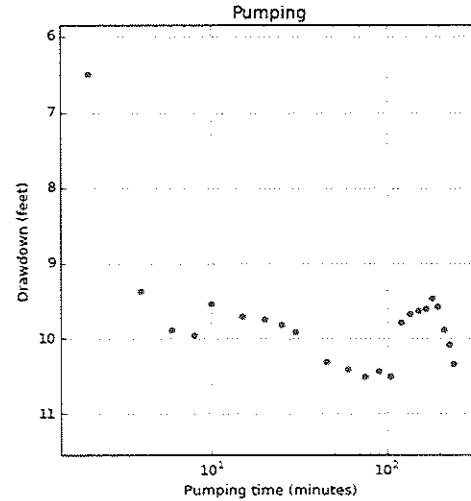
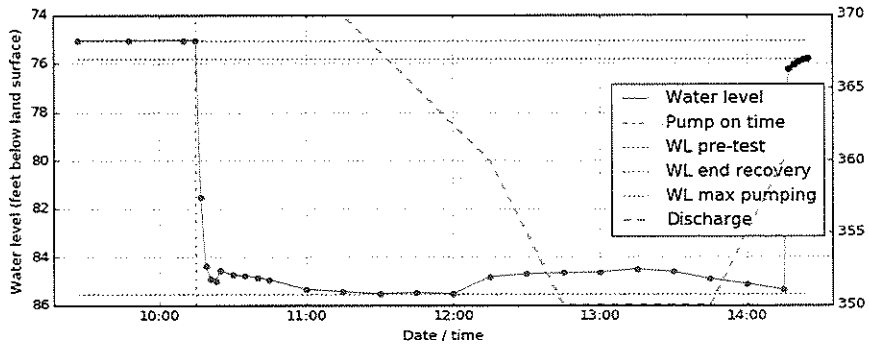
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OCT 29 2019

OWRD

# Cooper-Jacob Analysis for Single-Well Pumping Test on GILL0050652

## Review for Permit G-17927 in the name of Rock Creek Crossing LLC



**Search for tests:**

Log county: \_\_\_\_\_  
 Log number: \_\_\_\_\_  
 gw\_pump\_test\_well\_id: \_\_\_\_\_

**Test info:**

Which of selected wells? 1 of 1  
 Pumped gw\_logid: GILL0050652  
 Test date: 737347.0  
 Pump on time: 2019-10-15 10:15:00  
 Pumping duration (hours): 4.0  
 Pump-off time pre-test (hours): NaN  
 Meets requirements?: -9999

**Find tests [Ctrl-f]**

1. Enter test and well info, and select a transmissivity method below.
2. Click a button to select a phase, then click and drag a time range to fit. T will then be calculated automatically. Repeat until happy.
3. Recalculate transmissivity and plot [Ctrl-c]
4. Submit values to the database [Ctrl-s]
5. If multiple tests were selected, use buttons below to switch tests:

Miscellaneous tools:

**Well info:**

gw\_pump\_test\_well\_id: 4256  
 gw\_logid: GILL0050652  
 Test well type: PMPG  
 Avg. discharge (gpm): 360  
 Discharge appx. error (gpm): 50  
 Effective well diameter (inch): NaN  
 Distance to pumping well (ft): 0  
 Pre-test water level (ft blsd): 75.04  
 Max pumping water level (ft blsd): 85.54  
 Recovery water level (ft blsd): 75.8  
 Aquifer thickness (ft): -9999  
 Thickness appx. error (ft): -9999  
 Storativity: NaN  
 Storativity source: \_\_\_\_\_

**Evaluation:**

Plot y-axis scale:

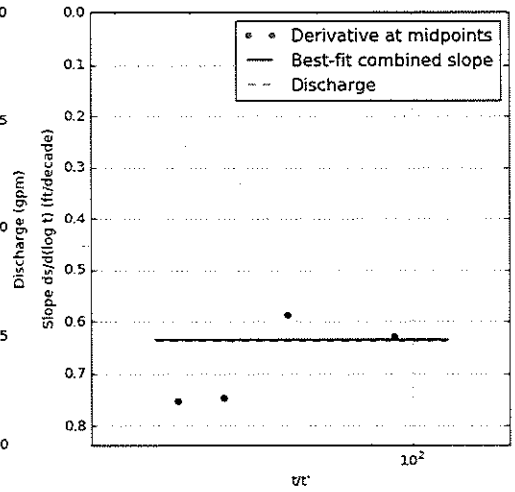
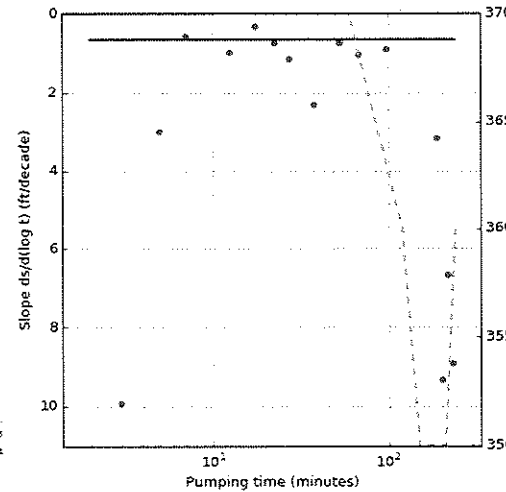
Transmissivity method:

T = transmissivity (ft<sup>2</sup>/d):   
 T appx. error margin (ft<sup>2</sup>/d):   
 T relative error using fitting data: 0.15  
 T relative error using all data: 0.5  
 T from specific capacity (ft<sup>2</sup>/d): NaN  
 K = hydraulic conductivity (ft/d): NaN  
 K appx. error margin (ft/d): NaN

Test quality:

Comments: Pumping rate fluctuating +/- 50 gpm, wls fluctuating, estimate using recovery data

Date when last updated: 2019-11-08 11:00:40



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MEMORANDUM

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Oregon Water Resources Department  
**PUMP TEST FORM COVER SHEET**

**Well Owner:**

Name: Rock Creek Crossing LLC  
 Address: 64771 Upper Rock Creek Road  
 County: Gilliam  
 City: Arlington State: OR Zip: 97812  
 Original owner (from well log): Rock Creek Crossing LLC

**Well Location:**

Township: 1 S Range: 21 E  
 Section: 24  $\frac{1}{4}$  SE  $\frac{1}{16}$  NE  $\frac{1}{64}$  NW  
 Well depth: 275.0 Date drilled: 11/18/2013  
 Owners well no. (if any): \_\_\_\_\_  
 POD ID: GILL 50652

**Water Right Information:**

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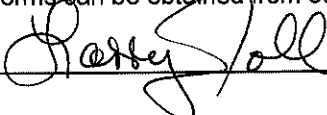
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Note: Well must be idle for at least 16 hours prior to the test. YES  
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Signature: 

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 OCT 29 2019  
 OWRD



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OCT 29 2019

OWRD



**Oregon**  
Kate Brown, Governor

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

October 31, 2019

Rock Creek Crossing LLC  
64771 Upper Rock Creek Road  
Arlington, OR 97812

On October 29, 2019 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application G-14840 Permit G-17927

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 -4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$200.00 COBU recording fee

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file  
Larry Toll, CWRE

**COPY**

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **131154**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Rock Creek Crossing LLC  
BY: \_\_\_\_\_

APPLICATION	6-14840
PERMIT	
TRANSFER	

CASH:  CHECK # 1010 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

**4270 WRD OPERATING ACCT**

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

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

<b>WELL CONSTRUCTION</b>		<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$	
LANDOWNER'S PERMIT		0220	\$	

0200 OTHER (IDENTIFY) COB U \$ 200.00

**0536 TREASURY 0437 WELL CONST. START FEE**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **131154** DATED: 10-29-19 BY: [Signature]

RECEIVED

OCT 29 2019

3775 CRATES WAY  
THE DALLES, OR 97058

PHONE (541) 296-9177  
FAX (541) 296-6657



TENNESON

ENGINEERING CORPORATION  
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

OWRD

LETTER OF TRANSMITTAL

TO: Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

Date	10/24/2019	Work Order #	14919
Attention			
RE:			
Application G-14840, Permit G-17927			
Claim of Beneficial Use			

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1	(12 pgs) CLAIM OF BENEFICIAL USE FOR PERMIT-G-17927
1	8-1/2" x 14" mylar—CLAIM MAP
1	WELL REPORT GILL 50652
1	(4 pgs) PUMP TEST FOR GILL 50562
1	\$200 FEE (Rock Creek Crossing, LLC, Check #1010)

THESE ARE TRANSMITTED (as checked below)

For approval  
 For your use

As requested  
 Approved as noted

Filing/Recording  
 For your review & comment

CHARGES

Remarks:	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:  
DELIVERED BY:  
COPY TO: Rock Creek Crossing w/ enclosures

BY: Larry M. Toll, CWRE

If enclosures are not as noted, please notify us at once.

# CLAIM OF BENEFICIAL USE for Groundwater Permits claiming more than 0.1 cfs



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

**A fee of \$200 must accompany this form for permits  
with priority dates of July 9, 1987, or later.**

**A separate form shall be completed for each permit.**

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
[http://www.oregon.gov/owrd/pages/wr/cwre\\_info.aspx](http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx)

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

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

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

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

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see  
[http://www.oregon.gov/owrd/pages/mgmt\\_reimbursement\\_authority.aspx](http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx)

## SECTION 1 GENERAL INFORMATION

### 1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
<b>G-14840</b>	<b>G-17927</b>	<b>T-9572</b>

There is Transfer 12723 (Splitting a permit which caused a new permit to be issued)

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OCT 29 2019

OWRD

# Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>G-14840</u>	WRD Reviewer <u>Cony M. Jedy</u>
Transfer #	
Date Received <u>10-29-2019</u>	
CWRE Name <u>Larry M. Toll</u>	

Priority Date: 9/25/1998

## Fees Required:

YES  NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES  NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

## Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

## Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION: PERMIT: TRANSFER:
CASH CHECK # OTHER (IDENTIFY)	TOTAL RECEIVED:
0203 TREASURY 4176 MISC CASH ACCT	
0407 COPIES OTHER (IDENTIFY)	
0243 Irrigation Lease 0244 Motor Vehicle Mgmt Plan 0245 Cook Water	
0203 TREASURY 4370 WRD OPERATORS ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES <u>4611</u>	
0410 RESEARCH FEES	
0408 MISC REVENUE (IDENTIFY)	
10102 DEPOSIT (LAW, IDENTIFY)	
0740 EXTENSION OF TIME	
WATER RIGHTS	
0201 SURFACE WATER	0202
0203 GROUND WATER	0204
0205 TRANSFER	
0219 WELL DRILL CONSTRUCTION	0218
LANDOWNER'S PERMIT	0220
0200 OTHER (IDENTIFY) <u>COBU</u>	<u>\$200.00</u>
0407 TREASURY 0407 HYDROELECTRIC	
0223 POWER LICENSE FEE (FWWRD)	
0231 HYDRO LICENSE FEE (FWWRD)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	
<input type="checkbox"/> RETURN TO APPLICANT - LETTER ATTACHED	

## Groundwater File Review:

Pump Test Required?  YES  NO

Pump Test Submitted?  YES  NO\*

\*If no, include pump test flyer w/acknowledgment letter



2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Rock Creek Crossing LLC</b>		PHONE NO.	ADDITIONAL CONTACT No.
ADDRESS <b>64771 Upper Rock Creek Road</b>			
CITY <b>Arlington</b>	STATE <b>OR</b>	ZIP <b>97812</b>	E-MAIL <b>cummings.d@comcast.net</b>

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each** permit holder of record must sign this form.*

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD <b>Rock Creek Crossing LLC</b>			
ADDRESS <b>64771 Upper Rock Creek Road</b>			
CITY <b>Arlington</b>	STATE <b>OR</b>	ZIP <b>97812</b>	

4. Date of Site Inspection:

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Dave Cummings</b>	<b>Talked many times about project</b>	<b>Owner</b>
<b>Jason Marick</b>	<b>3/26/2019</b>	<b>Leases farm land</b>

6. County:

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

OWNER OF RECORD <b>Rock Creek Crossing LLC</b>			
ADDRESS <b>64771 Upper Rock Creek Road</b>			
CITY <b>Arlington</b>	STATE <b>OR</b>	ZIP <b>67812</b>	

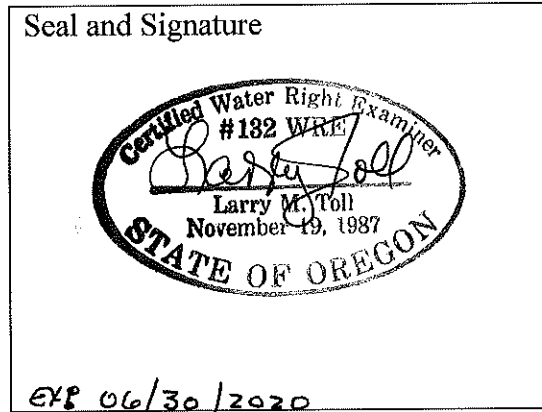
Add additional tables for owners of record as needed

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**SECTION 2  
SIGNATURES**

CWRE Statement, Seal and Signature

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



CWRE NAME <b>Larry Toll</b>		PHONE NO. <b>541-296-9177</b>	ADDITIONAL CONTACT NO.	
ADDRESS <b>3775 Crates Way</b>				
CITY <b>The Dalles</b>	STATE <b>OR</b>	ZIP <b>97058</b>	E-MAIL <b>ltoll@tennesoneng.com</b>	

Permit Holder of Record Signature or Acknowledgement

*Each permit holder of record must sign this form in the space provided below.*

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	<b>David L. Cummings</b>	<b>Manager, Rock Creek Crossing LLC</b>	<b>10-24-2019</b>

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## SECTION 3

### CLAIM DESCRIPTION

**1. Point of appropriation name or number:**

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
<b>Well #2</b>	<b>GILL 50562</b>	<b>112275</b>

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

**2. Point of appropriation source, if indicated on permit:**

POA NAME OR NUMBER	SOURCE BASIN LOCATED WITHIN	TRIBUTARY
<b>Well #2</b>	<b>Rock Creek</b>	<b>John Day River</b>

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

POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
<b>Well #2</b>	<b>Irrigation</b>	<b>Alfalfa</b>	<b>3/1 to 10/31</b>	<b>0.75 cfs</b>
<b>Total Quantity of Water Used</b>				<b>0.75 cfs</b>

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

**Water is pumped from Well #2 into mainline. the irrigation system includes a partial center pivot (about 180°) and 4 wheel lines of varying lengths.**

**Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).**

**5. Variations:**

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. YES      NO

*(e.g. "The permit allowed three points of appropriation. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")*

**Shape of the fields is different from the application map but it is the same total number of acres.**

**6. Claim Summary:**

POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
<b>Well #2</b>	<b>0.70 cfs</b>	<b>0.74 cfs</b>	<b>0.82 cfs</b>	<b>Irrigation</b>	<b>56.0</b>	<b>56.0</b>

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**SECTION 4  
SYSTEM DESCRIPTION**

Are there multiple POAs?

YES NO

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

Well #2 (GILL 50652)

**A. Place of Use**

1. Is the right for municipal use?

YES NO

*If "YES" the table below may be deleted.*

TWP	RNG	M E R	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
1 S	21 E	W	24	SW1/4 NE1/4			Irrigation	9.3	
				SE1/4 NE1/4			Irrigation	1.3	
				NE1/4 SE1/4			Irrigation	27.2	
				NW1/4 SE1/4			Irrigation	14.4	
				SE1/4 SE1/4			Irrigation	3.8	
<b>Total Acres Irrigated</b>								<b>56.0</b>	

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

**B. Diversion and Delivery System Information**

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

1. Is a pump used?

YES NO

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Grundfos	385S400-6B		Submersible		4"

3. Motor Information

MANUFACTURER	HORSEPOWER
Grundfos	40

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	60	90	10'	1.12

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5. Provide pump calculations:

This is about the maximum pump output of well (1.12 cfs). Depending on irrigation needs the variable speed control is used to reduce output. The Pump Test attached to claim was run at about 80%

**Maximum Pump Capacity Calculation Sheet**

using Department designed formula:

$$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

**Data Entry (fill in underlined blanks)**

$$\begin{aligned} \text{HP} &= \underline{40} \\ \text{Efficiency} &= \underline{7.04} \\ \text{Lift} &= \underline{100} \\ \text{PSI} &= \underline{60} \end{aligned}$$

**Results Calculated**

$$\begin{aligned} (hp)(\text{efficiency}) &= 281.6 \\ \text{Head based on psi} &= 152.4 \\ \text{Total dynamic head} &= 252.4 \\ &(\text{head} + \text{lift}) \end{aligned}$$

**Pump Capacity = 1.12 cubic feet per second**

**Pump Test Conditions Pump Capacity Calculation Sheet**

using Department designed formula:

$$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

**Data Entry (fill in underlined blanks)**

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HP = 40  
 Efficiency = 7.04  
 Lift = 140  
 PSI = 50

**Results  
Calculated**

(hp)(efficiency) = 281.6  
 Head based on psi  
 = 127.0  
 Total dynamic head  
 = 267.0  
 (head + lift)

**Pump Capacity = 1.05 cubic feet per second**

**Pump running about 80% with the variable control = 0.84 cfs or 376 gpm**

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

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

7. Is the distribution system piped? YES NO

**8. Mainline Information**

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6"	2600'	PVC	Buried

**9. Lateral or Handline Information**

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4" Wheel line	4000'	Aluminum	Above (and Mainline see #12)
3"	800'	Aluminum	Portable

**10. Sprinkler Information**

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
9/64	50	4	100	83	0.74 cfs (332 gpm)
9/64	50	4	20		

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

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**11. Pivot Information**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
	640 feet	50	125	0.28

12. Additional notes or comments related to the system:

To irrigate the field along east property line the wheel line in field across road from center pivot is used as a mainline. The sprinklers are plugged in this wheel line to carry water to east end of that field. Portable pipe carries water from there to field along property line. When pivot is operated then the number of wheel line or portable sprinklers is reduced.

**C. Groundwater Source Information (Well and Sump)**

1. Is the appropriation from ground water (well or sump)? YES NO

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

Airline and if you remove one of the sanitary seal bolts then you have etape access

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

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
See Well	Report	GILL	50652			

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

5. Is the appropriation from a dug well (sump)? YES NO

**D. Storage**

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

**E. Gravity Flow Pipe**

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

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

**F. Gravity Flow Canal or Ditch**

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

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

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## SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

### 1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	10/29/1999		
BEGIN CONSTRUCTION (A)	8/13/2000	9/14/1976  11/18/2013	The original well #1 (GILL 17) was constructed. Well #2 (GILL 50562) was constructed after approval of T-9572.
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	10/1/2020	9/26/2003  Summer 2014 Thru Summer 2019	Extension request by Gary Wilde states that the entire 186 acres were irrigated but one well was not enough. Needed a second well, so Permit Amendment T-9572 was filed 9/26/2003. Rock Creek Crossing has irrigated the 56.0 acres under this permit each year since 2014.

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

2. Is there an extension final order(s)? 3, one in 2003, one in 2012 and one in 2017 YES NO

### 3. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? YES NO

*This permit was issued on 10/29/1999. This was originally for the use of a well (GILL 17) drilled in 1976. There were 2 previous permits on this well for irrigation. Permit G-7074 (issued 2/3/1977) and Permit G-7300 (issued 7/21/1977). These were both eventually canceled. Then in 2005 Permit Amendment T-9572 approved the addition of a second well (GILL 50562). Various water levels have been reported for Gill 17 which is no longer a point of appropriation for this 56.0 acres due to Permit Amendment T-9572. For Gill 50562 the initial static water level was reported on Well Report in 2013 when well constructed. Well has been in use since 2014.*

b. What month was the initial measurement to be taken in?

March

c. Was the measurement submitted to the Department?

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YES NO

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d. If the initial measurement was not submitted, provide that measurement now, if available:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

4. Annual Static Water Level Measurements:

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

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

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

b. Has the pump test been previously submitted to the Department? RECEIVED YES NO

c. Is the pump test attached to this claim? OCT 29 2019 YES NO

d. Has the pump test been approved by the Department? YES NO

e. Has a pump test exemption been approved by the Department? OWRD YES NO

**\*\* Claims will not be reviewed until a pump test or exemption has been approved by the Department**

6. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES NO

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

b. Has a meter been installed? YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well #2	McCrometer	14-09726-06	Working	742.279 Ac-ft	2014

7. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? YES NO

b. Have the reports been submitted? YES NO

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

8. Other conditions required by permit, permit amendment final order, or extension final order:

a. Were there special well construction standards? YES NO

b. Was submittal of a ground water monitoring plan required? YES NO

c. Was submittal of a water management and conservation plan required? YES NO

d. Other conditions? YES NO

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

-->After use begun, one Reference Water Level Determination: Water levels reported 2017, 2018, and 2019

-->In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of 1/80th of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. Not sure what is meant here. Rock Creek is used when available, but Rock Creek flow is often so low (or no flow) that it is hard to efficiently pump water for irrigation once the irrigation season starts. The land under this right has rights from Rock Creek that are listed as "Irrigation" normally taken to be a primary or first water right. It also has rights from Rock Creek listed as Supplement Irrigation.

## SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Well Report	GIL 50562
Claim Map	
Pump Test Data	Pump test sheets plus supplemental pump test information

## SECTION 7 CLAIM OF BENEFICIAL USE MAP

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

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

**Base for the survey is aerial photographs. Position was also located using the metes and bound line from Assessor map.**

### Map Checklist

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

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- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)

- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer (“This map is not intended to provide legal dimensions or locations of property ownership lines”)
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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# Rock Creek Crossing

Pivot DURING 10/15/2019 Pump  
TEST

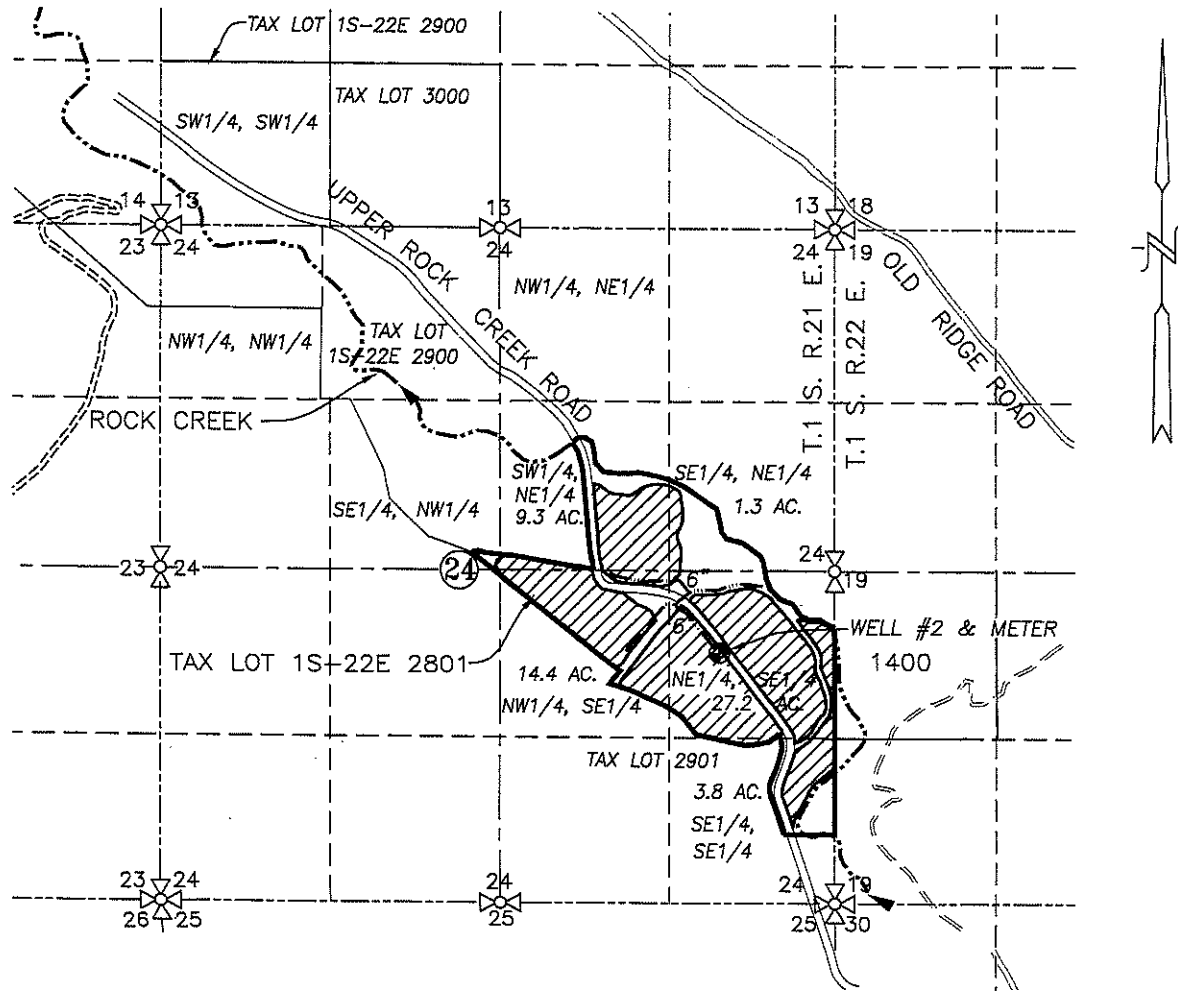


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SECTION 24, TOWNSHIP 1 S. RANGE 21 E. W.M.  
 GILLAIM COUNTY, OREGON



**LEGEND :**

● WELL #2 (GILL 50652): 3315' S. & 935' W. OF THE NE CORNER,  
 SECTION 24, T.1S. R.21E. W.M.

▨ ROCK CREEK CROSSING, LLC = 56.0 AC.

— EXISTING BURIED 6" IRRIGATION LINE

~ STREAM WITH DIRECTIONAL FLOW

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

GILL 50652
11/19/2013

WELL I.D. LABEL# L 112275
START CARD # 1021670
ORIGINAL LOG #

(1) LAND OWNER
Owner Well I.D.
First Name Last Name
Company ROCK CREEK CROSSINGS, LLC
Address 20982 NW MILLACOMA
City PORTLAND State OR Zip 97229

(2) TYPE OF WORK
[X] New Well [ ] Deepening [ ] Conversion
[ ] Alteration (complete 2a & 10) [ ] Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thr
Casing: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]
Material From To Amt sacks/lbs
Seal: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

(3) DRILL METHOD
[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE
[ ] Domestic [X] Irrigation [ ] Community
[ ] Industrial/ Commercial [ ] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION
Special Standard [ ] (Attach copy)
Depth of Completed Well 275.00 ft.

Table with columns: Dia, From, To, Material, SEAL, From, To, Amt, sacks/lbs. Row 1: 16, 0, 18, Cement, 0, 39, 30, S.

How was seal placed: Method [ ] A [X] B [ ] C [ ] D [ ] E
[ ] Other
Backfill placed from \_\_\_ ft. to \_\_\_ ft. Material \_\_\_
Filter pack from \_\_\_ ft. to \_\_\_ ft. Material \_\_\_ Size \_\_\_
Explosives used: [ ] Yes Type \_\_\_ Amount \_\_\_

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Actual Amount

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thr
[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]
Shoe [ ] Inside [ ] Outside [ ] Other Location of shoe(s)
Temp casing [ ] Yes Dia \_\_\_ From \_\_\_ To \_\_\_

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type \_\_\_ Material \_\_\_
Perf/ Casing/ Screen Scm/slot Slot # of Tele/
Screen Liner Dia From To width length slots pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
800 275 1

Temperature 63 °F Lab analysis [ ] Yes By \_\_\_
Water quality concerns? [ ] Yes (describe below) TDS amount
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County GILLIAM Twp 1.00 S N/S Range 21.00 E E/W WM
Sec 24 NE 1/4 of the SE 1/4 Tax Lot 2801
Tax Map Number Lot
Lat ' " or " DMS or DD
Long ' " or " DMS or DD
[ ] Street address of well [X] Nearest address
UPPER ROCK CREEK PERMIT G-13748

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration
Completed Well 11/18/2013 62
Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES
Depth water was first found 210.00
SWL Date From To Est Flow SWL(psi) + SWL(ft)
11/18/2013 210 270 800 62

(11) WELL LOG
Ground Elevation
Material From To
Soil 0 15
Cemented Gravel 15 22
Black Basalt 22 85
Black/Brown Basalt 85 110
Black Basalt 110 210
Black/Brown Basalt 210 270
Black Basalt 270 275

Date Started 11/12/2013 Complete 11/18/2013

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
License Number 1735 Date 11/19/2013
Signed CHAD COURTNEY (E-filed)

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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 water supply well construction standards. This report is true to the best of my knowledge and belief.
License Number 1881 Date 11/19/2013
Signed GARRY L ZOLLMAN (E-filed)
Contact Info (optional) Garry Zollman

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

RECEIPT # **131053**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Watt Land & Livestock Co. LLC APPLICATION # 14840  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_

CASH:  CHECK: # 365 OTHER: (IDENTIFY)  TOTAL REC'D \$ 100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46111

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0250 OTHER (IDENTIFY) Assignment \$ 100.00

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **131053** DATED: 10-15-19 BY: [Signature]

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



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

October 18, 2019

Hiatt Land & Livestock Co. LLC  
Mark & Tanna Hiatt  
65320 Upper Rock Creek Rd  
Arlington, OR 97812

Reference: Application G-14840, Permit G-17926

The assignment by proof from Gary Hiatt to Mark Hiatt and Tanna Hiatt has been recorded in the records of the Water Resources Department.

The Departments records will now show Mark Hiatt and Tanna Hiatt as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 131053 covering the recording fee is also enclosed.

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

Please note that this permit requires complete application of water to the proposed use by October 1, 2020, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

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

Enclosure: Original Request and Receipt #131053

cc: Watermaster #4  
Data Center, OWRD (cover letter & request)  
File





RECEIVED

OCT 15 2019



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

Request for Assignment
By Proof of Ownership
(If Water Right Holder is Not Available)

OWRD

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

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

I, Mark Hiatt, Tanna Hiatt
(Name of Party Requesting Assignment)

65320 upper rock creek Rd. Arlington Oregon 97812 (971) 276-2104
(Mailing Address) (City) (State) (Zip) (Phone #)

[X] hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request assignment of a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer/limited license/groundwater statement to be assigned.)

Application # G-14840; Permit # G-13748 modified by permit Amendment E-9572; Transfer # T-12723

Limited License #; Groundwater Statement #

Gary Hiatt
(Name of Current Holder of Record)

65320 upper rock creek Rd Arlington Oregon 97812
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below

- 1) MH I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
2) MA I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
3) MA I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
4) MA I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 11th day of October, 2019
(Day) (Month) (Year)

Signature of Party Requesting Assignment Mark Hiatt, Tanna Hiatt
Failure to provide any of the required information will result in the return of your application.

Assign by Proof - Approve
MA

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

Fee receipt # 131053
For Director by Mary F. Bjork, Program Analyst in Water Rights Division.

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$100.

# STATE OF OREGON

## CERTIFICATE OF VITAL RECORD

RECEIVED

OCT 15 2019

OREGON HEALTH AUTHORITY  
CENTER FOR HEALTH STATISTICS

OWRD

846734

I.D. TAG NO.

### CERTIFICATE OF DEATH

STATE FILE NUMBER

\*7074030\*

1. Legal Name First: Gary, Middle: Ellis, Last: Hiatt, Suffix:			2. Death Date September 30, 2018	
3. Sex Male	4. Age 77 years	5. Social Security Number [REDACTED]		6. County of Death Multnomah
7. Birthdate November 23, 1940		8. Birthplace Lakeview, Oregon		9. Decedent's Education Some college
10. Was Decedent of Hispanic Origin? No		11. Decedent's Race(s) White		12. Was Decedent Ever in U.S. Armed Forces? No
13. Residence: Number and Street 65320 Upper Rock Creek Road			14. City/Town Arlington	
15. Residence County Gilliam		16. State or Foreign Country Oregon	17. Zip Code + 4 97812	18. Inside City Limits? No
19. Marital Status at Time of Death Divorced			20. Spouse's Name Prior to First Marriage:	
21. Usual Occupation Rancher			22. Kind of Business/Industry Cattle	
23. Father's Name Milo Hiatt		24. Mother's Name Prior to First Marriage Esther Davis		
25. Informant's Name Mark Hiatt		26. Telephone Number Not Available	27. Relationship to Decedent Son	28. Mailing Address 1175 SE Mimosa Drive, Gresham, OR 97080
29. Place of Death Licensed Residential Care Facility			30. Facility Name Pacifica Senior Living Portland	
31. Location of Death 1808 SE 182nd Ave		32. City/Town or Location of Death Portland		33. State Oregon
34. Zip Code + 4 97233		35. Method of Disposition Burial		
36. Place of Disposition Sunset Park Cemetery			37. Location Lakeview, Oregon	
38. Name and Complete Address of Funeral Facility Desert Rose Funeral Chapel, 1705 N 4th St, Lakeview, Oregon 97630				
39. Date of Disposition October 03, 2018		40. Funeral Director's Signature Kristin A Thompson		41. OR License Number FS-0650
42. Registrar's Signature Deborah Taylor		43. Date Received OCT 22 2018		44. Local File Number 05074
45. Amendment				
46. Was case referred to Medical Examiner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	47. Autopsy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	48. Were autopsy findings available to complete the cause of death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		49. Time of Death 9:47 am
CAUSE OF DEATH				
50. Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT ENTER TERMINAL EVENTS such as cardiac arrest, respiratory arrest or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.				Approximate Interval: Onset to Death
Final disease or condition resulting in death ->	IMMEDIATE CAUSE -> Cerebral Atherosclerosis			6 months
Sequentially list conditions, if any, leading to the cause listed on line a.	Due to (or as a consequence of) ->			
ENTER THE UNDERLYING CAUSE LAST (disease or injury that initiated the events resulting in death).	Due to (or as a consequence of) ->			
51. Other significant conditions contributing to death, but not resulting in the underlying cause given above:	Anemia, edema related to chronic renal disease			
52. Manner of Death	53. If Female	54. Did tobacco use contribute to death?		
<input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Undetermined <input type="checkbox"/> Suicide <input type="checkbox"/> Pending	<input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Unknown if pregnant within the past year <input checked="" type="checkbox"/> Not pregnant, but pregnant within 42 days before death	<input type="checkbox"/> Yes <input type="checkbox"/> Probably <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown		
55. Date of Injury (month/year)	56. Time of Injury	57. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)		58. Injury at Work? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
59. Location of Injury (Number & Street or RFD No., City/Town, State, Zip + 4)				
60. Describe how injury occurred				61. If transportation injury, specify. <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)
62. Name and Address of Certifier (Number & Street or RFD No., City/Town, State, Zip + 4) Bonnie J. Wittz, MD, 4500 Knute Way #100, Lake Oswego, OR 97035				
63. Name and Title of Attending Physician (Other than Certifier)				
64. Title of Certifier MD		65. License Number MD 11544	66. Date Signed (month/year) 10/19/2018	
67. Medical Certifier - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Bonnie Wittz MD			68. Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.	
69. Amendment				

46-2DP (01/06)

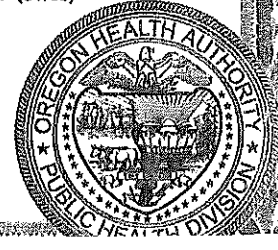
I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORDS FACTS ON FILE IN THE OREGON CENTER FOR HEALTH STATISTICS.

OCT 22 2018

DATE ISSUED:

THIS COPY IS NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER.

JENNIFERA A. WOODWARD, Ph.D.  
STATE REGISTRAR



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Until a change is requested,  
all tax statements shall be sent to:  
Gary Hiatt  
65320 Upper Rock Creek Road  
Arlington, OR 97812

After recording return to:  
Thomas C. Peachey  
Peachey & Myers, P.C.  
P.O. Box 2190  
The Dalles, OR 97058

Consideration: \$156,000.00

GILLIAM COUNTY, OREGON 2016-000013  
D-VVD  
Cnt=1 Pgs=4 DAWNP 01/12/2016 03:20:37 PM  
\$20.00 \$11.00 \$20.00 \$10.00 Total: \$61.00



00005192201600000130040043

I, Ellen Wagenaar, County Clerk for Gilliam County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.

Ellen Wagenaar - County Clerk



### STATUTORY WARRANTY DEED

Gary Hiatt, Grantor, conveys and warrants an undivided one-half interest with right of survivorship to Mark and Tanna Hiatt, husband and wife, in the real property described in Exhibit "A", attached hereto subject to the exceptions described in Exhibit "B."

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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EXHIBIT "A"

GILLIAM COUNTY, OREGON

PARCEL 1:

Township 1 South, Range 21 East, W.M.:

A tract of land being a portion of Parcel 2 of Partition Plat No. 1998-03, records of Gilliam County, Oregon, located in Section 24, Township 1 South, Range 21 East, W.M., Gilliam County, Oregon, more particularly described as follows: Parcel 2 of Partition Plat No. 1998-03, records of Gilliam County, Oregon lying Northerly and Westerly of the following described line: Beginning at a 5/8" iron rod with yellow plastic cap marked #2786 located on the West line of said Parcel 2, thence North 78°07'57" East a distance of 51.52 feet to a 5/8" iron rod with yellow plastic cap marked "Armstrong S&E"; thence South 72°57'35" East a distance of 57.14 feet to a 5/8" iron rod with a yellow plastic cap marked "Armstrong S&E" thence South 84°53'06" East a distance of 214.36 feet to a 5/8" iron rod with yellow plastic cap marked "Armstrong S&E"; thence South 80°55'05" East a distance of 619.53 feet, more or less, to the West Right-of-Way line of Upper Rock Creek Lane; thence Northwesterly along said West Right of Way line a distance of 1,194 feet, more or less to the Centerline of Rock Creek; thence Easterly along the centerline of Rock Creek a distance of 61 feet, more or less, to the West Right-of-Way line of Upper Rock Creek Lane and the Northerly line of said Parcel 2.

EXCEPTING THEREFROM: The Right of Way of Upper Rock Creek Lane.

PARCEL 2:

Township 1 South, Range 21 East, W.M.:

Section 13: SW1/4 SW1/4.

14: SW1/4 NE1/4, EXCEPT that portion described as follows:

Beginning at a point 7.5 chains South of the Southeast corner of the NW1/4 NE1/4 of Section 14; running thence North 33°30' West 8.1 chains; thence North 09° West .98 chains; thence West 1.13 chains; thence South 33° West 1.13 chains; thence South 34°30' East 4 chains; thence South 13°30' East 2.73 chains; thence West 13°30' North .45 chains; thence South 26° West 3.10 chains to a bluff of rock on the South side of Rock Creek; thence along the foot of said bluff in a Southeasterly direction to the South boundary of said SW1/4 NE1/4 of Section 14; thence East 1.2 chains to the Southeast corner of said SW1/4 NE1/4; thence North to the place of beginning.

That part of SE1/4 North of a line described as follows: Starting at a point which is the Northwest corner of the S1/2 NW1/4 SW1/4 of Section 14; thence 90° East 2200 feet excluding the North tip of a plowed field (approximately 1½ acres), thence 160° South 1300 feet; thence 135° Southeast approximately 2800 feet to a point which is the Southwest corner of the N1/2 NW1/4 NW1/4, Section 24, same Township and Range, thence East along the S1/2 NW1/4 NW1/4, Section 24, to the property line.

23: That part of the NE1/4 North of the above described line.

24: N1/2 NW1/4 NW1/4.

EXCEPTING THEREFROM Rights of Way of Upper Rock Creek Lane

## EXHIBIT "B"

Subject to:

1. Any rights of way for public utilities crossing the described lands.
2. The rights of the public and of governmental bodies in and to any portion of the described lands lying within the limits of roads.
3. The tax rolls of Gilliam County, Oregon disclose that the real property described in this report has been classified for farm use. At any time that the said real property is disqualified for such use, the property will be subject to additional taxes, interest and/or penalties.
4. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of Rock Creek, or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
5. The rights of fishing, navigation and commerce in the State of Oregon and governmental rights and the rights of the public in and to that portion lying below the high water mark of the Rock Creek.
6. Order, including the terms and provisions thereof, creating Rock Creek Water District, dated October 19, 1964, and recorded November 10, 1964, in Gilliam County Deed Book 45, page 441.
7. Affidavit of Correction, including the terms and provisions thereof, recorded May 12, 2013, in Gilliam County Deed Records as 2012-000198. This document corrects Survey No. 279, records of Gilliam County.
8. Unrecorded Mortgage as evidenced by that certain Memorandum of Mortgage recorded May 11, 2012, in Gilliam County Mortgage Records as 2012-000205. Mortgagor: Gary Hiatt. Mortgagee: Claudia Jacobs. Amount: \$20,000.00.
9. Terms and conditions contained in Letter dated March 28, 2012 from Gilliam County Planner. This letter is regarding a property line adjustment and is attached to Bargain and Sale Deed recorded April 26, 2012 in Gilliam County Deed Records as 2012-000176.

