

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: February 2, 2015

FROM: Ann Reece
Phone: (503) 986-0834

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Refund**
EXTENSION OF TIME APPLICATION - Request for Refund

FILE #'s: G-14516 RA #: R12221-11 RECEIPT #: 113450 (\$445 RA refund)
RECEIPT #: 113281 (\$575 Ext refund)

Please prepare payment in the amount of **\$1020.00**, made payable to:

Name: Dry Mountain Ranch
Attn: Wayne Evans
Address: 70194 Silver Creek Rd
Riley, OR 97758

These funds are being paid or refunded as a result of (check one):

- Excess fees were collected for Claim of Beneficial Use
- Refund of fees collected for Reimbursement Authority
- Refund of Extension Application

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: 1-29-15

PCA Obj Dec

\$445 47126 0408 Rev Ref Rept 113450 G-14516 R12221-11
\$575 46111 0240 " 113281 "

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG IN TO [HTTP://WWW.OREGON.GOV/DAS/EGS/FBS/SFMS/PAGES/ACH.ASPX](http://www.oregon.gov/das/EGS/FBS/SFMS/PAGES/ACH.ASPX) ON THE INTERNET. CLICK ON FORMS AND BROCHURES. THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.


WARRANT NO.
123853803

WATER RESOURCES DEPARTMENT

(503) 986-0924

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
	012915	REV REF RCPT#113281 G-14516	690	VP039661	\$575.00
	012915	REV REF RCPT#113450 G-14516 R12221-11	690	VP039661	\$445.00

VENDOR NAME	ISSUE DATE	WARRANT AMOUNT
DRY MOUNTAIN RANCH	02/02/15	\$1,020.00

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRIM WATER MARK OF CHAIN-LINKED SHAPES WHEN HELD TO THE LIGHT

STATE OF OREGON
503-986-0924
WATER RESOURCES DEPARTMENT
725 SUMMER ST. NE, SUITE A
SALEM

TO THE STATE TREASURER SALEM, OREGON
PAYABLE THROUGH US BANK

96-10
1232
CHECK DATE
02/02/15



WARRANT NO.
123853803

PAY THIS AMOUNT
\$1020.00

ONE THOUSAND TWENTY AND 00/100 DOLLARS

PAY TO THE ORDER OF:

VOID 2 YEARS AFTER DATE ISSUED

DRY MOUNTAIN RANCH
ATTN: WAYNE EVANS
70194 SILVER CREEK RD
RILEY OR 97758

AUTHORIZED SIGNATURE

1 23853803 1 23200101 1050 1

Application # G-14516 Permit # G13455

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: 8-29-14

◆ **Extension Specialist ...**

Added to tracking spreadsheet

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

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 9/9/14

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 Ann R



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

February 2, 2015

Wayne Evans
Dry Mountain Ranch LLC
70194 Silver Creek Rd
Riley, OR 97758

RE: Return of Money for Reimbursement Authority Contract R1221-11; File # G-14516
Return of Money for Extension of Time Application; File # G-14516

Dear Mr. Evans,

We received an application for Extension of Time along with a check for \$575 on August 29, 2014. On September 2, 2014, I sent out a reimbursement estimate/contract for \$445 for your signature for the expedited process for the processing the extension request. We subsequently received your signed copy of the contract and a check for \$445.

At the time we received the signed contract it came to our attention that the permit holder of record changed from Silver Creek Ranches to Miller Canyon Ranch. We cannot process the extension until an assignment has been filed to update the permit holder of record. Therefore we are returning your extension application and payments in a check for the amount of \$1020.

In addition, if the extension application is signed by someone other than the permit holder, a letter of authorization from the permit holder of record is required when signing on behalf of a permit holder.

I have enclosed two forms for completing the assignment. You only need to return one of the forms (one is by proof of ownership; the other is by signature of the prior permit holder).

Please call Ann Reece at (503) 986-0834 if you have any questions about this return of money.