**WITH RESPECT TO PARCEL 1:**

1. Easement, including the terms and provisions thereof, dated November 16, 1940, recorded October 19, 1999, in Gilliam County Deed Records as M-71-750. Grantor: John C. Farr. Grantee: Columbia Basin Electric Cooperative, Inc.

**WITH RESPECT TO PARCEL 2:**

1. Any adverse claims based upon the assertion that the creek and the bluff of rock referred to in the legal description cannot be located or has been moved.

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OCT 15 2019

OWRD

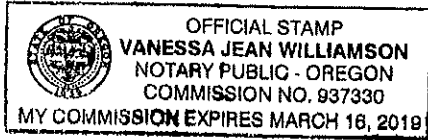
The true consideration for this conveyance is \$156,000.00

DATED: \_\_\_\_\_, 2015.

*Gary Hiatt*  
Gary Hiatt, Grantor

STATE OF OREGON           )  
  ) ss.  
County of ~~Wasco~~         )  
  )  
*Gilliam*

This instrument was acknowledged before me on ~~December~~ *12<sup>th</sup>*, ~~2015~~ *16*, by Gary Hiatt.



*January*  
*Vanessa Jean Williamson*  
Notary Public for Oregon  
My commission expires *3-16-19*

## BJORK Mary F \* WRD

---


**From:** Hiatt, Mark <Mark.Hiatt@portlandoregon.gov>  
**Sent:** Friday, October 18, 2019 7:57 AM  
**To:** BJORK Mary F \* WRD  
**Subject:** RE: Assignment Request

Good morning Mary, I am submitting the assignment request on permit g-17926, thank you for your help on this matter, if you need anything else please let me know.

Mark Hiatt  
Lead Electrician  
PBOT – Signals & Street Lighting  
Cell – (503) 823-6448  
mark.hiatt@portlandoregon.gov  
[www.portlandoregon.gov/transportation](http://www.portlandoregon.gov/transportation)  
[twitter](#) | [facebook](#) | [instagram](#) | [publicalerts](#)

The City of Portland ensures meaningful access to city programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request these services, contact 503-823-5185, City TTY 503-823-6868, Relay Service: 711.

**From:** BJORK Mary F \* WRD <Mary.F.Bjork@oregon.gov>  
**Sent:** Thursday, October 17, 2019 2:00 PM  
**To:** Hiatt, Mark <Mark.Hiatt@portlandoregon.gov>  
**Cc:** BJORK Mary F \* WRD <Mary.F.Bjork@oregon.gov>  
**Subject:** Assignment Request

 The City's email systems have identified this email as potentially suspicious. Please click responsibly and be cautious if asked to provide sensitive information.

Hi Mark,

Thanks for taking my call this morning concerning the submitted assignment request on your Father's permit. As we discussed, Permit G-13748 has been superseded per transfer T-12723, which split (Split A Permit) Permit G-13748 into two separate permits. I have attached a copy of the transfer order and your Father's superseding Permit G-17926.

I have also attached a draft copy of your assignment request with revisions to the permit and transfer numbers. Please confirm by response to this email that you are submitting the assignment request on Permit G-17926, and I will update the submitted assignment request as seen on the draft copy.

Best Regards,

*Mary F. Bjork*  
Water Rights Program Analyst  
725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0817

RECEIVED

OCT 15 2019

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Oregon Water Resources Department
725 Summer Street NE, Suite A
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Request for Assignment
By Proof of Ownership
(If Water Right Holder is Not Available)

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

I, Mark Hiatt, Tanna Hiatt
(Name of Party Requesting Assignment)

65320 upper rock creek Rd. Arlington Oregon 97812 (971) 276-2104
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request assignment of a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/ transfer/limited license/groundwater statement to be assigned.)

Application # G-14840 ; Permit # G-13748 modified by permit Amendment I-9572 T-12723(SAP); Transfer # ; Limited License # ; Groundwater Statement #

Gary Hiatt
(Name of Current Holder of Record)

65320 upper rock creek Rd. Arlington Oregon 97812
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below

- 1) MH I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
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4) MA I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 11th day of October, 2019
(Day) (Month) (Year)

Signature of Party Requesting Assignment Mark Hiatt, Tanna Hiatt

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

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$100.



App G-14840

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Permit G-13748, ) FINAL ORDER APPROVING  
Gilliam County ) ASSIGNMENT OF WATER RIGHT  
) PERMIT AND ISSUANCE OF  
) REPLACEMENT WATER RIGHT  
) PERMITS

**Authority**

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use, to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

**Applicant**

ROCK CREEK CROSSING LLC  
64771 UPPER ROCK CREEK RD.  
ARLINGTON, OR. 97182

**Findings of Fact**

*Background*

1. On July 24, 2017, Rock Creek Crossing LLC filed an application for partial assignment of Water Right Permit G-13748 and requested issuance of replacement permits. The Department assigned the application number T-12723.
2. On May 15, 2009, the Department approved an assignment of the permit to Gary Hiatt.
3. On August 5, 2013, the Department approved a partial assignment of the permit to Rock Creek Crossing, LLC.
4. On January 7, 2005, the Department issued a Final Order approving an additional point of diversion under Transfer T-9572, recorded at Special Order Volume 63, Page 56.
5. Based on the survey coordinates, there is a scrivener's error in the quarter-quarter location of the additional point of diversion. The description of the additional point of diversion as

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	21 E	WM	24	NW NE	3.0
1 S	21 E	WM	24	SW NE	20.9
1 S	21 E	WM	24	SE NE	9.5
1 S	21 E	WM	24	NE NW	19.0
1 S	21 E	WM	24	NW NW	16.0
1 S	21 E	WM	24	SE NW	14.0
1 S	21 E	WM	24	NE SE	29.0
1 S	21 E	WM	24	NW SE	8.0
1 S	21 E	WM	24	SE SE	3.0
Total:					187.6

9. The Applicants request Permit G-13748 be split and replacement permits be issued as follows:

**Permit A:**

**Permit:** G-13748 in the name of Rock Creek Crossing LLC  
**Use:** Irrigation of 56.0 Acres  
**Priority Date:** September 25, 1998  
**Quantity:** 0.70 Cubic foot Per Second  
**Rate/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** March 1 through October 31  
**Source:** Well 2 in the Rock Creek Basin

**Authorized Point of Appropriation:**

Well ID	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
GIL 50652	1 S	21 E	WM	24	NE SE	WELL 2- 3200 FEET SOUTH AND 800 FEET WEST FROM THE NE CORNER OF SECTION 24

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	21 E	WM	24	SW NE	6.5
1 S	21 E	WM	24	SE NE	9.5
1 S	21 E	WM	24	NE SE	29.0
1 S	21 E	WM	24	NW SE	8.0
1 S	21 E	WM	24	SE SE	3.0
Total:					56.0

**Permit B:**

**Permit:** G-13748 in the name of Gary Hiatt  
**Use:** Irrigation of 131.6 Acres  
**Priority Date:** September 25, 1998  
**Quantity:** 1.64 Cubic foot Per Second

Name and Address	Acres	Proportionate Rate	Twp	Rng	Sec	Q-Q	Acres	Tax Lot	
Gary Hiatt 65320 Upper Rock Creek Rd. Arlington, OR. 97812	131.6	1.64	1 S	21 E	13	SW SW	5.0	2900	
					14	SW NE	5.6		
					14	NE SE	7.2		
						NW SE	14.0		
						SW SE	4.0		
					23	SE SE	24.4		
						NE NE	5.0		
						24	NW NE		3.0
							SW NE		14.4
							NE NW		19.0
					NW NW		16.0		
						SE NW	14.0		

OAR 690-325-0070(1)(a).

12. The deed supplied with the application, matches the property proposed for assignment. OAR 690-325-0070(1)(b).
13. The applicant affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit. OAR 690-325-0070(1)(c).
14. The assignment and issuance of replacement permits, as outlined in Finding of Fact #9 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
15. The assignment and issuance of replacement permits, as outlined in Finding of Fact #9 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
16. The assignment and issuance of replacement permits does not alter any other terms of Permit # G-13748.

### Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12174 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If no protests are filed, an Order will be issued which will include the following:

*Now, therefore, it is ORDERED:*

1. The assignment and issuance of replacement permits proposed by Application T-12723 are approved.
2. Permit G-13748, name of Steven P. Emerick, is cancelled. Permit G-17927, in the name of Rock Creek Crossing LLC, and Permit G-17926 in the name of Gary Hiatt, are issued to supersede Permit G-13748.

STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GARY HIATT  
65320 UPPER ROCK CREEK RD.  
ARLINGTON, OREGON 97812

This superseding permit is issued to describe extensions of time approved November 17, 2004, March 2, 2012, and May 26, 2017, and an assignment of a portion of Permit G-13748 confirmed on May 15, 2009, and an approved Assignment August 5, 2013, as well as Permit Amendment T-9572 for an additional point of appropriation approved on January 7, 2005, and recorded at Special Order Volume 63, Page 56 and a Final Order as evidenced by Special Order Volume 108 at Page 253. This permit together with Permit G-17927 supersedes Permit G-13748.

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: WELL 1 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 131.6 ACRES

MAXIMUM RATE OF ALLOWED USE: 1.64 CUBIC FEET PER SECOND (CFS)

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINTS OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Well ID
1 S	21 E	WM	14	SE SE	WELL 1- 810 FEET NORTH AND 54 FEET WEST FROM THE SE CORNER OF SECTION 14	GIL 17.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	21 E	WM	13	SW SW	5.0
1 S	21 E	WM	14	SW NE	5.6
1 S	21 E	WM	14	NE SE	7.2
1 S	21 E	WM	14	NW SE	14.0
1 S	21 E	WM	14	SW SE	4.0
1 S	21 E	WM	14	SE SE	24.4
1 S	21 E	WM	23	NE NE	5.0
1 S	21 E	WM	24	NW NE	3.0
1 S	21 E	WM	24	SW NE	14.4

**After Use of Water has Begun****Reference Water Level Determination**

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner; registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of 1/80<sup>th</sup> of one cubic foot per second per acre for each acre irrigated during the irrigation season of each year.

STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROCK CREEK CROSSING LLC  
64771 UPPER ROCK CREEK RD.  
ARLINGTON, OREGON 97812

This superseding permit is issued to describe extensions of time approved November 17, 2004, March 2, 2012, and May 26, 2017, and an assignment of a portion of Permit G-13748 confirmed on May 15, 2009, and an approved Assignment August 5, 2013, as well as Permit Amendment T-9572 for an additional point of appropriation approved on January 7, 2005, and recorded at Special Order Volume 63, Page 56 and a Final Order as evidenced by Special Order Volume 108 at Page 753. This permit together with Permit G-17926 supersedes Permit G-13748.

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: WELL 2 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 56.0 ACRES

MAXIMUM RATE OF ALLOWED USE: 0.70 CUBIC FEET PER SECOND (CFS)

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINTS OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Well ID
1 S	21 E	WM	24	NE SE	WELL 2- 3200 FEET SOUTH AND 800 FEET WEST FROM THE NE CORNER OF SECTION 24	GIL 50652

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	21 E	WM	24	SW NE	6.5
1 S	21 E	WM	24	SE NE	9.5
1 S	21 E	WM	24	NE SE	29.0
1 S	21 E	WM	24	NW SE	8.0
1 S	21 E	WM	24	SE SE	3.0
Total:					56.0

All measurements shall be made by a certified water rights examiner; registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of  $1/80^{\text{th}}$  of one cubic foot per second per acre for each acre irrigated during the irrigation season of each year.

#### 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 useable 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.

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit G-13748 (modified by Permit Amendment ) FINAL ORDER  
T-9572), Water Right Application G-14840, in the name of )  
Rock Creek Crossing, LLC; and Gary Hiatt )

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**Permit Information**

Application: G-14840  
Permit: G-13748 (modified by Permit Amendment T-9572)  
Basin: 6 – John Day / Watermaster District 21  
Date of Priority: September 25, 1998  
Source of Water: A well in Rock Creek Basin  
Purpose or Use: Irrigation of 187.6 acres  
Maximum Rate: 2.34 cubic feet per second (cfs)

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This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

*Appeal Rights*

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

*Application History*

Permit G-13748 was issued by the Department on October 29, 1999, and modified by Permit Amendment T-7490 on January 7, 2005. The permit specified actual construction of the well to begin by August 13, 2000, and complete application of water to beneficial use by October 1, 2003. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2016. On February 28, 2017, Rock Creek Crossing, LLC submitted an Application for Extension of Time for Permit G-13748. In accordance with OAR 690-315-0050(2), on April 4, 2017, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2020. The



Mailing List for Extension FO Copies

FO Date: May 26, 2017

Copies Mailed

Application: G-14840

By: SP

Permit: G-13748

On: 5.26.17

Original mailed to permit holder

Rock Creek Crossing, LLC  
64771 Upper Rock Creek Road  
Arlington, OR 97182

Copies sent to:

1. WRD - App. File G-14840/ Permit G-13748
2. Gary Hiatt  
65320 Upper Rock Creek Rd  
Arlington, OR 97812

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 21, Ken Thiemann

CASEWORKER: CAC

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **122735**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Bark Creek Crossing, LLC

APPLICATION	14840
PERMIT	
TRANSFER	

BY: \_\_\_\_\_

CASH:  CHECK:#  1191 OTHER: (IDENTIFY)

TOTAL REC'D	\$ 575.00
-------------	-----------

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS			
0407 COPY & TAPE FEES	40111	\$	
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$	575.00
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER		\$	0202 \$
0203 GROUND WATER		\$	0204 \$
0205 TRANSFER		\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR		\$	0219 \$
LANDOWNER'S PERMIT			0220 \$
OTHER (IDENTIFY)			

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **122735** DATED: 2/23/17 BY: [Signature]

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



# Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 27, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-14840 (Permit G-13748)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us).

Application: 6-14840

Permit: 6-13748

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

Applicant/Permit  
Holder(s)

Rock Creek Crossing LLC and

Gary Hiatt ✓

WRIG...Money Received on: 2-23-17

Extension Specialist ...

Added to tracking spreadsheet

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

Stacy Phillips...

<sup>N/A</sup> Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of  
notice 2-28-17

Update WRIS Database

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

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

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

NOTES:

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits  
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G-14870 Permit: G-15748 Permit Amendment? No  Yes  T- 9572  pending  approved Vol 63  
 Permit Holder's Name: Rock Creek Crossing LLC APOA Pg 56  
 Permit Holder's Mailing Address: 64771 Upper Rock Creek Road Arlington OR 97182 Jan. 7, 2005  
 email Cummings.d@comcast.net  
 Phone Number: 360-727-3616  
 Agent/CWRE none  
 Drainage Basin: 6 County: Gilliam Watermaster District: 21 Watermaster: K Thiemann NCR  
Mike Ludd  
John Day

Date Permit was issued: October 29, 1999 Priority Date: September 25, 1998 Date of PN: 2-28-17

Source: A well in Rock Creek Basin

Use: 18 of 187.6a

"Q": 2.34 cfs

Orig "A" Date: August 13, 2000 Orig "B" Date: none Orig "C" Date: 2003

Extension request received: 2-23-17 Last Authorized Date: none Last Authorized "C" Date: 2016

Request Number (1, 2, 3...): 3 Proposed "B" Date: / Proposed C Date: 2020

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction: <u>GILL 17 9-10-76 / 9-14-76</u>
✓		Meter ( <u>W1 2002</u> ) ( <u>W2 2014</u> )
✓		Annual water use report <u>W1 (02, 07, 08)</u> <u>W2 (14, 15, 16)</u>
	✓	March SWL ( <u>W1 3-3-10 ref.</u> ) <u>none on W2 (GILL 50562)</u>

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

Yes No

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

GW REVIEW: Y  CC  
 MITIGATION REVIEW: Y

- Permit holder has beneficially used 2.35 cfs/gpm/af of the total permitted quantity of water on 187.6 acres

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

- Amount Invested to date: \$ 100,991 Estimated Remaining Cost: \$ 1,000

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

## **COURCHANE Corey A \* WRD**

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**From:** Dave Cummings <cummings.d@comcast.net>  
**Sent:** Friday, March 10, 2017 9:13 AM  
**To:** COURCHANE Corey A \* WRD  
**Subject:** RE: Rock Creek Crossing, LLC; and Gary Hiatt, Permit G-13748, Extension request

Corey:

To confirm our conversation Gary Hiatt added his son and daughter in law to the title on his property.

Gary Hiatt's address is:

65320 Upper Rock Creek Road  
Arlington, OR 97812

Phone is: 541-454-0007

Thanks,  
Dave Cummings  
Manager, Rock Creek Crossing LLC

---

**From:** COURCHANE Corey A \* WRD [<mailto:Corey.A.Courchane@oregon.gov>]  
**Sent:** Monday, March 6, 2017 9:58 AM  
**To:** Dave Cummings <cummings.d@comcast.net>  
**Subject:** RE: Rock Creek Crossing, LLC; and Gary Hiatt, Permit G-13748, Extension request

Dave,

Is there a new owner for tax lot 2900, or does Gary still own that tax lot? If Gary is not the owner, the new owner would have to perform a Request for Assignment to get their name on the permit before accomplishing splitting the permit. Please let me know.

Thank you,

Corey A Courchane

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### **COREY A COURCHANE | EXTENSION SPECIALIST**

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503 986-0825 | Fax: 503 986-0901  
Email: [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) | Web: <http://www.oregon.gov/OWRD>


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**From:** Dave Cummings [<mailto:cummings.d@comcast.net>]  
**Sent:** Thursday, March 02, 2017 12:01 PM

# Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- 1. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? \_\_\_\_\_  
**If the permit has been cancelled, the Extension Application cannot be accepted.**
- 2. Is the extension applicant's name and mailing address the permit holder of record? \_\_\_\_\_  
If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.
- 3. Did Construction begin on or before the "A" date (Actual Construction date), If no "A" date then by the "C" date (Completion Date)? 9/14/1976  
**IF NO, Return application, The Extension cannot be granted.**
- 4. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- 5. Is the appropriate Extension of Time Application used? \_\_\_\_\_  
If the wrong application form is used, the Extension Application cannot be accepted.
  - If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
  - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
- 6. Are the requested date(s) for extension identified (Page 1)? \_\_\_\_\_  
  - Check the permit to see if it includes a "B-Date" and/or a "C-Date."  
 "B-Date" = date by which construction of the water delivery system for the permit is to be completed.  
 "C-Date" = date by which full beneficial use of water under the permit is to be accomplished AND CONSTRUCTION MUST BEGIN by if no "A" DATE.
- 7. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? \_\_\_\_\_  
(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)  
  
If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
- 8. Are all questions on the application answered? \_\_\_\_\_  
(NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)
- 9. Has the \$575 fee been paid? \_\_\_\_\_  
**\*If applicable, has the \$85 fee for the Assignment been paid? \_\_\_\_\_**  
(As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)  
  
If the fee has **NOT** been paid, the application cannot be accepted.  
**\*\*NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.**
- 10. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Non-Muni Extension Application to Mabelle Bamberger or Corey Courchane. For municipal application route to, Mabelle Bamberger. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by:  Date: 02.23.17

### OWRD Water Level Report

Logid	GILL 17	State Obs Nbr		Well Tag: On Log		Tag On Well		TRS	1.00S / 21.00E - 14DD		
Site Name				Hm Phone			Max Csg Diam			Tax Map	Tax Lot
Owner				Wrk Phone			Max Depth	150		Quad24	MIKKALO
Contact				Cell Phone			Repeat Visits OK	Call Prior to Visit	Lat / Long WGS1984 45.4759636 -120.147537		
Address				FAX			Stop By House	OK if not home	XySource	1:24,000 MAP	Accuracy 500
City / St / Zip				Owner Comments							
Well Address				Well Location Comments							
Directions to Well											
General Well Comments											

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Source Org	SourceOwrđ	WlComments
09/14/1976		43.00	1015.00		R	U	DRILLER	DRILLER	WELL LOG	
03/01/2005		50.00	1008.00		A	R	GARY WILDE	OWNER	PERMIT COND PRGRM	DATE ESTIMATE
04/21/2009		58.04	999.96		A	S	SAM BELLAMY	PUMP INSTALLER	PERMIT COND PRGRM	95 - (16psi x 2.31) - MP = 58.04'
03/30/2010	4	54.73	1003.27		A	S	SAM BELLAMY	PUMP INSTALLER	PERMIT COND PRGRM	98 - (17psi x 2.31) - MP 4' = 54.73'
03/30/2011	4	52.42	1005.58		A	S	SAM BELLAMY	PUMP INSTALLER	PERMIT COND PRGRM	
02/21/2013	4	45.50	1012.50		A	S	Sam Bellamy	PUMP INSTALLER	PERMIT COND PRGRM	
03/31/2016	4	52.42	1005.58		A	S	Sam Bellamy	PUMP INSTALLER	PERMIT COND PRGRM	

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N = Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown  
 Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown



**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)  
Summarized by Water Year**

<b>user_id</b>	<b>owner</b>	<b>water use report_id</b>	<b>pod_facility_name</b>	<b>Logid (wells only)</b>	<b>Water Year</b>	<b>Water Used (acre feet)</b>	<b>Nbr of Months in Summary</b>
30190	GARY HIATT	63428	ORG WELL (GILL 17)	GILL 17	2002	0.36	12
30190	GARY HIATT	63428	ORG WELL (GILL 17)	GILL 17	2007	144.94	12
30190	GARY HIATT	63428	ORG WELL (GILL 17)	GILL 17	2008	298.88	12

**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)  
Summarized by Water Year**

<b>user_id</b>	<b>owner</b>	<b>water use report_id</b>	<b>pod_facility_name</b>	<b>Logid (wells only)</b>	<b>Water Year</b>	<b>Water Used (acre feet)</b>	<b>Nbr of Months in Summary</b>
32210	DAVE CUMMINGS ROCK CREEK CROSSING LLC	63429	ADD WELL / T-9572 (PROPOSED)	GILL 50652	2007	0.00	12
32210	DAVE CUMMINGS ROCK CREEK CROSSING LLC	63429	ADD WELL / T-9572 (PROPOSED)	GILL 50652	2008	0.00	12
32210	DAVE CUMMINGS ROCK CREEK CROSSING LLC	63429	ADD WELL / T-9572 (PROPOSED)	GILL 50652	2014	110.73	12
32210	DAVE CUMMINGS ROCK CREEK CROSSING LLC	63429	ADD WELL / T-9572 (PROPOSED)	GILL 50652	2015	131.04	12
32210	DAVE CUMMINGS ROCK CREEK CROSSING LLC	63429	ADD WELL / T-9572 (PROPOSED)	GILL 50652	2016	165.70	12

[Print Report](#)



**Oregon Water Resources Department  
Attribute Report**

Report Date: Mar 2, 2017

**General:**

TRSQQ:	WM1.00S21.00E13NWSW WM1.00S21.00E14NESE WM1.00S21.00E14SESE WM1.00S21.00E23NENE WM1.00S21.00E13WSW WM1.00S21.00E14NWSE WM1.00S21.00E14SWSE WM1.00S21.00E23NWNE WM1.00S21.00E24NWNW
DLC:	-
Latitude:	45.4756934282
Longitude:	-120.1500407999
Buffer (ft):	1320
Elevation (ft):	1080
Basin Name:	John Day
Basin Plan:	6-Lower
County:	Gilliam
WM District:	21
WM Region:	NORTH CENTRAL
ODFW Region, District:	Northeast Region, John Day District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	<u>Platcard for WM1.00S21.00E13</u> <u>Platcard for WM1.00S21.00E14</u> <u>Platcard for WM1.00S21.00E14</u> <u>Platcard for WM1.00S21.00E23</u> <u>Platcard for WM1.00S21.00E13</u> <u>Platcard for WM1.00S21.00E14</u> <u>Platcard for WM1.00S21.00E14</u>

	<p>Status: Water quality limited not needing a TMDL Action: No 2010 action</p> <hr/> <p><b>Rock Creek</b> R. Mile: 0 to 79.2 HUC4: 17070204 Pollutant: Sedimentation Season: NaN Uses: Status: Cat 5: Water quality limited, 303(d) list, TMDL needed Action: EPA addition to 303(d) list</p> <hr/> <p><b>Rock Creek</b> R. Mile: 0 to 79.2 HUC4: 17070204 Pollutant: Temperature Season: NaN Uses: Salmon and trout rearing and migration Status: Cat 4A: Water quality limited, TMDL approved Action: Delisted - TMDL approved</p> <hr/> <p><b>Rock Creek</b> R. Mile: 0 to 79.1 HUC4: 17070204 Pollutant: Flow Modification Season: NaN Uses: Resident fish and aquatic life; Salmonid fish rearing; Salmonid fish spawning Status: Water quality limited not needing a TMDL Action: No 2010 action</p>
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	<p><b>The John Day Scenic Waterway 390.826 (7)(a) John Day River from its confluence with Parrish Creek downstream to Tumwater Falls</b> Status: ABOVE</p>

**Hydrography:**

OWRD Streamcode:	06216002500320 - Pats Can
------------------	---------------------------

*OWRD Groundwater Restricted Areas.* Oregon Water Resources Department. October 5, 2016.

*OWRD Groundwater Restricted Areas - Subunits.* Oregon Water Resources Department. April 1, 2009.

*ODEQ Groundwater Management Areas (GWMAs).* Oregon Department of Environmental Quality. April 21, 2008.

*Groundwater Umatilla Municipal Wells 5-mile buffer.* Oregon Water Resources Department. June 28, 2012.

*National Marine Fisheries Service (NMFS) 4(d) Rule.* National Marine Fisheries Service. January 1, 2007.

*OAR Chapter 690, Division 33 - HUC 10 .* Oregon Department of Fish & Wildlife. January 1, 2003.

*Oregon Water Quality Assessment 2010.* This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section. GIS data prepared by the Watershed Management Section, Drinking Water Program.. August 16, 2013.

*Deschutes USGS Groundwater Study Area.* Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

*Deschutes Zones of Impact.* Oregon Water Resources Department.. October 25, 2007.

*Deschutes Zones Overlay.* Oregon Water Resources Department. October 25, 2007.

*Oregon State Scenic Waterway areas.* Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

### ***Hydrography***

*Routed OWRD Streamcodes (conflated to the NHD).* Oregon Water Resources Dept.. August 11, 2014.

. Unknown. n.d.

*Watershed Boundary Dataset (WBD), 10-digit (watershed).* Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

*Water Availability Basins.* Oregon Water Resources Department.. n.d. 1:100,000.

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



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

### Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

**1) Construction has begun:**

**A. For Groundwater Permits**

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

**B. For Surface Water or Reservoir Permits**

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

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Instructions are in Attachment A.

SALEM, OR

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

I, Rock Creek Crossing, LLC  
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

64771 Upper Rock Creek Road      Arlington      OR      97182  
ADDRESS      CITY      STATE      ZIP

360-727-3616      cummings.d@comcast.net  
PHONE      E-MAIL ADDRESS

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the permit holder of:      Application Number G-14840  
Permit Number G-13748  
[OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

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

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on Month: 10 Day: 1 Year: 2016, be extended to October 1, 2020.  
[OAR 690-315-0020(3)(i)]

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

David L. Cummings      2-20-2017  
Signature      Date  
David L. Cummings      Manager, Rock Creek Crossing LLC  
Printed Name      Title

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

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

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

**\$575 STATUTORY FEE TO:**

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

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**GENERAL TIPS:**

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:  
[http://www.oregon.gov/owrd/PUBS/docs/forms/fillable\\_muni\\_quasi\\_ext\\_app\\_form\\_2014.doc](http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc)
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_690/690\\_315.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html)
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).



**Reference Materials Needed to Complete this Application:**

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Questions to complete this application for an Extension of Time**

Please see the instruction sheet to help you answer these items.

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

**For Groundwater Permits**

**Has construction of the point of appropriation (well) authorized under this permit begun?**

Yes  No

**Date construction began Month: 9 Day: 14 Year: 1976**

**Details of construction and attach documentation:** The original well (GILL 17) that this permit was issued on was constructed in September 1976. In 2005 Permit Amendment 9572 was approved to add second well. That well (GILL 50652) was constructed in 2013.

**For Surface/Reservoir Permit**

**Has construction of the water system begun?**  Yes  No

**Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_**

**Details of construction and attach documentation: \_\_\_\_\_**

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

**CHART-A**

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2002
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2002
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Well Report GLL 17
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Submit Reference Water Level	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2005
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir</b>			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

We were not able to take static water depth measurements with a probe on Well #2 because the port in the well seal had an airline installed that prevented a probe from being lowered. We were preparing to drill and tapping an additional port when we discovered that a bolt could be removed from the well seal and that hole used for a depth measurement. The local Watermaster, Ken Thiemann, came out and took a depth reading with us in September 2016. We will now be able to take the required March static water level measurement.

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

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

**CHART-B**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
9/14/1976	Original well (GILL 17) was drilled and meter installed. Note: There were previous filings for water rights in 1977 on this well that were not developed.	\$15,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
10/29/1999	Date the permit was signed - find date above signature on last page of permit.	
2003	Gary Wilde reported in 2003 that 187.6 Acres had been irrigated using up to 2.0 cfs	\$35,000
10/1/2003	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
<b>Total Cost for Chart-B</b>		<b>\$50,00</b>

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

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

**CHART-C**

DATE	<b>WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD</b> <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2008	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
11/18/2013	The well approved under Permit Amendment 9572 was constructed (GILL 50562)	\$48,132
5/31/2014	Installed Flow meter on well #2	\$2859
June 2014	Irrigation of about 56 acres from Well #2 (NOTE: The remaining 131.6 acres are still irrigated from Well #1, as it has been since the Gary Wilde's report in 2003)	
	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	<b>WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED</b> <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
1/20/2017	Filed Water Use Report for well #2	0
March 2017	Water Level measurement for Well #2	0
<b>Total Cost of Chart-C</b>		<b>\$50,991</b>

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

5. **Cost of project to date: \$100,991**  
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

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

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

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

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

Acre-feet stored to date = \_\_\_\_\_ AF

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

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

**CHART-D**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well #1	#1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	GILL 17		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	1.65 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well #2	#2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	GILL 50562	112275	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.70 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						2.35 CFS		

8. Has a Permit Amendment Application been filed? Yes  No   
If yes, identify Transfer No. T-9572

Has the Permit Amendment been approved? Yes  No   
If yes, on what date was the Permit Amendment approved? 1/7/2005

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

9. **For Irrigation and Nursery Use Permits Extensions**

Provide the total number of acres irrigated to date under this permit.

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a) Total acres irrigated to date: 187.6 Acres

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b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
2003	187.6				
*					
2014	#1-131.6 ac & #2 - 56.0 ac.				
2015	#1-131.6 ac & #2 - 56.0 ac.				
2016	#1-131.6 ac & #2 - 56.0 ac.				

\*The land was all irrigated from Well #1 until 2014. In that year well #1 irrigated only 131.6 acres and the other 56.0 acres is irrigated by Well #2.

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA) #1 Acres 131.6

(POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

(POD/POA) #2 Acres 56.0

(POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

[OAR 690-315-0020(3)(i)(j)]

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
March 2017	Water Level measurement for Well #2	0
2017-2018	Once Extension of time is approved file an Application to Split a Permit and Request for Issuance of Replacement Permits	\$1000
2018-2019	File Claim of Beneficial Use for my 56.0 Acres	<del>\$2000</del>
Year: 2020	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		<del>\$3000</del>

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

11. Estimated remaining cost to complete the project: ~~\$3000~~ 1000  
(The total cost from CHART-E)

1000

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) Construction is complete and water has been put to beneficial use. There is a question as to whether the Condition to take Water Level Measurements has been satisfied. This was all done on Well #1 within the original time permitted. There was nothing in the Permit Amendment Order stating that a water level measurement on well #2 was required. Since we need the extension of time to file to split the permit, we will use that time to also make a water level measurement in March 2017, just in case. Ken Thiemann, Watermaster showed us a way to do that without drilling a hole in the casing, it will be done.

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SALEM, OR

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

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

The time requested is because we do not know how long these processes will take. If it takes OWRD a year to grant the extension of time that takes us to the end of the irrigation season in 2017. It appears that the built in time for the Splitting of a Permit will take about 6 months, so that could be another year process. This takes us to the end of the irrigation season in 2018. Yes there is some cushion here but we do wish to get the permit split so we can get our certificate of water right without further paper work delays..

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

**14a. Will a denial of the extension result in undue hardship?** *(Describe the hardship and the effects.)* Yes. If the extension of time is denied we would have to make proof using Well #1 on another landowners property. Once that claim is filed and the certificate is issued, we would then have to file for a transfer (change in point of appropriation) to get us to where we are today. Even though we get along with our neighbor, we have not had great success in working with our neighbor because of some issues that happened before we purchased the property.

**14b. Are there any other reasonable alternatives that exist for meeting your water use needs?** *(Explain in detail)* There are no other reasonable sources of water.

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

**15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right?** *(Explain in detail, including how much time did this delay the project; list dates.)* No

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

**16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over.** *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)* The only unforeseen event was not knowing about the ability to split a water right. Then finding out we needed to have additional development time on our permit to do the water right splitting process.

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

**17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)**

Construction is complete and water has been put to use.

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

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

[OAR 690-315-0040(2)(f)]

**19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) Yes**

[OAR 690-315-0040(4)(d)]

**20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) The land is leased out for farming of the land covered by the water right permit. The value of crops will be reduced if the land cannot be irrigated.**

**Attach permit, and documentation to the application**

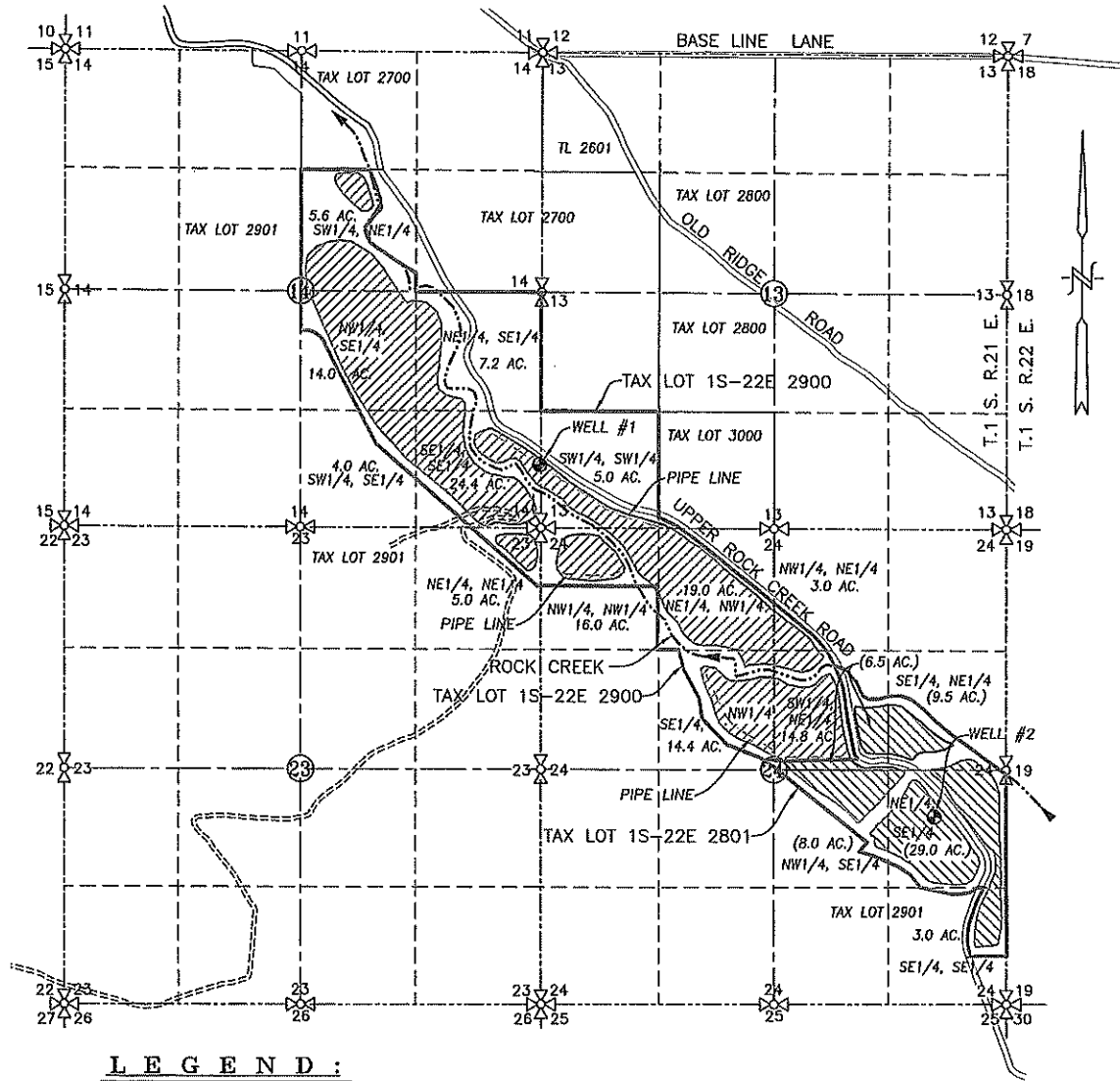
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FEB 28 2017





SALEM, OR



SECTIONS 13, 14, 23 & 24, TWP.1 S. RANGE 21 E. W.M.  
GILLAIM COUNTY, OREGON



**LEGEND :**

- ⊙ WELL #1 (GILL 17): 810' NORTH & 54' WEST OF THE SE CORNER SECTION 14, T.1S. R.21E. W.M.
- ⊙ WELL #2 (GILL 50652): 3200' S. & 800' W. OF THE NE CORNER, SECTION 24, T.1S. R.21E. W.M.
-  ROCK CREEK CROSSING, LLC = (56.0 AC.)
-  GARY HIATT = 131.6 AC.
-  EXISTING BURIED IRRIGATION LINE
-  STREAM WITH DIRECTIONAL FLOW

RECEIVED BY OWRD

FEB 23 2017

SALEM, OR

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time            )  
for Permit G-13748 (modified by Permit Amendment                )  
T-9572), Water Right Application G-14840, in the name of        )  
Rock Creek Crossing, LLC; and Gary Hiatt                            )

PROPOSED FINAL ORDER

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Permit Information

Application:                G-14840  
Permit:                     G-13748 (modified by Permit Amendment T-9572)  
Basin:                     6 – John Day / Watermaster District 21  
Date of Priority:         September 25, 1998  
Source of Water:         A well in Rock Creek Basin  
Purpose or Use:         Irrigation of 187.6 acres  
Maximum Rate:         2.34 cubic feet per second (cfs)

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***Please read this Proposed Final Order in its entirety.***

*In Summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from October 1, 2016, to October 1, 2020<sup>1</sup>.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

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<sup>1</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

3. On January 7, 2005, the Department approved Permit Amendment T-9572 (Special Order Volume 63, Page 56) authorizing an additional point of appropriation (POA) under Permit G-13748 (modified by Permit Amendment T-9572) which is hereafter referred to simply as Permit G-13748.
4. On May 14, 2009, an assignment from Gary M. Wilde to Gary Hiatt was recorded in the records of the Water Resources Department.
5. Two prior permit extensions have been granted for Permit G-13748. The most recent extension request resulted in the completion date for full application of water being extended from October 1, 2008, to October 1, 2016.
6. On August 2, 2013, a partial assignment from Gary Hiatt to Rock Creek Crossing, LLC was recorded in the records of the Water Resources Department.
7. On February 28, 2017, David L. Cummings, Manager of Rock Creek Crossing, LLC, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13748 be extended from October 1, 2016, to October 1, 2020.
8. On February 28, 2017, notification of the Application for Permit G-13748 was published in the Department's Public Notice. No public comments were received regarding the Application.

#### **Review Criteria [OAR 690-315-0040]**

*In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).*

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

9. On February 28, 2017, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

10. Actual construction of the well began prior to the August 13, 2000, deadline specified in the permit. According to the permit holder, construction of GILL 17 (Well 1) began in September 1976.
11. According to the well log received by the Department on September 17, 1976, construction of Well 1 began September 10, 1976.