Sincerely,

Ann Reece
Water Rights Specialist
Oregon Water Resources Department

Cc: Appl File G-14516

John Short, Water Right Services, LLC



**OREGON WATER RESOURCES DEPARTMENT
EXTENSION REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**



Contract Number: **R12221-11**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and hereafter Applicants, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: Ann L. Reece Reimbursement Authority Oregon Water Resources Department 725 Summer Street, NE Salem, OR 97301-1271 Phone: 503-986-0834 Email: reecel@wrdd.state.or.us	Name: Wayne Evans Title: Owner Company: Address: 70194 Silver Creek Rd Riley, OR 97758 Phone: Email:	Name: John Short Title: Representative Company: Water Right Services LLC Address: PO Box 1830 Bend, OR 97709 Phone: 541-389-2837 Email: johnshort@usa.com

- Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application. (Application Number: G-14516)**
- 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.** 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.** shall pay OWRD in advance for actual costs incurred by OWRD. agrees to pay the full amount of **\$ 445** 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.** 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.

PCA 47126

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: Wayne Evans
 Name: Wayne Evans
 Title: Owner
 Company:
 Date: 9-16-14

For OWRD: Ann L. Reece
 Name: Ann L. Reece
 Water Right Services Division
 Date: _____

Mail signed Agreement to:
Ann L. Reece
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

NOT
 VALIDATED
 BY OWRD.
 Refunded \$445
 on 2-1-2015

PCA 47126

REECE Ann L

From: REECE Ann L
Sent: Friday, December 05, 2014 11:53 AM
To: 'John Short'
Subject: RE: assignment

SentFromSession: REESE.reeceal.12/5/2014 9:00:56 AM

John,

I just checked with Jerry S. The assignment has not been received.

Best Regards,

Ann Reece

Water Right Services Division
Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@ wrd.state.or.us

From: John Short [<mailto:johnshort@usa.com>]
Sent: Thursday, December 04, 2014 9:32 AM
To: REECE Ann L
Subject: assignment

Hey Ann,

Just checking to see if the assignment for Silver Creek Ranch (Wayne Evans) ever showed up before hassling the Dr. again.

Thanks,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

Application # : G-14516

Pemit G-13455

Transfer #

RA#

Name of RA Applicant: R12221-11

Reimbursement Authority Process

Itemized Estimate Sheet

for

Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Extension Request (Completeness Checklist)	0.50	Ann	\$46		
2. Preparation of deficiency letter		Craig	\$0		
3. Ground Water Review		Mike Z	\$0		
4. Proposed Final Order	3.00	Ann	\$275		
4a. Peer review	0.00	Ann	\$0		
4b. Peer review	0.10	Dwight	\$12		
5. Final Order	0.50	Ann	\$36		
6. Project Management	0.50	Ann	\$46		
7. Water right data record update	0.50	Cody	\$29		
Total	5.10		\$442		

~~\$442~~

\$445

Notes:

REECE Ann L

From: REECE Ann L
Sent: Tuesday, September 02, 2014 2:37 PM
To: johnshort@usa.com
Subject: RA Agreements for Wayne Evans R-12220-11 for G-14517 and R-12221-11 for G-14516
Attachments: RA Estimate Receipts.PDF; RA Contract R12221-11.pdf; RA Contract_R12220-11.pdf
SentFromSession: REESE.reeceal.9/2/2014 9:54:00 AM

John,

Please find the attached estimates and agreements to process the two extensions for Wayne Evans. If the proposed agreements are acceptable, please return signed copies to our office along with the payment of the estimated costs to process the extensions.

I also attached a scan of the receipt for the RA estimates.

Please let me know if I should put copies in the mail for Mr. Evans.

If you have any questions, please call me.