15. On May 31, 2014, a flow meter was installed on Well 2.
16. Department records show annual water use reports were submitted as follows:
  - Well 1 annual water use reports were submitted for water years 2002, 2007, and 2008; and
  - Well 2 annual water use reports were submitted for water years 2014-2016.

The Department has determined, based on FOF 14, 15, and 16, that the permit holder has demonstrated compliance with permit conditions for Wells 1 and 2 as required by Permit G-13748:

- “Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water measurements to the Department annually or more frequently as may be required by the Director.”

17. Department records show a March static water level measurement (reference) was submitted for Well 1 on March 30, 2010.

The Department has determined, based on FOF 17, that the permit holder has demonstrated compliance with permit conditions for Well 1 as required by Permit G-13748:

- “Following the first year of water use, the user shall submit one static water level measurement in the month specified [March] which will establish the reference level against which future annual measurements will be compared.”

18. The Department has considered the permit holder’s compliance with conditions, and has identified the following concern: (1) the required March static water level measurement for Well 2 has not been received by the Department. (The Final Order for Permit Amendment T-9572 that was issued by the Department on January 7, 2005, contained a condition which states, “All other terms and conditions of Permit G-13748 remain the same,” which applies to the additional POA, being Well 2.)

The Department has determined based on FOF 18, that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-13748:

- “Following the first year of water use, the user shall submit one static water level measurement in the month specified [March] which will establish the reference level against which future annual measurements will be compared.”

*following factors when determining the market and the present demand for water or power to be supplied:*

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

**OAR 690-315-0040(4)(a)**

The amount of water available to satisfy other affected water rights and scenic waterway flows.

22. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13748; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

**OAR 690-315-0040(4)(b)**

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

23. The points of appropriation for Permit G-13748, located within the Rock Creek Basin, are not located within a limited or critical groundwater area.
24. Rock Creek is located above the John Day Scenic Water Way.
25. The points of appropriation are in an area listed by the Department of Environmental Quality as a water quality limited stream.
- a. Rock Creek, River Mile 0 to 79.2 listed under Water Quality Limited for Biological Criteria, and Sedimentation.

***OAR 690-315-0040(2)(h)***

***Unforeseen Events***

32. The Application did not identify unforeseen events.

***OAR 690-315-0040(2)(i)***

***Denial of the Extension Will Result in Undue Hardship***

33. The Application states if the Extension of Time is denied, the permit holder would have to make proof using Well 1, which exists on another landowner's property.

***OAR 690-315-0040(2)(c)***

***Good Faith of the Appropriator***

34. The Application provides evidence of good faith of the appropriator under Permit G-13748.

Based on FOF 10, 11, 12, 14 through 17, 19, 21, and 27, the Department has determined that the applicant has shown good faith and reasonable diligence.

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

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

35. As of February 28, 2017, the Application states the remaining work to be completed consists of gaining approval to split the permit between Rock Creek Crossing, LLC, and Gary Hiatt, and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2020, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13748 is both reasonable and necessary.

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

*The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **May 19, 2017**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

Mailing List for Extension PFO Copies

PFO Date: April 4, 2017

Copies Mailed

Application: G-14840

By: SP

Permit: G-13748

On: 4-4-17

Original mailed to Applicant:

Rock Creek Crossing, LLC  
64771 Upper Rock Creek Road  
Arlington, OR 97182

Copies sent to:

1. WRD - App. File G-14840/ Permit G-13748
2. Gary Hiatt  
65320 Upper Rock Creek Rd  
Arlington, OR 97812

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 21, Ken Thiemann

CASEWORKER: CAC



STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVEN P. EMERICK  
64771 UPPER ROCK CREEK ROAD  
ARLINGTON, OREGON 97812

(541)454-2969

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: A WELL IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 187.6 ACRES

MAXIMUM RATE: 2.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, T1S, R21E, W.M.;  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

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:

SW 1/4 SW 1/4	5.0 ACRES
SECTION 13	
SW 1/4 NE 1/4	5.6 ACRES
NE 1/4 SE 1/4	7.2 ACRES
NW 1/4 SE 1/4	14.0 ACRES
SW 1/4 SE 1/4	4.0 ACRES
SE 1/4 SE 1/4	24.4 ACRES
SECTION 14	
NE 1/4 NE 1/4	5.0 ACRES
SECTION 23	
NW 1/4 NE 1/4	3.0 ACRES

Application G-14840

Water Resources Department

PERMIT G-13748

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or

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.

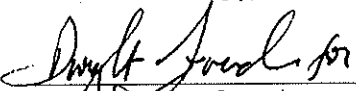
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by August 13, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 24, 1999

  
Martha O. Pagel, Director  
Water Resources Department

Application G-14840    Water Resources Department    PERMIT G-13748  
Basin 6    Volume 1A ROCK CR MISC    District 4  
AMH    MGMT.CODE 7BG 7BR 7EG 7ER 7JG 7JR \*4CF \*4CG    \*Modified



## Conclusion of Law

The additional point of appropriation proposed by Permit Amendment Application T-9572 is consistent with the requirements of ORS 537.211.

### Now, therefore, it is ORDERED:

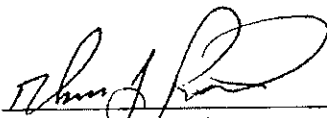
The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13748.
2. Prior to water use from the proposed additional point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-13748 remain the same.
5. Permit G-13748, in the name of Gary Wilde, is amended as described herein.

Dated at Salem, Oregon this 7<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
Phillip C. Ward,  
Director

STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVEN P. EMERICK  
64771 UPPER ROCK CREEK ROAD  
ARLINGTON, OREGON 97812

(541) 454-2969

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: A WELL IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 187.6 ACRES

MAXIMUM RATE: 2.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, T1S, R21E, W.M.;  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

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:

SW 1/4 SW 1/4	5.0 ACRES
SECTION 13	
SW 1/4 NE 1/4	5.6 ACRES
NE 1/4 SE 1/4	7.2 ACRES
NW 1/4 SE 1/4	14.0 ACRES
SW 1/4 SE 1/4	4.0 ACRES
SE 1/4 SE 1/4	24.4 ACRES
SECTION 14	
NE 1/4 NE 1/4	5.0 ACRES
SECTION 23	
NW 1/4 NE 1/4	3.0 ACRES

SW 1/4 NE 1/4 20.9 ACRES  
 SE 1/4 NE 1/4 9.5 ACRES  
 NE 1/4 NW 1/4 19.0 ACRES  
 NW 1/4 NW 1/4 16.0 ACRES  
 SE 1/4 NW 1/4 14.0 ACRES  
 NE 1/4 SE 1/4 29.0 ACRES  
 NW 1/4 SE 1/4 8.0 ACRES  
 SE 1/4 SE 1/4 3.0 ACRES

## SECTION 24

TOWNSHIP 1 SOUTH, RANGE 21 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

If 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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or



- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of  $1/80^{\text{th}}$  of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

#### 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 by August 13, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 29, 1999

  
Martha C. Pagel, Director  
Water Resources Department



Oregon  
Kate Brown, Governor

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

September 7, 2016

Rock Creek Crossing LLC  
David Cummings  
1911 South Sevier Rd  
Ridgefield WA 98642

RE: Application G-14840, Permit G-13748 (Amended by T-9572)

Dear Mr. Cummings,

On September 6, 2016, the Department received your letter requesting approval of the McCrometer flow meter that you have installed in your system.

The condition in both the permit and the permit amendment require the installation of a meter or a suitable measuring device approved by the Director. The McCrometer flow meter is considered a "meter" and therefore satisfies the condition of the permit and the permit amendment.

If you have any additional questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark  
Water Rights Specialist  
Certificates

cc: file  
Ken Thiemann, Watermaster #21

August 14, 2016

Oregon Water Resources Department  
Attention: Director  
725 Summer Street NE, Suite A  
Salem, OR 97301

Subject: Application G14840 Permit G13748 Water Meter Approval

Dear Sir:

Condition 2 of Permit Transfer 9572 for the reference permit requires that the water meter be approved by the Director of the Water Resources Department. A McCrometer MF -106 (6 inch size), Serial Number 14-09726 was installed in the discharge line from the well by Pendleton Grain Growers at the time the pump was installed (see enclosed configuration sheet). The installed meter includes a flow totalizer that records total flow in acre-feet so that water usage can be reported to Oregon Water Resources Department. This letter requests approval of the installed meter.

Sincerely,

David L. Cummings  
Manager  
Rock Creek Crossing LLC  
1911 South Sevier Road  
Ridgefield, WA 98642

c: Ken Thiemann

RECEIVED BY OWRD

SEP 06 2016

SALEM, OR

### MODEL MF100

#### DESCRIPTION

The Model MF100 is designed to provide high pressure rating and excellent meter accuracy in an inexpensive package. Model MF100 meters are manufactured to comply with the applicable provisions of the American Water Works Association Standard No. C704-02, and latest revision for propeller type flowmeters. The model MF100 is designed for a maximum continuous working pressure of up to 150 psi and is fitted with AWWA Class D flanges. The impeller and drive assembly are easily accessed through the open end of the meter tube. As with all McCrometer propeller flowmeters, standard features include a magnetically coupled drive, instantaneous flowrate indicator and straight-reading, six-digit totalizer.

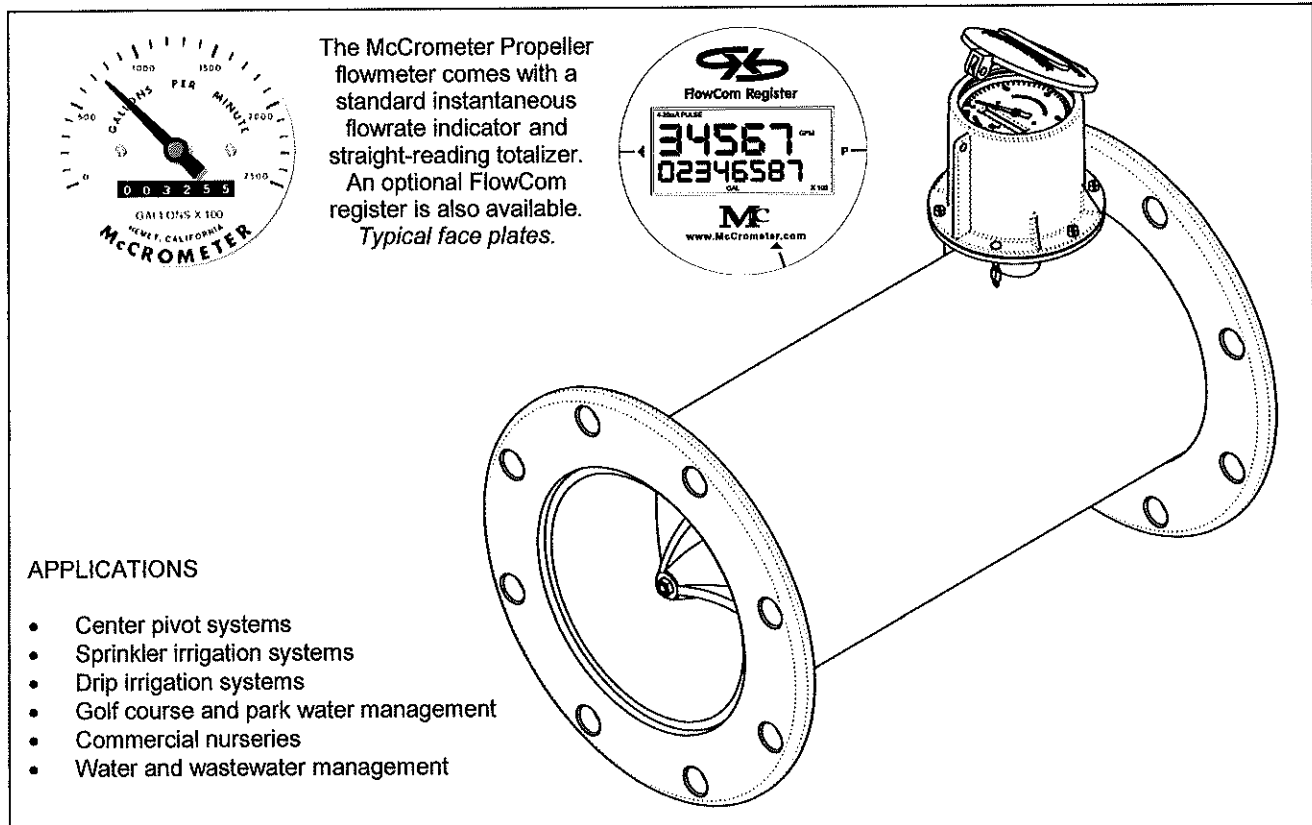
Impellers are manufactured of high-impact plastic, capable of retaining their shape and accuracy over the life of the meter. Each impeller is individually calibrated at the factory to accommodate the use of any standard McCrometer register, and since no change gears are necessary, the MF100 can be field-serviced without the need for factory recalibration. Factory lubricated stainless steel bearings

are used to support the impeller shaft. The sealed bearing design limits the entry of materials and fluids into the bearing chamber providing maximum bearing protection.

An instantaneous flowrate indicator is standard and available in gallons per minute, cubic feet per second, liters per second and other units. The register is driven by a flexible steel cable encased within a protective vinyl liner. The register housing protects both the register and cable drive system from moisture while allowing clear reading of the flowrate indicator and totalizer.

#### INSTALLATION

Standard installation is horizontal mount. If the meter is to be mounted in the vertical position, please advise the factory. A straight run of full pipe the length of ten pipe diameters upstream and two diameters downstream of the meter is recommended for meters without straightening vanes. Meters with optional straightening vanes require at least five pipe diameters upstream and two diameters downstream of the meter.



The diagram illustrates the McCrometer Propeller flowmeter assembly. It features a central impeller mounted on a shaft, which is connected to a register. The register is housed in a protective enclosure and displays a six-digit totalizer (34567) and a six-digit instantaneous flowrate indicator (02346587). The flowmeter is mounted on a flange with eight bolt holes. Two circular insets show typical face plates: one for the instantaneous flowrate indicator and one for the six-digit totalizer. The flowmeter is shown in a horizontal orientation, with the impeller and drive assembly accessible through the open end of the meter tube.

The McCrometer Propeller flowmeter comes with a standard instantaneous flowrate indicator and straight-reading totalizer. An optional FlowCom register is also available.  
*Typical face plates.*

**APPLICATIONS**

- Center pivot systems
- Sprinkler irrigation systems
- Drip irrigation systems
- Golf course and park water management
- Commercial nurseries
- Water and wastewater management

# FLANGED END FLOWMETER MODEL MF100 SPECIFICATIONS

## PERFORMANCE

**ACCURACY/REPEATABILITY:**  $\pm 2\%$  of reading guaranteed throughout full range.  $\pm 1\%$  over reduced range. Repeatability 0.25% or better.

**MAXIMUM TEMPERATURE:** (Standard Construction) 160°F constant.

**PRESSURE RATING:** 150 psi

## MATERIALS

**BEARING ASSEMBLY:** Impeller shaft is 316 stainless steel.

Ball bearings are 440C stainless steel.

**MAGNETS:** (Permanent type) Alnico.

**BEARING HOUSING:** Brass; Stainless Steel optional

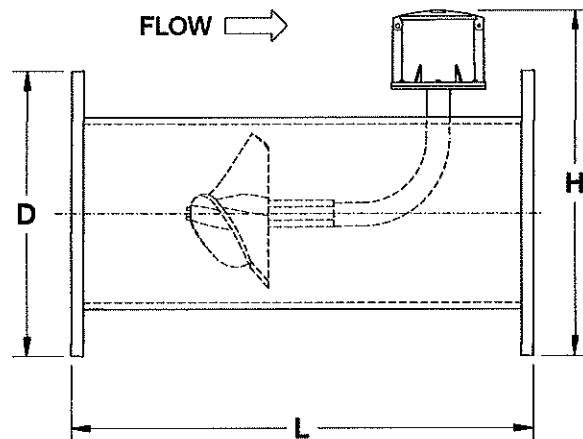
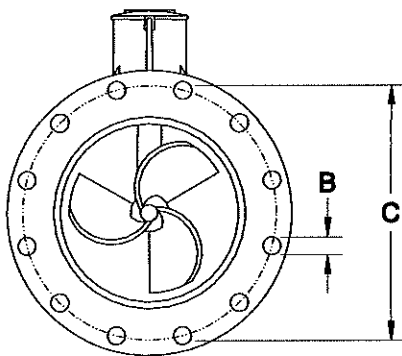
**REGISTER:** An instantaneous flowrate indicator and six-digit straight-reading totalizer are standard. The register is hermetically sealed within a die cast aluminum case. This protective housing includes a domed acrylic lens and hinged lens cover with locking hasp.

**IMPELLER:** Impellers are manufactured of high-impact plastic, retaining their shape and accuracy over the life of the meter. High temperature impeller is optional.

**FLOW TUBE:** Fusion-bonded epoxy-coated carbon steel.

## OPTIONS

- Forward/reverse flow measurement
- Register extensions
- All stainless steel construction
- High temperature construction
- "Over Run" bearing assembly for higher than normal flowrates
- A complete line of flow recording/control instrumentation
- Flow straightening vanes
- Certified calibration test results
- Canopy boot



MF100	DIMENSIONS							
Meter and Nominal Pipe Size (inches)	2	2 1/2	3	4	6	8	10	12
Maximum Flow U.S. GPM	250	250	250	600	1200	1500	1800	2500
Minimum Flow U.S. GPM	40	40	40	50	90	100	125	150
Standard Dial Face (GPM/GAL)	250/ 10	250/ 10	250/ 10	800/ 100	1300/ 100	2500/ 100	3000/ 1000	4000/ 1000
Head Loss in Inches at Max. Flow	29.50	29.50	29.50	23.00	17.00	6.75	3.75	2.75
Shipping Weight, lbs.	40	40	40	50	60	102	157	176
B (inches)	3/4	3/4	3/4	3/4	7/8	7/8	1	1
C (inches)	4 3/4	5 1/2	6	7 1/2	9 1/2	11 3/4	14 1/4	17
D (inches)	6	7	7 1/2	9	11	13 1/2	16	19
H (inches)	12.16	12.66	12.91	13.66	16.03	17.28	22.53	24.03
L (inches)	13	13	13	20	20	20	20	20
No. of Bolts Per Flange	4	4	4	8	8	8	12	12

Larger flowmeters on special order.

McCrometer reserves the right to change design or specification without notice.

FOR MORE INFORMATION CONTACT:



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

# Request for Assignment

RECEIVED BY OWRD

AUG 02 2013

SALEM, OR

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

I, Gary Hiatt  
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

65230 Upper Rock Creek Rd. Arlington OR 97812 (541)454-  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.) This assignment applies to the second point of appropriation labeled well #2 for 58 acres.
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # 614840 ; Permit # 613748 ; Transfer # \_\_\_\_\_  
 -OR-

License # \_\_\_\_\_ ; GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_

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

Rock Creek Crossing LLC  
 (Name of New Owner)

20982 NW Millcreek, Portland OR 97229 (503)629-5772  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of 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, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this May day of 27<sup>th</sup>, 2013.

Applicant/Permit Holder X Gary Hiatt

Applicant/Permit Holder \_\_\_\_\_

ASSIGNMENT  
8/2/13

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 3:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 109485  
 For Director by Jerry Sauter, Program Analyst in Water Rights Division

*[Signature]*

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.



# Oregon

John A. Kitzhaber, MD, Governor

August 5, 2013

## Water Resources Department

North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

Rock Creek Crossing, LLC  
20982 NW Millacoma  
Portland, Oregon 97229

Reference: Application G-14840, Permit G-13748

The partial assignment from Gary Hiatt to Rock Creek Crossing LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Gary Hiatt and Rock Creek Crossing LLC as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 109485 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 109485

cc: Watermaster 21  
Rock Creek Crossing LLC  
Data Center, OWRD (cover letter & request)  
Hydrographics  
File





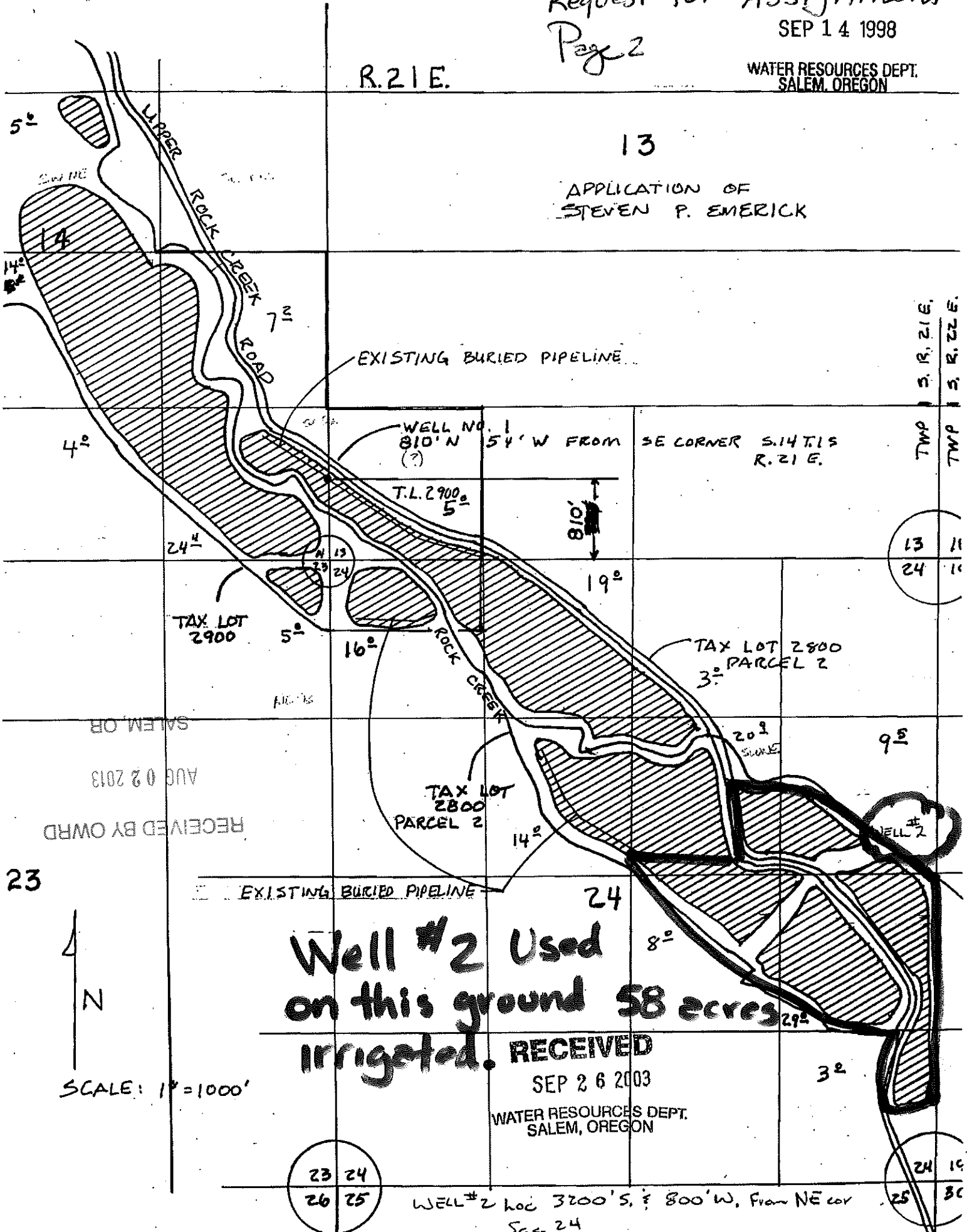
SEP 14 1998

WATER RESOURCES DEPT.  
 SALEM, OREGON

R. 21 E.

13

APPLICATION OF  
 STEVEN P. EMERICK



TWP 19 S. R. 21 E.  
 TWP 19 S. R. 22 E.

13 11  
 24 10

9E

WELL #2

**Well #2 Used  
 on this ground 58 acres  
 Irrigated.**

**RECEIVED**  
 SEP 26 2003  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

SCALE: 1" = 1000'

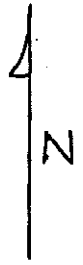
23 24  
 26 25

WELL #2 loc 3200' S. & 800' W. from NE cor  
 Sec 24

24 19  
 25 30

RECEIVED BY OWRD  
 AUG 20 2013  
 SALEM, OR

23



## Rock Creek Crossing LLC

20982 NW Millicomo Street Portland, Oregon 97229

RECEIVED BY OWRD

AUG 02 2013

SALEM, OR

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

Subject: Request for Assignment

Last year Rock Creek Crossing LLC purchased an 81 acre parcel on Rock Creek in Gilliam County. The parcel purchased included 58 irrigated acres and the second point of appropriation for permit G14840. Please find enclosed the request for assignment of the second point of appropriation and a check for the recording fee in the amount of \$75. The original permit limits the amount of water used to one-eightieth of one cubic foot per second per acre. We believe this would allow us to irrigate up to 325 gpm provided that we stay within the 3.0 acre feet per acre limit. If the assignment request is approved it is our plan to drill a well at the location described dimensionally on the permit as: 3200 feet south and 800 feet west from the NE corner of Section 24. Please note this location is some distance from the pictorial representation on the permit shown as "Well #2" (see the attached sketch).

Please advise if there is additional information that we need to provide. We can be reached on the internet at [cummings.d@comcast.net](mailto:cummings.d@comcast.net) or by phone at (503)645-9451.

Very truly,



David L. Cummings  
Manager, Rock Creek Crossing LLC

## Mailing List for Extension FO Copies

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

---

**FO Date: March 2, 2012**

### Copies Mailed

**Application G-14840  
Permit G-13748**

By:       
On: 3/2/12

### Original mailed to permit holder

Gary Hiatt  
64771 Upper Rock Creek Rd  
Arlington, OR 97812

### Copies sent to:

1. WRD - App. File G-14840/ Permit G-13748
2. WRD - Watermaster District 21, Ken Thiemann
3. WRD – NCR Regional Manager, Mike Ladd

### Fee paid as specified under ORS 536.050 to receive copy:

4. None

CASEWORKER: JWG

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

Water Rights Application  
Number G-14840.

**Final Order**  
**Extension of Time for Permit Number G-13748**  
**Permit Holder: Gary Hiatt**

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Application History**

Permit G-13748 was issued by the Department on October 29, 1999, to Steven P. Emerick. On January 25, 2002, the permit was assigned to Gary Wilde. On May 14, 2009, the permit was assigned to Gary Hiatt. The permit was modified by Permit Amendment T-9572 on January 7, 2005. The permit called for complete application of water to beneficial use by October 1, 2003. On October 11, 2011, Gary Hiatt submitted to the Department an Application for Extension of Time for Permit G-13748. In accordance with OAR 690-315-0050(2), on December 27, 2011, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2016. The protest period closed February 10, 2012, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated December 27, 2011.

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

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

**Mailing List for Extension PFO Copies**

**PFO Date: December 27, 2011**

**Copies Mailed**

**Application G-14840  
Permit G-13748**

By: Kim  
On: 12/27/11

**Original mailed to Applicant:**

Gary Hiatt  
64771 Upper Rock Creek Rd  
Arlington, OR 97812

**Copies sent to:**

1. WRD - App. File G-14840/ Permit G-13748
2. WRD - Watermaster District 21, Ken Thiemann

**Fee paid as specified under ORS 536.050 to receive copy:**

3. None

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

4. None

CASEWORKER: JWG

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit G-13748, Water Right Application G-14840 ) PROPOSED FINAL ORDER  
in the name of Gary Hiatt )

---

**Permit Information**

**Application File G-14840 Permit G-13748**

Basin: 6 – John Day / Watermaster District 21

Date of Priority: September 25, 1998

**Authorized Use of Water**

Source of Water: A well within the John Day Basin

Purpose of Use: Irrigation of 187.6 Acres

Maximum Rate: 2.34 Cubic Feet per Second (cfs)

---

**This Extension of Time request is being processed in accordance with Oregon  
Administrative Rule Chapter 690, Division 315**

*Please read this Proposed Final Order in its entirety.*

This Proposed Final Order applies only to Permit G-13748, water right Application G-14840.  
A copy of Permit G-13748 is enclosed as Attachment 1.

## FINDINGS OF FACT

### Background

1. Permit G-13748 was granted by the Department on October 29, 1999 to Steven P. Emerick. On January 25, 2002, the permit was assigned to Gary Wilde. On May 14, 2009, the permit was assigned to Gary Hiatt. The permit authorizes the use of up to 2.34 cfs of water from a well for irrigation of 187.6 acres. The permit specified complete application of water was to be made on or before October 1, 2003.
2. On January 7, 2005, the Department approved Permit Amendment T-9572 (Special Order Volume 63, Page 56) authorizing an additional point of appropriation under Permit G-13748.
3. One prior permit extension has been granted for Permit G-13748. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2003 to October 1, 2008.
4. The permit holder submitted an "Application for Extension of Time" to the Department on October 11, 2011 requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13748 be extended from October 1, 2008 to October 1, 2016.
5. Notification of the Application for Extension of Time for Permit G-13748 was published in the Department's Public Notice dated October 25, 2011. No public comments were received regarding the extension application.

### Review Criteria [OAR 690-315-0040]

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>1</sup>, 537.248<sup>2</sup>, 537.630<sup>3</sup> and/or 539.010(5)<sup>4</sup>.*

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

6. On October 11, 2011, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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<sup>1</sup>ORS 537.230 applies to surface water permits only.

<sup>2</sup>ORS 537.248 applies to reservoir permits only.

<sup>3</sup>ORS 537.630 applies to ground water permits only.

<sup>4</sup>ORS 539.010(5) applies to surface water and ground water permits.

- a. Since the issuance of Permit G-13748 on October 29, 1999, a maximum rate of 0.625 cfs of water has been appropriated from the well for irrigation of 187.6 acres.
- b. Delay of full beneficial use of water under Permit G-13748 was due, in part, to the economy. The permit holder needs more time in which to gain approval for the construction of an additional point of appropriation to obtain the full quantity of water allowed under the permit.

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

12. The water right permit holder's conformance with the permit or previous extension conditions:

- a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

13. Financial investments made toward developing the beneficial water use.

- a. As of October 11, 2011, the permit holder has not invested any money into the project and the investment by the previous permittees is unknown. The permit holder anticipates \$25,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

14. As of October 11, 2011, the permit holder has not invested any money into the project and the investment by the previous permittees is unknown. The permit holder anticipates \$25,000 investment is needed for the completion of this project.

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

15. The Department has found good faith of the appropriator under Permit G-13748.

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

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

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



## CONCLUSIONS OF LAW


1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2016<sup>5</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

### Proposed Order

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

Extend the time to apply water to beneficial use under Permit G-13748 from October 1, 2008 to October 1, 2016.

DATED: December 27, 2011

  
Dwight French, Water Right Services  
Administrator

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

<sup>5</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Application # G-14840 Permit # G-13748

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

- ◆ WRIG...  
Money Received on: 10-11-2011
- ◆ Extension Specialist ...
  - Added to tracking spreadsheet

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

- ◆ Jonnine Skaug...
  - Publish on Public Notice (initial 30-day comment): Date of notice 10/25/11
  - Update WRIS Database
  - In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
  - In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to ~~Extension Specialist after PN~~

CRAIG KOHANEK

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits  
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 14840 Permit: G- 13748 Permit Amendment? No  Yes  T- 9572  pending  approved

Permit Holder's Name: Gary Hiatt

Permit Holder's Mailing Address: 64771 Upper Rock Creek Rd, Arlington OR 97812 email \_\_\_\_\_

Phone Number: 541-454-0383

POD Location: Township 1 S Range 21 E Section 14  $\frac{1}{4}$  SE SE

Drainage Basin: 6 County: Gilliam Watermaster District: 21 Watermaster: Ken Timen-Thieman

Date Permit was issued: 10/29/1999 Priority Date: 9/25/1998 Date of PN: 10/25/11

Source: A well in Rock Creek Basin, permit amendment T-9572 added a well

Use: Irrigation of 187.6 acres

"Q": 2.34 Cubic Feet Per Second

Orig "A" Date: 8/13/2000

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2003

Extension request rec'd: 10/11/2011

Last Authorized "B" Date: 10/1/21008

Last Authorized "C" Date: 10/1/2008

Request Number (1, 2, 3...): 2

Proposed "B" Date: 10/1/2016

Proposed C Date: 10/1/2016

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Meter installed on well under permit
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water use reports submitted for water years 2007-2008 and 2009-2010.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Static water level measurements for well under permit
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$0 Estimated Remaining Cost: \$25,000

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0.625  cfs  gpm  af of the total permitted quantity of water on 187.6 acres

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

GW REVIEW: Y (N) DWF

MITIGATION REVIEW: Y (NA)



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

# Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per  
 OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this  
 application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

**I, Gary Hiatt**

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

64771 Upper Rock Creek Rd  
 ADDRESS

Arlington  
 CITY

OR  
 STATE

97812  
 ZIP

541-454-0383  
 PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number G-14840

Permit Number G-13748  
 [OAR 690-315-0020(3)(b)]

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 WATER RESOURCES DEPT  
 SALEM, OREGON

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2008, be extended to October 1, 2016,
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2008, be extended to October 1, 2016.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Answer the Following Questions to Complete this Application for Extension of Time**

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit?  Yes  No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 9/14/1976

Details of construction: See attached well log

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3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
9/14/1976	Original well drilled and meter installed	\$15,000.00
<b>WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i></b>		
	Date the permit was signed - find date above signature on last page of permit.	
10/29/1999	Unknown, I am the third owner of property - no records available	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
<b>Total Cost for Chart-C</b>		

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

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



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

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



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

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

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

Acre-feet stored to date = \_\_\_\_\_ AF

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



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

**CHART-E**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	GILL 17		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.625	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
2		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						0.625		

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T-9572

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

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

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

UNFORESEEN EVENTS. RANCH OWNERSHIP CHANGED 3 TIMES IN 9 YRS.

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


10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

FIRST PERMIT HOLDER SOLD THE RANCH IN 1998 AFTER ONLY ONE YEAR OF OWNERSHIP. RANCH SOLD AGAIN IN 2000 AND SOLD AGAIN IN 2007. DEFINITE LEARNING CURVE TO UNDERSTANDING IRRIGATING VARIOUS SOIL TYPES.

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

THE ADDITIONAL APPROPRIATION SITE IS SEVERELY NEEDED. THIS WILL ELIMINATE PUMPING WATER UP HILL FOR A MILE AND ONE HALF AND WILL IMPROVE NOT ONLY WATER APPLICATION BUT ALSO SYSTEM INTEGRITY.

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

  
Signature

10-5-11  
Date

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WATER RESOURCES DEPT  
SALEM, OREGON

WRAD



STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVEN P. EMERICK  
64771 UPPER ROCK CREEK ROAD  
ARLINGTON, OREGON 97812

(541) 454-2969

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: A WELL IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 187.6 ACRES

MAXIMUM RATE: 2.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, T1S, R21E, W.M.;  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

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:

SW 1/4 SW 1/4	5.0 ACRES
SECTION 13	
SW 1/4 NE 1/4	5.6 ACRES
NE 1/4 SE 1/4	7.2 ACRES
NW 1/4 SE 1/4	14.0 ACRES
SW 1/4 SE 1/4	4.0 ACRES
SE 1/4 SE 1/4	24.4 ACRES
SECTION 14	
NE 1/4 NE 1/4	5.0 ACRES
SECTION 23	
NW 1/4 NE 1/4	3.0 ACRES

Application G-14840 Water Resources Department

PERMIT G-13748

③

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or

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.

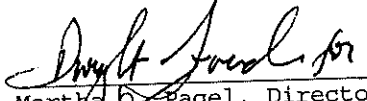
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by August 13, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 24, 1999

  
Martha O. Pagel, Director  
Water Resources Department

C = 2008

Application G-14840    Water Resources Department    PERMIT G-13748  
Basin 6    Volume 1A ROCK CR MISC    District 4  
AMH    MGMT.CODE 7BG 7BR 7EG 7ER 7JG 7JR \*4CF \*4CG    \*Modified



# Oregon

John A. Kitzhaber, MD, Governor

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

October 21, 2011

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-14840 (PERMIT#: G-13748)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Jerry Gainey at (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "[www.wrd.state.or.us](http://www.wrd.state.or.us)".

# Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

Your water right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 14840  
Permit: G 13748  
Certificate:  
Transfer: T 9572  
POD: 2  
Userid: 30190

GARY HIATT  
64771 UPPER ROCK CREEK RD  
ARLINGTON OR 97812

Well History, if available:			
Logid	Type Work	Date	Depth

### Identification of Measured Well (Provide as much information as possible. Correct any errors.)

Water Resources Well Log ID: \_\_\_\_\_  
 Well ID (Well Tag) on Well: L- \_\_\_\_\_  
 Well ID (Well Tag) on Well Log: L- \_\_\_\_\_  
 Stan Card # on Well Log: \_\_\_\_\_  
 Date drilled: \_\_\_\_\_  
 Well location on water right: \_\_\_\_\_

Owner's well name: \_\_\_\_\_  
 Well name on water right: **A WELL**  
 Well drilled by: \_\_\_\_\_  
 Total depth: \_\_\_\_\_ Casing diameter (inches): \_\_\_\_\_  
 Owner on well log: \_\_\_\_\_

In the SE quarter of the NE quarter of Section 24, Township 1.00S, Range 21.00E,  
 3200 FEET SOUTH & 800 FEET WEST FROM NE CORNER, SECTION 24

### Water-Level Measurement

Date of measurement: 3-30-12  
 Measurements should be made to at least the nearest tenth of a foot (10<sup>-2</sup>'), the nearest inch (10<sup>-1</sup> 3<sup>-1</sup>) or the nearest pound, if using a gage

Depth to water below measuring point: 58.7  
 Measuring point height above / below land surface: 4'  
 Depth to water below land surface: 54.7  
56.5

Airline length or transducer depth: 98 feet  
 Airline pressure: 1718 psi x 2.31 = 39.7 feet  
 Shut-in pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ feet

Measurement status: Static  Pumping  Rising  Flowing  Other   
 Measurement method: E-tape  Airline  Other

Length of time well was idle prior to measurement: 5 mo.

Measuring point description: pressure gage  
 The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap, 1-1/2" port pipe on N side; pressure gage

Comments: \_\_\_\_\_

When did water use begin for this well under this permit? Month \_\_\_\_\_ Year \_\_\_\_\_

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): Sam Bellamy  
 Signature of measurer: [Signature]  
 Company: Lexington Pump  
 License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer): CCB # 133589  
 Daytime phone number: 541-561-8881 Email address: \_\_\_\_\_

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.  
 Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us> OWRD GW/KCW 2/17/2010

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top):						Comments
Date	MP Height	WL BLS	Pump Idle Time	Status	Method	
						RECEIVED

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 SALEM, OREGON



## Conclusion of Law

The additional point of appropriation proposed by Permit Amendment Application T-9572 is consistent with the requirements of ORS 537.211.

### Now, therefore, it is ORDERED:

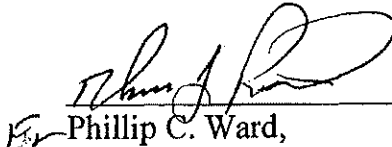
The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13748.
2. Prior to water use from the proposed additional point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-13748 remain the same.
5. Permit G-13748, in the name of Gary Wilde, is amended as described herein.