Best Regards,

Ann Reece

Water Right Services Division
Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@ wrd.state.or.us

**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 # **113450**

INVOICE # _____

RECEIVED FROM: Dry Mountain Ranch, LLC
BY: Title; Custodial Account

APPLICATION	<u>6-14516</u>
PERMIT	<u>6-13455</u>
TRANSFER	

CASH: CHECK:# 1004 OTHER: (IDENTIFY)

TOTAL REC'D \$ 445.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	<u>47126 R12221-11</u>	\$
<u>0408</u>	OTHER:	<u>Reimbursement Authority</u>	\$ <u>445.00</u>

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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: **113450**

DATED: 9/16/14 BY: Changsk

WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 113450

APPLICATION # _____

RECEIVED FROM:

Dry Mountain Ranch, LLC
Title: Custodial Account

APPLICATION

6-74516

BY:

PERMIT

6-13455

TRANSFER

CASH:

CHECK:#

OTHER: (IDENTIFY)

1004

TOTAL REC'D

\$ *445.00*

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

47126 R12221-11

\$

0406

OTHER:

(IDENTIFY)

Reimbursement Authority

\$ *445.00*

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

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

0201

SURFACE WATER

EXAM FEE

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

RECORD FEE

WELL CONSTRUCTION

0218

WELL DRILL CONSTRUCTOR

EXAM FEE

\$

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: 113450

DATED: *9/16/14*

BY: *Chenyske*



OREGON WATER RESOURCES DEPARTMENT
EXTENSION REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT



Contract Number: **R12221-11**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and hereafter Applicants, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: Ann L. Reece Reimbursement Authority Oregon Water Resources Department 725 Summer Street, NE Salem, OR 97301-1271 Phone: 503-986-0834 Email: reeceal@wrdd.state.or.us	Name: Wayne Evans Title: Owner Company: Address: 70194 Silver Creek Rd Riley, OR 97758 Phone: Email:	Name: John Short Title: Representative Company: Water Right Services LLC Address: PO Box 1830 Bend, OR 97709 Phone: 541-389-2837 Email: johnshort@usa.com

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application. (Application Number: G-14516)**
2. **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.
3. **Restrictions.** 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.
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6. **Confidentiality.** 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.
7. **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.

PCA 47126

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.
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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: Wayne Evans
 Title: Owner
 Company:
 Date: _____

For OWRD: _____
 Name: Ann L. Reece
 Water Right Services Division
 Date: _____

Mail signed Agreement to:

Ann L. Reece
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47126

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 # 113280

INVOICE # _____

RECEIVED FROM: Dry Mountain Ranch LLC APPLICATION G-14517
 BY: _____ PERMIT G-13375
 TRANSFER _____

CASH: CHECK: # 305 OTHER: (IDENTIFY)
 TOTAL REC'D \$ 700.00

1083 TREASURY		4170 WRD MISC CASH ACCT	
0407	COPIES	<u>47126</u>	<u>R12220-11</u>
<u>0408</u>	OTHER:	(IDENTIFY) <u>Reimbursement Authority</u>	\$ <u>125.00</u>
0243	I/S Lease	0244	Muni Water Mgmt. Plan
		0245	Cons. Water
4270 WRD OPERATING ACCT			

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME	<u>46111</u> →	\$ <u>575.00</u>
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER <u>@ 125.00</u>	\$	0202 \$
0203	GROUND WATER <u>@ 575.00</u>	\$	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 (FWWRD)		\$	
0231	HYDRO LICENSE FEE (FWWRD)		\$	
	HYDRO APPLICATION		\$	

TREASURY	OTHER / RDX
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: 113280 DATED: 8/29/14 BY: [Signature]

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 # 113281

INVOICE # _____

RECEIVED FROM: Dry Mountain Ranch LLC APPLICATION G-14516
 BY: Title; Custodial Account PERMIT G-13455
 TRANSFER _____

CASH: CHECK: # 1001 OTHER: (IDENTIFY)
 TOTAL REC'D \$ 700.00

1083 TREASURY		4170 WRD MISC CASH ACCT	
0407	COPIES	<u>47126</u>	<u>R12221-11</u>
<u>0408</u>	OTHER:	(IDENTIFY) <u>Reimbursement Authority</u>	\$ <u>125.00</u>
0243	I/S Lease	0244	Muni Water Mgmt. Plan
		0245	Cons. Water
4270 WRD OPERATING ACCT			