Dated at Salem, Oregon this 7<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
Phillip C. Ward,  
Director

Application # G-14840 Permit # G-13748

Transfer #

RA#  
Name of RA Applicant: R11842-11

## Reimbursement Authority Process Itemized Estimate Sheet for Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Extension Application		Ann/Jerry G	\$0		
2. Complete Checklist		Ann/Jerry G	\$0		
3. Preparation of deficiency letter		Ann/Jerry G	\$0		
4. Data Entry		Jonnine	\$0		
5. Proposed final order		Ann/Jerry G	\$0		
5a. Peer review		Gerry	\$0		
5b. Final Order		Craig	\$0		
5c. Peer review	0.10	Dwight	\$11	3-2	0.1 hr
6. Extension	5.00	Ann/Jerry G	\$388	12-13-11	1.5 hrs
7. Project Management	1.00	Craig	\$90	11-8	0.3 hrs
7a. Water right data record update	0.50	Jonnine	\$28	3-2	0.5 hrs
7b. Water right data record update		Data Tech	\$0		
8. Pump test (if applicable)		Mike Z	\$0		
<b>Total</b>	<b>6.60</b>		<b>\$516</b>		

Notes:

\$520

Handwritten calculations and notes:  
 \$438  
 \$82  
 \$11  
 \$291  
 \$108  
 \$28

Handwritten notes: 2-15-12 1.5 hrs 7 w/

Handwritten notes: 3-19-12 0.75 hrs



**WATER RESOURCES DEPARTMENT**  
**REQUEST FOR DISTRIBUTION OF FUNDS**

TO: **Fiscal Services Section**

DATE: March 19, 2012

FROM: R. Craig Kohanek  
Phone: (503) 986-0823

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Payment or Refund**

FILE #: G-14578

RA #: 11846-11

RECEIPT #: 104416

Please prepare payment in the amount of **\$94.94**, made payable to:

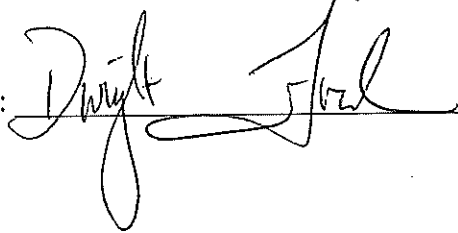
Name: Threemile Canyon Farms, LLC  
Address: 75906 Threemile Road  
City: Boardman, OR 97818

These funds are being paid or refunded as a result of (check one):

- Excess fees were collected for Claim of Beneficial Use  
 Excess fees were collected for Reimbursement Authority  
 Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: \_\_\_\_\_



Date: \_\_\_\_\_

3/19/12

47126/0408 / R11846-11 94.94

mailed 3/21/12

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG-ON TO <http://egov.oregon.gov/DAJ/SCD/SFMS/ach.shtml> ON THE INTERNET. CLICK ON: FORMS AND BROCHURES THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO.  
122642975

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		REVENUE REFUND 104416 G14578	690	VP034441	94.94

VENDOR NAME:	THREEMILE CANYON FARMS, LLC	ISSUE DATE:	03/20/12	WARRANT AMOUNT	94.94
--------------	-----------------------------	-------------	----------	----------------	-------

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

STATE OF OREGON  
Dept of Administrative Services

To the State Treasurer, Salem, Oregon  
PAYABLE THROUGH US BANK

96-10  
1232

CHECK DATE  
03/20/12



BANK WARRANT NO.  
12 2642975

WATER RESOURCES DEPARTMENT  
(503) 986-0926 EXT.

PAY THIS AMOUNT  
\$94.94

VP034441

\*\*\*\*\*NINETY FOUR AND 94/100 DOLLARS\*\*\*\*\*

PAY TO THE ORDER OF:

THREEMILE CANYON FARMS, LLC  
75906 THREEMILE ROAD  
BOARDMAN OR 97818

VOID 2 YEARS AFTER DATE ISSUED

*[Handwritten Signature]*  
AUTHORIZED SIGNATURE

122642975 123200101 10501



Oregon

John A. Kitzhaber, MD, Governor

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

November 8, 2011

Gary Hiatt  
64771 Upper Rock Creek Road  
Arlington, OR 97812

RE: Reimbursement Authority Signed Contracts R11842-11 involving  
application G-14840

Mr. Hiatt,

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

If you have any questions concerning the agreement or the program, please contact  
me at  
503-986-0823.

Sincerely,

R. Craig Kohanek  
Senior Water Rights Analyst  
[Ronald.c.kohanke@wrd.state.or.us](mailto:Ronald.c.kohanke@wrd.state.or.us)

Attachment: Receipt #104375



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



Contract Number: **R11842-11**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Gary Hiatt** hereafter Applicants, hereafter known together as the parties.

**OWRD Information**

Project Contact: R. Craig Kohanek  
Reimbursement Authority  
Oregon Water Resources Department  
725 Summer Street, NE

Salem, OR 97301-1271

Phone: 503-986-0823

Email: [Ron.c.kohanek@wrд.state.or.us](mailto:Ron.c.kohanek@wrд.state.or.us)

**Applicant's Information**

Name: **Gary Hiatt**

Title: **Owner**

Company: **Gary Hiatt**

Address: **64771 Upper Rock Creek  
Road**

**Arlington, OR 97812**

Phone: **541-454-0383**

Email:

**Applicant's Representative**

Name:

Title:

Company:

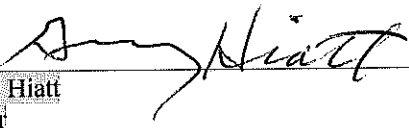
Address:

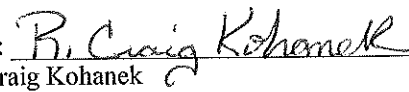
Phone:

Email:

- Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application**. (Application Number: **G-14840**)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** **Gary Hiatt** and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- Consideration.** **Gary Hiatt** shall pay OWRD in advance for actual costs incurred by OWRD. **Gary Hiatt** agrees to pay the full amount of **\$520** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** **Gary Hiatt** agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work (including the required public notice and protest periods) is no later than one-hundred twenty (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant:   
 Name: Gary Hiatt  
 Title: Owner  
 Company: \_\_\_\_\_  
 Date: 11-3-11

For OWRD:   
 Name: R. Craig Kohanek  
 Water Rights and Adjudication Division  
 Date: November 8, 2011

Mail signed Agreement to:

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



# Oregon

John A. Kitzhaber, MD, Governor

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

October 25, 2011

Gary Hiatt  
64771 Upper Rock Creek Road  
Arlington, OR 97812

RE: RA Certificate Estimate for R11842-11 involving application G-14840

Dear Mr. Hiatt:

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

If you have any question, please call me at (503) 986-0823.

Sincerely,

A handwritten signature in cursive script that reads "R. Craig Kohanek".

R. Craig Kohanek  
Reimbursement Authority Water Right Analyst



OREGON WATER RESOURCES DEPARTMENT  
EXTENSION REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Water Right Extension Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Extension Request	Application Number T 9572 Permit Number G 13748

Applicant Information		Applicant's Representative/Contact
Name:	GARY HIATT	
Title (optional):		
Address:	64771 UPPER ROCK CK. RD.	
Phone:	541-454-0383	
E-Mail Address:		

I certify that I (check one):

- have previously filed an application for Extension of Time for a Water Right Permit.
- am attaching the application for Extension of Time for a Water Right Permit and have included the appropriate application fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application for Extension of Time for a Water Right Permit may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

You may request a one-hour conference with OWRD staff. The conference would only occur after you have signed the contract and paid the estimated cost of processing your application. Please indicate your preference (check one):

- I do not want to schedule a one-hour conference with OWRD staff.
- I want to schedule a one-hour conference with OWRD staff to discuss my project. I understand that I will be billed for this time, and that it may affect my total costs.

Send completed Application and payment to:  
Oregon Water Resources Department  
Extension Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

I certify that I am the (check one):

- Applicant
- Applicant's Representative
- Other (Please specify) \_\_\_\_\_

Name: GARY HIATT  
Signature: *Gary Hiatt*

OWRD USE ONLY: Reimbursement Authority Number: R11 84211

## Craig Kohanek

---

**From:** Sandra Todd  
**Sent:** Wednesday, October 12, 2011 10:06 AM  
**To:** Lorraine Ramsey  
**Cc:** Craig Kohanek; Dave Nelson; Salem Opeifa; Jon Unger  
**Subject:** RE: EXTENSION RA REQUEST  
R11842 11 PCA 47126  
Thank you.  
Sandy

---

**From:** Lorraine Ramsey  
**Sent:** Wednesday, October 12, 2011 9:24 AM  
**To:** Sandra Todd  
**Cc:** Craig Kohanek; Dave Nelson; Salem Opeifa; Jon Unger  
**Subject:** EXTENSION RA REQUEST

Hello,

Applicant: Gary Hiatt

Related to Application G-14840

Receipt # 104204

Thanks,

Lorraine

Craig checked application



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **104375**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Gary Hiatt  
BY: \_\_\_\_\_

APPLICATION	G14840
PERMIT	
TRANSFER	

CASH:  CHECK: # 1323 OTHER: (IDENTIFY)

TOTAL REC'D \$ 520.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES: 47126 B-11-842-11 \$  
~~0408~~ OTHER: (IDENTIFY) Rambus Komen Authority \$ 520.00  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

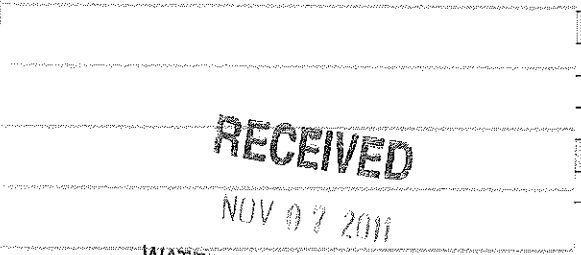
**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 _____	\$
TC11 _____	\$
0240 _____	\$

RECORD FEE	
0201	\$
0203	\$
0204	\$

LICENSE FEE	
0218	\$
0219	\$
0220	\$



**0210 T FEE**

0210	CARD #	
0210	CARD #	

**0230 TREASURY 0407 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: **104375**

DATED: 11-7-11 BY: RH

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **104204**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Gary Hiatt  
BY: \_\_\_\_\_

APPLICATION	614840
PERMIT	
TRANSFER	

CASH:  CHECK:# 1316 OTHER: (IDENTIFY)

TOTAL REC'D \$ 625<sup>00</sup>

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47126 R11-842-11 \$  
0408 OTHER: (IDENTIFY) Reimbursment \$ 125<sup>00</sup>  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES 40111 \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$  
0240 EXTENSION OF TIME \$ 500<sup>00</sup>

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **104204**

DATED: 10-11-11 BY: 22

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14840

**Final Order**

*Application History*

On September 25, 1998, STEVEN P. EMERICK submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 1, 1999. The protest period closed July 16, 1999, and no protest was filed.

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

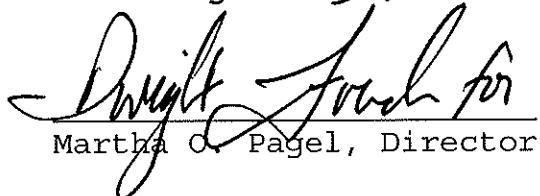
**Order**

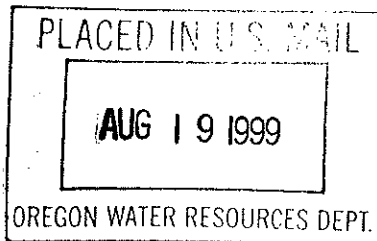
Upon payment of outstanding permit recording fees, Application G-14840 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application G-14840.

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

DATED August 13, 1999

  
Martha O. Pagel, Director



*Appeal Rights*

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

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

*If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.*

*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496*

STATE OF OREGON

COUNTY OF GILLIAM

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

STEVEN P. EMERICK  
64771 UPPER ROCK CREEK ROAD  
ARLINGTON, OREGON 97812

(541)454-2969

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: A WELL IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 187.6 ACRES

MAXIMUM RATE: 2.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, T1S, R21E, W.M.;  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

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:

SW 1/4	SW 1/4	5.0 ACRES
	SECTION 13	
SW 1/4	NE 1/4	5.6 ACRES
NE 1/4	SE 1/4	7.2 ACRES
NW 1/4	SE 1/4	14.0 ACRES
SW 1/4	SE 1/4	4.0 ACRES
SE 1/4	SE 1/4	24.4 ACRES
	SECTION 14	

NE 1/4 NE 1/4 5.0 ACRES  
SECTION 23  
NW 1/4 NE 1/4 3.0 ACRES  
SW 1/4 NE 1/4 20.9 ACRES  
SE 1/4 NE 1/4 9.5 ACRES  
NE 1/4 NW 1/4 19.0 ACRES  
NW 1/4 NW 1/4 16.0 ACRES  
SE 1/4 NW 1/4 14.0 ACRES  
NE 1/4 SE 1/4 29.0 ACRES  
NW 1/4 SE 1/4 8.0 ACRES  
SE 1/4 SE 1/4 3.0 ACRES  
SECTION 24

TOWNSHIP 1 SOUTH, RANGE 21 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

If 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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

#### **Before Use of Water Takes Place**

##### Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

#### **After Use of Water has Begun**

##### Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and

- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of 1/80<sup>th</sup> of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

#### 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 by August , 2000. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued \_\_\_\_\_, 199\_

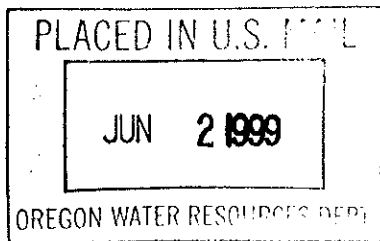
**DRAFT - THIS IS NOT A PERMIT**

Martha O. Pagel, Director  
Water Resources Department

Application G-14840	Water Resources Department	PERMIT DRAFT
Basin 6	Volume 1A ROCK CR MISC	District 4
RWK- WEEK 199	MGMT.CODE 7BG 7BR 7EG 7ER 7JG 7JR *4CF *4CG	*Modified



Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number G-14840

**Proposed Final Order**

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

*Application History*

On September 25, 1998, STEVEN P. EMERICK submitted an application to the Department for the following water use permit:

- Amount of Water: 1050.0 GALLONS PER MINUTE (2.34 CFS)
- Use of Water: IRRIGATION OF 187.6 ACRES
- Source of Water: A WELL IN ROCK CREEK BASIN
- Area of Proposed Use: GILLIAM County within SECTION 13, SECTION 14, SECTION 23, SECTION 24, TOWNSHIP 1 SOUTH, RANGE 21 EAST, W.M.

On 11/27/98, the Department mailed the applicant notice of its Initial Review, determining that "The use of 2.34 CUBIC FEET PER SECOND (1050.0 GALLONS PER MINUTE) from A WELL IN ROCK CREEK BASIN for IRRIGATION OF 187.6 ACRES is allowable from March 1 through October 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 12/15/98, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program

- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

*Findings of Fact*

The John Day Basin Program allows the following uses: IRRIGATION.

A WELL IN ROCK CREEK BASIN is above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation March 1 through October 31, the irrigation season.

The Department finds that the amount of water requested, 2.34 CFS, is allowable.

The proposed well is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is **NOT** a preponderance of evidence that the proposed use of groundwater 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.

The applicant has requested that a condition be contained in the permit allowing the supplemental source to be used in the interest of conserving groundwater. OAR 690-320-007 states "...if requested by the applicant, a permit may be issued which describes a surface water source as supplemental to a groundwater right and shall provide that, in the interest of conserving the groundwater supplies, the supplemental right

may be exercised at a time when water is available from the surface water supply." Therefore, the following condition will be added to the permit:

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of  $1/80^{\text{th}}$  of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

### *Conclusions of Law*

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

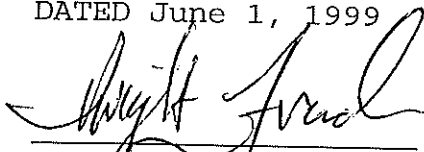
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

#### Recommendation

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

DATED June 1, 1999



Dwight French  
Water Rights Section Manager

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

*Protest Rights and Standing*

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

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

*Requests for Standing*

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **July 16, 1999**.

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

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

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

*If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.*

*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.*



STATE OF OREGON

COUNTY OF GILLIAM

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

STEVEN P. EMERICK  
64771 UPPER ROCK CR ROAD  
ARLINGTON, OREGON 97812

(541)454-2969

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: A WELL IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 187.6 ACRES

MAXIMUM RATE: 2.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, T1S, R21E, W.M.;  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

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:

SW 1/4 SW 1/4	5.0 ACRES	✓
SECTION 13		
SW 1/4 NE 1/4	5.6 ACRES	✓
NE 1/4 SE 1/4	7.2 ACRES	✓
NW 1/4 SE 1/4	14.0 ACRES	✓
SW 1/4 SE 1/4	4.0 ACRES	✓
SE 1/4 SE 1/4	24.4 ACRES	✓
SECTION 14		

NE 1/4 NE 1/4 5.0 ACRES ✓  
SECTION 23

NW 1/4 NE 1/4 3.0 ACRES ✓  
SW 1/4 NE 1/4 20.9 ACRES ✓  
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NW 1/4 NW 1/4 16.0 ACRES ✓  
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NE 1/4 SE 1/4 29.0 ACRES ✓  
NW 1/4 SE 1/4 8.0 ACRES ✓  
SE 1/4 SE 1/4 3.0 ACRES ✓

## SECTION 24

TOWNSHIP 1 SOUTH, RANGE 21 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

If 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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

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Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of  $1/80^{\text{th}}$  of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

#### 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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued \_\_\_\_\_, 199\_

**DRAFT - THIS IS NOT A PERMIT**

\_\_\_\_\_  
Martha O. Pagel, Director  
Water Resources Department

Application G-14840    Water Resources Department    PERMIT DRAFT  
Basin 06    Volume 1A ROCK CR MISC    District 4  
RWK- WEEK 199    MGMT.CODE 7BG 7BR 7EG 7ER 7JG 7JR \*4CF \*4CG    \*Modified

STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVEN P. EMERICK  
64771 UPPER ROCK CREEK ROAD  
ARLINGTON, OREGON 97812

(541) 454-2969

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

APPLICATION FILE NUMBER: G-14840

SOURCE OF WATER: A WELL IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 187.6 ACRES

MAXIMUM RATE: 2.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 25, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 14, T1S, R21E, W.M.;  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

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.

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SW 1/4 SW 1/4 5.0 ACRES  
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## SECTION 24

TOWNSHIP 1 SOUTH, RANGE 21 EAST, W.M.

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

If 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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

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- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
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The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed a maximum rate of  $1/80^{\text{th}}$  of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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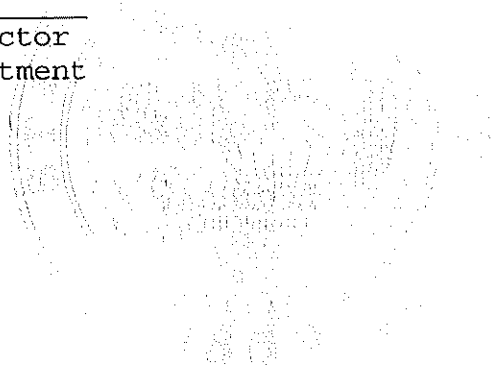
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Actual construction of the well shall begin by August 13, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 29, 1999

  
Martha O. Pagel, Director  
Water Resources Department



Application G-14840      Water Resources Department      PERMIT G-13748  
Basin 6      Volume 1A ROCK CR MISC      District 4  
AMH      MGMT.CODE 7BG 7BR 7EG 7ER 7JG 7JR \*4CF \*4CG      \*Modified

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COUNTY OF GILLIAM

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TOWNSHIP 1 SOUTH, RANGE 21 EAST, W.M.

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Issued October 29, 1999

  
Martha Q. Pagel, Director  
Water Resources Department



**OREGON WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO**

To: Groundwater files Date: October 9, 1998

From: Michael J. Zwart

Subject: Application Review: G-14840, Steven P. Emerick

This application proposes to use about 2.345 cfs from one well for irrigation of 187.6 acres. The well is 150 feet deep and penetrates a confined to semiconfined aquifer developed in basalt of the Columbia River Basalt Group below a depth of 59 feet.

The well is about 300 feet from Rock Creek. The aquifer penetrated is not likely in hydraulic connection with the nearby reach of the creek, but may be at some greater distance downstream. There is no potential for substantial interference with the creek, based on the nature of the aquifer penetrated.

I recommend permit conditions 7B, 7E and 7J.





**Water Right Conditions  
Tracking Slip**

*Groundwater/Hydrology Section*

FILE # G-14840

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 1S/21E-14dd

CONDITIONS ATTACHED?  Yes  No

REMARKS OR FURTHER INSTRUCTIONS:

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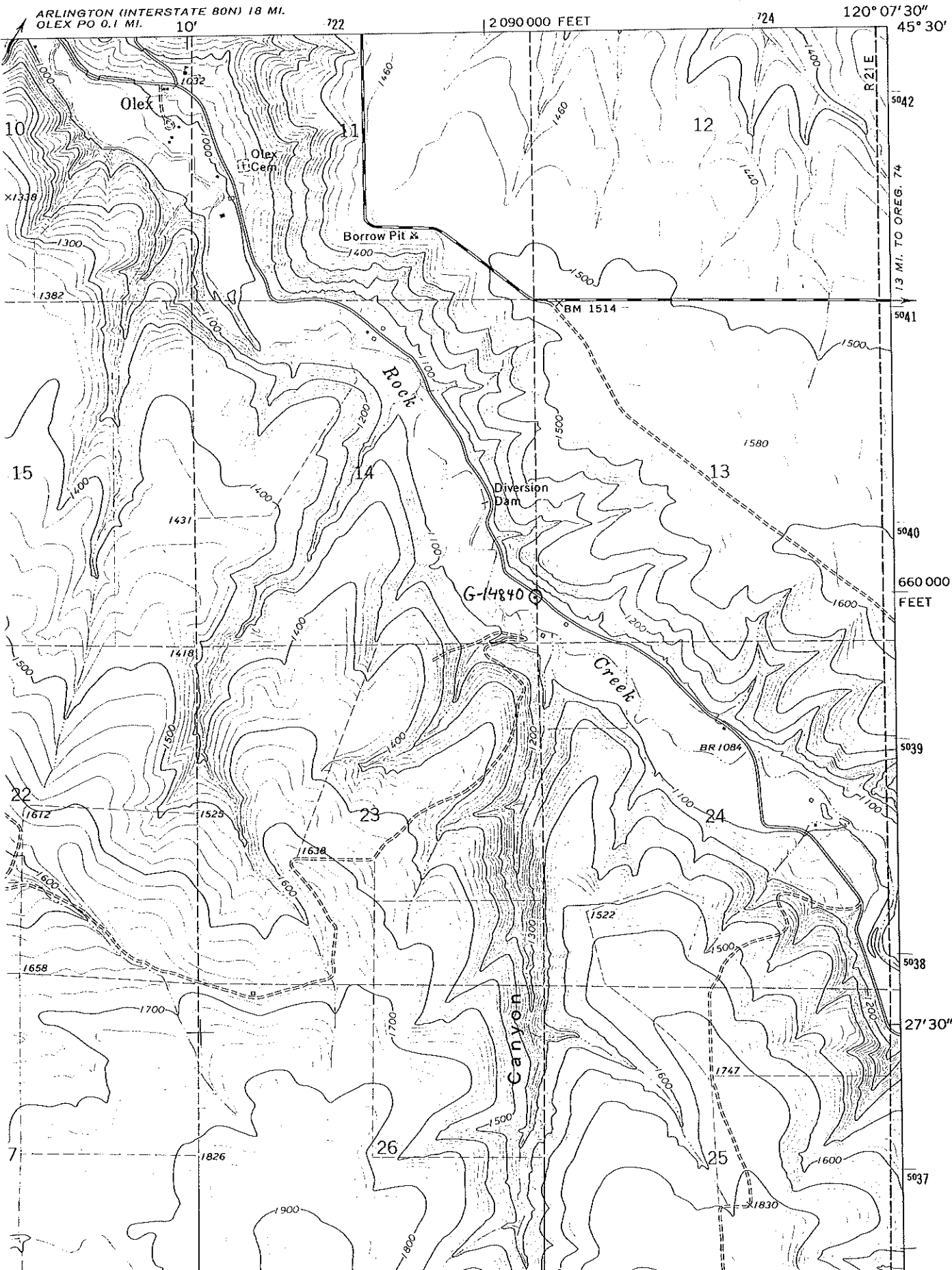
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Reviewer: Michael Zwart

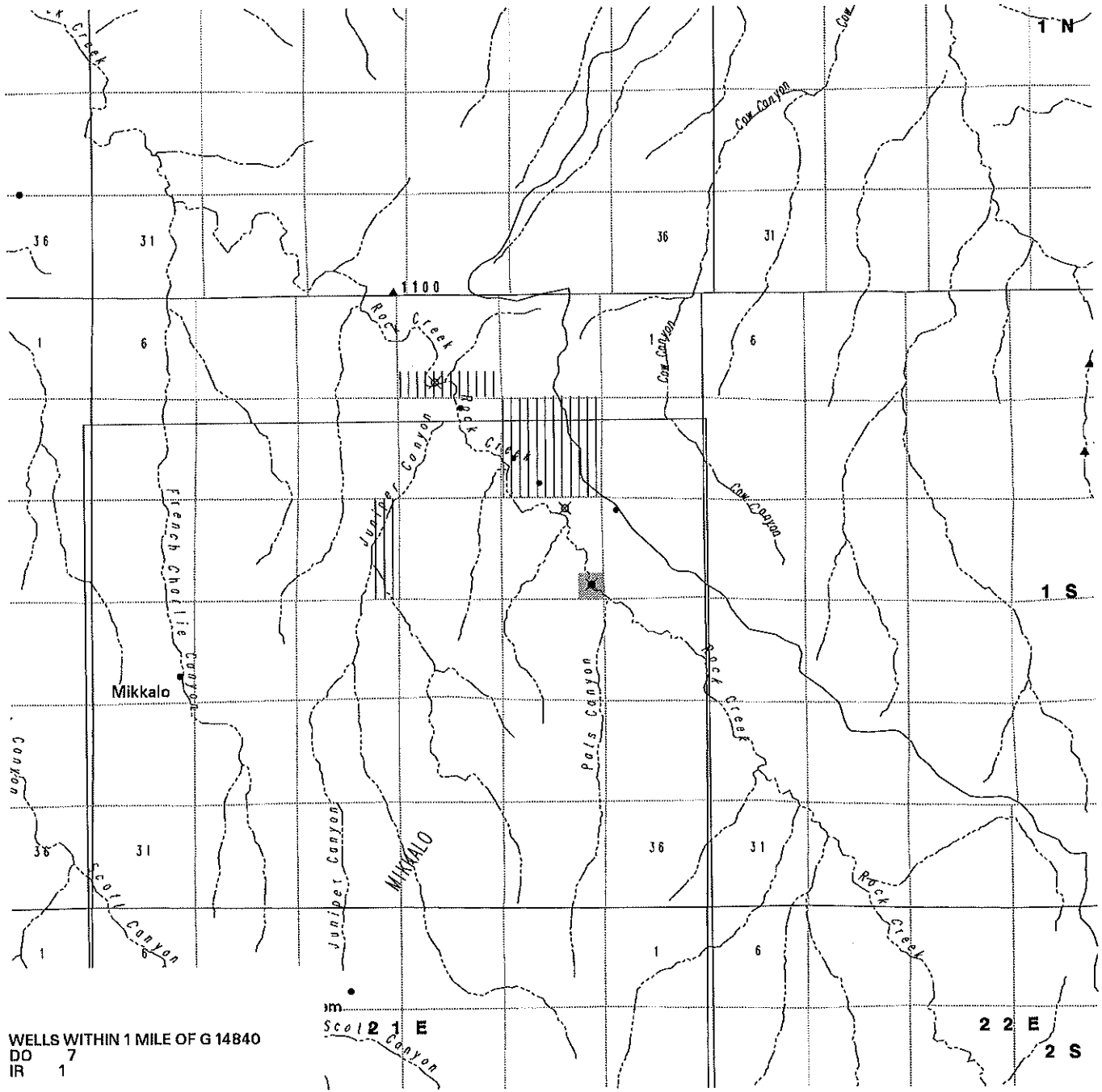
MIKKALO QUADRANGLE  
OREGON—GILLIAM CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)

1975 II SE  
(HICKLAND BUTTE)



# Wells in the vicinity of application G 14840

- Application well(e) in this 1/4-1/4 section
- Well(e) identified in this section from OWRD's well log database within 1 ml. radius of application well(s)
- Well(e) identified in this 1/4-1/4 section from OWRD's well log database within 1 ml. radius of application well(s)
- ⊗ Permitted well(e) in this 1/4-1/4 section within 1 ml. radius of application well(s)
- Conditioned, permitted well(e) in this 1/4-1/4 section within 5 ml. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 ml. radius of application well(s)
- Critical GW Area
- Regulated GW Area



WELLS WITHIN 1 MILE OF G 14840  
 DO 7  
 IR 1

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14840

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1		G 11825	1.00S21.00E 3SESW	IC	0.6900	C
1	G 13641	G 11987	1.00S21.00E 3SESW	IC	0.6900	C
2	G 14198	G 12786	1.00S21.00E14NWNE	IC	0.3200	C
3	G 7639	G 7074	1.00S21.00E14SESE	IC	1.0100	C
3	G 7888	G 7300	1.00S21.00E14SESE	IR	0.1000	C

\*\*\*\*\*

NO CONDITIONED WELLS WITHIN 1 MILE OF APPLICATION G 14840

\*\*\*\*\*

APPLICATION G 14840 FALLS WITHIN THESE QUAD(S)

MIKKALO

\*\*\*\*\*

G-14840

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Permit Amendment )  
T-9572, Gilliam County, Oregon )  
)

FINAL ORDER

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

**Applicant**

Gary M. Wilde  
18048 Middle Rock Creek Lane  
Arlington, Oregon 97812

**Findings of Fact**

1. Gary M. Wilde, filed an application to add a point of appropriation under Permit G-13748. The Department assigned the application number T-9572.
2. The permit to be amended is as follows:
  - Permit:** G-13748, in the name of Gary Wilde
  - Use:** Irrigation
  - Priority Date:** September 25, 1998
  - Quantity:** 2.34 cubic feet per second;
  - Rate/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
  - Acres:** 187.6 acres;
  - Source:** A well, in the Rock Creek Basin.
  - Date Of Complete Application of Water:** October 1, 2008

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**  
This is an order other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

**Conclusion of Law**

The additional point of appropriation proposed by Permit Amendment Application T-9572 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**


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

1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13748.
2. Prior to water use from the proposed additional point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-13748 remain the same.
5. Permit G-13748, in the name of Gary Wilde, is amended as described herein.

Dated at Salem, Oregon this 7<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
For Phillip C. Ward,  
Director

# Water Use Report

---

GARY WILDE  
 18048 MIDDLE ROCK LANE  
 ARLINGTON OR 97812

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
49249			G 13748	G 14840		09/25/1998	1.0S	21.0E	14	IR	2.34		A WELL	ROCK CR

Water Year	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
2002	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.07103	0.11137	0.18188

*Phillip C. Ward, Acting Director*

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903



# Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

Your water right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 14840  
Permit: G 13748  
Certificate:  
Transfer: T 9572  
POD: 2  
Userid: 30190

GARY HIATT  
64771 UPPER ROCK CREEK RD  
ARLINGTON OR 97812

Well History, if available:			
Logid	Type Work	Date	Depth

### Identification of Measured Well (Provide as much information as possible. Correct any errors.)

Water Resources Well Log ID:		Owner's well name:	
Well ID (Well Tag) on Well: L-		Well name on water right:	A WELL
Well ID (Well Tag) on Well Log: L-		Well drilled by:	
Start Card # on Well Log:		Total depth:	Casing diameter (inches):
Date drilled:		Owner on well log:	
Well location on water right:	In the SE quarter of the NE quarter of Section 24, Township 1.00S, Range 21.00E, 3200 FEET SOUTH & 800 FEET WEST FROM NE CORNER, SECTION 24		

### Water-Level Measurement

Date of measurement: 3-30-10 Measurements should be made to at least the nearest tenth of a foot (10.2'), the nearest inch (10' 3") or the nearest pound, if using a gage.

Depth to water below measuring point:	<u>58.7</u>	Airline length or transducer depth:	<u>98</u> feet
Measuring point height above / below land surface:	<u>4'</u>	Airline pressure:	<u>17</u> psi x 2.31 = <u>39.3</u> feet
Depth to water below land surface:	<u>54.7'</u>	Shut-in pressure:	psi x 2.31 =

Measurement status: Static  Pumping  Rising  Flowing  Other

Measurement method: E-tape  Airline  Other

Length of time well was idle prior to measurement: 5 mo.

Measuring point description: pressure gauge  
The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.

Comments: \_\_\_\_\_

When did water use begin for this well under this permit? Month  Year

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): Sam Bellamy  
 Signature of measurer: *Sam Bellamy*  
 Company: Lexington Pump  
 License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer): CCB #133507  
 Daytime phone number: 541-561-8881 Email address: \_\_\_\_\_

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.  
 Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD GW/KCW 2/17/2010

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top) :						Comments	
Date	MP Height	WL BLS	Pump Idle Time	Status	Method		Measured By

RECEIVED

OCT 1 1 2011

WATER RESOURCES DEPT  
SALEM OREGON

Oregon Water Resources Department

PERMIT CONDITION WATER-LEVEL REPORTING FORM

You or right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 14840  
 Permit: G 13748  
 Certificate:  
 Transfer: T 9572  
 POD: 1  
 Userid: 30190

GARY HIATT  
 64771 UPPER ROCK CREEK RD  
 ARLINGTON OR 97812

Well History, if available:

Logid	Type Work	Date	Depth
GILL 17	NEW WELL	09/14/1976	150

Identification of Measured Well (Provide as much information as possible. Correct any errors.)

Water Resources Well Log ID: GILL 17 Owner's well name: \_\_\_\_\_  
 Well ID (Well Tag) on Well: L- \_\_\_\_\_ Well name on water right: A WELL  
 Well ID (Well Tag) on Well Log: L- \_\_\_\_\_ Well drilled by: \_\_\_\_\_  
 Start Card # on Well Log: \_\_\_\_\_ Total depth: 150 Casing diameter (inches): \_\_\_\_\_  
 Date drilled: 9/14/1976 Owner on well log: J A DALBERO  
 Well location on water right: In the SE quarter of the SE quarter of Section 14, Township 1,00S, Range 21.00E, 810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14

Water-Level Measurement

Date of measurement: 4-21-09 Measurements should be made to at least the nearest tenth of a foot (10.2"), the nearest inch (10' 3") or the nearest pound, if using a gage.  
 Depth to water below measuring point: \_\_\_\_\_ Airline length or transducer depth: 16 feet  
 Measuring point height above / below land surface: \_\_\_\_\_ Airline pressure: 16 psi x 2.31 = 37 feet  
 Depth to water below land surface: \_\_\_\_\_ Shut-in pressure: \_\_\_\_\_ psi x 2.31 = 5 feet static  
 Measurement status: Static  Pumping  Rising  Flowing  Other \_\_\_\_\_  
 Measurement method: E-tape  Airline  Other \_\_\_\_\_  
 Length of time well was idle prior to measurement: 6 months

Measuring point description: Pressure gauge  
 The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side pressure gage.

Comments: \_\_\_\_\_

When did water use begin for this well under this permit? Month \_\_\_\_\_ Year \_\_\_\_\_

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.  
 Person making measurement (print): Sam Bellamy  
 Signature of measurer: Sam Bellamy  
 Company: Lexington Pump  
 License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer): CCB # 133909  
 Daytime phone number: 541-561-8881 Email address: lexpump@yahoo.com

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.  
 Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD GW/KCW 1/13/2009

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top) :

Date	MP Height	WL BLS	Pump Idle Time	Status	Method	Measured By	Comments
03/01/2005		50.00	1 day	RISING	AIRLINE	GARY WILDE	DATE ESTIMATE
09/14/1976		43.00		UNKNOWN	REPORTED	DRILLER	

RECEIVED  
 OCT 1 1 2011

WATER RESOURCES DEPT.  
 SALEM, OREGON



# Oregon

John A. Kitzhaber, MD, Governor

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

September 30, 2011

Gary Hiatt  
64771 Upper Rock Creek Rd  
Arlington, OR 97812

RE: Application for Extension of Time for Application G-14840

Dear Gary,

Please find enclosed for your completion and signature the extension application, with supporting documentation, we have been discussing the past few days.

You will need to fill out the information on the application for the pages and questions listed below.

Page 5 CHART-C: If you are aware of any funds expended during the times reflected, please enter, if it is only an estimate. I found a well log for the original well and entered information and made an estimate of the cost, if you think this is wrong make appropriate changes.

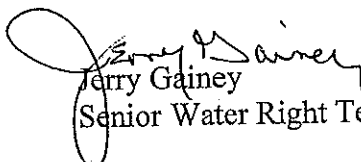
Page 6, Item 4: Cost of project to date: If you have entered any additional information/cost in Chart C and Chart D, please total the two charts and enter the total here.

Page 8 CHART-F: If you agree with the information I have entered, please enter estimated cost you will incur and enter Total Cost in Chart F as indicated on form and in Item 8.

Questions 9 through 11 you can enter the information you want us to consider as we process the application. Also, please sign and date.

I know this process is overwhelming, but if you have any questions, please don't hesitate to contact me at 503-986-0812.

Sincerely,

  
Jerry Gainey  
Senior Water Right Technician



- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Answer the Following Questions to Complete this Application for Extension of Time**

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit?  Yes  No



**TIP:** Not all permits specify a date by which construction was to begin.

**Date construction began is:** 9/14/1976

**Details of construction:** See attached well log

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

### CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled.</i>	COST*
9/14/1976	Original well drilled and meter installed	\$15,000.00

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
10/29/1999	Unknown, I am the third owner of property - no records available	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

### CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*

**Total Cost for Chart-C**

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

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



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

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



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

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

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

Acre-feet stored to date = \_\_\_\_\_ AF

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



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

**CHART-E**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (Sec 5-C below)	Maximum instantaneous rate used from this well - under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	GILL 17		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.625	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
2		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						0.625		

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T-9572

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

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

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

\_\_\_\_\_

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

\_\_\_\_\_

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

\_\_\_\_\_

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





**Conclusion of Law**

The additional point of appropriation proposed by Permit Amendment Application T-9572 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

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

1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13748.

(4) (2.) Prior to water use from the proposed additional point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

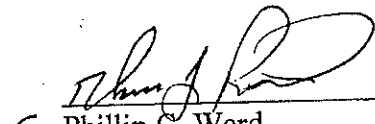
The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

3. Water shall be acquired from the same aquifer as the original point of appropriation.

(5) (4.) All other terms and conditions of Permit G-13748 remain the same.

5. Permit G-13748, in the name of Gary Wilde, is amended as described herein.

Dated at Salem, Oregon this 7<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
Phillip C. Ward,  
Director



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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

### **MAIL COMPLETED APPLICATION**

**along with the**

**\$500 STATUTORY FEE TO:**

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



#### **GENERAL TIPS:**

- Permit holders of municipal or quasi-municipal water use permits **DO NOT** use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:  
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

*Original Well - we need additional time for well added under permit amendment.*

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Answer the Following Questions to Complete this Application for Extension of Time**

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit?  Yes  No



*TIP: Not all permits specify a date by which construction was to begin.*

Date construction began is: \_\_\_\_\_

Details of construction: \_\_\_\_\_

*← date original well drilled*

*2005*

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

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled</i>	COST*
UNKNOWN	SUFFICIENT ELECTRICITY AT WELL SITE	UNKNOWN
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
10/29/1999	Date the permit was signed - find date above signature on last page of permit.	
	<del>OCTOBER 29<sup>TH</sup> 1999</del> Well drilled (meter installed)	
8/13/2000	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
	AUGUST 13 <sup>TH</sup> 2000	12,250 750
	PIPELINE TO SPRINKLERS etc	
10/1/2003	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
	OCTOBER 1 <sup>ST</sup> 2003	

**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1<sup>ST</sup> APPLICATION FOR EXTENSION OF TIME. List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-C		13,500 - ESTIMATE

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

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

**CHART-D**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/ <del>2008</del> <sup>2003</sup>	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time. <del>To</del> OCTOBER 1 <sup>ST</sup> , 2008	
	THE RANCH WAS SOLD IN 1998 TO STEVEN EMERICH AND SOLD AGAIN IN 2000 TO GARY WILDE.	
	* Any cost associated -	
10/1/2008	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	

**CHART-D (Continued)**

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	* clear land - hire well driller -	
	THE RANCH WAS SOLD AGAIN IN 2007.	
	THE WELL HAS NOT BEEN DEVELOPED DUE TO REPEATED RANCH SALES WHICH REQUIRE TIME TO UNDERSTAND IRRIGATION REQUIREMENTS.	
Total Cost of Chart-D		

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

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

4. Cost of project to date:             
(The total combined cost from CHART-C and CHART-D)

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

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



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

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



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

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

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

Acre-feet stored to date = \_\_\_\_\_ AF

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



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

**CHART-E**

IF DRILLED								
Well # as identified on Permit	Water User's Well #	Has this well been drilled?	Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well - under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.625	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
2		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						0.625		

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T-9572

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

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

WRAD



6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 50

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

Well # \_\_\_\_\_ Acres \_\_\_\_\_ Well # \_\_\_\_\_ Acres \_\_\_\_\_

Well # \_\_\_\_\_ Acres \_\_\_\_\_ Well # \_\_\_\_\_ Acres \_\_\_\_\_

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

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

### CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2012-2016	Drill well	
2012-2016	Install meter	
2012-2016	PIPING FROM WELL TO IRRIGATION SYSTEM	
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		

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

8. Estimated remaining cost to complete the project: \_\_\_\_\_  
(The total cost from CHART-F)

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

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

X

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

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

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.  
THE RANCH WAS SOLD IN 1998 AND SOLD AGAIN IN 2000 AND SOLD AGAIN IN EARLY 2007. VERY DIFFICULT TO UNDERSTAND IRRIGATION NEEDS ON SOILS & FIELDS.

THE ADDITIONAL APPROPRIATION SITE IS SEVERELY NEEDED. THIS WILL ELIMINATE PUMPING WATER UPHILL FOR A MILE AND ONE HALF AND WILL IMPROV. WATER APPLICATION.

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

**Final Order**  
**Extension of Time for Permit Number G-13748**

**Appeal Rights**

**This is a final order other than contested case.** Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

**Application History**

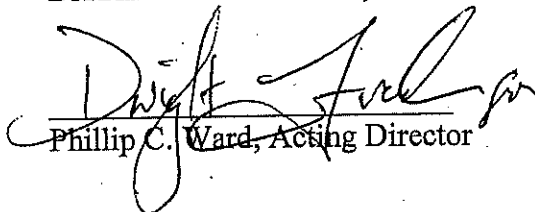
On September 26, 2003, Gary M. Wilde submitted an application to the Department for an extension of time for permit number G-13748. The Department issued permit number G-13748 on October 29, 1999. The permit called for complete application of water to beneficial use by October 1, 2003. In accordance with OAR 690-315-0050(2), on September 28, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2008. The protest period closed November 12, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

**Order**

The extension of time for Application Number G-14840, Permit Number G-13748, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2008.

**DATED: November 17, 2004**

  
Phillip C. Ward, Acting Director



App # G-14840



GARY HIATT

64971 UPPER ROCK CR

Arlington, OR  
9782

# CERTIFIED TEST REPORT

CUSTOMER: PENDELTON GRAIN GROWERS  
MODEL NO: MD606  
METER SERIAL NO: 99-02137

## CONFIGURATION

METER INSIDE DIAMETER: 5.7908  
METER OUTSIDE DIAMETER: 6  
TEST DATE: 5/14/2009  
TEST FACILITY: Volumetric  
IDEAL TEST CONSTANT: 7085

## CALIBRATION DATA

	Tested TC	GPM	Accuracy
1	7078	1230	99.9

RECEIVED

JUL 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

CERTIFIED BY: Paul Hobbs DATE: 5/22/2009

This calibration was performed on a gravimetric or volumetric test facility, traceable to the National Institute of Standards and Technology, USA. The estimated flow measurement uncertainty of the calibration facilities are:  
Gravimetric +/- 0.15% Volumetric +/- 0.5%



3255 WEST STETSON AVENUE  
HEMET, CA 92545 USA  
PHONE (951) 652-6811 / FAX (951) 652-3078  
WEB SITE: <http://www.mccrometer.com> E-MAIL: [info@mccrometer.com](mailto:info@mccrometer.com)



99-02137

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

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled</i>	COST*
UNKNOWN	SUFFICIENT ELECTRICITY AT WELL SITE	UNKNOWN

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
	OCTOBER 29 <sup>TH</sup> , 1999	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
	AUGUST 13 <sup>TH</sup> , 2000	
10/1/	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date. OCTOBER 1 <sup>ST</sup> , 2003	

**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1<sup>ST</sup> APPLICATION FOR EXTENSION OF TIME. List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
<b>Total Cost for Chart-C:</b>		

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

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

**CHART-D**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST
10/1/	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time. To OCTOBER 1 <sup>ST</sup> , 2008	
	THE RANCH WAS SOLD IN 1998 TO STEVEN EMERICH AND SOLD AGAIN IN 2000 TO GARY WILDE.	
10/1/	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	

**CHART-D (Continued)**

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST
	THE RANCH WAS SOLD AGAIN IN 2007.	
	THE WELL HAS NOT BEEN DEVELOPED DUE TO REPEATED RANCH SALES WHICH REQUIRE TIME TO UNDERSTAND IRRIGATION REQUIREMENTS.	
Total Cost of Chart-D		


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

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


4. Cost of project to date: \_\_\_\_\_  
(The total combined cost from CHART-C and CHART-D)

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

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

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

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


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

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

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

Acre-feet stored to date = \_\_\_\_\_ AF

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

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

64771 Upper Redfish  
Arlington OR 97812

IF DRILLED			
Actual rate used on permit or permit extension? (See C below)	Maximum instantaneous rate used from this well under this permit only (GFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit Certificate, or Transfer No.
Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
No <input type="checkbox"/>		No <input type="checkbox"/>	-
Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
No <input type="checkbox"/>		No <input type="checkbox"/>	-
Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
No <input type="checkbox"/>		No <input type="checkbox"/>	-
Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
No <input type="checkbox"/>		No <input type="checkbox"/>	-

If not authorized on this permit, please specify its map showing its location. Has or will a permit be filed? Yes  No

Application has been filed: Transfer No. T-9572

on: \_\_\_\_\_

on: \_\_\_\_\_

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

WRAD



Oregon Water Resources Dept.  
745 Summer St. NE  
Salem, Oregon  
Scott A  
97301



9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

X

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

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

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.  
THE RANCH WAS SOLD IN 1998 AND SOLD AGAIN IN 2000 AND SOLD AGAIN IN EARLY 2007. VERY DIFFICULT TO UNDERSTAND IRRIGATION NEEDS ON SOILS & FIELDS.

THE ADDITIONAL APPROPRIATION SITE IS SEVERELY NEEDED. THIS WILL ELIMINATE PUMPING WATER UPHILL FOR A MILE AND ONE HALF AND WILL IMPROVE WATER APPLICATIONS.

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

APP67-14040 (Permit 6-13748)

# 2007

Oregon Water Resources Department  
 October 2007 through September 2008  
 Monthly Water Use Form

# 2008

USER-ID 30190

Facility →	U34228 ✓	U34229 ✓			
Report ID →					
<del>STEAK</del> - 2007	422,400				
<del>NEW</del> - 2007	40,345,800				
<del>AGS</del> - 2007	18,612,000				
<del>SEPTA</del> - 2007	4,600,200				
February - 2008					
March - 2008					
April - 2008					
May - 2008	9,200,400				
June - 2008	35,316,600				
July - 2008	9,061,800				
August - 2008	0				
September - 2008	43,810,800				
TOTAL *					

\* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

If used for irrigation, total number of acres irrigated: 50

Describe the method of measurement used: G

I certify this information is true and accurate to the best of my knowledge.

Signature: [Signature] Title: OWNER Reporting Entity: FARM Date: 6-2-09

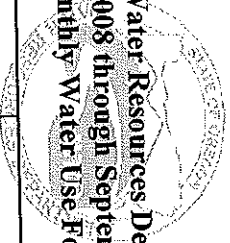
Name: GARY H. AIT Mailing Address: 64771 UPPER ROCK CREEK RD. 341-454-0385 Phone Number:

Please complete and mail to: Oregon Water Resources Department, Water Use Reporting Program;  
 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

RECEIVED  
 JUN 05 2009  
 WATER RESOURCES DEPT  
 SALEM, OREGON

# 2008

Oregon Water Resources Department  
October 2008 through September 2009  
Monthly Water Use Form



# 2009

USER-ID 30190

Facility →								
Report ID →	03428	03429						
October - 2008	30,948,400							
November - 2008								
December - 2008								
January - 2009								
February - 2009								
March - 2009								
April - 2009								
May - 2009								
June - 2009								
July - 2009								
August - 2009								
September - 2009								
TOTAL *								

\* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)  
Describe the method of measurement used: G  
I certify this information is true and accurate to the best of my knowledge.

If used for irrigation, total number of acres irrigated: 50

Signature [Handwritten Signature]  
Name GARY HAITT

Title OWNER  
Reporting Entity FARM  
Mailing Address 64771 UPPER ROCK CREEK RD. 54-454-0383

Date 6-2-09  
Phone Number 54-454-0383

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE, Suite A; Salem, OR 97301-1266.

RECEIVED

JUN 05 2009

WATER RESOURCES DEPT  
SALEM, OREGON



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

# Request for Assignment

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

I, GARY M. WILDE  
 (Name of Applicant / Permit / Transfer Holder)  
18048 MIDDLE ROCK CREEK LANE  
 (Mailing address) (City) (State) (Zip) (Phone #)  
 ARLINGTON, OR 92812  
 454-2995

- ...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-14840, Permit # G-13248; Transfer # \_\_\_\_\_  
 GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_  
 -OR-  
 RECEIVED  
 MAY 14 2009  
 WATER RESOURCES DEPT  
 SALEM, OREGON

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

GARY HIATT  
 (Name of New Owner)  
64771 UPPER ROCK CREEK RD.  
 (Mailing address) (City) (State) (Zip) (Phone #)  
 ARLINGTON, OR 97812 454-0383

**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 MAY day of 15 2009.

Applicant/Permit holder Gary Wilde

Applicant/Permit holder \_\_\_\_\_

**DO NOT WRITE IN THIS BOX**

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

Fee receipt # 96436  
 For Director by Jerry Sauter, Program Analyst in Water Rights Division  
*Jerry Sauter*

The completed "Request for Assignment" form *must* be submitted to the Department along with a recording fee of \$50.

ASSIGN  
 6002-11-5  
 5-11-09

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **96436**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Gary + Claudia Hartt  
 BY: \_\_\_\_\_

APPLICATION	G1484D
PERMIT	
TRANSFER	

CASH:  CHECK:#  1532 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 50.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407 COPY & TAPE FEES 46111 \$ \_\_\_\_\_  
 0410 RESEARCH FEES \$ \_\_\_\_\_  
 0408 MISC REVENUE: (IDENTIFY) Assignment \$ 50.00  
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
 0240 EXTENSION OF TIME \$ \_\_\_\_\_

WATER RIGHTS:

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

WELL CONSTRUCTION

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

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **96436**

DATED: 5/14/09 BY: LTH

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



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

May 15, 2009

Gary and Claudia Hiatt  
64771 Upper Rock Creek Road  
Arlington, Oregon 97812

Reference: Application G-14840, Permit G-13748

The assignment from Gary M. Wilde to Gary Hiatt 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 96436 covering the recording fee of \$50 is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure: Receipt 96436

cc: Watermaster 21  
Gary M. Wilde  
Data Center, OWRD (Complete Copy of Assignment Request)  
Hydrographics  
File



# Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on: Application **G 14840** Permit **G 13748**  
Listed on water right as: **A WELL** Pod 1  
Well log ID (if any, in our records): **GILL 17**  
Well location: In the SE quarter of the SE quarter of Section 14, Township 1.00S, Range 21.00E  
810 FEET NORTH & 54 FEET WEST FROM SE CORNER, SECTION 14.

Certificate  
Priority date: 9/25/1998

## RECEIVED

MAR 04 2005

**WATER RESOURCES DEPT  
SALEM, OREGON**

**GARY WILDE**  
18048 MIDDLE ROCK CR LN  
ARLINGTON OR 97812

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.** We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). **All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.**

### MEASUREMENT REPORT (Complete one form for each well.)

**Well Identification** (Provide as much of the following information as possible; correct any errors from our files):

Well not yet drilled as of date: \_\_\_\_\_  
Original owner on well log: J A DALBERO  
Well ID # (on tag attached to casing): L Startcard number (if listed on well log): \_\_\_\_\_  
Well depth: 150.00 (ft) Casing diameter: \_\_\_\_\_ (in) Date drilled: 9/14/1976  
Owner's well name: BLUE PUMP Drilled by: \_\_\_\_\_

When did water use begin under this permit from this well? Date: Month/Yr \_\_\_\_\_

Show all water rights listing this well:  
Application number(s): \_\_\_\_\_  
Permit number(s): G 13748  
Certificate number(s): \_\_\_\_\_

**Date of measurement:** \_\_\_\_\_  
Description of measuring point (e.g. 1 1/4" port pipe on north side): MCCROMETER FLOW METER

Static water level above / below (circle one) measuring point: 50 feet, or airline pressure 25 psi  
Measuring point distance above / below (circle one) land surface: \_\_\_\_\_ feet, or airline length 110 (TETEC) feet  
Static water level above / below (circle one) land surface: \_\_\_\_\_ feet  
Shut-in pressure (if flowing artesian well): \_\_\_\_\_ psi  
Method of measurement: E-tape \_\_\_\_\_ Airline X Other(specify): \_\_\_\_\_  
Water-level status when measured: Static X Pumping \_\_\_\_\_ Rising \_\_\_\_\_ Flowing \_\_\_\_\_ Other \_\_\_\_\_  
Length of time well was idle before measurement: 1 DAY

Comments (use back or extra sheet if necessary): \_\_\_\_\_  
I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): GARY WILDE  
Signature of measurer: Gary Wilde  
Company: GMW INDUSTRIES INC.  
License number (CWRE, RG, PE, WWC, Pump Installer): \_\_\_\_\_  
Daytime phone number: 541-454-2995 Email address: \_\_\_\_\_

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0834 or 503-986-0831. **Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1271.**

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/09/2004 GW/KCV

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED_BY	COMMENTS
09/14/1976	STATIC	ETAPE		43.00	DRILLER	WELL LOG

RECEIVED

SEP 14 1938

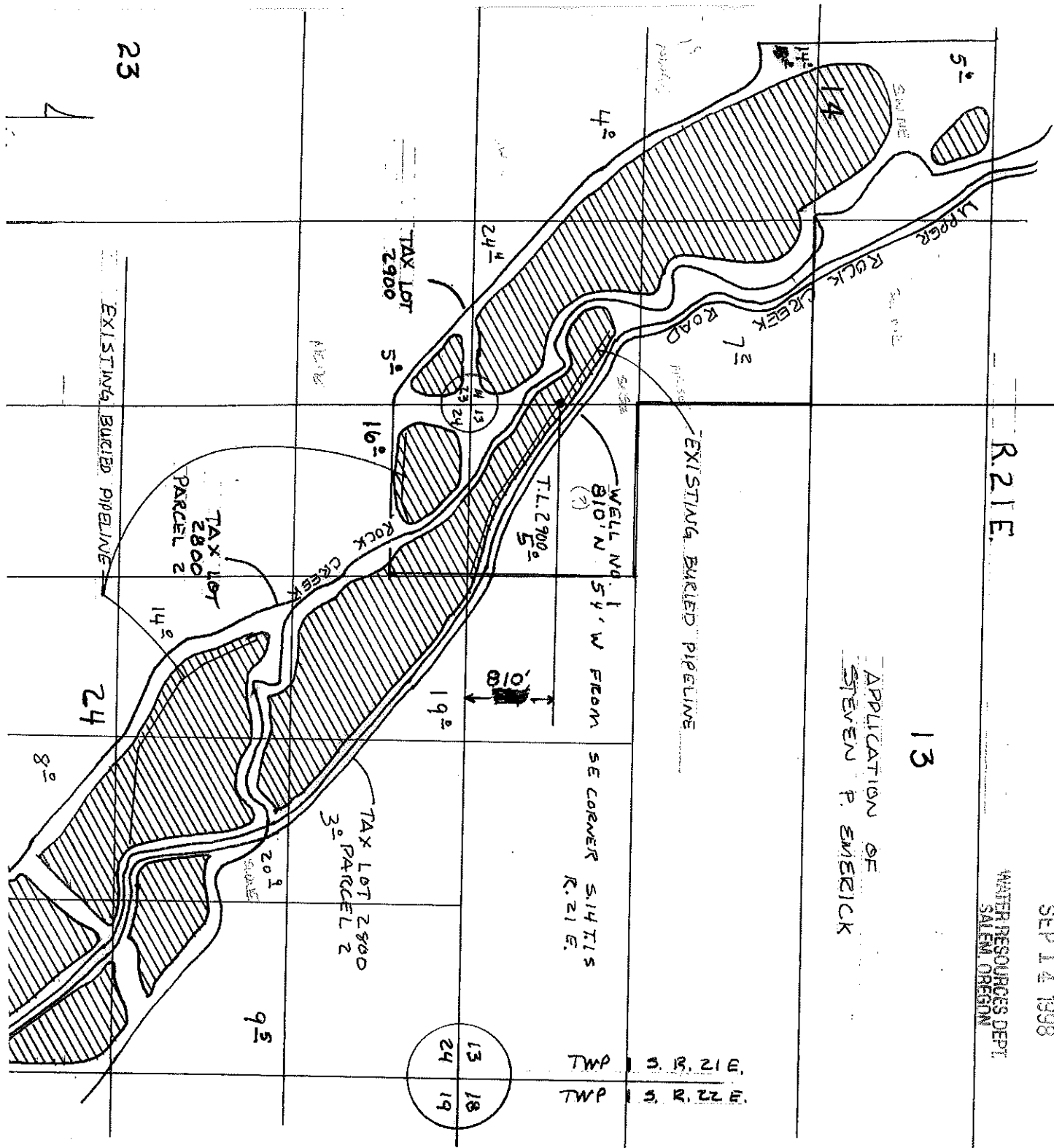
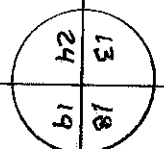
WATER RESOURCES DEPT  
SALEM OREGON

R. 21 E.

13

APPLICATION OF  
STEVEN P. SMERICK

TWP 13 S. R. 21 E.  
TWP 18 S. R. 22 E.



23

24

8°

9°





# OREGON WATER RESOURCES DEPARTMENT



State of Oregon  
Water Resources Department  
725 Summer St NE, Ste A  
Salem, OR 97301-1266  
Phone #: (503) 986-0900  
Fax#: (503) 986-0901  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

## FAX TRANSMITTAL

TO: GARY FAX NUMBER: 541 454-0383  
DATE: 12-20-07 PAGES: 2, INCLUDING COVER SHEET  
FROM: \_\_\_\_\_ PHONE: (503) 986-0 \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

- WATER RIGHTS**
- Water Rights information
  - Adjudications
  - Hydroelectric
  - Certifications / Final Proofs
  - Hearings / Contested Cases

FAX: (503) 986-0901

- TECHNICAL SERVICES**
- Hydrographics
  - Ground Water
  - Information Services
  - GIS/Mapping
  - Dam Safety
  - Enforcement
  - Water Use Reporting

FAX: (503) 986-0902

- FIELD SERVICES**
- Regional Liaisons
  - Transfers
  - Hydrographics
- NORTHWEST REGION**
- District 16 Watermaster
- DIRECTOR'S OFFICE**
- Water Resources Commission
  - Legislation and Rules
  - Public Information
- ADMINISTRATIVE SERVICES**
- Fiscal / Accounting
  - Human Resources / Personnel
  - Water Development Loan Fund
  - Support Services

FAX: (503) 986-0903 or  
503-986-0904

RECEIVED

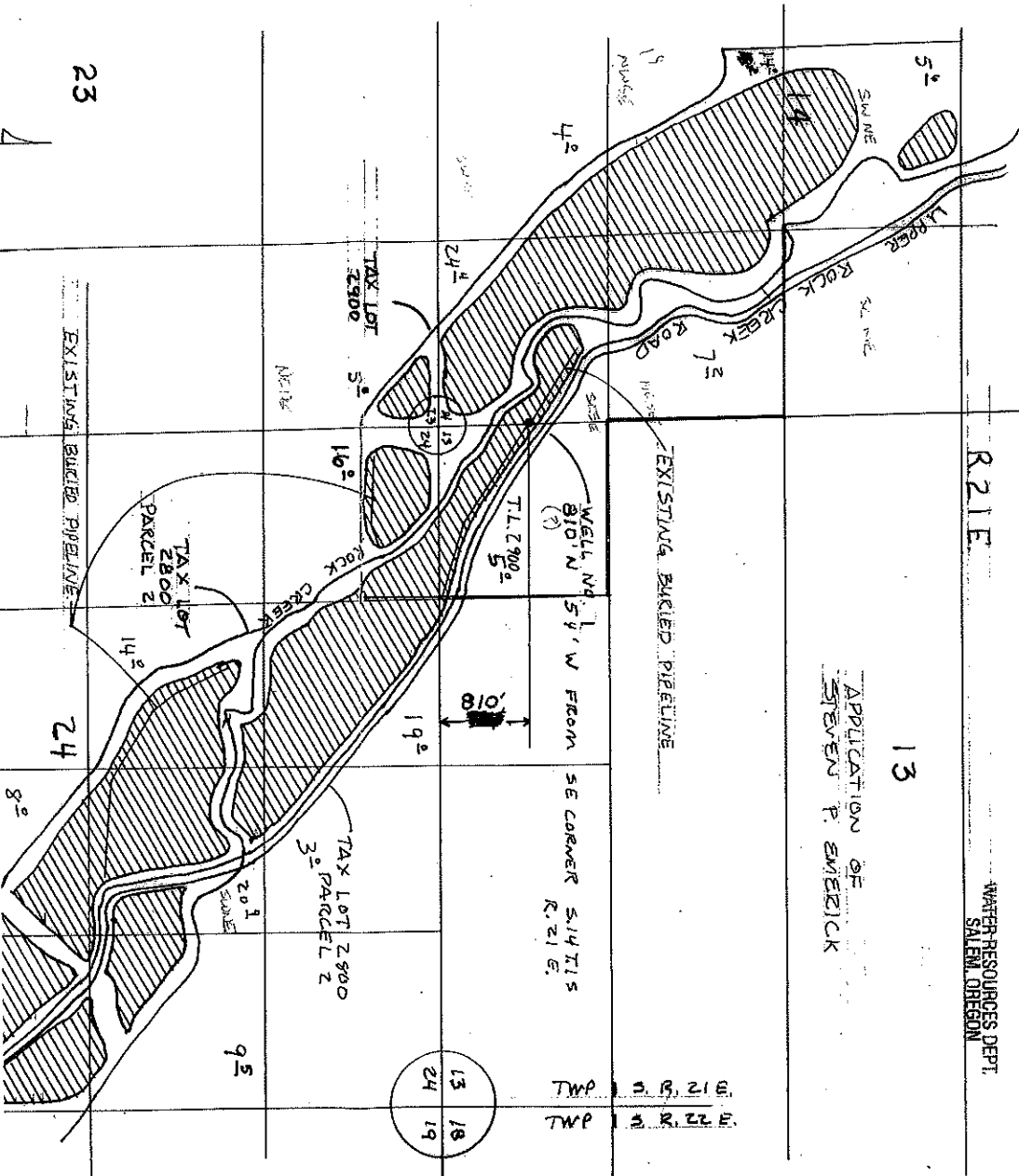
SEP 14 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

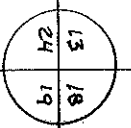
R 21 E

13

APPLICATION OF  
STEVEN P. BMEZICK



TWP 5 N R 21 E  
TWP 5 N R 21 E



23  
7

EXISTING BURIED PIPELINE  
24  
8°

14°  
TAX LOT 2800 PARCEL 2  
16°  
TAX LOT 2800 PARCEL 3  
19°  
TAX LOT 2800 PARCEL 1  
9°

13 18  
24 19

**Final Order**  
**Extension of Time for Permit Number G-13748**

**Appeal Rights**

**This is a final order other than contested case.** Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

**Application History**

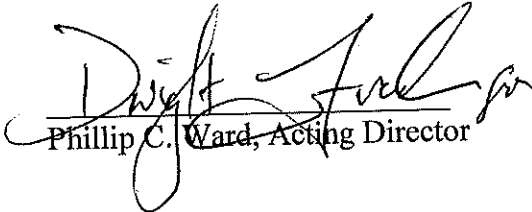
On September 26, 2003, Gary M. Wilde submitted an application to the Department for an extension of time for permit number G-13748. The Department issued permit number G-13748 on October 29, 1999. The permit called for complete application of water to beneficial use by October 1, 2003. In accordance with OAR 690-315-0050(2), on September 28, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2008. The protest period closed November 12, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

**Order**

The extension of time for Application Number G-14840, Permit Number G-13748, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2008.

**DATED: November 17, 2004**

  
Phillip C. Ward, Acting Director

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

## Mailing List for Extension FO Copies

Application #G-14840  
Permit #G-13748

FO Date: November 17, 2004

Original mailed to:

Gary M. Wilde  
18048 Middle Rock Creek Lane  
Arlington, OR 97812

Copies Mailed

By: [Signature]  
(SUPPORT STAFF)

on: 11-19-04  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Appl. File #G-14840 / Permit #G-13748 ✓
2. WRD - Watermaster District: #21 - Vern Church, Condon ✓
3. WRD - North Central Region Manager: Mike Ladd, Pendleton ✓
4. WRD - Kelly Starnes (Support Staff, please write on Kelly's copy "T-9572") ✓
5. WRD - Support Staff, Salem...Permit record update ✓

**Other interested parties:**

None

CASEWORKER: LJJ/JJU

# Extension "Final Order" Checklist

Application # G-14840 / Permit # G-13748

Permit Holder's Name Gary Wilde

This Final Order is processed under:  Div. 315 Rules -or-  Div. 320 Rules

✓  1. Date Extension Request submitted: 9-26-03

✓  2. Date permit was issued: 10-29-99

3. Original "B" Date from permit: \_\_\_\_\_  
(Date for completion of construction)

✓  4. Original "C" Date from permit: 10-1-03  
(Date for complete application of water)

✓  5. Extension PFO Date: 9-28-04

6. WRD recommends extending "B" Date to: \_\_\_\_\_

✓ and extending the "C" Date to: 10-1-08

✓  7. Any conditions from PFO: none

✓  8. Protest Deadline Date from PFO: 11-12-04

✓  9. Any written Protests or written Comments received within the Protest period?  
Yes /  No

Reviewer's Name: [Signature]

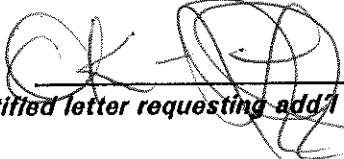
Date: 9-22-04

*7ed  
11/16/07*

Application # G-14840 / Permit # G-13748

## Route Slip ... Extension of Time

*per Division 315 Rules... (Extensions received on July 1, 2001 or after)*

- ◆ **WRIG...**  
Money Received: \$100.<sup>00</sup> on 9-26-03
  
- ◆ **Lisa Juul...**  
Extension Completeness:   
 ( If NOT complete, send certified letter requesting add'l information. )

**If Extension Appl complete and \$100 fee submitted, route to...**

- ◆ **Jonnine Fuss...**  
Initial 30-day Public Notice: 10/14/03 n  
Update Extension Database: 10/14/03 n  
Files back to filing cabinets: Back to Lisa

**At the close of the Initial 30-day Comment Period...**

- ◆ **Lisa Juul...**  
Pull files for Ext PFO review: \_\_\_\_\_  
Extension PFO completed: \_\_\_\_\_

**Once Extension PFO signed by Dwight French...**

- ◆ **Jonnine Fuss...**  
Prepare Ext PFO for mailing to applicant: \_\_\_\_\_  
Mail to those who commented and paid copy fee: \_\_\_\_\_  
Include Ext PFO on weekly Public Notice: \_\_\_\_\_

**Within 60 days after the close of the 45-day PFO Protest Period...**  
(PFO Protest Period ends 45 days from PFO sign date)...

- ◆ **Lisa Juul...**  
Issue an Extension FO: \_\_\_\_\_

pending Transfer T-9572

# EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: G-14840 / Permit #: G-13748

Permittee's Name: Gary M. Wilde

Permittee's Mailing Address: 18048 Middle Rock Creek Lane, Arlington, OR 97812

POD Location: Township 1-S Range 21-E Section 14  $\frac{1}{4}$   $\frac{1}{4}$  SESE

Stream Basin: #6 John Day Wm# 21 Vern Church County: Gilliam

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No ✓ \$100-OK  
 \*\*\*If "No"..... has certified request for the new extension form been sent? Yes / No
- ✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No  
 \*\*\***(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
- ✓ 3. Date Permit was issued: 10-29-99 (priority = 9-25-98)
- ✓ 4. Source: One Well in Rock Creek Basin
- ✓ 5. Use: Irrigation of 187.6 ac
- ✓ 6. "Q": 2.34 cfs
- ✓ 7. Original "B" Date: \_\_\_\_\_ Original "C" Date: 10-1-2003
- ✓ 8. Conditions of Permit: Original "A" Date: 8-13-2000  
  - Before use begins → shall install meter or other suitable meas. device.
  - Shall keep monthly water use records & submit annually to WRD.
  - Before use begins → obtain initial March SWL meas.
  - Once use begins → submit March SWL meas. to establish reference level.
  - "7j" SWW condition
- ✓ 9. Extension request received: 9-26-03 Request Number (...1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>): 1<sup>st</sup>
- ✓ 10. Last Authorized "B" Date: \_\_\_\_\_ Last Authorized "C" Date: 10-1-2003
- ✓ 11. Proposed "B" Date: \_\_\_\_\_ Proposed C Date: 10-1-2008
- ✓ 12. Amount Invested to date: \$50,000.00 Estimated Total Cost: \$110,000.00  
 (\*\*\*)Estimated Remaining Cost: \$60,000.00

13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes/ No \*\*\*If "No"..... What permit terms and/or conditions have not been met?

14. Work on the water development project completed to date includes: \_\_\_\_\_

- Drilled one well
- Installation of pump, flow meter
- completed mainline system.
- partial completion of irrigation system

15. The work remaining to be completed consists of: \_\_\_\_\_

- completion of construction
- full application of water to ben. use.

16. Progress in perfecting the permit is being held up by: \_\_\_\_\_

- the need for a second well to make full beneficial use of water  
see Transfer T

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

**Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]**  
a. The amount of construction completed within the time allowed in the permit or previous extension;  
b. The amount of beneficial use made of the water during the permit or previous extension time limits;  
c. Water right permit holder conformance with the permit or previous extension conditions; and  
d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 50 % of the construction.
- Permit holder has beneficially used 85 % of the total permitted quantity of water. 2 of 2.34 187.6 ac
- Has the permit holder complied with conditions? Yes/ No
- If No, reasons why not? \_\_\_\_\_
- Permit holder has invested approximately 45 % of the total estimated cost to complete the project.
- Other: \_\_\_\_\_

18. Determination of the market and the present demand for water or power to be supplied: \_\_\_\_\_

**Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:**  
a. The amount of water available to satisfy other affected water rights and scenic waterway flows;  
b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);  
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;  
d. Economic investment in the project to date;  
e. Other economic interests dependent on completion of the project; and  
f. Other factors relevant to the determination of the market and the present demand for water or power.

- Is the POD/POA located.....
- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? no
  - within or above a state scenic waterway? yes
  - within a ground water limited/critical area? no
  - within a segment that has been identified as a federal wild and scenic river? no
  - within an area that ODFW has identified as an ST&E Area? \_\_\_\_\_
  - within an area that ODFW has identified as a high Needs Ranking Area for streamflow restoration for fish?
  - within an area that DEQ has identified as being water quality limited? yes
  - Other: \_\_\_\_\_



**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

In the Matter of the Application )  
for an Extension of Time for )  
Permit #G-13748, Water Right ) PROPOSED FINAL ORDER  
Application #G-14840 )  
(Gary M. Wilde) )

<b>Permit Information</b>	
<b><u>Application File #G-14840 / Permit #G-13748</u></b>	
Basin: #06 - John Day / Watermaster District: #21	
Date of Priority: September 25, 1998	
<b><u>Authorized Use of Water</u></b>	
Source of Water:	A Well in Rock Creek Basin
Purpose or Use:	Irrigation of 187.6 Acres
Maximum Rate:	2.34 cubic feet per second (cfs)

**This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315.**

***Please read this Proposed Final Order in its entirety.***

This Proposed Final Order applies only to Permit #G-13748, water right Application #G-14840. A copy of Permit #G-13748 is enclosed as Attachment 1.

2. The permit holder submitted an "Application for Extension of Time" to the Department on September 26, 2003, requesting the time in which to complete construction of the water system to be extended from October 1, 2003, to October 1, 2008. The extension application form clearly suggests that the application of water to full beneficial use is not complete. Because Permit #G-13748 does not specify a date in which to complete construction, the Department determined that the permit holder's intent was to request the time in which to complete the application of water to full beneficial use under Permit #G-13748 be extended from October 1, 2003, to October 1, 2008. This is the first permit extension requested for Permit #G-13748.
3. Notification of the permit holder's extension of time request for Permit #G-13748 was published on the Department's Public Notice dated October 14, 2003. No public comment on the extension application was received.

**Review Criteria [OAR 690-315-0040(1)(2)]**

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248<sup>1</sup>, 537.630 and 539.010(5).

**Other Governmental Requirements [ORS 537.230(2)]**

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

**Start of Construction [ORS 537.630]**

5. Construction of the well and water system began within the time specified in the permit, being August 13, 2000.

**Financial Investment [ORS 539.010(5)]**

6. As of September 26, 2003, the permit holder had invested a total of \$50,000 into the project, consisting of construction of the well, the mainline system, and the irrigation system and installation of a pump and a flow meter. An additional \$60,000 investment is anticipated for the completion of this project.

---

<sup>1</sup> ORS 537.248 applies to reservoir permits only.

- a. As of September 26, 2003, the permit holder had invested approximately 45 percent of the total projected cost for complete development of this project. A total of \$50,000 has been invested into the project, consisting of construction of the well, the mainline system, and the irrigation system and installation of a pump and a flow meter. An additional \$60,000 investment is anticipated for the completion of this project.

**The Market and Present Demands for Water [ORS 539.010(5) and OAR 690-315-0040(4)]**

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.
  - a. The Department determined on October 9, 1998, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13748 in order to avoid injury to existing rights or to the ground water resource.
  - b. The permitted point of appropriation (the well), authorized under Permit #G-13748, is not located within the boundaries of any designated ground water limited area.
  - c. The permitted point of appropriation, authorized under Permit #G-13748, is located within or above the designated boundaries of a state scenic waterway. The Department determined on October 9, 1998, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13748 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
  - a. The permitted point of appropriation, authorized under Permit #G-13748, is located within an area of Rock Creek Basin which has been identified by the Oregon Department of Fish and Wildlife as a "high" needs ranking

**Fair Return Upon Investment** *[ORS 539.010(5)]*

17. Use and income from the permitted water development already result in reasonable returns upon the investment made to date.

**Duration of Extension** *[OAR 690-315-0040(1)(c), ORS 539.010(5)]*

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

18. As of September 26, 2003, the remaining work to be completed consists of complete application of water to beneficial use.
19. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by the insufficient yield of water from the permitted well resulting in the need to construct an additional well.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2008, to accomplish the application of water to beneficial use under the terms of Permit #G-13748 is both reasonable and necessary.

**CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).

2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
  
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - B. The applicant submitted a timely request for a contested case hearing.

**If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:**

**Water Rights Section  
Oregon Water Resources Department  
725 NE Summer Street, Suite A  
Salem, OR 97301-1271  
Fax #: (503)986-0901**

# Mailing List for Extension PFO Copies

Application #G-14840  
Permit #G-13748

PFO Date: September 28, 2004

Original mailed to:

Applicant: Gary M. Wilde  
18048 Middle Rock Creek Lane  
Arlington, OR 97812

<b>Copies Mailed</b>
By: <u>[Signature]</u> (SUPPORT STAFF)
on: <u>9-29-04</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-14840 / Permit #G-13748
2. WRD - Watermaster District: #21 - Vern Church, Condon
3. WRD Transfers Section: Kelly Starnes (Support Staff, please write on Kelly's copy "T-9572")

Other interested parties:

NONE

CASEWORKER: LJJ/JJU

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

I, GARY M. WILDE  
NAME

18048 Middle Rock Creek Lane Arlington, Ore 97812  
ADDRESS CITY STATE ZIP PHONE

541-454-2995

owner of record, or duly authorized agent, of Application No. 614840, Permit No. 613748, do hereby request that the time in which to:

complete the construction of diversion/appropriation works and purchase and installation of the equipment necessary to the use of water on October 1, 2003, be extended to October \_\_\_\_\_.

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**  
158 12TH ST. N.E.  
SALEM, OR 97301-4172  
378-8455 / 378-8130 (FAX)

RECEIPT # 63222 INVOICE # \_\_\_\_\_

RECEIVED FROM: Wilde Ranches

APPLICATION	<u>614840</u>
PERMIT	
TRANSFER	<u>T9572</u>
TOTAL REC'D	\$ <u>300.00</u>

BY: \_\_\_\_\_

CASH:  CHECK: #  3002 OTHER: (IDENTIFY)

0401 TREASURY	0417 WRD MISC CASH ACCT	\$
0407 COPIES	(IDENTIFY)	\$
0410 OTHER:	(IDENTIFY)	\$
0408 OTHER:	(IDENTIFY)	\$
0240 EXTENSION OF TIME		\$ <u>100.00</u>
0201 SURFACE WATER		\$
0203 GROUND WATER		\$
0205 TRANSFER		\$
0218 WELL CONSTRUCTION		\$
0218 WELL DRILL CONSTRUCTOR		\$
0218 LANDOWNER'S PERMIT		\$
0218 OTHER	(IDENTIFY)	\$
0536 TREASURY	0437 WELL CONST. START FEE	\$
0211 WELL CONST START FEE		\$
0210 MONITORING WELLS		\$
0210 OTHER	(IDENTIFY)	\$
TREASURY	0467 HYDRO ACTIVITY	LIC NUMBER

614840 - \$100.00  
T9572 - \$200.00

EXAM FEE	0202	\$
EXAM FEE	0204	\$ <u>200.00</u>
EXAM FEE	0219	\$
EXAM FEE	0220	\$

RECORD FEE	\$ <u>100.00</u>
LICENSE FEE	\$

CARD # \_\_\_\_\_  
CARD # \_\_\_\_\_

the permit, which time

sh the project.  
expectation that you  
Future extensions

information on the  
ministrative Rules  
ces Department  
e completed or the  
tment with any  
Please use  
ions.

ou have any  
request  
nnel.

**RECEIVED**  
SEP 26 2003  
ER RESOURCES DEPT.  
SALEM, OREGON

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

YES

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

YES

A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

flow meter in place  
water level measurement taken

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

drilled one well  
installed pump  
(approx 3 miles) buried & completed mainline (8 inch to 6 inch) system  
installed and using hand lines, wheel line and 1 circle.

RECEIVED

SEP 26 2003

WATER RESOURCES DEPT.  
SALEM, OREGON



B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

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4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

2 CFS water used.

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B) Number of Acres Irrigated (if an irrigation permit):

187.6 acres irrigated

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5. Cost of project to date \$50,000.00 Estimated remaining cost to complete the project \$60,000.00

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. Yes -

When project began we believed one well would be sufficient; however, we now know that a second well is necessary.

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B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. *Yes -*

*Finances needed for second well*

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project. *No*

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. *YES*

*Some mainline lost to flooding - had to be re-done.*

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

*Gary Milde*  
Signature

*Sept 23, 2003*  
Date

**MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES DEPARTMENT  
158 - 12<sup>th</sup> STREET NE  
SALEM, OREGON 97301-4172

revised: September 18, 2002

**RECEIVED**  
SEP 26 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON

TO: Water Rights Section Oct 9, 1998  
 FROM: Groundwater/Hydrology Section Michael Zwart  
 SUBJECT: Application G-14840  
Reviewer's Name

**GROUNDWATER/SURFACE WATER CONSIDERATIONS**

1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a. \_\_\_ will, or \_\_\_\_\_ have the potential for substantial interference with the nearest
  - b. \_\_\_ will not \_\_\_\_\_ surface water source, namely \_\_\_\_\_; or
  - c.  will if properly conditioned, adequately protect the surface water from interference:
    - i.  The permit should contain condition #(s) 7B + 7J
    - ii. \_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface from substantial interference.

**GROUNDWATER AVAILABILITY CONSIDERATIONS**

3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. \_\_\_ will, or \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights
  - b. \_\_\_ will not \_\_\_\_\_ and/or within the capacity of the resource; or
  - c.  will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - i.  The permit should contain condition #(s) 7E;
    - 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

G-14840  
 Still to be  
 correlated / App  
 File was out

(Well Construction Considerations on Revert...)

14840

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. \_\_\_ review of the well log;
  - b. \_\_\_ field inspection by \_\_\_\_\_;
  - c. \_\_\_ report of CWRE \_\_\_\_\_;
  - d. \_\_\_ other: (specify) \_\_\_\_\_

6. THE WELL construction deficiency:
- a. \_\_\_ constitutes a health threat under Division 200 rules;
  - b. \_\_\_ commingles water from more than one groundwater reservoir;
  - c. \_\_\_ permits the loss of artesian head;
  - d. \_\_\_ permits the de-watering of one or more groundwater reservoirs;
  - e. \_\_\_ other: (specify) \_\_\_\_\_

7. THE WELL construction deficiency is described as follows: \_\_\_\_\_  
\_\_\_\_\_

8. THE WELL
- a. \_\_\_ was, or constructed according to the standards in effect at the time of
  - b. \_\_\_ was not original construction or most recent modification.
  - c. \_\_\_ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit  
\_\_\_\_\_, 199\_\_  
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, 199\_\_  
(Signature)

**OREGON WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO**

To: File/Lisa Juul

Date: July 20, 2004

From: Mike Zwart

Subject: Review of File G-14840 for Permit Extension

The application indicated (item 6A) that the permittee wishes to install another well. I do not know if the current permittee is aware that the permit is limited to one well, unless a second is added through the transfer process.