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME	<u>46111</u> →	\$ <u>575.00</u>
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER <u>@ 125.00</u>	\$	0202 \$
0203	GROUND WATER <u>@ 575.00</u>	\$	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 (FWWRD)		\$	
0231	HYDRO LICENSE FEE (FWWRD)		\$	
	HYDRO APPLICATION		\$	

TREASURY	OTHER / RDX
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: 113281 DATED: 8/29/14 BY: [Signature]

REECE Ann L

From: SUMPTION Mishelle K
Sent: Friday, August 29, 2014 3:33 PM
To: LOPEZ Elizabeth M; TODD Sandra K
Cc: OPEIFA Salem B; REECE Ann L; KOHANEK Craig
Subject: RE: RA Extension request

Elizabeth,

Your project number is R12221-11 and the PCA you will use is 47126.

Thank you.

Mishelle Sumption
ASD – Fiscal Services
(503) 986-0924

From: LOPEZ Elizabeth M
Sent: Friday, August 29, 2014 3:29 PM
To: TODD Sandra K
Cc: OPEIFA Salem B; SUMPTION Mishelle K; REECE Ann L; KOHANEK Craig
Subject: RA Extension request

Hello,

Applicant: Wayne Evans

Related to Application: G14516

Receipt #: 113281

Thank you,

Elizabeth Lopez
Reception
Oregon Water Resources Department
P: 503-986-0900

Elizabeth Lopez
Office Specialist
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900

REECE Ann L

From: SUMPTION Mishelle K
Sent: Friday, August 29, 2014 3:33 PM
To: LOPEZ Elizabeth M; TODD Sandra K
Cc: OPEIFA Salem B; REECE Ann L; KOHANEK Craig
Subject: RE: RA Extension request

Elizabeth,

Your project number is R12221-11 and the PCA you will use is 47126.

Thank you.

Mishelle Sumption
ASD – Fiscal Services
(503) 986-0924

From: LOPEZ Elizabeth M
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Mailing List for Extension PFO Copies

PFO Date: May 1, 2018

Application: G-14516

Permit: G-13455

Copies Mailed

By: SP
On: 5-1-18

Original mailed to Applicant:

Silver Creek Ranches LLC
Wayne Evans
70194 Silver Creek Rd
Riley, OR 97758

Copies sent to:

1. WRD - App. File G-14516/ Permit G-13455

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 10, JR Johnson
4. WRD – Eastern Regional Manager, Jason Spriet

CASEWORKER: JDP

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-13455, Water Right Application G-14516,) **PROPOSED FINAL ORDER**
in the name of Silver Creek Ranches LLC; Wayne Evans) **TO DENY**

Permit Information

Application:	G-14516
Permit:	G-13455
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	May 12, 1997
Source of Water:	A well in Silver Creek Basin
Purpose or Use:	Irrigation of 109.0 acres and supplemental irrigation of 74.0 acres
Maximum Rate:	2.29 cubic feet per second (cfs), being 1.36 cfs for irrigation and 0.93 cfs for supplemental irrigation

In Summary, the Department proposes to:

- Deny an extension of time to apply water to full beneficial use from October 1, 2002, to October 1, 2022.

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.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time

Department – Oregon Department of Water Resources

FOF – Finding of Fact

PFO – Proposed Final Order

cfs – cubic feet per second

Well – HARN 50194

GHVGAC – Greater Harney Valley Groundwater Area of Concern

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On August 12, 1998, Permit G-13455 was issued pursuant to ORS 537.625, by the Department. The permit authorizes the use of up to 2.29 cfs of water, being 1.36 cfs for irrigation of 109.0 acres, and 0.93 cfs for supplemental irrigation of 74.0 acres from a well in Silver Creek Basin. The permit specified actual construction of the well to begin by May 28, 1999, and complete application of water to the use was to be made on or before October 1, 2002.
2. On April 27, 2017, the permit holder, Wayne Evans 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-13455 be extended from October 1, 2002, to October 1, 2022. This is the first permit extension requested for G-13455.

3. On May 2, 2017, notification of the Application for Extension of Time for G-13455 was published in the Department's Public Notice. No public comments were received regarding the extension 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)]

4. On April 27, 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)]

5. The Application states that construction of HARN 50194 began April 15, 1997.
6. The Application states that HARN 50194 is not drilled in the location authorized in Permit G-13455.
7. No evidence of beginning construction of the well authorized in Permit G-13455 is located in the record of the Department.
8. ORS 537.630(2) states in part that “the holder of a permit issued pursuant to ORS 537.625 shall prosecute the construction of a well or other means of developing and securing the ground water with reasonable diligence and complete the construction within a reasonable time fixed in the permit by the Water Resources Department, not to exceed five years after the date of approval of the Application. However, the department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year period, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use.”
9. OAR 690-315-0040(5) states “if the extension is requested pursuant to OAR 537.230 or 537.630, the applicant must have begun actual construction work, as defined in OAR 690-315-0020(3)(d)(A) and (B), during the period required by statute. If the Department finds the applicant did not begin construction by that date, the permit cannot be extended, and the Department may begin cancellation proceeding pursuant to ORS 537.260 or 537.410.”

Based on Findings of Fact 6 through 9, the Department has determined that prosecution of the construction of the well did not begin prior to May 28, 1999, being the date specified in Permit G- 13455 to begin actual construction of the well. The Department cannot find that construction of the well authorized under Permit G-13455 began (was prosecuted) within the time fixed in the permit, being May 28, 1999, the date established pursuant to ORS 537.630. An extension cannot be granted to extend the time needed to prosecute (begin) construction of the well.

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).

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

In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable diligence”, the Department shall consider, but is not limited to, the following factors: 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 holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

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

The amount of construction completed within the time allowed in the permit.¹

- 10. No work was accomplished towards construction of a well or other means of securing the ground water as authorized in Permit G-13455.

Based on FOF 10, the Department has determined that actual construction of the well as authorized in Permit G-13455, was not constructed.

- 11. Work was accomplished towards the development of the water system during the original development time frame under Permit G-13455. The work consisted of installation of pumps, main lines, a pivot, wheel lines, and a meter.

Based on FOF 11, the Department has determined that work has been accomplished towards the development of the water system during the time allowed in the permit.

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

The water right permit holder’s conformance with the permit conditions.

- 12. The Department has considered the permit holder’s compliance with conditions, and has identified the following concerns: (1) HARN 50194 deviates from the location that is authorized in the permit; (2) the record does not show that a meter or other suitable measuring device has been installed on the authorized well; (3) annual reports of the amount of water used each month from the authorized well have not been received by the Department; (4) the required March static water level measurements of the authorized well have not been received by the Department; and (5) prosecution of construction of the well as authorized by Permit G-13455 did not begin by May 28, 1999.

¹ “Actual Construction” is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

Based on FOF 6, 7, 8, 9, 10, and 12, the Department the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-13455:

- “If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical review, Initial review or Proposed Final Order under which this permit is granted may be revised, conditions may be appropriately advised, or this permit may not be valid”;
- “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”;
- “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”; and
- “Actual construction of the well shall begin by May 28, 1999.”

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

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

The amount of beneficial use made of the water during the permit or previous extension conditions.

13. The Application states a maximum rate of 2.29 cfs of water has been appropriated from HARN 50194 for irrigation of 183.0 acres. HARN 50194 is not authorized in Permit G-13455.
14. No water has been appropriated from the well authorized under Permit G-13455.