The application (item 2A) also indicated that the water level measurement was taken. Where is this measurement? I find no data in the Ground Water/Hydrology Section files or database. Perhaps this came in very recently and has yet to be entered, but if it has not been received, we should request a duplicate copy of the data. Absent such a measurement, a new reference level should be established for the permitted well. The earliest that this could happen is March 2005.



TO: Water Rights Section Oct 9, 1998  
FROM: Groundwater/Hydrology Section Michael Zwart  
SUBJECT: Application G-14840  
Reviewer's Name

**GROUNDWATER/SURFACE WATER CONSIDERATIONS**

1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a. \_\_\_ will, or \_\_\_\_\_ have the potential for substantial interference with the nearest
  - b. \_\_\_ will not \_\_\_\_\_ surface water source, namely \_\_\_\_\_; or
  - c.  will if properly conditioned, adequately protect the surface water from interference:
    - i.  The permit should contain condition #(s) 7B + 7J
    - ii. \_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface from substantial interference.


**GROUNDWATER AVAILABILITY CONSIDERATIONS**

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. \_\_\_ will, or \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights
  - b. \_\_\_ will not \_\_\_\_\_ and/or within the capacity of the resource; or
  - c.  will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - i.  The permit should contain condition #(s) 7E;
    - 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)

## Permit Extension Ground Water Review

Date: July 16, 2004  
To: Doug Woodcock, Ground Water Section Manager  
From: Lisa Juul, Permit Extension Review   
Subject: Ground Water Review Needed for File #G- 14840 / Permit #G- 13748

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The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

**NOTE:** Original Division 9 review completed by: Michael Zwart

- No Division 9 Ground Water Review Done.... **please see below**
- Located within a **Critical** Ground Water Area
- Located within a Ground Water **Limited** Area
- Located within a Ground Water **Study** Area
- 5-Year Limited Permit
- Other: Please See Questions Below

<b>For Ground Water / Hydrology Staff Use:</b> <u>MJZ</u> <u>7/26/04</u>	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.	
<b>Please answer the following questions. If necessary, attach an additional sheet.</b>	
1.	Should any additional conditions be added to this permit? <u>No</u>
2.	Should the extension of time request be further conditioned or <b>DENIED</b> due to ground water supply concerns? <u>No</u>
3.	Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? <u>Unsure *</u>
4.	Other issues or concerns? <u>* See memo to file / Lisa Juul.</u>





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

March 13, 2002

GARY WILDE  
18048 MIDDLE ROCK CREEK LN  
ARLINGTON, OR 97812

REFERENCE: File G-14840

The assignment by deed to you of Permit G-13748 has been filed in the records of the Water Resources Department. Our records have been changed accordingly.

Receipt number 50599 covering the \$65 recording fee is enclosed.

Sincerely,

JERRY SAUTER  
Water Rights Program Analyst

JS: jf

enclosure

cc: Watermaster # 21  
Data Center  
Steve Emerick, 9760 E San Salvander, Scottsdale, AR 85258



Return to: Gilliam County TRK.

**ASSIGNMENT AND ASSUMPTION AGREEMENT**

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT is made and entered into as of the 8th day of October, 1999 by and among Steven P. and Sara J. Emerick, ("Sellers"), Gary M. and Karen S. Wilde ("Buyers") and Don L. and Narita A. Bettencourt ("Lenders").

**Recitals**

Buyers and Sellers have entered into a Real Property Purchase and Sale Agreement dated as of October 8, 1999 (the "Purchase Agreement"), pursuant to which: (i) Buyers have agreed to purchase, and Sellers have agreed to sell, all right, title and interest of Sellers in and to the real property described on the attached Exhibit A (the "Real Property"); (ii) Buyers have agreed to assume, and Sellers have agreed to assign, all right title and interest of Sellers in and to that certain Land Sale Contract dated May 19, 1998 by and between Don L. and Narita A. Bettencourt, as seller, and Steven P. and Sara J. Emerick, as buyer, in respect of the Real Property (the "Land Sale Contract").

ACCORDINGLY, it is agreed as follows:

1. **Assignment.** Sellers hereby convey, grant, bargain, sell, assign and set over to Buyers, and to Buyers' heirs, successors and assigns, all of Sellers' right, title and interest in and to (i) the Land Sale Contract, pursuant to which there was recorded a Memorandum of Contract of Sale in the Gilliam County Deed Records as M-71-376, reference to which is made hereby, (ii) all of the right, title and interest of Sellers in and to the real estate described in the Land Sale Contract, and (iii) the Escrow Collection Agreement to Pioneer Escrow dated May 19, 1998, Account No. 25930, relating to the Land Sale Contract (the "Escrow Collection Agreement"). Sellers hereby covenant, represent and warrant to Buyers that Sellers are the owner of the vendee's interest in the real estate described in the Land Sale Contract and that the principal balance of the Land Sale Contract is not more than \$72,475.21, with interest paid thereon to September 28, 1999. True and actual consideration paid for this transfer, stated in terms of dollars, is \$100,000.
2. **Assumption.** Buyers hereby assume and agree to pay, perform and be responsible for all liabilities and obligations of Sellers under or pursuant to the Land Sale Contract and the Escrow Collection Agreement.
3. **Consent and Release.** Lenders hereby consent to the assignment and assumption pursuant to this Assignment and Assumption Agreement and hereby release and discharge Steven P. and Sara J. Emerick from any and all liabilities and obligations under or arising pursuant to the Land Sale Contract, except such liabilities and obligations which shall arise in respect of any breach thereof prior to the date hereof.
4. **Applicable Law.** The parties agree that the terms and conditions of this Agreement and the rights and obligations created and assumed thereunder shall be governed by and construed according to the laws of the State of Oregon.

STATE OF OREGON, )  
County of Marion, )

- 1 -

I certify that the within was  
\_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2000 at \_\_\_\_\_ o'clock  
\_\_\_\_\_ a.m., and was recorded in the  
Miscellaneous Records, Vol. \_\_\_\_\_  
Page 115

Water Resources Director

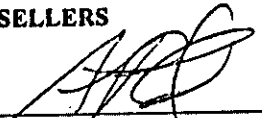
RECEIVED  
JAN 25 2002  
WATER RESOURCES DEPT  
SALEM, OREGON

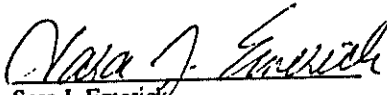
5. **Benefit.** This Agreement shall be binding upon and inure to the benefit of and shall be enforceable by and against the parties hereto, and their respective successors and assigns.

6. **Entire Agreement; Modification.** This Agreement, the Purchase Agreement and the Land Sale Contract contain the entire agreement and understanding by and among the parties hereto with respect to the subject matter hereof and thereof, and no representations, promises, agreements or understandings, whether written or oral, not herein or therein contained shall be of any force or effect. This Agreement shall not be modified or amended except by an instrument in writing signed by or on behalf of the parties hereto.

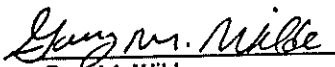
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

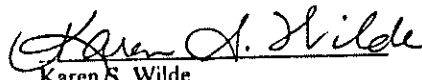
**SELLERS**

  
\_\_\_\_\_  
Steven P. Emerick

  
\_\_\_\_\_  
Sara J. Emerick

**BUYERS**

  
\_\_\_\_\_  
Gary M. Wilde

  
\_\_\_\_\_  
Karen S. Wilde

**LENDERS**

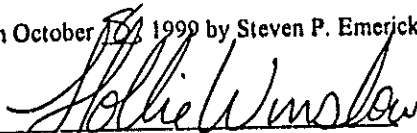
  
\_\_\_\_\_  
Don L. Bettencourt

  
\_\_\_\_\_  
Narita A. Bettencourt

STATE OF OREGON     )  
                                  ) ss  
County of Gilliam     )

This instrument was acknowledged before me on October 17, 1999 by Steven P. Emerick and Sara J. Emerick.



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: 12-22-99

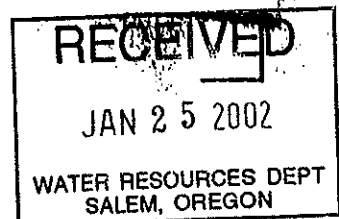
Assignment and Assumption Agreement (DB) 2

STATE OF OREGON, }  
                                  ) ss  
County of Marion.     )

-2-

I certify that the within was received by me on the 25 day of Jan, 2000 at 8 o'clock Am., and was recorded in the Miscellaneous Records, Vol. 9 Page 116

Water Resources Director



STATE OF OREGON     )  
                                  ) ss  
County of Gilliam     )

This instrument was acknowledged before me on October 18, 1999 by Gary M. Wilde and Karen S. Wilde.



Hollie Winslow  
Notary Public for Oregon  
My commission expires: 12-22-99

STATE OF OREGON     )  
                                  ) ss  
County of Gilliam     )

This instrument was acknowledged before me on October 16, 1999 by Don L. Bettencourt and Narita A. Bettencourt.

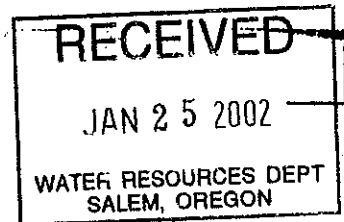


Hollie Winslow  
Notary Public for Oregon  
My commission expires: 12-22-99

STATE OF OREGON, }  
                                  } ss  
County of Marion. }

I certify that the within was received by me on the 25 day of Jan, 2002 at 8 o'clock A.m., and was recorded in the Miscellaneous Records, Vol. 9 Page 117

Water Resources Director





After recording - Return Gilliam County file.

ASSIGNMENT AND ASSUMPTION AGREEMENT

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Recitals

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ACCORDINGLY, it is agreed as follows:

- 1. Assignment. Sellers hereby convey, grant, bargain, sell, assign and set over to Buyers, and to Buyers' heirs, successors and assigns, all of Sellers' right, title and interest in and to (i) the Land Sale Contract, pursuant to which there was recorded a Memorandum of Contract of Sale in the Gilliam County Deed Records as M-71-398, reference to which is made hereby, (ii) all of the right, title and interest of Sellers in and to the real estate described in the Land Sale Contract, and (iii) the Escrow Collection Agreement to Pioneer Escrow dated June 17, 1998, Account No. 26170, relating to the Land Sale Contract (the "Escrow Collection Agreement"). Sellers hereby covenant, represent and warrant to Buyers that Sellers are the owner of the vendee's interest in the real estate described in the Land Sale Contract and that the principal balance of the Land Sale Contract is not more than \$149,872.79, with interest paid thereon to September 28, 1999. True and actual consideration paid for this transfer, stated in terms of dollars, is \$205,000.
- 2. Assumption. Buyers hereby assume and agree to pay, perform and be responsible for all liabilities and obligations of Sellers under or pursuant to the Land Sale Contract and the Escrow Collection Agreement.
- 3. Consent and Release. Lenders hereby consent to the assignment and assumption pursuant to this Assignment and Assumption Agreement and hereby release and discharge Steven P. and Sara J. Emerick from any and all liabilities and obligations under or arising pursuant to the Land Sale Contract, except such liabilities and obligations which shall arise in respect of any breach thereof prior to the date hereof.
- 4. Applicable Law. The parties agree that the terms and conditions of this Agreement and the rights and obligations created and assumed thereunder shall be governed by and construed according to the laws of the State of Oregon.

OREGON, }  
} ss  
arion, }

Assignment and Assumption Agreement (FB) 4

RECEIVED  
JAN 25 2002  
WATER RESOURCES DEPT  
SALEM, OREGON

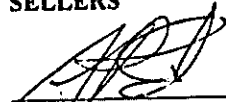
... certify that the within was  
... was recorded in the  
Miscellaneous Records, Vol. 9  
Page 119  
Water Resources Director

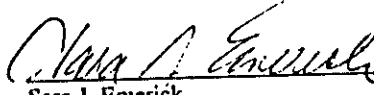
5. **Benefit.** This Agreement shall be binding upon and inure to the benefit of and shall be enforceable by and against the parties hereto, and their respective successors and assigns.

6. **Entire Agreement: Modification.** This Agreement, the Purchase Agreement and the Land Sale Contract contain the entire agreement and understanding by and among the parties hereto with respect to the subject matter hereof and thereof, and no representations, promises, agreements or understandings, whether written or oral, not herein or therein contained shall be of any force or effect. This Agreement shall not be modified or amended except by an instrument in writing signed by or on behalf of the parties hereto.

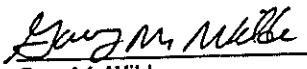
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

**SELLERS**

  
\_\_\_\_\_  
Steven P. Emerick

  
\_\_\_\_\_  
Sara J. Emerick

**BUYERS**

  
\_\_\_\_\_  
Gary M. Wilde

  
\_\_\_\_\_  
Karen S. Wilde

**LENDERS**

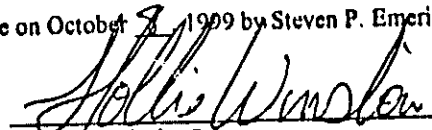
  
\_\_\_\_\_  
Frank Bettencourt

  
\_\_\_\_\_  
Garnett G. Bettencourt

STATE OF OREGON        )  
                                  ) ss  
County of Gilliam        )

This instrument was acknowledged before me on October 9, 1999 by Steven P. Emerick and Sara J. Emerick.



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: 12-22-99

Assignment and Assumption Agreement (FB) 4

-2-

OF OREGON, )

) ss

of Marion.

that the within was  
on the 25 day of  
2002 at 8 o'clock  
m., and was recorded in the  
Miscellaneous Records, Vol. 9  
Page 120

Water Resources Director

RECEIVED

JAN 25 2002

WATER RESOURCES DEPT  
SALEM, OREGON



STATE OF OREGON )  
 ) ss  
County of Gilliam )

This instrument was acknowledged before me on October 8, 1999 by Gary M. Wilde and Karen S. Wilde.



*Hollie Winslow*  
Notary Public for Oregon  
My commission expires: 12-22-99

STATE OF OREGON )  
 ) ss  
County of Gilliam )

This instrument was acknowledged before me on October 8, 1999 by Frank Bettencourt and Garnett G. Bettencourt.



*Hollie Winslow*  
Notary Public for Oregon  
My commission expires: 12-22-99

STATE OF OREGON, }  
 ) ss  
County of Marion. }

I certify that the within was received by me on the 25 day of Jan, 20 02 at 8 o'clock A.m., and was recorded in the Miscellaneous Records, Vol. 9  
Page 121

Water Resources Director

RECEIVED  
JAN 25 2002  
WATER RESOURCES DEPT  
SALEM, OREGON



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

RECEIPT # **50599**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Gary or Karen Wilde  
 BY: \_\_\_\_\_

APPLICATION	G19890
PERMIT	
TRANSFER	

CASH:  CHECK: #  96-353 OTHER: (IDENTIFY)

TOTAL REC'D \$ 65.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT. \$

PCA AND OBJECT CLASS VOUCHER #

**0427 WRD OPERATING ACCT**

6011

0407	MISCELLANEOUS		\$
0410	COPY & TAPE FEES		\$
0408	RESEARCH FEES		\$
(New) TC162	MISC REVENUE: (IDENTIFY)	<u>Assign</u>	\$ <u>65.00</u>
	DEPOSIT LIAB. (IDENTIFY)		\$

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	0206 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

1302	LOTTERY PROCEEDS	\$
------	------------------	----

**0467 HYDRO ACTIVITY**

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

RECEIPT # **50599**

DATED: 1/25/02 BY: C. Vance

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

31 May 2001

Gary Wilde  
18048 Middle Rock Creek Lane  
Arlington, Oregon 97812

RE: THE IRRIGATION PERMIT FOR THE WELL ON THE NEIGHBORING  
PROPERTY YOU RECENTLY PURCHASED

Dear Gary:

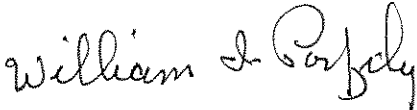
Enclosed is an assignment form that I would urge you to fill out and have the previous owner sign and mail to the Oregon Water Resources Department (OWRD) on the above mentioned permit. This will notify the OWRD of the new owner and they will then send you notices and reminders of the dates and deadlines we discussed this morning. People have not done this in the past and the past (old) owners have trash canned the correspondence from OWRD because they have no interest in it any more. If OWRD doesn't receive a response back they cancel the Permit without the new owner knowing anything is happening.

Note: You must send the \$25 recording fee with the assignment form.

If you have any questions please call me on 541-449-1327.

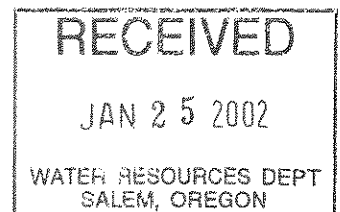
Sincerely,

SCM CONSULTANTS, INC.

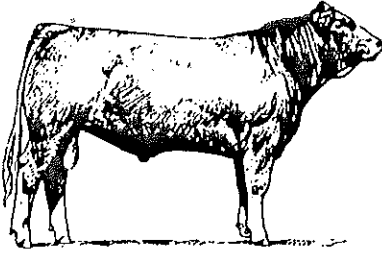


William I Porfily  
Engineering Technician

cc: BGS  
DGV  
File



**L**imousin Cattle  
Bulls & Heifers For Sale



## WILDE RANCHES

Gary & Karen Wilde  
18048 Middle Rock Creek Lane  
Arlington, OR 97812  
541-454-2995

June 6, 2001

Steve Emerick  
9760 E. San Salvador  
Scottsdale, Az. 85258

Dear Steve,

Enclosed is the form that needs to be signed with regards to the paperwork involved in proving up on the water rights on the ranch.

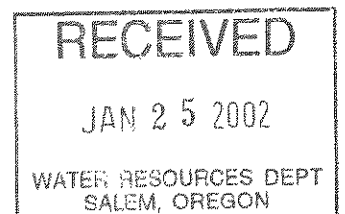
I've enclosed the letter from SCM Consultants explaining what and why this is needed. We appreciate your help.

I'm enclosing a self-addressed stamped envelope to return the form to us.

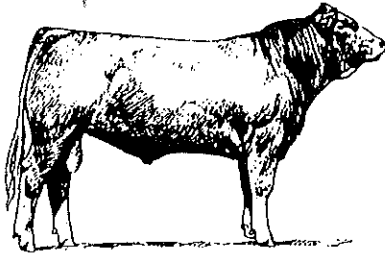
Thank you in advance.

Sincerely,

Karen Wilde



**L**imousin Cattle  
Bulls & Heifers For Sale



## WILDE RANCHES

Gary & Karen Wilde  
18048 Middle Rock Creek Lane  
Arlington, OR 97812  
541-454-2995

January 17, 2002

Greg Nelson,

I have purchased Steve Emerick's entire interest in property which contains water right permit G-13748.

Mr. Emerick has not returned a completed assignment form of permit G-13748, which allows me to have correspondence regarding final proof process and other communication from the Oregon Water Resource Department.

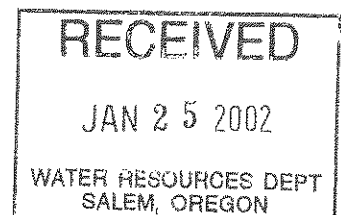
Please see attached deeds to demonstrate the ownership of the property. It would be appreciated if you would assign this to Gary M. & Karen S. Wilde as soon as possible.

Please contact Vern Church, Watermaster District 21, if you have any questions regarding this matter.

Sincerely,

Gary M. Wilde

Vern Church  
P.O. Box 427  
Condon, Ore. 97823  
541-384-4207



# FO CHECKLIST

FILE # G 14840  
 PFO WEEK # 201

PFO TO FO CONVERSION

REVIEW DATE: 7/27/99  
 INITIALS: Pat

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

1. Y/N  Were **comments or protests** received? If so, from whom and when?
  
2. Y/N/NA  Have affected owners, commentors, & those who paid \$10 been **notified** at the proper address?
  
3. Y/N/NA  Has ODFW asked for **self certification** of screening? (If so, write "ODFW CERT" in the permit block on the file.)

4. Y/N  **Fees due?**

owe	
175	250 GNE 150 1 CFS 150 2 CFS 175 REC <hr style="width: 50px; margin: 0;"/> 725 550 PA <hr style="width: 50px; margin: 0;"/> 175

5. Y/N  Is **further processing** possible? If not state reason: \_\_\_\_\_
  
6. Y/N  Is **additional information required** (fees, secondary, etc., prior to permit? (Send certified letter prior to FO)

7. Y/N  Assign **permit numbers** \_\_\_\_\_
  
8. Y/N  Do the PFO conclusions require **modification**? Why? \_\_\_\_\_

FO Type: FOMOD	DENIAL	FO w/o PERMIT	FO & PERMIT
			<b>MGMT CODES</b> 7B, 7E, 7J

Once created, modify FO as needed to:

9. Y/N  Correct PFO **errors** (such as POD or POU location [verify from map] or Permit format)
  
10.  **Save** WordPerfect document in M:\GROUPS\WR\FO\WEEK 201 & delete duplicates.  
c:\myfiles\forms\checkfo.wpd

**PFO CHECKLIST**

Application #: 14840

County Gilliam Basin: John Day Co  
Township 15 Range 21E Section 14 1/4 1/4 SE SE

- 1. Complete by Minimum Requirements Checklist? **Y/N**
- 2. Shortcomings (items needed before a permit and/or FO can be issued) **Y/N** *NEED DIMINISHMENT FOR OTHER PRIMARY WRS*
- 3. Should process continue **Y/N** (ie - shortcomings, missing vital info, on hold,...)
- 4. Groundwater Review **A B C D** River/Stream Name \_\_\_\_\_  
  - a. Groundwater Availability **A B C**
  - b. Is second groundwater review necessary? (comments) **Y/N**
  - c. Is the well located in a GWLA or CA? (If applicable, include map with POD) **Y/N**
- 5. Is use from BOR / Doug Co. project? **Y/N** Contract in file? **Y/N** Contract # \_\_\_\_\_
- 6. Is the use allowed by the Basin Program? **Y/N** Limited? **Y/N** \_\_\_\_\_
- 7. Water Availability Data **OK / REDONE / NA** (80% live flow & 50% storage) \_\_\_\_\_
- 8. Is the source withdrawn or limited by statute or Department order? **Y/N** \_\_\_\_\_
- 9. Is the Proposed Use located in or above a SWW? **Y/N** \_\_\_\_\_
- 10. Division 33: **Y/N/NA** Above Bonn (after July 17, 1992) **Y/N**  
 Below Bonn (after April 8, 1994; June 3, 1994) **Y/N**  
 Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) **Y/N**
- 11. IR identifies as on DEQ 303d List? **Y/N/NA** Comments received? **Y/N**
- 12. Have conflicts been addressed? **Y/N/NA** *TO REVIEW EXISTING WRS TO SUPP HAS SUBMITTED DIMINUTIONS BUT NEEDS BETTER MAPS. STEVE EMBRICK IS TAKING CARE OF*
- 13. Duty 100.3 Irrigation Season 7
- 14. Period of Allowed Use 3-10/31 IF PRIMARY
- 15. Allowed Rate 187.6 x .0125 = 2.34 *REQ 2.34 (1050 GPM)*  
 summary:
- 16. **Small** ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), **Medium** ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) OR **Large** ( $\geq 1.5$  cfs,  $\geq 100$  AF)  
**condition 7I and municipal use**  $\leq 0.1$  cfs require the **Large** condition
- 17. Conditions 7B, 7E, 7J, 4C (MODIFIED AS ATTACHED)  
 New River Basin? **Y/N/NA** (conditions found in M:\groups\wr\pfo\findings & other lang)
- 18. IR Date 1/27/98 Public Notice Date 12/16/98 Comment Rec'd \_\_\_\_\_
- 19. CWRE, representatives or Property owners to notify? **Y/N** \_\_\_\_\_

Initials: RWK Date: 1/26/99



In the interest of conserving groundwater, the supplemental rights underlying this permit may be exercised to satisfy the primary right provided the total quantity of water diverted from all sources does not exceed a maximum rate of  $1/80^{\text{th}}$  of one cubic foot per second per acre for each acre irrigated and a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

PER DISCUSSIONS W/ JAKE, ISSUE PFD W/ THE  
CONDITION " IN THE INTEREST OF CONSERVING GW...  
THE SUPP RIGHTS... "

STEVE EMBRICK IS PURSUING DIMINUTION.  
MODEL 4C AS ATTACHED

IR CHECKLIST

Application # G14840 Priority Date: 9/25/98  
Basin: John Day County: GILLIAM  
Township 15 Range 2E Section 13, 14, 23, 24/4  
WAB: \_\_\_\_\_ POU WAB: \_\_\_\_\_

- 1. Complete by Minimum Requirements checklist  Y  N Items still required: \_\_\_\_\_
- 2. Groundwater Review A B  C  D River/Stream Name \_\_\_\_\_  
Conditions 7B, 7E Water Availability A B  C  D
- 3. Is the well located in a groundwater limited area? Y  N Name \_\_\_\_\_
- 4. Is the well located in TIN R3E SEC 20, 21, 28, 29 Y  N
- 5. Within or above a Scenic Waterway Y  N Conditions/Restrictions Y  N 7J
- 6. Basin Maps have been checked Y N Juniper area > lower John Day
- 7. Allowed under Basin Program Y  N Limitations Y  N 690-506-040 (2)
- 8. Withdrawn Y  N Season Allowed \_\_\_\_\_
- 9. Water Availability 80% \_\_\_\_\_ 50% \_\_\_\_\_  N/A
- 10. Use IRR Period of allowed use 3/1-10/31
- 11. Season requested by applicant 3/1-10/31
- 12. For Irrigation: Rate 1/80 Duty 3 Season 3/1-10/31
- 13. For Nursery or Cranberry: Rate \_\_\_\_\_ Duty \_\_\_\_\_ Season \_\_\_\_\_
- 14. Allowable rate of use: 187.6/80 = 1052.0 (2.34 cfs)  
Requested Rate: 1050 (2.34 cfs)
- 15. BOR project Y  N Contract # \_\_\_\_\_
- 16. Subject to Division 33: Y N  N/A Above Bonneville \_\_\_\_\_ TES Y N  
Below Bonneville \_\_\_\_\_ TES Y N TES only Y N
- 17. Conflict Y  N
- 18. Conditions? (BOR, GW, other) Y  N
- 19. Measuring condition Small \_\_\_\_\_ Medium \_\_\_\_\_ Large
- 20. Within Dept. Of Agriculture Water Quality Management Area Y N  N/A  
TUALATIN \_\_\_\_\_ BEAR CREEK(ROGUE) \_\_\_\_\_
- 21. On DEQ 303d list Y N  N/A
- 22. Land use approval  OK'd Needs Approval County Notified  N/A
- 23. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5  NCR) (6 8 9 10 ER)  
(11 12 17 SCR) (13 14 15 19 SWR)
- 24. ODFW Biologist Mike Gray
- 24. Letter will be:  GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

Name: [Signature] Date: 11/23/98

Plat Card Report for 1S 21E 24

11/23/9

Page 1 of 1

Application	Permit	Certificate	DLC/ Status Lot	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	D 25895	25895				10.100 IR	2.000 IR	19.400 IR				6.000 IR								
12/31/94																				
	T 358	D 25159	25159			6.000 I*	11.000 I*					3.000 I*					27.200 I*	3.400 I*		0.800 I*
12/31/94																				
	G 7639	G 7074		Cncld					1.600 IR cncld											
1/10/77																				
								1.600 IR cncld	10.000 IR (s) cncld											
1/10/77																				
	G 7888	G 7300		Cncld					2.300 IR cncld											
3/7/77																				
	G 11764	G 10960				30.100 IR (s)	13.000 IR (s)	19.400 IR (s)				20.000 IR (s)					27.200 IR (s)	12.620 IR (s)		0.800 IR (s)
11/30/87																				
	G 14840				3.000 IR	20.900 IR	9.500 IR	19.000 IR	16.000 IR			14.000 IR					29.000 IR	8.000 IR		3.000 IR
9/25/98																				
	S 26436	S 20730	22203			14.000 IR						11.000 IR						9.220 IR		
9/11/51																				
	S 53996	S 40264		Cncld					10.000 IR cncld											
3/8/76																				
	S 54009	S 42121				30.100 IR (s)	13.000 IR (s)	19.400 IR (s)	11.600 IR (s)			20.000 IR (s)					27.200 IR (s)	12.620 IR (s)		0.800 IR (s)
3/10/76																				

NCR

NCR

Cncld

Cncld

NCR →

subject

NCR

Cncld

NCR

G14198  
G11704

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
<input type="checkbox"/> <input type="checkbox"/>
Status

< Supplemental indicator

# Plat Card Report for 1S 21E 13

11/23/9

Page 1 of 1

Application	Permit	Certificate	DLC/ Status Lot	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 7639	G 7074		Cncl'd											4.000 IR cncl'd					
1/10/77														3.000 IR (s) cncl'd					
1/10/77														0.900 IR cncl'd					
G 7888	G 7300		Cncl'd											5.000 IR					
3/7/77														3.000 IR					
G 14840														6.000 IR (s)					
9/25/98																			
S 16593	S 12379	12267																	
9/22/36																			
S 54009	S 42121																		
3/10/76																			

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres	
<input type="checkbox"/>	<input type="checkbox"/>
Status	

< Supplemental indicator

Plat Card Report for 1S 21E 14

11/23/9

Page 1 of 2

Application	Permit	Certificate	DLC/ Status Lot	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	D 25113	25113						8.700 IR	5.100 IR										
12/31/95																			
	D 25230	25230			10.200 IR														
12/3/93																			
G 7639	G 7074		Cncl'd			2.500 IR (s) cncl'd										10.500 IR (s) cncl'd	2.300 IR (s) cncl'd		9.700 IR (s) cncl'd
1/10/77																			
																			8.200 IR (s) cncl'd
1/10/77																			
						3.600 IR cncl'd										0.500 IR (s) cncl'd	9.500 IR (s) cncl'd	1.600 IR (s) cncl'd	4.000 IR (s) cncl'd
1/10/77																			
G 7888	G 7300		Cncl'd																3.300 IR cncl'd
3/7/77																			
																			1.200 IR cncl'd
3/7/77																			0.500 IR cncl'd
G 14198	G 12786				6.200 IR	5.000 IR (s)	4.000 IR (s)												
11/13/95																			
					10.200 IR (s)														
11/13/95																			
G 14840						5.600 IR										7.200 IR	14.000 IR	4.000 IR	24.400 IR
9/25/98																			
S 16593	S 12379	12267														10.500 IR	2.300 IR		8.200 IR
9/22/36																			

*NCR*

*NCR*

*subject*

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
<input type="checkbox"/> <input type="checkbox"/>
Status

< Supplemental indicator

**Plat Card Report for 1S 21E 14**

11/23/9

Page 2 of 2

Application	Permit	Certificate	DLC/ Status Lot	NE				NW				SW				SE					
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
S 43260	S 32337	37808	<i>NCR</i>			2.500 IR											0.500 IR	9.500 IR	1.600 IR	9.700 IR	
2/9/67																					4.000 IR cncl'd
S 53996	S 40264		Cncl'd																		
3/8/76																					
S 54009	S 42121		<i>NCR</i>		10.200 IR (s)	2.500 IR (s)		8.700 IR (s)	5.100 IR (s)								11.000 IR (s)	11.800 IR (s)	1.600 IR (s)	21.900 IR (s)	
3/10/76																					
S 58847	S 44677		<i>NCR</i>			5.000 IR	4.000 IR														
6/29/79																					

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use > 

Acres
<input type="checkbox"/> <input type="checkbox"/>
Status

 < Supplemental indicator

# Plat Card Report for 1S 21E 23

11/23/9

Page 1 of 1

Application	Permit	Certificate	DLC/ Status Lot	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 7639	G 7074		Cncl'd	8.000 IR (s) cncl'd															
1/10/77																			
G 14840			<i>subject</i>	5.000 IR															
9/25/98																			
S 53996	S 40264		Cncl'd	8.000 IR cncl'd															
3/8/76																			
S 54009	S 42121		<i>NOR</i>	8.000 IR (s)															
3/10/76																			

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres	
<input type="checkbox"/>	<input type="checkbox"/>
Status	

< Supplemental indicator

# CROOKED E RANCH

**RECEIVED**

OCT 04 1999

September 29, 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Martha O. Pagel  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, Oregon 97310

Re: OWRD Application File No. G-14840

Dear Ms. Pagel:

Enclosed in connection with the above Application, please find a check in the amount of \$175 in payment of the permit recording fees.

Please do not hesitate to contact me if you should need any additional information.

Sincerely,



Steven P. Emerick

Encl.



**OREGON WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO**

To: Groundwater files Date: October 9, 1998  
From: Michael J. Zwart  
Subject: Application Review: G-14840, Steven P. Emerick

This application proposes to use about 2.345 cfs from one well for irrigation of 187.6 acres. The well is 150 feet deep and penetrates a confined to semiconfined aquifer developed in basalt of the Columbia River Basalt Group below a depth of 59 feet.

The well is about 300 feet from Rock Creek. The aquifer penetrated is not likely in hydraulic connection with the nearby reach of the creek, but may be at some greater distance downstream. There is no potential for substantial interference with the creek, based on the nature of the aquifer penetrated.

I recommend permit conditions 7B, 7E and 7J.

*Crooked E Ranch*

**RECEIVED**

**MAY 10 1999**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

May 6, 1999

Russell W. Klassen  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, Oregon 97310

Re: OWRD Application File No. G-14840

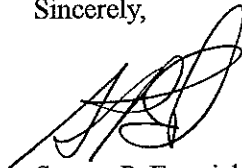
Dear Mr. Klassen:

Enclosed please find maps relating to each of the affidavits for diminution of water rights provided to you earlier. For your convenience, I have attached each map to a copy of the relevant affidavit and water right certificate.

Thank you for your assistance in this matter.

Please do not hesitate to contact me if you should need any additional information.

Sincerely,



Steven P. Emerick

Encl.

AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE

RECEIVED

MAY 10 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon )  
County of Gilliam ) ss

The undersigned, Steven P. Emerick and Sara J. Emerick, residing at 64771 Upper Rock Creek Road, Arlington, Oregon 97812, phone 541-454-2969, being first duly sworn, depose and say:

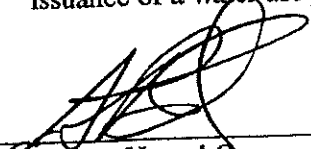
1. We are the legal owners of the property described as tax lot number 2900, within the SW1/4 SW1/4, Section 13, NE1/4 SE1/4, NW1/4 SE1/4, SE1/4 SE1/4, Section 14, Township 1S, Range 21E, of the Willamette Meridian, in Gilliam County, Oregon, as shown on the attached map and described in the attached Warranty Deed and Memorandum of Contract of Sale and legal description, each of which is made part of this Affidavit;
2. A portion of water right certificate No. 12267 issued to The Federal Land Bank of Spokane, with a date of priority of September 22, 1936, for use of 0.5 cubic foot per second of water from Rock Creek for the purpose of irrigation of 24.0 acres is appurtenant to our property;
3. We have obtained a better, more economical and/or reliable source of water for the primary irrigation of the portion of this water right shown on the attached map and described below:

The right to the use of 0.31 cubic foot per second from Rock Creek for the irrigation of 14.9 acres located:

SW1/4 SW1/4	1.7 acres
Section 13	
NE1/4 SE1/4	5.6 acres
NW1/4 SE1/4	2.3 acres
SE1/4 SE1/4	5.3 acres
Section 14	

Township 1 S, Range 21E, WM; and

4. We request that said portion of the right described above be diminished to supplemental irrigation upon the issuance of a water use permit for the primary irrigation of such lands.


  
\_\_\_\_\_  
Signature of Legal Owner

3-12-99  
\_\_\_\_\_  
Date

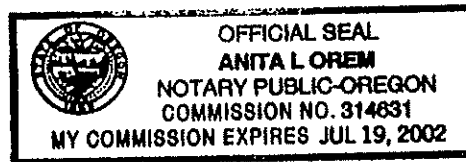
  
\_\_\_\_\_  
Signature of Legal Owner

3-12-99  
\_\_\_\_\_  
Date

Subscribed and sworn before me this 12 day of March, 1999.

  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires Jul 19, 2002  
State of Oregon  
Affidavit No. 1 re Diminution County of Gilliam



RECEIVED

STATE OF OREGON  
COUNTY OF GILLIAM

MAY 10 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

CERTIFICATE OF WATER RIGHTS

This Is to Certify, That THE FEDERAL LAND BANK OF SPOKANE

of Spokane, State of Washington 99210, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rock Creek a tributary of John Day River for the purpose of Irrigation

under Permit No. 12379 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 22, 1936;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.5 cubic foot per second

.0208 / ACRE

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 of Section 24, Township 1 South, Range 21 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, for each acre irrigated prior to June 1st, and thereafter one-eightieth of one cubic foot per second or its equivalent for each acre irrigated, and shall be limited to a diversion of not to exceed 1 acre foot per acre for each acre irrigated during any month prior to June 1st and shall be further limited to a total diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season from April 1st to September 30th of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer, of rotation

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 3.0 acres in the SW 1/4 Section 13
- 8.2 acres in the SE 1/4
- 10.5 acres in the NE 1/4
- 2.3 acres in the NW 1/4 Section 14

MAP SHOWS 3.3

11.6

1.4 DIFFERENCE

Township 1 South, Range 21 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 18th day of October, 1939.

CHAS. E. STRICKLIN  
State Engineer

12267

TOWNSHIP 15, RANGE 21E, W. M.

North

AREAS  
TO BE  
DIMINISHED

14

(R2.5)

22

ROCK 105

(R5.6)

32

(R1.7)

Flow (R5.3)

Dam

13

24

South

RECEIVED

APPLICATION No. 16593

PERMIT No. 12379

MAY 10 1999

CERT 12267

WATER RESOURCES DEPT.  
SALEM, OREGON

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE**

State of Oregon            )  
                                   ) ss  
 County of Gilliam        )

The undersigned, Steven P. Emerick and Sara J. Emerick, residing at 64771 Upper Rock Creek Road, Arlington, Oregon 97812, phone 541-454-2969, being first duly sworn, depose and say:

1. We are the legal owners of the property described as tax lot numbers 2900 and 2800, parcel 2, within the SW1/4 NE1/4, SE1/4 NW1/4, NE1/4 SE1/4, Section 24, Township 1S, Range 21E, of the Willamette Meridian, in Gilliam County, Oregon, as shown on the attached map and described in the attached Warranty Deed and Memorandum of Contract of Sale and legal description, each of which is made part of this Affidavit;
2. A portion of water right certificate No. 22203 issued to Orie L. Conboy, with a date of priority of September 11, 1951, for use of 0.86 cubic foot per second of water from Rock Creek for the purpose of irrigation of 34.22 acres is appurtenant to our property;
3. We have obtained a better, more economical and/or reliable source of water for the primary irrigation of the portion of this water right shown on the attached map and described below:

The right to the use of 0.82 cubic foot per second from Rock Creek for the irrigation of 32.72 acres located:

SW1/4 NE1/4	12.5 acres
SE1/4 NW1/4	11.0 acres
NW1/4 SE1/4	9.22 acres

Section 24

Township 1 S, Range 21E, WM; and

4. We request that said portion of the right described above be diminished to supplemental irrigation upon the issuance of a water use permit for the primary irrigation of such lands.

[Signature]  
 Signature of Legal Owner

3-12-99  
 Date

[Signature]  
 Signature of Legal Owner

3-12-99  
 Date

Subscribed and sworn before me this 12 day of March, 1999

*Undim.  
1.5*

[Signature]  
 Notary Public for Oregon

My Commission Expires July 19, 2002  
 State of Oregon  
 County of Gilliam



**RECEIVED**  
 MAY 10 1999  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

old  
1951

RECEIVED

MAY 10 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON  
COUNTY OF GILLIAM

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **ORIE L. CONBOY** 998/2  
State of **Oregon**, has made proof  
in satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of  
the **John Day River** for the purpose of  
**supplemental irrigation**  
No. **20730** of the State Engineer, and that said right to the use of said waters  
perfected in accordance with the laws of Oregon; that the priority of the right hereby  
dates from **September 11, 1951**

Amount of water to which such right is entitled and hereby confirmed, for the purposes  
limited to an amount actually beneficially used for said purposes, and shall not exceed  
**.86** foot per second

For its equivalent in case of rotation, measured at the point of diversion from the stream.  
of diversion is located in the **NE 1/4 SE 21**, Section 21, Township 1 South, Range **21 E**

Amount of water used for irrigation, together with the amount secured under any other  
for the same lands, shall be limited to **one-fortieth** of one cubic foot per second  
its equivalent for each acre irrigated and shall be further limited  
of not to exceed **4** acre feet per acre for each acre irrigated  
the irrigation season of each year,

and shall  
to such reasonable rotation system as may be ordered by the proper state officer.  
description of the place of use under the right hereby confirmed, and to which such right is  
ment, is as follows:

11.0 acres in the SW 1/4 NE 21  
11.0 acres in the SE 1/4 NW 21  
9.22 acres in the NW 1/4 SE 21  
Section 21  
Township 1 South, Range 21 East, W. M. 8.52 DIFFERENCE

MAP SHOWS 05  
MAP SHOWS 14  
MAP SHOWS 10

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
described.

WITNESS the signature of the State Engineer, affixed  
this 7th day of March, 1957.

LEWIS A. STANLEY  
State Engineer

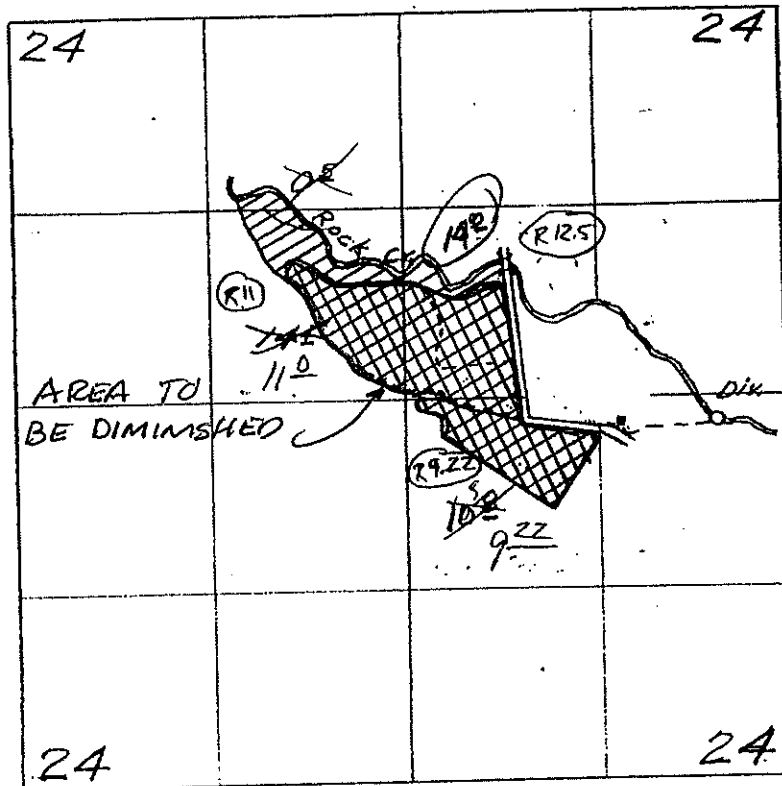
Handwritten initials and scribbles in the bottom right corner.

RECEIVED

MAY 10 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

T. I. S. R. 21 E. W. M.



Final Proof Survey  
Under

Application No. 26436 Permit No. 26730  
In Name Of

Orie L. Comboy

Surveyed April 16, 1955 by T. Jones

CERT  
22203



AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE **RECEIVED**

MAY 10 1999  
WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon )  
                          ) ss  
County of Gilliam )

The undersigned, Steven P. Emerick and Sara J. Emerick, residing at 64771 Upper Rock Creek Road, Arlington, Oregon 97812, phone 541-454-2969, being first duly sworn, depose and say:

1. We are the legal owners of the property described as tax lot numbers 2900 and 2800, parcel 2, within the SW1/4 NE1/4, SE1/4 NE1/4, NE1/4 NW1/4, SE1/4 NW1/4, Section 24, Township 1S, Range 21E, of the Willamette Meridian, in Gilliam County, Oregon, as shown on the attached map and described in the attached Warranty Deed and Memorandum of Contract of Sale and legal description, each of which is made part of this Affidavit;
2. A portion of water right certificate No. 25895 issued to L.L. Taylor, with a date of priority of 1894, for use of 0.938 cubic foot per second of water from Rock Creek for the purpose of irrigation of 37.5 acres is appurtenant to our property;
3. We have obtained a better, more economical and/or reliable source of water for the primary irrigation of the portion of this water right shown on the attached map and described below:

The right to the use of 0.878 cubic foot per second from Rock Creek for the irrigation of 35.1 acres located:

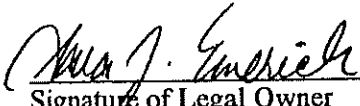
SW1/4 NE1/4	10.1 acres
SE1/4 NE1/4	2.0 acres
NE1/4 NW1/4	17.0 acres
SE1/4 NW1/4	6.0 acres

Section 24  
Township 1 S, Range 21E, WM; and

4. We request that said portion of the right described above be diminished to supplemental irrigation upon the issuance of a water use permit for the primary irrigation of such lands.

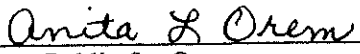
  
\_\_\_\_\_  
Signature of Legal Owner

3-12-99  
\_\_\_\_\_  
Date

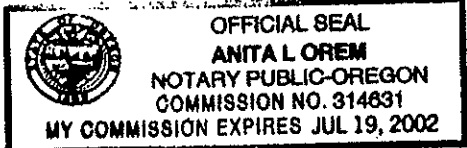
  
\_\_\_\_\_  
Signature of Legal Owner

3-12-99  
\_\_\_\_\_  
Date

Subscribed and sworn before me this 12 day of March, 1999.

  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires July 19, 2002.  
County of Gilliam  
State of Oregon  
Affidavit No. 4 re Diminution



STATE OF OREGON  
COUNTY OF GILLIAM

CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. L. TAYLOR 97812

of Olex, State of Oregon, has a right to the use of  
the waters of Rook Creek  
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1894

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

10.1 acres in SW 1/4	27.8
2.0 acres in SE 1/4	13.2
19.4 acres in NE 1/4	19.4
6.0 acres in SE 1/4	19.0
Section 24,	
T. 1 S., R. 21 E., W. M.	41.9 DIFFERENCE

MAP SHOWS

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959

LEWIS A. STANLEY

State Engineer

RECEIVED

MAY 10 1959

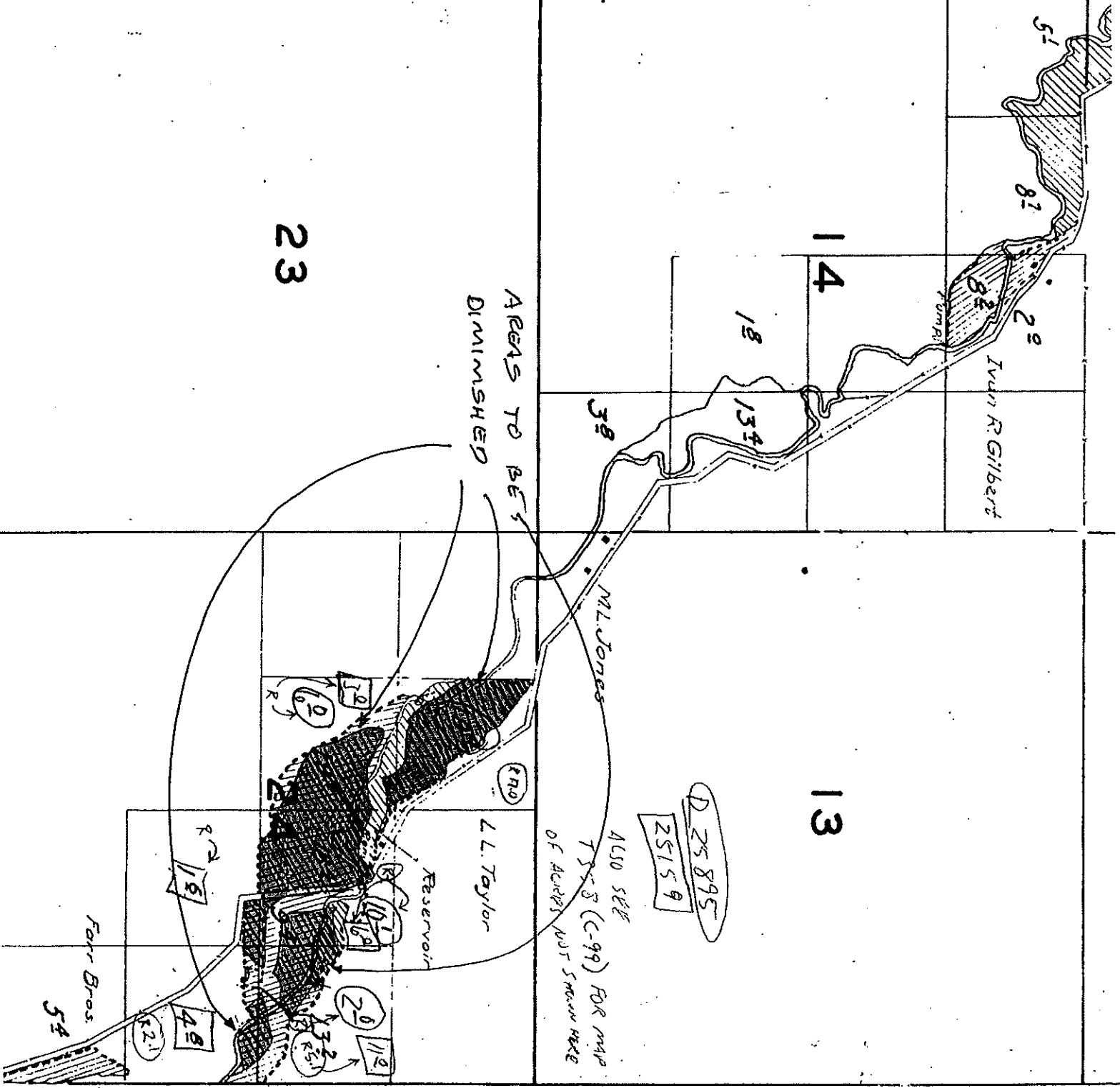
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

MAY 10 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

cept in the  
rd are sketched  
in.



23

AREAS TO BE  
DIMINISHED

14

13

Ivan R. Gilbert

L.L. Taylor  
Reservoir

M.L. Jones

Fair Bros

ALSO SEE  
T.S.S (C-99) FOR MAP  
OF AQUIFERS NOT SHOWN HERE

25895  
25159

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE**

**RECEIVED**

State of Oregon )  
 ) ss  
 County of Gilliam )

MAY 10 1999

WATER RESOURCES DEPT.  
 SALEM, OREGON

The undersigned, Steven P. Emerick and Sara J. Emerick, residing at 64771 Upper Rock Creek Road, Arlington, Oregon 97812, phone 541-454-2969, being first duly sworn, depose and say:

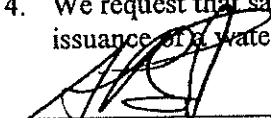
1. We are the legal owners of the property described as tax lot numbers 2900 and 2800, parcel 2, within the SW1/4 NE1/4, SE1/4 NE1/4, SE1/4 NW1/4, NE1/4 SE1/4, NW1/4 SE1/4, SE1/4 SE1/4, Section 24, Township 1S, Range 21E, of the Willamette Meridian, in Gilliam County, Oregon, as shown on the attached map and described in the attached Warranty Deed and Memorandum of Contract of Sale and legal description, each of which is made part of this Affidavit;
2. A portion of water right certificate No. 25159 issued to E.C. Farr, with a date of priority of 1894, for use of 1.39 cubic foot per second of water from Rock Creek for the purpose of irrigation of 55.6 acres is appurtenant to our property;
3. We have obtained a better, more economical and/or reliable source of water for the primary irrigation of the portion of this water right shown on the attached map and described below:

The right to the use of 0.938 cubic foot per second from Rock Creek for the irrigation of 37.5 acres located:

SW1/4 NE1/4	6.0 acres
SE1/4 NE1/4	5.1 acres
SE1/4 NW1/4	3.0 acres
NE1/4 SE1/4	20.2 acres
NW1/4 SE1/4	2.6 acres
SE1/4 SE1/4	0.6 acres
Section 24	

Township 1 S, Range 21E, WM; and

4. We request that said portion of the right described above be diminished to supplemental irrigation upon the issuance of a water use permit for the primary irrigation of such lands.

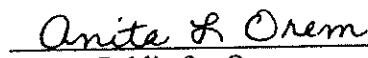
  
 \_\_\_\_\_  
 Signature of Legal Owner

3-12-99  
 \_\_\_\_\_  
 Date

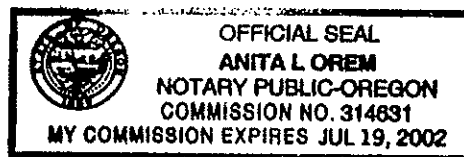
  
 \_\_\_\_\_  
 Signature of Legal Owner

3-12-99  
 \_\_\_\_\_  
 Date

Subscribed and sworn before me this 12 day of March, 1999.

  
 \_\_\_\_\_  
 Notary Public for Oregon

My Commission Expires July 19, 2002.  
 State of Oregon  
 County of Gilliam



STATE OF OREGON  
COUNTY OF GILLIAM

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. C. FARR

97812

of the County of Gilliam, State of Oregon, has a right to the use of  
the waters of Rock Creek  
for the purpose of Irrigation, Domestic and Stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Grant County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby  
confirmed dates from 1894

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per  
second per acre irrigated to June 1 and 1/80 cubic foot per second per acre there-  
after; further limited to one acre-foot per calendar month to June 1 and four acre-  
feet per acre during season April 1 to Sept. 30; measured at point of diversion.  
A description of the lands irrigated under such right, and to which the water is appurtenant  
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

4.2 acres in NW 1/4 SW 1/4  
Section 19  
T. 1 S., R. 22 E., W. M.

6.0 acres in SW 1/4 NE 1/4  
11.0 acres in SE 1/4 NE 1/4  
3.0 acres in SE 1/4 NW 1/4  
27.2 acres in NE 1/4 SE 1/4  
3.4 acres in NW 1/4 SE 1/4  
0.8 acre in SE 1/4 SE 1/4  
Section 24,  
T. 1 S., R. 21 E., W. M.

NOTE: This certificate is issued to confirm a change in place of use  
of water approved by an order of the State Engineer entered  
September 12, 1951, pursuant to the provisions of ORS 540.510  
to 540.530.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer, affixed  
this 1st day of May, 1959

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 251.59

RECEIVED

MAY 10 1959

WATER RESOURCES DIVISION  
SALEM, OREGON

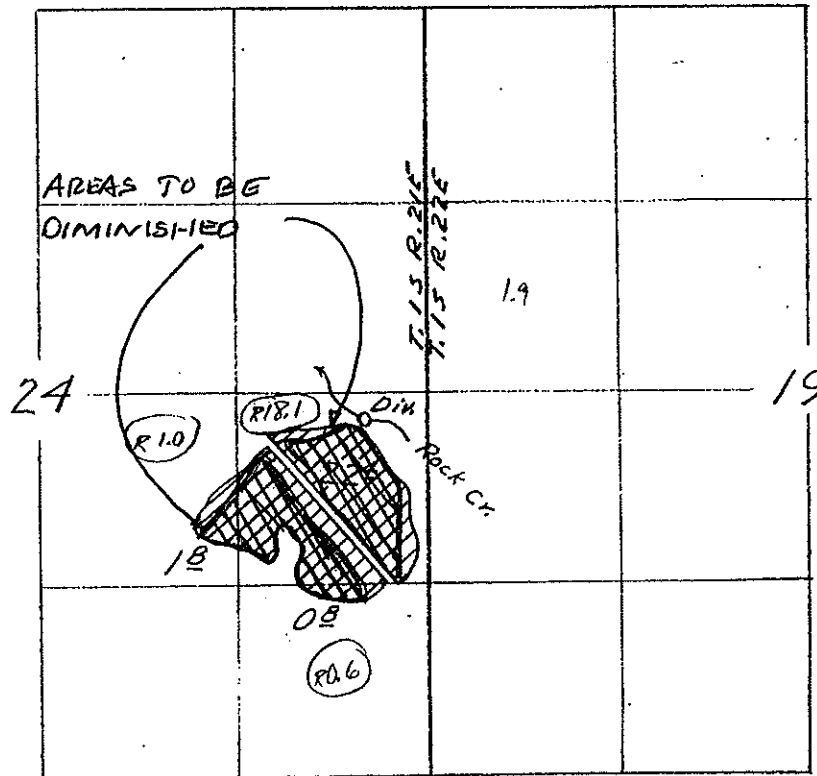
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RECEIVED

MAY 10 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

T. 15. R. 21 E. W. M.



Final Proof Survey  
Under

Transfer No. C-99  
In Name Of

Orie L. Conboy

Surveyed April 6, 1955, by T. Jones

25159

AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE

RECEIVED

State of Oregon )  
County of Gilliam ) ss

MAY 10 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

The undersigned, Steven P. Emerick and Sara J. Emerick, residing at 64771 Upper Rock Creek Road, Oregon 97812, phone 541-454-2969, being first duly sworn, depose and say:

1. We are the legal owners of the property described as tax lot number 2900 , within the SW1/4 NE1/4, NE1/4 SE1/4, NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SE1/4, Section 14, Township 1S, Range 21E, of the Willamette Meridian, in Gilliam County, Oregon, as shown on the attached map and described in the attached Warranty Deed and Memorandum of Contract of Sale and legal description, each of which is made part of this Affidavit;
2. A portion of water right certificate No. 37808 issued to Floyd Palmer, with a date of priority of February 9, 1967, for use of 0.6 cubic foot per second of water from Rock Creek for the purpose of irrigation of 23.8 acres is appurtenant to our property;
3. We have obtained a better, more economical and/or reliable source of water for the primary irrigation of the portion of this water right shown on the attached map and described below:

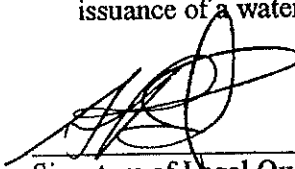
The right to the use of 0.58 cubic foot per second from Rock Creek for the irrigation of 23.0 acres located:

SW1/4 NE1/4	2.0 acres
NE1/4 SE1/4	0.5 acres
NW1/4 SE1/4	9.2 acres
SW1/4 SE1/4	1.6 acres
SE1/4 SE1/4	9.7 acres

Section 14

Township 1 S, Range 21E, WM; and

4. We request that said portion of the right described above be diminished to supplemental irrigation upon the issuance of a water use permit for the primary irrigation of such lands.

  
\_\_\_\_\_  
Signature of Legal Owner

3-12-99  
\_\_\_\_\_  
Date

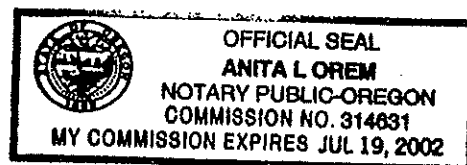
  
\_\_\_\_\_  
Signature of Legal Owner

3-12-99  
\_\_\_\_\_  
Date

Subscribed and sworn before me this 12 day of March, 1999.

Anita L Orem  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires July 19, 2002.



STATE OF OREGON

RECEIVED

COUNTY OF GILLIAM

MAY 10 1999

CERTIFICATE OF WATER RIGHT

WATER RESOURCES DEPT. SALEM, OREGON

This Is to Certify, That FLOYD PALMER

of Olex, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rook Creek

a tributary of John Day River for the purpose of irrigation of 23.8 acres

under Permit No. 32337 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 9, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.60 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SE 1/4, Section 14, T. 1 S., R. 21 E., W. M. Diversion point located: 3920 feet South and 970 feet West from NE Corner, Section 14.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

2.5 acres SW 1/4 NE 1/4
0.5 acre NE 1/4 SE 1/4
9.5 acres NW 1/4 SE 1/4
1.6 acres SW 1/4 SE 1/4
9.7 acres SE 1/4 SE 1/4
Section 14
T. 1 S., R. 21 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. December 6, 1971

CHRIS L. WHEELER
State Engineer

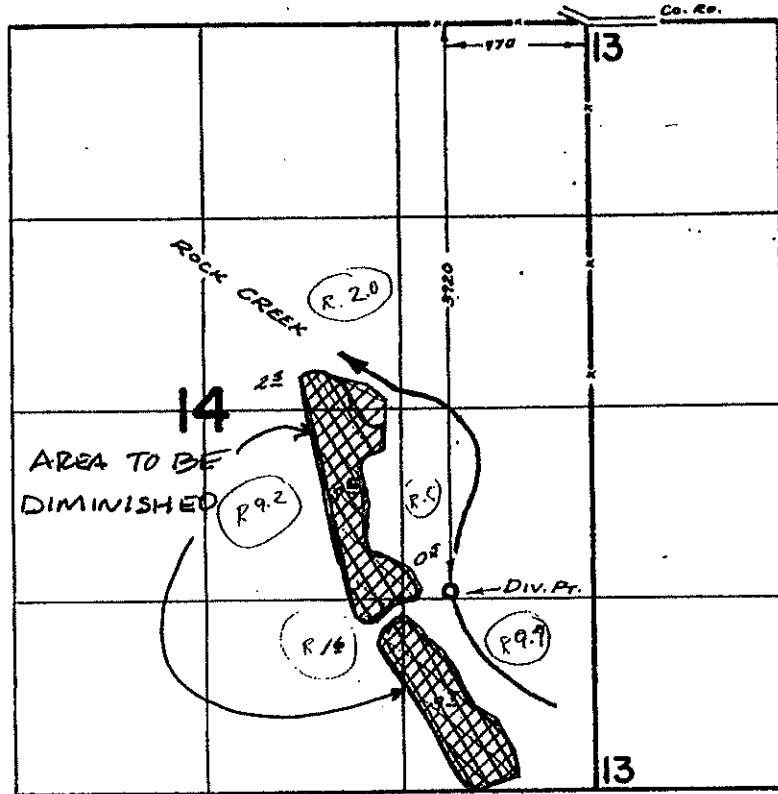
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RECEIVED

MAY 10 1999  
WATER RESOURCES DEPT.  
SALEM, OREGON

T.I.S.R.2I.E.W.M.



FINAL PROOF SURVEY

UNDER

Application No. 43260 Permit No. 32337

IN NAME OF

FLOYD PALMER

Surveyed Oct. 26 1970, by R. MUCKEN

CERT  
37808





# 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

March 19, 1999

Steven P. Emerick  
64771 Upper Rock Creek Road  
Arlington, OR 97812

RE: Application File # G-14840

Dear Mr. Emerick:

I have enclosed a copy of the certificate maps for the certificates that you propose to diminish. You will see the areas that conflict per the Department's cursory review. Please prepare maps showing the areas you or your representative have determined necessary to be diminished. Due to the complexity of the matter, you may want to retain the services of a Certified Water Rights Examiner to determine and show the areas to be diminished on the maps. The maps that are finally submitted, in conjunction with the affidavit of diminishment you have supplied, will be the areas finally diminished.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at 1-800-624-3199, extension 266.

Sincerely,

Russell W. Klassen  
Senior Water Rights Specialist

cc: Watermaster District 4

TAKE APP MAP & DRAW ON  
EACH OF INDIVIDUAL WR MAPS  
THEN CALC ACRES AND DRAFT  
AFFI OF ~~ADMS~~ FOR WR'S

0105722

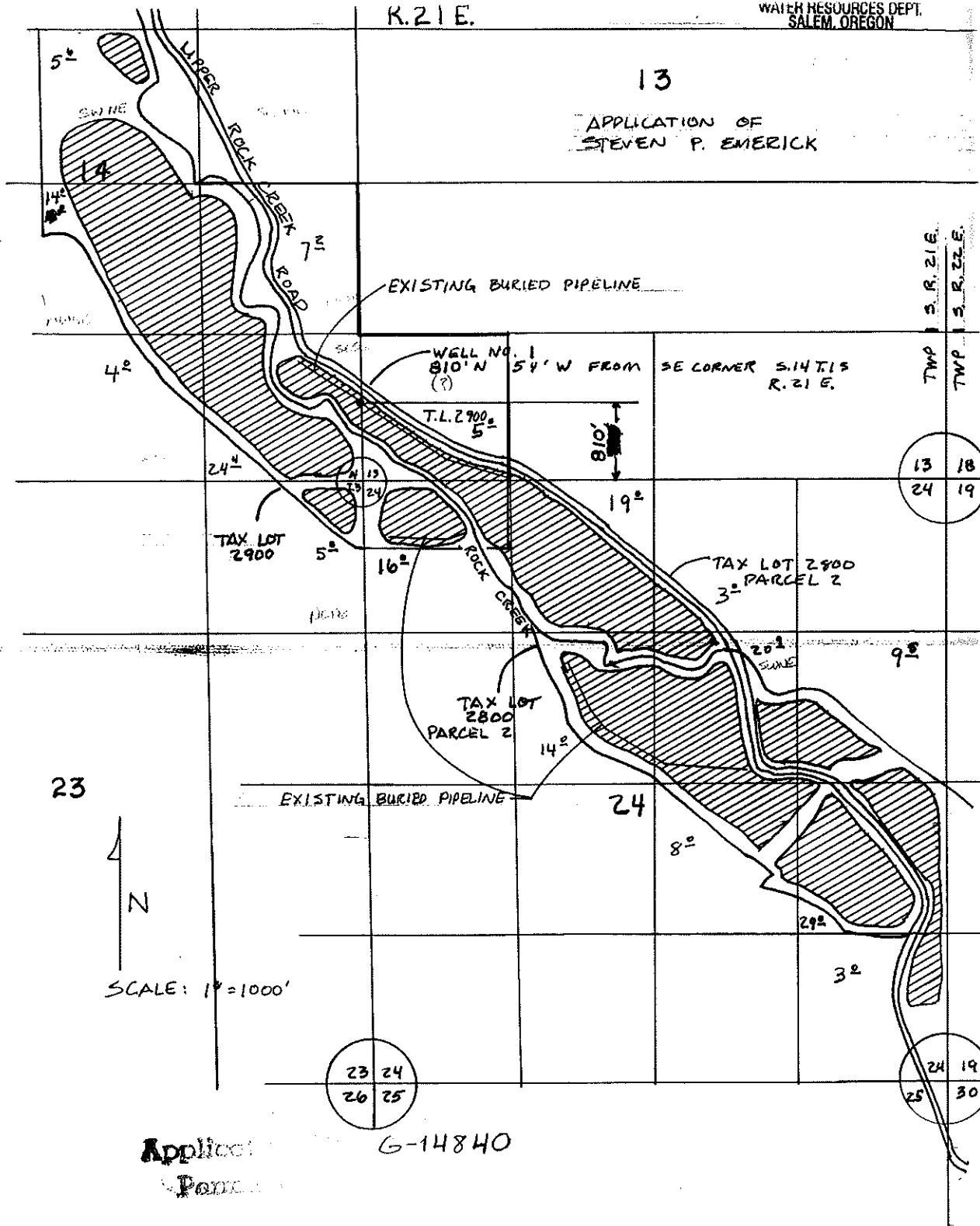
ACREAGES CALCD - JUST TYPE AFFI OF  
ADMINISTRATIONS

CBETS					PBETS
12267	22203	25159 ✓	25895 ✓	37808	42121
16593 ✓	26436 ✓	7358 ✓	D ✓	43260 ✓	54009 ✓

K.21 E.

13

APPLICATION OF  
STEVEN P. EMERICK



Applied  
Pond  
6-14840

1 = 1320'

STATE OF OREGON  
COUNTY OF GILLIAM  
CERTIFICATE OF WATER RIGHT

ould  
1951

This Is to Certify, That **ORIE L. CONBOY**

97812

State of **Oregon**, has made proof  
of satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
**John Day River** for the purpose of

supplemental irrigation  
Permit No. **20730** of the State Engineer, and that said right to the use of said waters  
was perfected in accordance with the laws of Oregon; that the priority of the right hereby  
dated from **September 11, 1951**

the amount of water to which such right is entitled and hereby confirmed, for the purposes  
shall be limited to an amount actually beneficially used for said purposes, and shall not exceed  
**one cubic foot per second**

0.86

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the **NE 1/4 SE 1/4**, Section 24, Township 1 South, Range 22 E

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

and shall  
be subject to such reasonable rotation system as may be ordered by the proper state officer.  
A description of the place of use under the right hereby confirmed, and to which such right is  
applicable, is as follows:

	MEAN MAP SHOWS	05
14.0 acres in the SW 1/4 NE 1/4		
11.0 acres in the SE 1/4 NW 1/4	MAP SHOWS	14.4
9.22 acres in the NW 1/4 SE 1/4	" "	10.8
		<hr/>
		8.52 DIFFERENCE

Section 24  
Township 1 South, Range 21 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

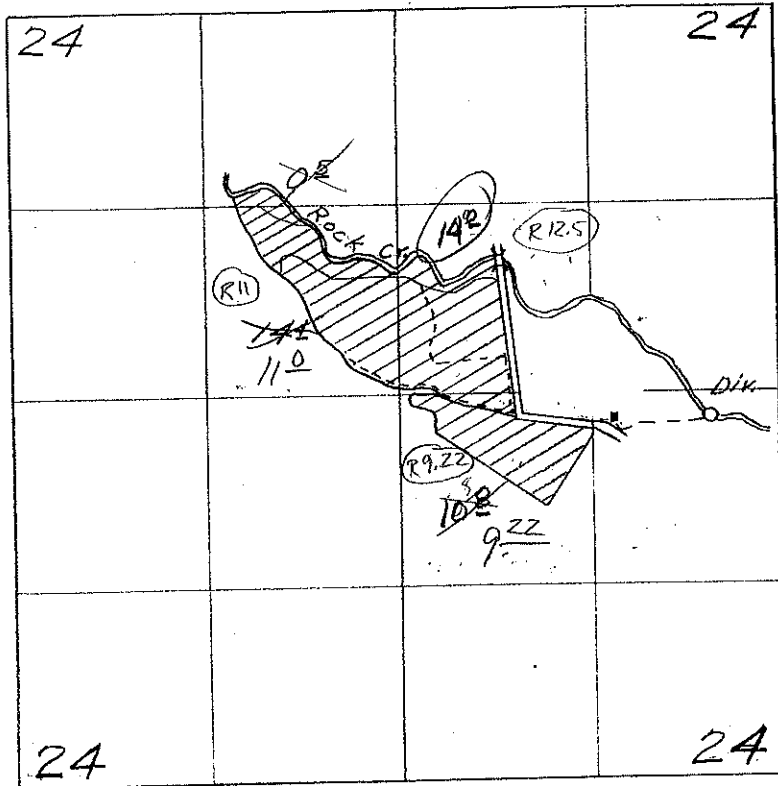
WITNESS the signature of the State Engineer, affixed  
this **7th** day of **March**, 19 **57**.

**LEWIS A. STANLEY**  
State Engineer

State Engineer

Handwritten initials and marks on the right margin.

T. 1 S. R. 21 E. W. M.



Final Proof Survey  
Under

Application No. 26436 Permit No. 26730  
In Name Of

Orie L. Conboy

Surveyed April 16, 1955 by T. Jones

CERT  
22203

STATE OF OREGON  
COUNTY OF GILLIAM

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THE FEDERAL LAND BANK OF SPOKANE

of Spokane, State of Washington <sup>99210</sup>, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rock Creek a tributary of John Day River for the purpose of Irrigation under Permit No. 12379 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 22, 1936;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.5 cubic foot per second

.0208 / ACRE

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 24, Township 1 South, Range 21 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, for each acre irrigated prior to June 1st, and thereafter one-eightieth of one cubic foot per second or its equivalent for each acre irrigated, and shall be limited to a diversion of not to exceed 1 acre foot per acre for each acre irrigated during any month prior to June 1st and shall be further limited to a total diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season from April 1st to September 30th of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 3.0 acres in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 13 MAP SHOWS 3.3
  - 3.2 acres in the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>
  - 10.5 acres in the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 11.6
  - 2.3 acres in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 14 1.4 DIFFERENCE
- Township 1 South, Range 21 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 18th day of October, 1939.

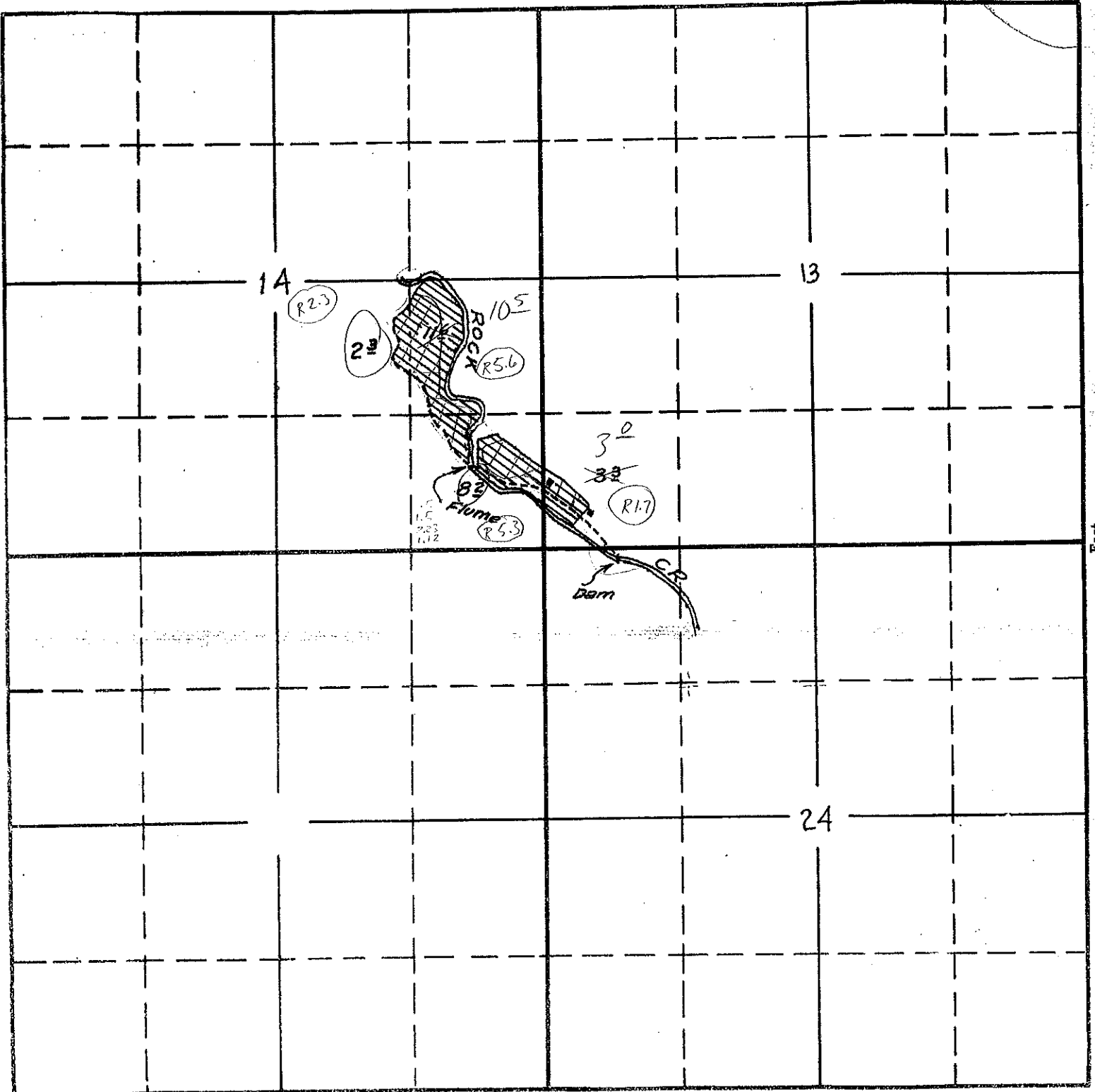
CHAS. E. STRICKLIN  
State Engineer

11-18-39  
11-18-39



TOWNSHIP 15, RANGE 21E, W. M.

North



East

South

APPLICATION No. **16593**

PERMIT No. **12379**

CERT 12267

STATE OF OREGON  
COUNTY OF GILLIAM  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** FLOYD PALMER

of **Olex**, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rock Creek

a tributary of **John Day River** for the purpose of irrigation of **23.8 acres**

under Permit No. **32337** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **February 9, 1967**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.60 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, T. 1 S., R. 21 E., W. M.** Diversion point located: **3920 feet South and 970 feet West from NE Corner, Section 14.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-fortieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **5 acre feet per acre** for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

2.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
0.5 acre NE $\frac{1}{4}$  SE $\frac{1}{4}$   
9.5 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
1.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
9.7 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 14  
T. 1 S., R. 21 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

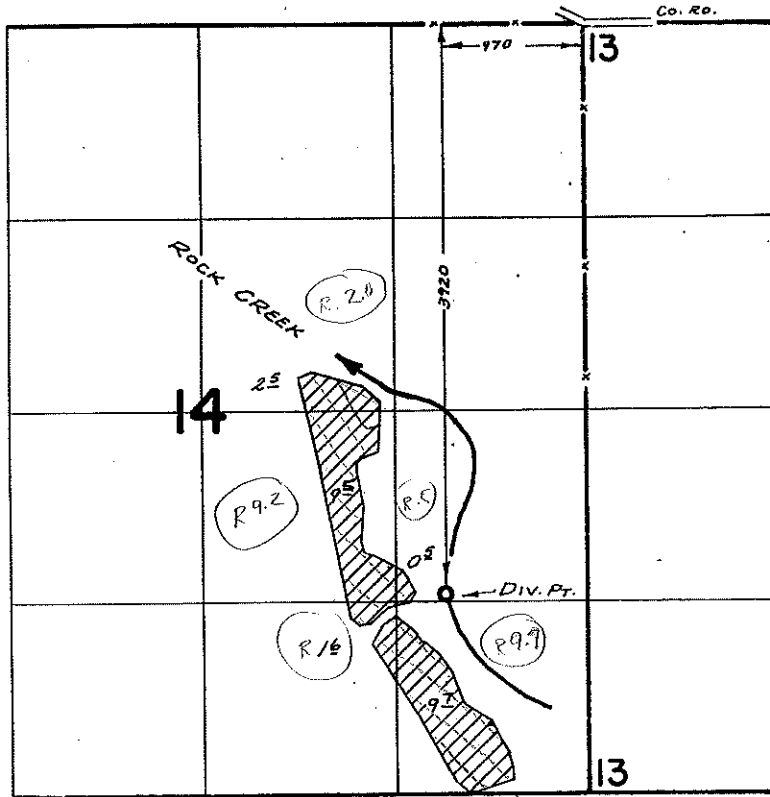
WITNESS the signature of the State Engineer, affixed

this date. December 6, 1971

.....CHRIS L. WHEELER.....

State Engineer

# T.I.S.R.2I.E.W.M.



## FINAL PROOF SURVEY

UNDER

Application No. 43260 Permit No. 32337

IN NAME OF

FLOYD PALMER

Surveyed Oct. 26 1970, by R. MUCKEN

CERT  
37808

STATE OF OREGON

COUNTY OF GILLIAM

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. C. FARR

97812

of the County of Gilliam, State of Oregon, has a right to the use of

the waters of Rock Creek

for the purpose of Irrigation, Domestic and Stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant, Gilliam County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1894

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30; measured at point of diversion. A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

- 4.2 acres in NW 1/4 SW 1/4 Section 19 T. 1 S., R. 22 E., W. M.
6.0 acres in SW 1/4 NE 1/4
11.0 acres in SE 1/4 NE 1/4
3.0 acres in SE 1/4 NW 1/4
27.2 acres in NE 1/4 SE 1/4
3.4 acres in NW 1/4 SE 1/4
0.8 acre in SE 1/4 SE 1/4
Section 24, T. 1 S., R. 21 E., W. M.

NOTE: This certificate is issued to confirm a change in place of use of water approved by an order of the State Engineer entered September 12, 1951, pursuant to the provisions of ORS 540.510 to 540.530.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959

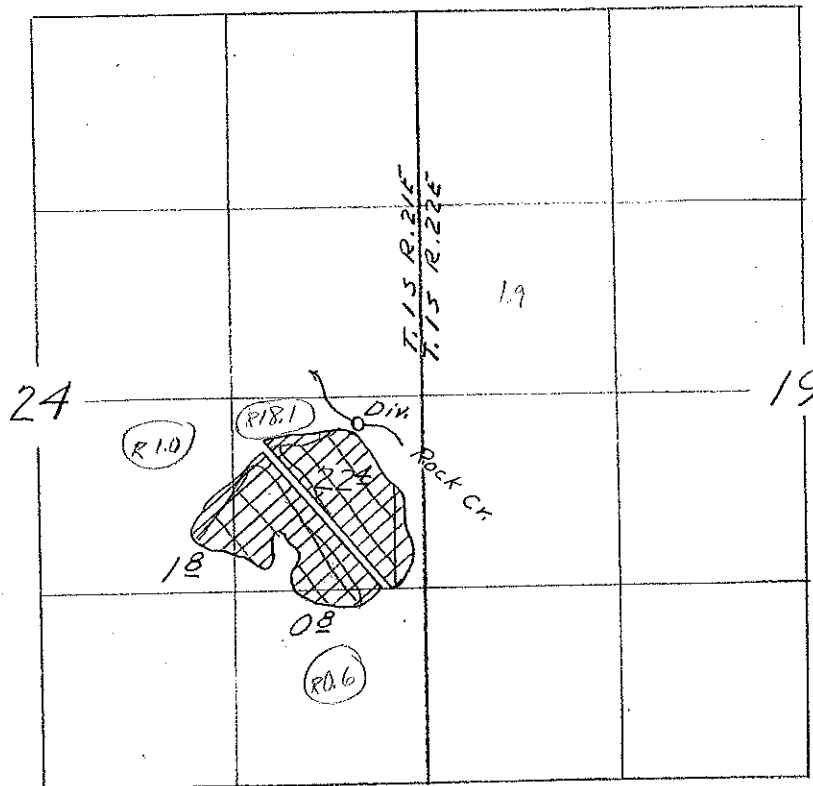
LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 251.59

UC

T. 15. R. 21 E. W. M.



Final Proof Survey  
Under

Transfer No. C-99  
In Name Of

Orie L. Conboy

Surveyed April 6, 1955, by T. Jones

25159

AAF-4F-99

STATE OF OREGON

COUNTY OF GILLIAM

CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. L. TAYLOR

97812

of Olax, State of Oregon, has a right to the use of the waters of Rock Creek for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1894

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

10.1 acres in SW 1/4 NE 1/4
2.0 acres in SE 1/4 NE 1/4
19.4 acres in NE 1/4 NW 1/4
6.0 acres in SE 1/4 NW 1/4
Section 24,
T. 1 S., R. 21 E., W. M.

map shows

27.8
13.2
19.4
19.0

41.9 DIFFERENCE

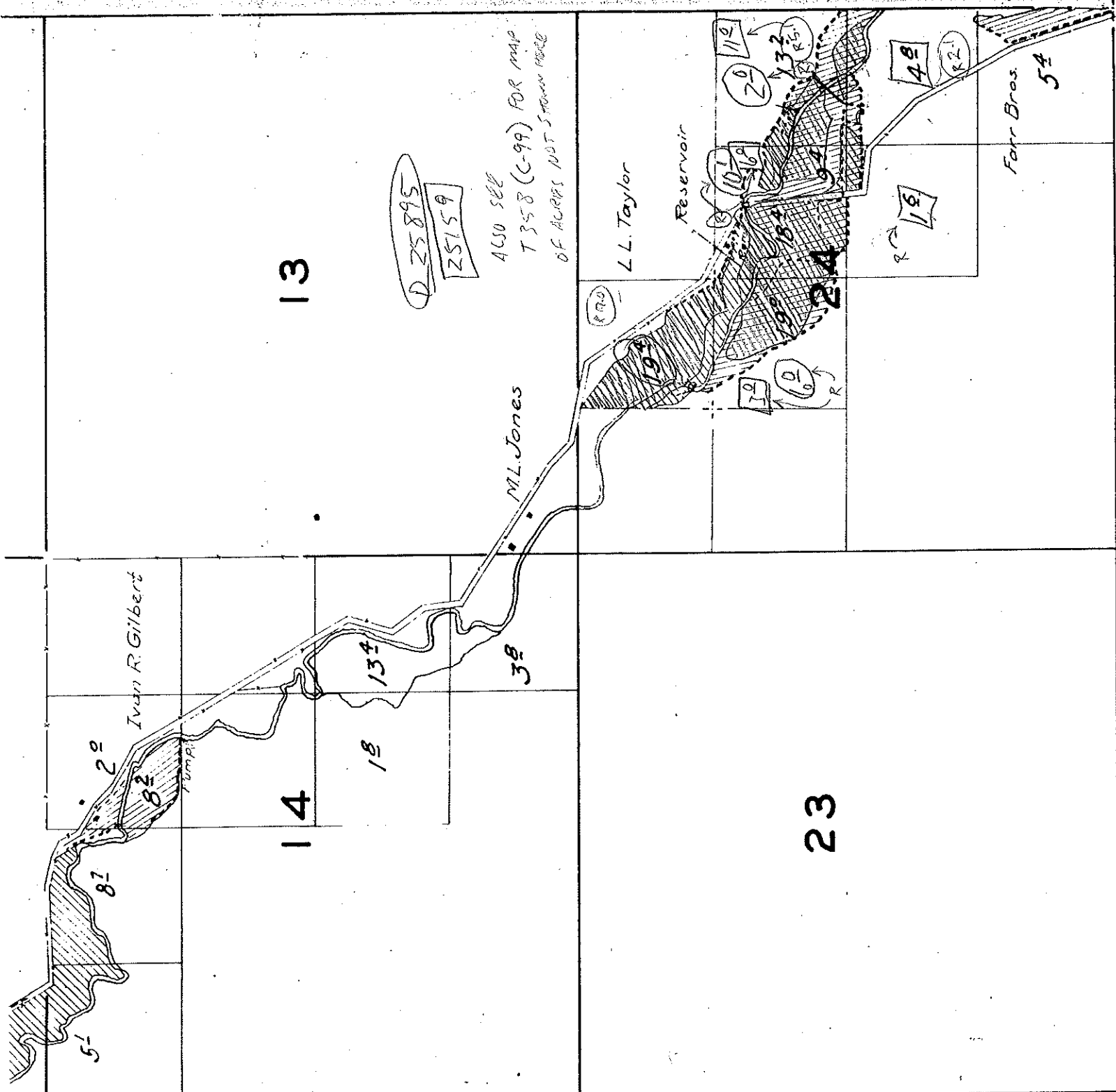
And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959

LEWIS A. STANLEY

State Engineer



13

D 25895  
25159

ALSO SEE  
T 358 (C-99) FOR MAP  
OF ACRES NOT SHOWN HERE

Ivan R. Gilbert

M.L. Jones

LL. Taylor

Reservoir

Farr Bros

14

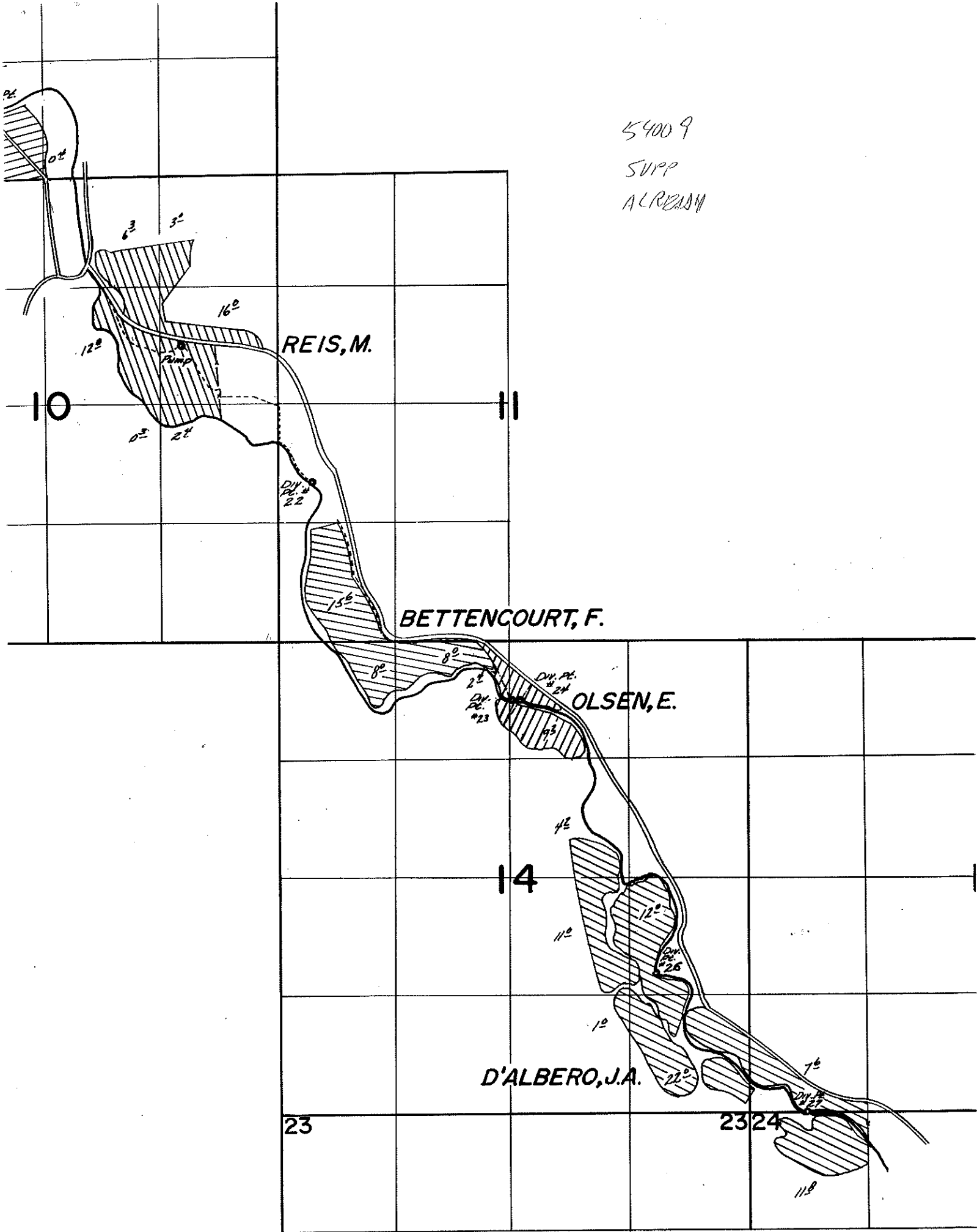
23

cept in the  
and, are sketched  
on.

54009

SUPP

ALREBAM



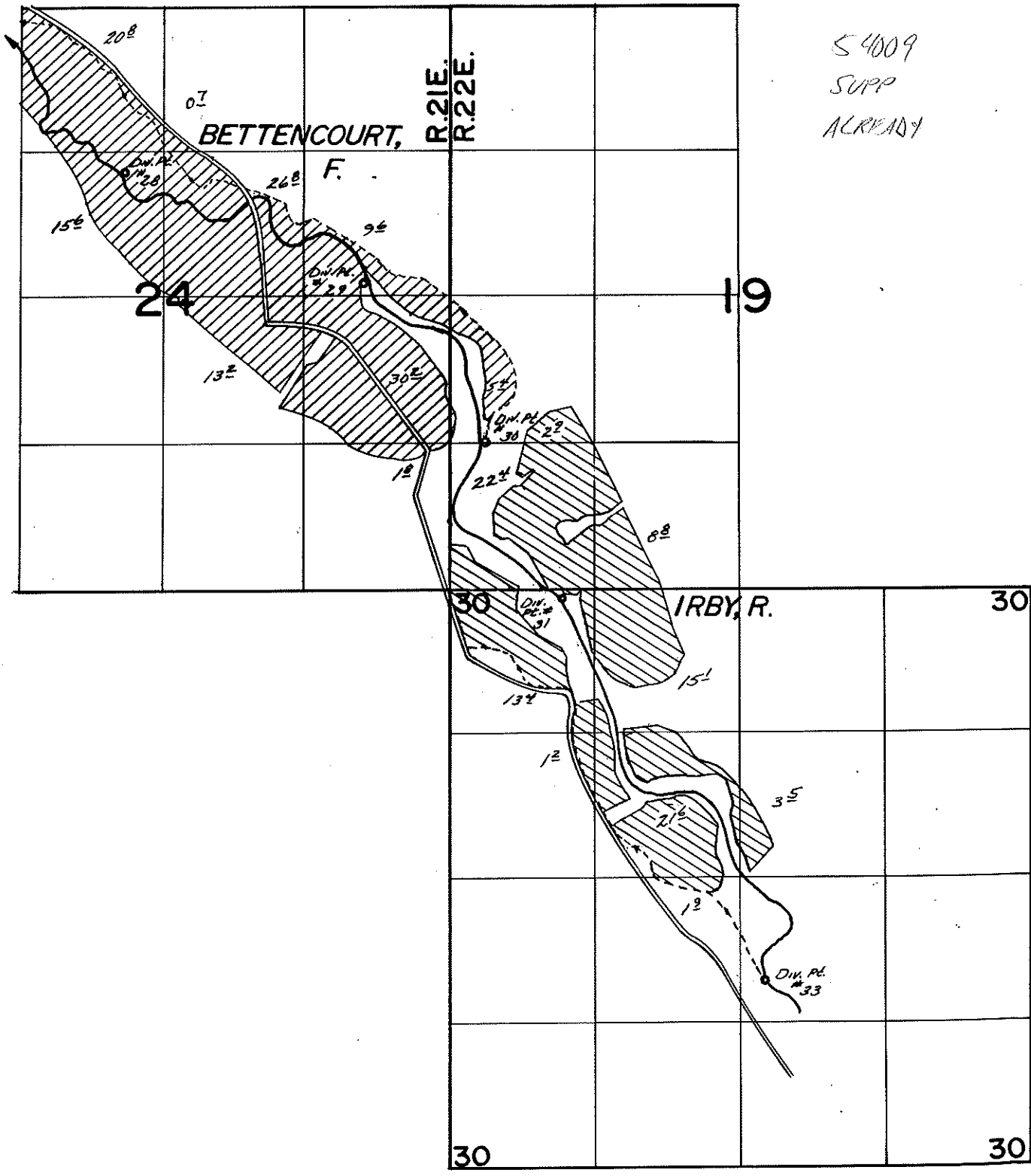
23

2324

118



# TOWNSHIP 19 SOUTH, RANGE 21 & 22 EAST





# 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 27, 1998

STEVEN P EMERICK  
64771 UPPER ROCK CR RD  
ARLINGTON, OREGON 97812

Reference: File G-14840

Dear Applicant:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN ROCK CREEK BASIN for IRRIGATION OF 187.6 ACRES **is allowable** under OAR 690-506-040(2), the John Day River Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 2.34 CUBIC FEET PER SECOND (1050.0 GALLONS PER MINUTE) for IRRIGATION OF 187.6 ACRES, if properly conditioned, will not injure existing rights or the groundwater resource.
5. According to Department records there are existing water rights, Certificates 12267, 22203, 25159, 25895 and 37808 for irrigation and Permit S-42121 for supplemental irrigation on the lands requested under this application. Information supplied with the application indicates that the applicant will diminish all primary irrigation rights to

- 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.
2. 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.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

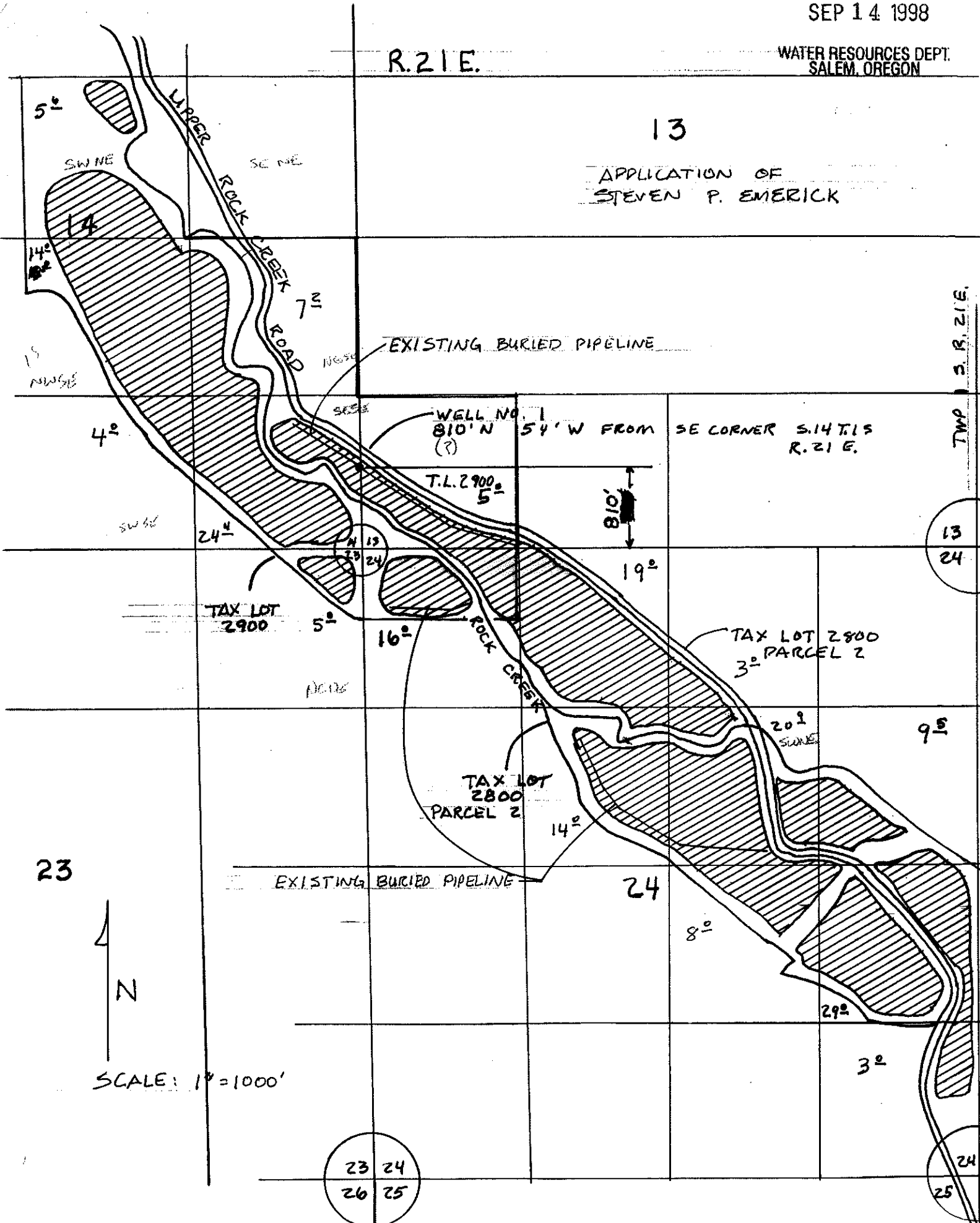
cc: Regional Manager, Watermaster , Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

G-14840  
wab John Day-  
pou John Day-  
gw c

R. 21 E.

13

APPLICATION OF  
STEVEN P. EMERICK



Application No. **G-14840**



# Oregon

John A. Kitzhaber, M.D., Governor

## CERTIFIED MAIL Return Receipt Requested

February 19, 1999

Steven P. Emerick  
64771 Upper Rock Creek Road  
Arlington, OR 97812

RE: Application File # G-14840

Dear Mr. Emerick:

The Department has determined that the proposed use of G-14840 conflicts with existing water right certificates 12237808. You have indicated that intend to diminish the cha rights to supplemental irrigation. Please submit the follow

- ▶ Completed affidavit of diminutions and requi existing certificates.

From the Department's cursory review it appears that something similar to the attached diminutions should be submitted. These examples are a template of what is required. However, you must submit affidavits to the Department which include the areas that **you or your representative** have determined it is necessary to diminish. This is a complex matter and you may wish to retain the services of a Certified Water Rights Examiner.

Please submit the item above by **March 12, 1999**. If the items requested above are not received by this date, we **will** propose that the use proposed under application G-14840 be allowed for supplemental irrigation only. Supplemental water rights are limited as follows:

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.
- ◆ You may only use the supplemental right after the primary source is exhausted.
- ◆ The season of use for the supplemental irrigation will be limited to that of the primary right.

Is your RETURN ADDRESS completed on the reverse side?

<b>SENDER:</b> Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to:  Steven P Emerick 64771 Upper Rock Creek Road Arlington, Oregon 97812		4a. Article Number PS6359	
5. Received By: (Print Name) G14840		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD	
6. Signatures (Addressee or Agent) X <i>Steven P Emerick</i>		7. Date of Delivery 2-23-99	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid) 102395-98-8-0229 Domestic Return Receipt	

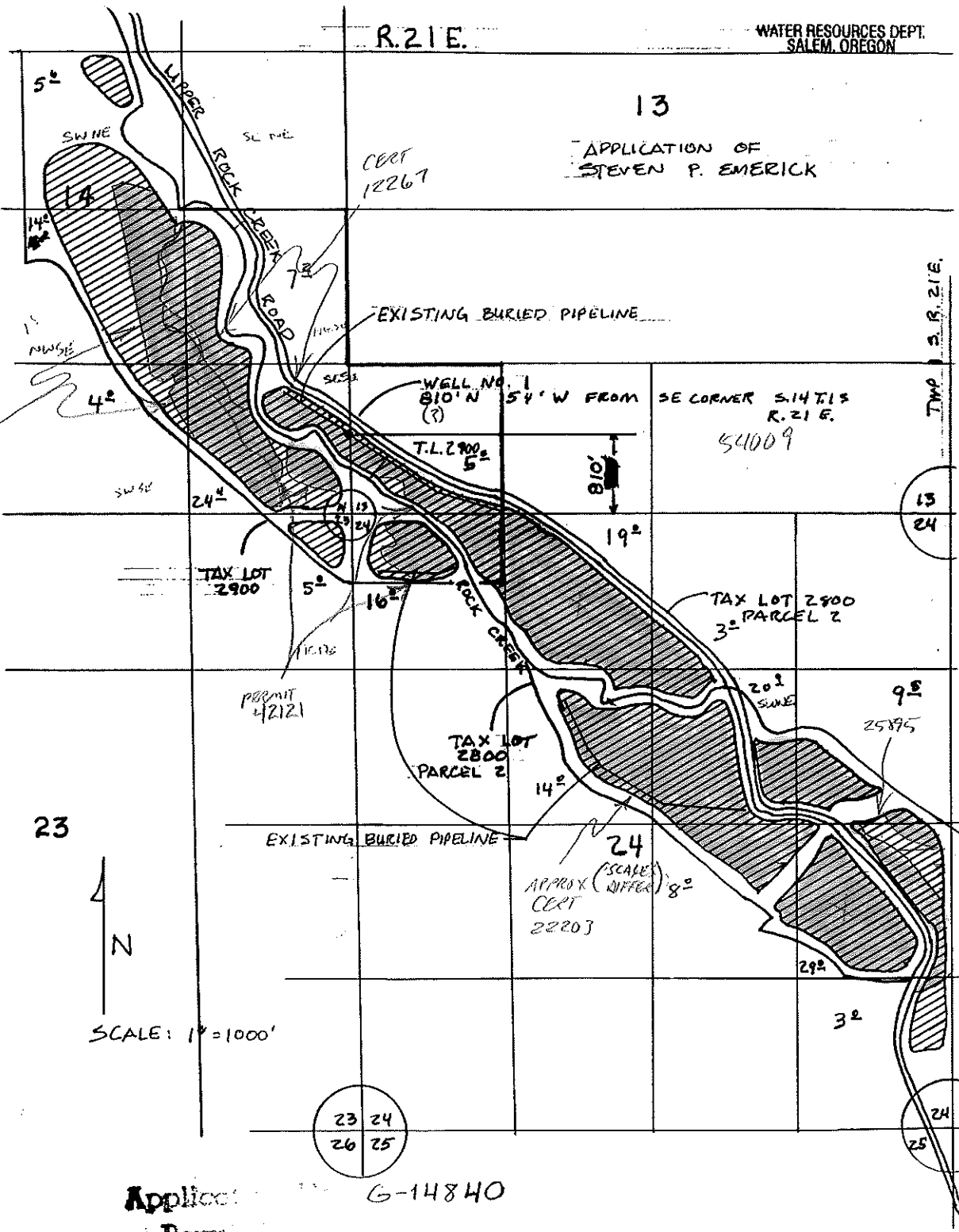
Thank you for using Return Receipt Service.

R. 21 E.

13

APPLICATION OF  
STEVEN P. EMERICK

CERT  
12267



CERT  
37808

WELL NO. 1  
810' N 54' W FROM  
(?)

SE CORNER S14 T15  
R. 21 E.

54009

T.L. 2900  
5'

810'

TAX LOT  
2900

TAX LOT 2900  
3<sup>rd</sup> PARCEL 2

TAX LOT  
2800  
PARCEL 2

PERMIT  
42121

24  
APPROX (SCALE)  
(DIFFER) 8'  
CERT  
22203

SCALE: 1" = 1000'

Application No. G-14840

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed (rate/duty).



PLACE OF USE REPORT 1 S 21 E  
Section(s) 14 13 24

TWP/RNG	POU-ID	POD-ID	APPLICATION	PERMIT	CERT #	USE
1.00S21.00E	29	12		D	25113	25113 IR
1.00S21.00E	29	23 S	54009	S	42121	0 IS
1.00S21.00E	29	11		D	25113	25113 IR
1.00S21.00E	30	0		D	25230	25230 IR
1.00S21.00E	30	23 S	54009	S	42121	0 IS
1.00S21.00E	31	23 S	54009	S	42121	0 IS
1.00S21.00E	32	0		D	25230	25230 IR
1.00S21.00E	32	23 S	54009	S	42121	0 IS
1.00S21.00E	33	19 G	7639	G	7074	0 IR
1.00S21.00E	34	18 S	58847	S	44677	0 IR
1.00S21.00E	34	17 S	58847	S	44677	0 IR
1.00S21.00E	35	23 S	54009	S	42121	0 IS
1.00S21.00E	35	15 S	43260	S	32337	37808 IR
1.00S21.00E	36	24 S	54009	S	42121	0 IS
1.00S21.00E	36	14 S	16593	S	12379	12267 IR
1.00S21.00E	37	20 G	7888	G	7300	0 IR
1.00S21.00E	38	15 S	43260	S	32337	37808 IR
1.00S21.00E	38	24 S	54009	S	42121	0 IS
1.00S21.00E	39	20 G	7888	G	7300	0 IR
1.00S21.00E	40	14 S	16593	S	12379	12267 IR
1.00S21.00E	41	16 S	53996	S	40264	0 IR
1.00S21.00E	41	24 S	54009	S	42121	0 IS
1.00S21.00E	42	20 G	7888	G	7300	0 IR
1.00S21.00E	42	24 S	54009	S	42121	0 IS
1.00S21.00E	43	24 S	54009	S	42121	0 IS
1.00S21.00E	43	19 G	7639	G	7074	0 IR
1.00S21.00E	44	16 S	53996	S	40264	0 IR
1.00S21.00E	45	20 G	7888	G	7300	0 IR
1.00S21.00E	46	25 S	54009	S	42121	0 IS
1.00S21.00E	46	0 T	358	D	25159	25159 IR
1.00S21.00E	46	0		D	25895	25895 IR
1.00S21.00E	47	25 S	54009	S	42121	0 IS
1.00S21.00E	48	16 S	53996	S	40264	0 IR
1.00S21.00E	48	25 S	54009	S	42121	0 IS
1.00S21.00E	49	0		D	25895	25895 IR
1.00S21.00E	49	25 S	54009	S	42121	0 IS
1.00S21.00E	49	19 G	7639	G	7074	0 IR
1.00S21.00E	49	0 T	358	D	25159	25159 IR
1.00S21.00E	50	26 S	54009	S	42121	0 IS
1.00S21.00E	51	31 S	26436	S	20730	22203 IR
1.00S21.00E	51	26 S	54009	S	42121	0 IS
1.00S21.00E	52	0 T	358	D	25159	25159 IR
1.00S21.00E	52	26 S	54009	S	42121	0 IS
1.00S21.00E	53	0		D	25895	25895 IR
1.00S21.00E	53	26 S	54009	S	42121	0 IS
1.00S21.00E	54	0 T	358	D	25159	25159 IR
1.00S21.00E	54	0		D	25895	25895 IR
1.00S21.00E	55	0		D	25895	25895 IR
1.00S21.00E	56	0 T	358	D	25159	25159 IR
1.00S21.00E	56	27 S	54009	S	42121	0 IS

01/26/99

PAGE 2

PLACE OF USE REPORT 1 S 21 E  
Section(s) 14 13 24

TWP/RNG	POU-ID	POD-ID	APPLICATION	PERMIT	CERT #	USE
1.00S21.00E	59	0	T 358	D	25159	25159 IR
1.00S21.00E	59	27	S 54009	S	42121	0 IS

POINT OF DIVERSION REPORT 1 S 21 E  
Section(s) 14 13 24

TWP/RNG	POD-ID	APPLICATI	PERMIT	CERT #	USE	RATE (Cfs/Gpm)	PRIORITY DATE
1.00S21.00E	11 D	0 D	25113	25113	IR	0.0000	12/31/1895
1.00S21.00E	12 D	0 D	25113	25113	IR	0.0000	12/31/1895
1.00S21.00E	14 S	16593 S	12379	12267	IR	0.5000 C	9/22/1936
1.00S21.00E	15 S	43260 S	32337	37808	IR	0.6000 C	2/ 9/1967
1.00S21.00E	16 S	53996 S	40264	0	IR	0.5500 C	3/ 8/1976
1.00S21.00E	17 S	58847 S	44677	0	IR	0.2300 C	6/29/1979
1.00S21.00E	18 S	58847 S	44677	0	IR	0.2300 C	6/29/1979
1.00S21.00E	19 G	7639 G	7074	0	IC	1.0100 C	1/10/1977
1.00S21.00E	20 G	7888 G	7300	0	IR	0.1000 C	3/ 7/1977
1.00S21.00E	25 S	54009 S	42121	0	IR	36.8000 C	3/10/1976
1.00S21.00E	26 S	54009 S	42121	0	IR	36.8000 C	3/10/1976
1.00S21.00E	27 S	54009 S	42121	0	IR	36.8000 C	3/10/1976
1.00S21.00E	28 S	54009 S	42121	0	IR	36.8000 C	3/10/1976
1.00S21.00E	29 S	54009 S	42121	0	IR	36.8000 C	3/10/1976
1.00S21.00E	30 S	54009 S	42121	0	IR	36.8000 C	3/10/1976
1.00S21.00E	31 S	26436 S	20730	22203	IR	0.8600 C	9/11/1951

This report printed for request c1S21E

The map extent is for Township 1 S 21 E  
Section(s) 14 13 24

The following layers are shown on the map -

Roads  
Streams and Lakes  
Township/Range and Sections  
City boundaries and names  
Surface water rights  
Groundwater rights  
Places of Use  
Points of Diversion  
Instream water rights

The following Instream Water Rights are within the map extent:

PERMIT	NAME	PRIORITY
MF 203	BEECH CR > JOHN DAY R	11/ 3/1983
MF 204	BRIDGE CR > JOHN DAY R	11/ 3/1983
MF 205	CANYON CR > JOHN DAY R	11/ 3/1983
MF 208	GRANITE CR > N FK JOHN DAY R	11/ 3/1983
MF 209	JOHN DAY R > COLUMBIA R	5/24/1962
MF 211	JOHN DAY R > COLUMBIA R	11/ 3/1983
MF 212	JOHN DAY R > COLUMBIA R	11/ 3/1983
MF 213	JOHN DAY R > COLUMBIA R	11/ 3/1983
MF 214	M FK JOHN DAY R > N FK JOHN DAY R	11/ 3/1983
MF 215	M FK JOHN DAY R > N FK JOHN DAY R	5/24/1962
MF 216	N FK JOHN DAY R > JOHN DAY R	5/24/1962
MF 218	ROCK CR > JOHN DAY R	11/ 3/1983
MF 219	S FK JOHN DAY R > JOHN DAY R	11/ 3/1983

# Crooked E Ranch

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WATER RESOURCES DEPT.  
SALEM, OREGON

September 9, 1998

Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, Oregon 97310

Dear Sir or Madam:

Enclosed please find the following materials constituting my application for a primary right to use groundwater for irrigation:

- Application for Permit to Use Groundwater;
- Form I;
- Map showing all required information;
- Well log;
- Land Use Information Form, executed by an appropriate official of Gilliam County;
- Legal Description of the affected property (two parcels); and
- A check in the amount of \$400, in preliminary payment of the examination fees (I understand the actual fee will be based on the permitted rate of groundwater use).

In connection with this application, please note the following:

1. According to the available records of the Department, the affected land is subject to the following primary and supplemental water rights:

Primary Rights: Certificate Nos. 12267, 22203, 25159, 25895 and 37808.

Supplemental Rights: Permit No. 42121

In the event a permit is issued pursuant to this application, I wish to diminish each of the existing primary rights to supplemental rights and preserve the existing supplemental right, which provides for winter irrigation.

2. The groundwater will be obtained from an existing well, which was the subject of two groundwater permits issued in 1977, Nos., G7074 and G7300, which were cancelled February 26, 1993, Special Order Vol. 47, page 171, due to nonperfection of appropriation. See the enclosed

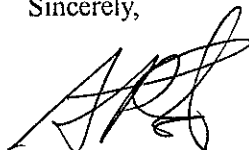
Application No. G-14840  
Permit No.

September 9, 1998

copy of the well log.

Please do not hesitate to contact me if you should need any additional information.

Sincerely,



Steven P. Emerick

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WATER RESOURCES DEPT.  
SALEM, OREGON

Encl.  
C: Michael J. Zwart

Application No. G-14840  
Permit No.

EXHIBIT "A"  
Legal Description

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TAX LOT 2900

GILLIAM COUNTY, OREGON

SEP 14 1998

Township 1 South, Range 21 East, W.M.:

WATER RESOURCES DEPT.  
SALEM, OREGON

Section 13: SW~~1~~SW~~4~~.

14: SW~~1~~NE~~4~~.

EXCEPT that portion described as follows:  
Beginning at a point 7.5 chains South of the Southeast corner of the NW~~1~~NE~~4~~ of Section 14; running thence North 33°30' West 8.1 chains; thence North 09° West .98 chains; thence West 1.13 chains; thence South 33° West 1.13 chains; thence South 34°30' East 4 chains; thence South 13°30' East 2.73 chains; thence West 13°30' North .45 chains; thence South 26° West 3.10 chains to a bluff of rock on the South side of Rock Creek; thence along the foot of said bluff in a Southeasterly direction to the South boundary of said SW~~1~~NE~~4~~ of Section 14; thence East 1.2 chains to the Southeast corner of said SW~~1~~NE~~4~~; thence North to the place of beginning.

That part of SE~~1~~ North of a line described as follows: Starting at a point which is the Northwest corner of the S~~1~~NW~~4~~SW~~4~~ of Section 14; thence 90° East 2200 feet excluding the North tip of a plowed field (approximately 1½ acres), thence 160° South 1300 feet; thence 135° Southeast approximately 2800 feet to a point which is the Southwest corner of the N~~1~~NW~~4~~NW~~4~~, Section 24, same Township and Range, thence East along the S~~1~~NW~~4~~NW~~4~~, Section 24, to the property line.

23: That part of the NE~~1~~ North of the above described line.

24: N~~1~~NW~~4~~NW~~4~~.

TOGETHER WITH any and all water rights, permits and certificates.

Application No. 6-14840  
Permit No.

Application for Permit to Use Groundwater  
Steven P. Emerick

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EXHIBIT "A"  
Legal Description

SEP 14 1998

TAX LOT 2800  
PARCEL 2

GILLIAM COUNTY, OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

Township 1 South, Range 21 East, W.M.:  
Sections 13 and 24: Parcel Number 2 of Land Partition Plat No.  
1998-03 filed with the Gilliam County Clerk on  
June 12, 1998.

Application No  
Permit No

6-14840

Application for Permit to Use Groundwater  
Steven P. Emerick



Oregon Water Resources Department

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FORM I

FOR IRRIGATION WATER USE

WATER RESOURCES DEPT.  
SALEM, OREGON

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary     Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: \_\_\_\_\_ Acres

Secondary: \_\_\_\_\_ Acres

List the permit or certificate number of the primary water right: No. \_\_\_\_\_

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Wheat and barley     Full season     Partial season (from: 3/1 to 10/31)
- 2. Alfalfa and grass hay     Full season     Partial season (from: 3/1 to 10/31)
- 3. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 4. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

844 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

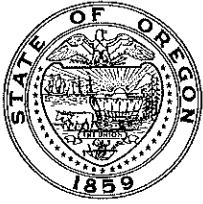
4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours                       Daily during nighttime hours
- Two or three times weekly during daytime                       Two or three times weekly during nighttime
- Weekly, during daytime hours                       Weekly, during nighttime hours

Other, explain: \_\_\_\_\_ **Application for Permit to Use Groundwater**  
**Steven P. Emerick**

Application No. G-14840  
Permit No.





# Oregon Water Resources Department Land Use Information Form

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SEP 14 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

## To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

### A. Applicant

Name: Steven P. Emerick

Address: 64771 Upper Rock Creek Rd.

City: Arlington State: OR Zip: 97812 Day Phone: 541-454-2970

### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>2900</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>2800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

### C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation

Briefly describe: Sprinkler irrigation of agricultural crops

### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond  Ground Water  Surface Water \_\_\_\_\_ (source)

### E. Quantity

Indicate the estimated quantity of water the use will require:

~~500~~ 844

CES

GPM

Acre-Feet

Application No. 6-14840  
Permit No.





Oregon Water Resources Department

Application for a Permit to Use Ground Water

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WATER RESOURCES DEPT. SALEM, OREGON

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

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: Emerick Steven P. Last First MI

Mailing address: 64771 Upper Rock Creek Rd

Arlington OR 97812 City State Zip

Phone: 541-454-2969 541-454-2970 Home Work Other

\*Fax: 541-454-2965 \*E-Mail address: Semerick@transport.com

B. Organizations

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

Name of organization:

Name and title of person applying:

Mailing address of organization:

City State Zip

Phone: Day Evening

\*Fax: \*E-Mail address:

\*Optional information

For Department Use

App. No. G14840 Permit No. Date 9-25-98

## 2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

### A. County

In what county is the use proposed? Gilliam

In what county is the appropriation point proposed? Gilliam

### B. River Basin

(See instruction booklet pg.3 for list):

John Day

### C. Property Ownership

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

- Yes (Skip to section 3 "Groundwater Development.")
- No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.\*\*
- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.

\*\*If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

## 3. Groundwater Development

A. Number of wells: 1 B. Name of nearest surface water body Rock Creek

C. Distance from well(s) to nearest stream or lake: 1) 260'

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 11'

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

**E. Well Characteristics**

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 constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

*(Well log enclosed.)*

1. Wells will be constructed by: \_\_\_\_\_

Address: \_\_\_\_\_

Completion date: \_\_\_\_\_

2. Please provide a description of your well development. *(Attach additional sheets if needed.)*

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth

**F. Artesian Flows**

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

N/A

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## 4. Water Use

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

### A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

Irrigation

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

### B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer (see well log)	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1	(see well log)	Irrigation	844 ac.-ft	1,050 gpm

### C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

3/1 through 10/31

### D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

187.6

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5. Water Management

WATER RESOURCES DEPT.  
SALEM, OREGON

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) 60 hp, 3 phase deep well turbine
- Other means (describe) \_\_\_\_\_

B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):  
Width \_\_\_\_\_ Depth \_\_\_\_\_  
Is the ditch or canal to be lined?  Yes  No
- Pipe (give diameter and total length)  
Diameter(s) 8" and 6" Length 5,000' and 3,000', respectively
- Other (describe) \_\_\_\_\_

C. Application/Distribution Method

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

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

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

Distribution method

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

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Manage irrigation levels by monitoring soil moisture.

Sprinkler irrigation chosen because there is existing  
underground distribution system.

**6. Project Schedule**

Proposed date construction will begin Well already complete.

Proposed date construction will be completed March, 1999

Proposed date beneficial water use will begin March, 1999

**7. Remarks**

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

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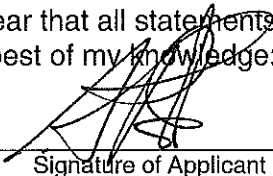
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**Signature**

By my signature below I confirm that I understand:

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

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



Signature of Applicant

9-9-98  
Date

Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?