Based on FOF 6, 7, 10, 12, and 14, the Department finds that beneficial use of water has not been demonstrated, as no water has been appropriated from the well authorized under the permit and not all permit conditions have been satisfied.

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

15. An approximate total of \$350,000 has been invested. The costs includes \$50,000 for the

construction of HARN 50194, which is not the authorized point of appropriation in Permit G-13455, and therefore is not counted towards development. After deducting these costs, the approximate total investment for “actual construction” to date is approximately \$300,000.

Based on FOF 7, 10, and 12, the Department has determined that no investment towards construction of a well or other means of securing the ground water as authorized in Permit G-13455 has been made.

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

The Application provides evidence that prosecution of construction of the well authorized in Permit G-13455 has not begun; work has been accomplished towards completion of the water system; the permit holder has not demonstrated compliance with permit conditions, and; beneficial use of water has not been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-13455.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

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:

- *(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.

16. 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-13455; 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).

17. The point of appropriation for Permit G-13455, located within the Chickahominy Creek Basin, is within the Greater Harney Valley Groundwater Area of Concern (GHVGAC), Northwest sub-area, which was established to ensure that groundwater in the GHVGAC is appropriated within the capacity of the resource and that new appropriations of groundwater assure the maintenance of reasonably stable groundwater levels and prevent depletion of the groundwater resource. Current data, comprising substantial evidence, indicate that groundwater levels are declining in areas of the GHVGAC. Additional allocation of groundwater within the GHVGAC may exacerbate these declines. A comparison between estimated annual recharge and previously allocated groundwater volumes indicates that groundwater is fully allocated in some areas of the basin. 690-512-0020(1).
18. Chickahominy Creek is not located within or above any state or federal scenic waterway.
19. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

20. Chickahominy Creek is located within an area ranked “highest” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

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

Economic interests dependent on completion of the project.

21. The Application states an approximate total of \$350,000 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

22. The Application did not identify economic interests other than those of the applicant’s that may be dependent on completion of the project.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

23. On March 19, 2018, the Department's Groundwater section determined the proposed well for this extension application is within the GHVGAC where observed groundwater level declines are occurring in most areas. The decline indicates that demand for groundwater is exceeding the annual average recharge. An analysis by the Department confirms the volume of groundwater permitted for annual use exceeds the average annual volume recharge to groundwater. The Department also estimates that approximately 30 percent of the total acreage permitted for groundwater use has yet to be developed. Groundwater development for these acres under already-existing permits will further increase the groundwater level decline rate. Based on the location of the Point of Appropriation, the Department finds that the proposed groundwater use will occur from the same groundwater source exhibiting groundwater declines. Groundwater is therefore determined to be over-appropriated [see OAR 690-400-0010(11)(a)(B)] and development of the remaining portion of this permit is not within the capacity of the resource.

Based on FOF 17, and 23, the Department has determined that the resource cannot support the additional development of water authorized under Permit G-13455.

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

Fair Return Upon Investment

24. The Application identified that the use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

OAR 690-315-0040(2)(g)

Other Governmental Requirements

25. The Application did not identify any delay in the development of this project that was caused by any other governmental requirements.

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

Unforeseen Events

26. The Application did not identify unforeseen events.

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

Denial of the Extension Will Result in Undue Hardship

27. The Application states the permit holder's 183.0 acres cannot produce hay, cost effectively without the use of water authorized by the permit.

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

28. Based on Findings of Fact FOF 6, 7, 10, 12, 14, and 15, above, the Department finds that the Applicant has not demonstrated good faith.

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.

Based on FOF 7, 8, 9, and 10, the Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction within the time allowed in the permit.

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 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 not 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).

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time to begin actual construction of the well under the permit pursuant to ORS 537.630(2)
3. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. The Application established that there has been no reasonable diligence toward developing the project. The permit holder has not 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:

Deny the time to apply water to beneficial use under Permit G-13455 from October 1, 2002, to October 1, 2022.

DATED: May 1, 2018,


Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 15, 2018**, 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:

