G11640

ASSIGNED

Name Robert F. Olson

By

Address ~~PO Box 40~~ Rt 1 Box 159

~~Summer Lake~~, OR 97640 97870

Richland

Date filed April 7, 1987

Priority April 7, 1987

Action suspended until C 2020

Return to applicant

Date of approval APR 30 1990

CONSTRUCTION

Date for beginning APR 30 1991

Date for completion OCT 01 1992

Extended to 10-1-2010, 10/1/2012

Date for application of water OCT 01 1993

Extended to 10-1-2010, 10-1-2012, 10-1-2014, 10-30-2016 – 10-1-2020

PROSECUTION OF WORK

Form "A" filed 5/17/91

Form "B" filed Oct 23, 1992

Form "C" filed 3-4-94

FINAL PROOF

Blank mailed

Proof received

Application No. G11640 E

Permit No. ~~G11024~~ G-17282

Certificate No.

Stream Index, Page No. 13-84

Permit Amendment T-10716

FEES PAID

Date	Amount	Receipt No.
4-7-87	257200	51832
3/14/94	10.00	110169 Ass.
6-12-95	10.–	125287
4-1-03	17.00	59067
9/5/07	350.00 Cert. Fee	89505

assignment

FEES REFUNDED

Date	Amount	Check No.
6/13/90	202.00	02238

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
3-14-94	ASSIGNED Summer Lake Trout Farm, ph. 943-3192	PO Box 40, Summer Lake, OR 97640	7	2878
6-12-95	ASSIGNED Key Bank of Oregon - ph 399-2729 -	PO B 2246, Salem, OR 97308	7	3056
3/26/03	ASSIGNED Thomas MacDonald,	PO Box 87, Summer Lake, OR 97640		

REMARKS

Noted by GW on 4/13/87 - Dorm Miller

Dick Nimrod reviewed this 4-22-87 - he will need to watch for well reports - wells not drilled yet

A-Form 90 sent MAY 7 1991

Form 118 sent 5/24/91

CARD FOR B OCT 12 1992

119 Sent 10-30-92

C card 10-18-93

128 Sent 3-9-94

Date	Fees Paid Amount	Receipt #
9-10-90	75.00	101069
10-1-10	500.00	101308
10-1-12	500.00	107008
10/3/14	575.00	113608
12/14/16	575.00	122118

ASSIGNED 3/26/03 NW Farm Credit Services FLCA, PCA 2222 NW Kline St. Roseburg, OR 97471-1739

and Thomas MacDonald 900 Klamath Ave, PO Box 87, SUMMER LAKE OR 97640

9/20/2010

THOMAS A MacDONALD
P.O. BOX 87
SUMMER LAKE OR 97640

T-11749 Δ APOA, POA V103 pg 269

Form C (690—9-77)

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

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

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

RECEIVED MAR - 4 1994 WATER RESOURCES DEPT. SALEM, OREGON

Application No. G 11640

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Robert F. Olson, the holder of Permit No. G 11024 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1 day of July, 1993.

Remarks:

ok gv

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of March, 1994.

Robert F Olson
(Signature of Applicant)

(Address)

Form B (690—9-77)

Application No. G-11640

NOTICE OF COMPLETION OF CONSTRUCTION

I, Robert F Olson, the holder of Permit No. G-11024 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 15 day of Sept, 1992.

RECEIVED OCT 23 1992 WATER RESOURCES DEPT. SALEM, OREGON

Remarks:

ok WC

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of Oct, 1992.

Robert F. Olsen
(Signature of Applicant)

P.O. Box 40 Summer Lake
(Address) 97640

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

Form A (690—9-77)

Application No. G-11640

NOTICE OF BEGINNING OF CONSTRUCTION

I, Robert F. Olson, the holder of Permit No. G-11024 to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 15 day of June, 1990.

RECEIVED MAY 20 1991 WATER RESOURCES DEPT. SALEM, OREGON

Remarks: Grading of Ground Pouring of Concrete For Cement Ponds

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of May, 1991.

Robert F. Olsen
(Signature of Applicant)

P.O. Box 40 Summer Lake
(Address) 97640

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

SP*35567-690

G-11640

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Thursday, January 10, 2019 3:13 PM
To: NASHEM William D * WRD
Cc: GORMAN Kyle G * WRD; MAYER Brian M * WRD; GIFFIN Jeremy T * WRD; JEFFERY Joel W * WRD; BYRD Kristopher R * WRD; JARAMILLO Lisa J * WRD
Subject: RE: Desert Springs WR help

Bill,

I have reviewed the information that you provided and discussed the situation with Lisa Jaramillo. Lisa received a call yesterday from Tom MacDonald regarding these same rights.

Lisa and I agree that the two rights for fish culture are cumulative. Neither certificate 83065 or permit G-17749 contain language that would tie the use under these rights together.

Permit G-17749 does provide a limit of the use that can occur under the permit based on the flow of Ana Springs. In addition, the permit allows for no more than 17.8 cfs, being 7.73 cfs for irrigation and 17.8 cfs for fish culture.

Mr. MacDonald indicated that he may want to modify the rights to make them consistent with the actual uses on the ground. It was recommended that he contact a Certified Water Right Examiner to review his rights and determine what steps and processes might be necessary in order to achieve his goals.

Ultimately, the call on how the rights work together on these lands and the potential regulatory scheme falls to the Watermaster.

Let me know if you have any additional questions.

Gerry

Gerry Clark
Program Analyst, Certificate Section
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: NASHEM William D * WRD
Sent: Thursday, January 10, 2019 12:00 PM
To: CLARK Gerald E * WRD
Cc: GORMAN Kyle G * WRD; MAYER Brian M * WRD; GIFFIN Jeremy T * WRD; JEFFERY Joel W * WRD; BYRD Kristopher R * WRD
Subject: Desert Springs WR help

Good day Gerry:

Hope the New Year is off to a good start for you. I'm writing to see if you have time to decipher/interpret a couple water rights and a groundwater permit for/with me. I spent a day out at the site to try to understand the conditions on the ground with regards to the water use (POD/POAs/POUs). I met with Tom McDonald to go over the site and observe the wells and the POD at Buckhorn Spring. I am still making a matrix of well designations based on the permits/log/other reference materials in the file. Some wells have 3 different #s. Anyway, Certs. 83065 and 83069, combined with Permit G-17749, don't really reflect what is going on out on the ground out there. Additionally, there is an interpretation that all of these rights are cumulative, while I believe that portions of the water is the same water, but

used for different (consecutive) uses, i.e., fish culture, *then* irrigation (which is how the system is set up). There are also supplemental rights involved. Just to give you a feel of the situation, the Hatchery has never solely used the POD as a source of water—it has always been just a fraction of the water, with the bulk coming from the 4 artesian POAs drilled in the mid-80s. I am also including a letter from Tom McDonald's attorney with her interpretation of the rights, with which I'm not sure I agree. This site is kind of blowing up due to a spat between McDonald and his hatchery business partner. I've always had issues with the system out there with regards to leaky wells and unmetered use.

Thanks,

Bill

Bill Nashem, R.G., C.E.G.
Well Inspector and Assistant Watermaster
South Central Region
Oregon Water Resources Department
231 SW Scalehouse Loop, Suite 103
Bend, OR 97702
Office# 541.639.4109
Cell# 541.408.7923
william.d.nashem@oregon.gov

Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager

SCHROEDER
LAW OFFICES, P.C.

Lynn L. Steyaert
Licensed in Oregon and Nevada

Cortney D. Duke
Licensed in Oregon and Nevada

Colm Moore
Licensed in Oregon and Nevada

Therese A. Ure
Licensed in Nevada

Wyatt E. Rolfe
Licensed in Oregon and Nevada

December 19, 2007

Via Electronic Mail Only

Harry Seely
seelv@waterexchange.com

RE: Desert Springs Trout Farm: Water Rights

Dear Mr. Seely:

This letter summarizes the current water rights appurtenant to land comprising Desert Springs Trout Farm in Summer Lake Oregon ("Desert Springs") for purposes of your appraisal.

Water Rights

There are currently two surface water certificates, a groundwater permit and a pre-1909 surface claim to water appurtenant to the MacDonald property. The surface source of water described in Certificates 83069 and 83065 is an unnamed stream that is a tributary of Ana River. Each right, permit and claim currently established is detailed below.

1. Pre-1909 Claim: SWR 170 claims 13.36 cfs for irrigation of 534.30 acres from the artesian wells, tributaries to the Ana River. The claim has a priority date of July 16, 1891. Mine

2. Certificate 83069: Allows for 14.3 cfs from the surface waters of an unnamed stream, a tributary of Ana River, for irrigation of 570.5 acres with a priority date of use of May 24, 1978. Mine

3. Certificate 83065: Allows for 14.26 cfs from the surface waters of an unnamed stream, a tributary of Ana River, for fish culture with a priority date of use of April 6, 1981. Trout Water — in my name

4. Permit G-11024: Permits appropriation of not more than 17.80 cfs from four wells for fish culture (17.8 cfs total), irrigation and supplemental irrigation (7.73 cfs total). The dates of priority are as follows: April 7, 1987 for 10.0 cfs for fish culture and 7.73 for irrigation and June 14, 1990 for 7.8 cfs for fish culture. Mine

Water Currently Available for Fish Culture

There is one certificate and one permit that allow a beneficial use of water for fish culture. Certificate 63065 was perfected for the diversion of 14.26 cfs for fish culture. Meanwhile, Permit G-11024 allows for the development of an appropriation for an additional

17.8 cfs for fish culture. The amounts allowed under Certificate 63065 and Permit G-11024 are cumulative. Thus the total available for fish culture use is 32.06 cfs.

Perfection of Permit G-11024

Permit G-11024 allows two authorized uses: fish culture and irrigation. The permit allows for the diversion of a total of 17.8 cfs. All of the allowed 17.8 cfs may be beneficially used for fish culture with two priority dates (10.0 cfs with a 1987 priority and 7.8 cfs with a 1989 priority). All the water appropriated is permitted for delivery first to the raceways for fish culture and then up to 7.73 cfs of this amount may be reused for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres. This permit is in good standing with an extension for development expected by final order in mid January 2008.

The Fish Culture Use allowed in Certificate 83065 and G-11024 are additive

The fish culture use allowed in Certificate 83065 and Permit G-11024 are not overlapping uses. Unlike irrigation and other consumptive uses, non-consumptive uses may be "stacked" on each other without reducing the total amount of water available for beneficial use.

Correspondence in the water right file maintained by OWRD for Permit G-11024 support this legal conclusion as it reveals that Certificate 83065 and G-11024 were issued with the expectation and intention that there uses would be additive. In a letter dated April 12, 1989 from Wayne J. Overcash, a OWRD water rights specialist, Mr. Overcash specifically requests clarification from the applicant, Mr. Robert Olson, as to whether the water requested in G-11024 will be used in the same facilities as those described in the application for Certificate 83065 and whether the water requested is intended to additive to the amount already allowed. Mr. Olson responded by clarifying that the water from the well was to be used in the same facilities and the amount requested is in addition to the amount allowed from the stream[1]. Thus, a total of 32.06 cfs are available for fish culture under Certificate 83065 and Permit G-11024.

Water Currently Available for Irrigation Use

In addition to the water currently available for fish culture, water rights for irrigation are also presently available and appurtenant to the land comprising Desert Springs Trout Farm. These irrigation water rights may be transferred to another allowed beneficial use now or in the future.

Certificate 83069, Permit G-11024 and SWR 170 all allow a beneficial use for irrigation of certain acres and at varying rates. Certificate 83069 allows for irrigation of 570.5 acres in Sections 4, 5, 8, and 9 in Township 30 South, Range 17 East. Permit G-11024 allows for irrigation of 50.1 primary acres and 569.6 supplemental acres in Sections 4, 5, 8, and 9 in Township 30 South, Range 17 East. Finally, SWR 170 allows for irrigation of 543.30 acres in Sections 4, 5, 8 and 9. The place of use for irrigation, as described in the Certificate, Permit and Surface Right Registration, all overlap and are duplicative to some extent[2].

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[1] See attached correspondence from the file for G-11024.

[2] See Attachment A, describing the place of use for Certificate 83069, Permit G-11024 and SWR 170.

Under Oregon water law, when two water rights describe the same place of use for irrigation or another consumptive use, one of the water rights must be designated as the "primary water right" and the other the "supplement water right". A supplemental right or permit is used in conjunction with a primary water right to make up a deficiency that may be experienced in the quantity or quality of the primary water right. However, the total amount of use is limited to that established in the primary rate by the acre feet limitation. For example, if the primary was issued for 3.0 acre feet and the supplemental for another 2.0 acre feet. the total limit is 3.0 acre feet not 5.0 acre feet. A supplemental water right can only be used when the primary water right proves insufficient to meet the allowed use and is limited by the primary duty and if the duty on the supplemental is less, then ultimately by the supplemental duty. In the example above while 3.0 acre feet might be used on the appurtenant property, only 2.0 acre feet can be applied from the supplemental source. The primary water right and supplemental water right can not be used at the same time.

Based on this scheme, Oregon water law also prevents a primary or supplemental right from being transferred or changed to a new use or place of use separately from its counterpart. Neither the place of use nor type of use of a primary or supplemental right can be made without also making the same change to the supplemental right. An attempt to transfer one right without the other is considered "water spreading" and will result in cancellation of the non-transferred right. For example, if any portion of SWR 170 is transferred, the corresponding portion of Certificate 83069 or G-11024 must also be transferred or will the non-transferred right will be cancelled.

The designation of a "primary" and "supplemental" right is usually made by OWRD. In the event OWRD fails to make the designation, the holder of the water rights is permitted to make the designation. In the case of the irrigation water rights appurtenant to Desert Springs Trout Farm, OWRD designated 569.6 acres under permit G-11024 as supplemental and 50.1 acres as primary. No designation was made for the overlapping acres in Certificate 83069 or SWR 170. Any designation made in the future should take into account factors related to priority and transferability.

SWR 170 may be designated a primary right

Though SWR is a non-adjudicated claim and is not a certificated water right, it may be designated as the primary right for those acres in which its place of use overlaps the place of use allowed in Certificate 83069. Designating SWR 170 as the primary right for those acres which it overlaps Certificate 83069 is advantageous because of its early priority date and the application of the laws related to its priority date.

SWR 170 is a claim for 13.36 cfs for irrigation. Prior to 1909, water could be used without first making an application to the state for permission to use the water. In order to regulate the water rights used prior to 1909 the Oregon legislature created rules and statutes for the adjudication of these rights. The adjudication process is used to make final determination of the extent of vested water rights and federal reserved water rights within a stream basin. In order to participate in adjudication, a person believing they had a pre-1909 or federal reserved right was required to make a claim for the rights. A claim is a completed statement and proof of claim concerning a pre-1909 vested water right. An un-adjudicated claim is a vested right.

Even though SWR 170 has not yet been adjudicated, its validity is not in question because its diligent development and reasonable use can be proven by the use and perfection of Certificate 83069 to the extent the two rights overlap and describe the same place of use. Proving the development and use of SWR 170 under Certificate 83069 is allowed because Certificate 83069 contains reservation language indicating that the applicant, by applying for the use under the certificate, did not intent to relinquish any claim for a vested (pre-1909) rights on any of the lands similarly described under the Certificate. The applicant effectively stated that his use under the application would be for the development and use of the same lands claimed acres under SWR 170. The development of the overlapping acres in SWR 170 can be proved by the certification and continued use of water delivery and use to the same acres described in Certificate 83069.

Thus, any acres perfected and certificated under Certificate 83069 which are described to the same as acres claimed under SWR 170[3] can be said to have been developed under SWR 170 and be claimed as primary rights with a priority date of 1891. In addition, subject to development and continued use, any acres described under SWR 170 which do not describe the same place of use as acres perfected under Certificate 83069 may be designated as primary[4]. This extent of the overlap can only be completed upon a survey by a water rights examiner and additional research of the historical development of these identified acres. Finally, any acres already perfected under Certificate 83069, which do not overlap acres described and developed under SWR 170[5] may be designated a primary acres with a priority date of 1978.

Water rights subject to transfer to a new use

Because the place of use described in each right overlaps, review of the extent of the overlap is necessary to determine which rights are subject to transfer. In order to determine the number of irrigated acres under Certificate 83069, Permit G-11024 and SWR 170 subject to transfer, a careful review of the extent of the overlapping water rights must be undertaken.

In total, Certificate 83069 and SWR 170 describe an identical place of use on 459.9 acres. SWR 170 describes 74.4 acres that do not overlap any acres in Certificate 83069 and Certificate 83069 describes 110.6 acres that are not described in SWR 170. The acres described in G-11024 are already described as supplemental rights for the most part[6].

At a minimum, there are currently 570.5 acres of irrigation use that may be transferred to another use under SWR 170 and Certificate 83069. Potentially, an additional 74.4 acres under SWR 170 may also be transferred to another use, but only after adjudication of the claim.

In summary, if additional fish use or another use was desired, 570.5 acres at 3.0 acre foot/per acre duty could be transferred. If the duty allowed for the season of use for irrigation

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[3] A total of 459.9 acres

[4] A total of 74.4 acres.

[5] A total of 110.6 acres

[6] See Attached Table B-2 describing the total acres available for transfer from irrigation under each claim, certificate and permit.

(now from March 1 to October 31[7]) were shaped to a year round rate, there is potential for another 2.36 cfs for fish use or another beneficial use[8]. Given the location and competition in the area for water, we do not believe that a transfer from irrigation to another use would be challenged. The limiting factor would be the ability to find this volume of water and its ability to be used beneficially for the purpose transferred.

New Appropriations

The Summer Lake Subbasin is classified for the following beneficial uses: agriculture, domestic, fish life, groundwater recharge, industrial instream, irrigation, mining, municipal, pollution abatement, power, recreation, and stockwater. The basin is not closed to further appropriations for any of these allowed uses. The hydrology study currently underway will help determine the maximum annual yield in the area surrounding the farm and determine the amount of water available for appropriation. Once the amount available is determined, Mr. MacDonald may apply for new and additional groundwater rights to develop the maximum use for aquaculture in the basin.

Whether other users could apply for and receive new water rights similar to those currently in use at Desert Springs Trout Farm will largely depend on the access and ability to find water in similar volumes and quality. These issues can only be determined by a study of the hydrology in the surrounding area.

Please contact me if you have any further questions regarding these water rights and uses.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Cortney D Duke

Cortney D. Duke

CDD:dnc

Enclosures

cc: Tom MacDonald Via Electronic Mail: Desertsprings16@hotmail.com
Bernie Burkholder Via Electronic Mail: bburkholder@cableone.net

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[7] Because the Summer Lake Basin has not yet been adjudicated, the irrigation season is currently set by OWRD's default rules. The irrigation season may change when the basin is adjudicated.

[8] When SWR 170 is adjudicated, an additional 74.4 acres and 0.30 cfs will be available for transfer

June 12, 1989

Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

RECEIVED
JUN 14 1989
WATER RESOURCES DEPT.
SALEM, OREGON

Attention: Wayne J. Overcash

Reference: File G-11640 for Robert F. Olson Desert Springs Trout Farm

1. Yes, I want to file on 17.8cfs for fish culture.
2. The water will go into Anna River, Then into Summer Lake.
3. By measuring the flow in a ditch before and after Development of wells.
4. Water from well will be used in same facilities. The amount requested is in addition ot the amount allowed from the stream.

Robert F. Olson

Robert F. Olson

RECEIVED
JUN 14 1989
WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
3850 PORTLAND ROAD NE, SALEM, OREGON 97310
PHONE 378-3066

April 12, 1989

Robert F. Olson
P.O. Box 40
Summer Lake, OR 97640

REFERENCE: File G-11640

This is to acknowledge your amended Application G-11640 and two attachment sheets along with the four prints of the large supporting map and the smaller map prepared on tracing paper. The Application now describes the proposed use of 17.8 cubic feet per second from four wells, being 10.07 cfs for fish culture and 7.73 cfs for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres.

According to the information noted in Item 3 and in the Comments section of the application, you intend to run all the water through the fish raceways and then use the water for irrigation purposes. If so, it appears that you intend to use all of the 17.8 cubic feet per second for fish culture instead of only the 10.07 presently noted under Item 1 of the application. (1) If you wish to file for the 17.8 cfs for fish culture, rather than return your application, I can amend it for you upon receipt of your written authorization.

Also, according to information supplied in your application, after the water is run through the raceways, part of the water from the wells (7.73 cfs) will be used for irrigation and supplemental irrigation. It will be necessary for you to advise us of how and where the water not to be used for irrigation or not needed to supplement the prior irrigation right will (2) be disposed of after being discharged from the raceways.

If the water is to be returned to a natural stream or the river, unless you have already, you will need to contact the State Department of Environmental Quality to determine any requirements, they may have for your development. They may be reached in Portland by telephone at 229-5325.

(3) We will need a little more information on how you arrived at the amount of water requested. The basis used in determining the amount of water requested is needed.

According to our records, the existing Permit 46063 assigned to First Interstate Bank of Oregon, N.A. provided for the use of 14.26 cfs from an unnamed stream for fish culture in facilities in the vicinity of your development. (4) Will water from the wells be used in the same facilities? If no, is the amount requested from the wells in addition to the amount presently allowed from the stream?

0057

RECEIVED
JUN 1 1989
WATER RESOURCES DEPT.
SALEM, OREGON

There is concern that the use of water from the wells as proposed by your application will effect the availability of surface water in streams or the Ana River. It may be necessary to place special conditions on a permit that may be issued approving your application. Upon completion of our review of your application, we will advise you of any special conditions that may be included prior to the issuance of a permit.

One of the provisions of a permit issued allowing the use of water from wells requires that the wells shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. Among these requirements, artesian wells must have a valve installed for controlling and\or stopping the flow of water. If you should have any questions regarding the standards for water wells, you may contact this office or Dennis Glender, the Watermaster for your area. Mr. Glender may be reached at his office in Lakeview by telephone at 947-2213.

Recently adopted administrative rules require that holders of a ground water right with a priority date earlier than December 20, 1988, submit the results of a pump test to the Water Resources Department on or before the next 10 year anniversary of the priority date. No tests will be required until January, 1990. The pump test must meet certain specifications as detailed in OAR 690-217. Informational brochures are currently being developed and will be mailed to you with your permit or as they become available.

I apologize for not bringing these matters to your attention in our earlier correspondence. If you should have any questions, please call or write and advise me of a telephone number and time you can be reached. We will continue to hold action on your application for a reasonable length of time pending your reply.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO

cc: Dennis Glender, Watermaster District 12

Attachment A

Township, Range, Section	Quarter/Quarter	Certificate 83069	Permit G-11024	SWR 170
T30S, R17E, Sec. 4				
	NWSW	2.6		some?
	SW SW	21.2	30.0 (S)	33.3
	SE SW	0.5		4.7
T30S, R17E, Sec. 5				
	SW NE	8.5	40 (S)	4.2
	SE NE	22.8	40 (S)	36.5
	SE NW	9.6	20.3 (P)	
	NE SW	0.5	28.4 (P)	
	SE SW		1.4(P)	
	NE SE	37.6	40.0 (S)	40
	NW SE	36.8	39.1(S)	24.8
	SW SE	29.6	30.0(S)	25.9
	SE SE	35.8	40.0 (S)	40
T30S, R17E, Sec. 8				
	NE NE	40	40 (S)	38.1
	NW NE	30	33.0 (S)	22.5
	SW NE	8.8	11.0 (S and F)	0.5
	SE NE	19.4	31.0 (S)	10.9
	NE NW		Fish	
	SE NW		Fish	
T30S, R17E, Sec. 9				
	SW NE	1.6	2.0 (S)	4.5
	NE NW	10.8		18.1
	NW NW	39.5	36.0(S)	35.1
	SW NW	32	32 (S)	23.5
	SE NW	27.3	30 (S)	29.7
	NW SW			0.6
	NE SW	40	31(S)	37.2
	NE SE		0.5 (S)	0.2(?)
	NW SW	15.6		0.6
	SW SW	5.4		
	SE SW	9.6		16.2
	NW SE	28	28 (S)	33.4
	SW SE	40	20 (S)	24.4
	SE SE	17	16 (S)	28.2

Attachment B

Table B - 1: Existing Water Rights Use		
Water Right	**Total cfs Allowed for Irrigation**	**Total cfs Allowed for Fish Culture**
SWR 170 (1891)	13.36 cfs	0
Certificate 83069 (1978)	14.3 cfs	0
Certificate 83065 (1981)	0	14.26 cfs
Permit G-11024 (1987 and 1989)	7.73 cfs	17.8 cfs
TOTAL		**32.06 cfs**

Table B-2: Water Available for Transfer			
Water Right	**Total Acres of Irrigation**	**Total Acres Available for Transfer from Irrigation to a New Use**	**Total rate available for Transfer from Irrigation to a New Use**
SWR 170 (1891)	534.3	74.4	0.30 cfs
Certificate 83069 (1978)	570.5	110.6 with a priority date of 1978 459.9 with a priority date of 1891	2.36 cfs
Certificate 83065 (1981)	0	NA	NA
Permit G-11024 (1987 and 1989)	529.6 supplemental 50.1 primary	NA	NA
TOTAL		**644.9**	**2.67 cfs**

JORDAN RAMIS PC
ATTORNEYS AT LAW

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Lake Oswego, OR 97035
Tel. (503) 598-7070
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www.jordanramis.com

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peter.mohr@jordanramis.com
Direct Dial: (503) 598-5529

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November 8, 2018

VIA EMAIL AND CERTIFIED MAIL

Lisa J. Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301
lisa.jaramillo@oregon.gov

Re: **Pending Civil Litigation Affecting Claim SWR 170, Water Right Certificate 83065, Water Rights Certificate 83069, and Permit G-17749**
Our File No. 54350-77015

Dear Lisa,

As we discussed yesterday, I am writing to confirm on behalf of our clients, Summer Lake Trout Farm, Inc., an Oregon corporation, Bernard Burkholder, as both an individual and in his capacity as a limited partner of Western Development Group, LP and as manager of Western Development Group GP, LLC, and Ethan Negus (collectively our "Clients"), that, among other property interests, title ownership to those vested and inchoate water rights identified in the Oregon Water Resource Department's (the "Department") records as Claim SWR 170, Water Right Certificate 83065, Water Rights Certificate 83069, and Permit G-17749 (collectively, the "Water Rights") is in dispute between our Clients and specified individuals as further confirmed by our Clients' complaint which they recently filed in Case No. 18CV47457 in the Circuit Court of Lake County (the "*Complaint*"). Included within ***Attachment A*** to this letter are copies of each of the Water Rights. Included within ***Attachment B*** to this letter is: (1) a copy of the conformed title page of the Clients' *Complaint* filed in pending Case No. 18CV47457 in Lake County Circuit Court; and (2) a copy of the *Lis Pendens*, as recorded in the real property records of Lake County by our Clients' counsel out of Bend, which provides record notice of the real property interests including, but not limited to, the Water Rights, which are affected by the *Complaint*.

Among the individuals identified as defendants in the Complaint is Thomas A. MacDonald. The Thomas A. MacDonald identified as a defendant in the *Complaint* is the same Thomas A. MacDonald identified as the applicant and resulting recipient of record with respect to the Department's issuance of Water Right Certificate 83065, Water Rights Certificate 83069, and Permit G-17749. As a result of the *Complaint* and related pending action in Lake County Circuit Court, we provide this letter to confirm that no actions should be taken by the Department regarding the Water Rights without first consulting with either me or my colleague, Steve Shropshire. To the extent that any actions are taken by the Lake County Circuit Court relating to the ownership or any other aspect of the Water Rights, we will of course provide you with written notice of the same for the Department's

files. As we also discussed, with respect to the current status of Permit G-17749 and, more specifically, the remaining need to fully prove up such permit, our Clients have every intention to complete that process within the time period authorized to do so.

Thank you again for our discussion yesterday regarding the above. Should you have any comments or questions in the future about the pending litigation or any other matter affecting the Water Rights, please do not hesitate to contact me.

Sincerely,

JORDAN RAMIS PC

Peter D. Mohr

Attachments

cc: Patricia McCarty (via email only)
Dwight French (via email only)

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Attachment A

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

SURFACE WATER REGISTRATION STATEMENT PRE-1909 VESTED WATER RIGHT CLAIM

1. Name of Registrant: Robert Olson
   Mailing Address: P.O. Box 40
   Summer Lake, Oregon 97640 Telephone No: (503) 943-3277

2. Source of water: Springs / Artesian Wells
   Tributary to: Anna River

3. Purpose(s) for which water is used: Irrigation
   (Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
   If irrigation, total number of acres irrigated: 534.30

4. Priority Date
   a) Date of first use: By 1901
   b) Date water use development first initiated: July 16 1891
   c) Name of party who initiated development: Arthur S. Phillips

5. Amount of water claimed: 13.36, in CFS or GPM
   (Water put to beneficial use)

6. Location of place of use:
   4, 5, 8, 9 Sections, Township 30 N/S, Range 17 E/W.

   _____ Sections, Township _____ N/S, Range _____ E/W.
   (Attach additional pages if necessary)

7. Usual period of use: 4 / 1 to 9 / 30
   month / day to month / day

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8. Remarks: See Attached Information

9. Total fees submitted with claim: $635.00

Notarized Statement Signed by Claimant.

STATE OF OREGON)
: ss
County of Lake)

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I, Robert F. Olson, having been duly sworn, depose and say that I, and being the claimant of the existing surface water right described herein, have read the contents of this claim and to the best of my knowledge all of the matters stated herein are true and correct.

Robert F. Olson
Signature of Claimant

Signed and attested before me this 21st day of December, 19 92

OFFICIAL SEAL
R. SAWYER
NOTARY PUBLIC - OREGON
COMMISSION NO. 011810
MY COMMISSION EXPIRES DEC. 18, 1995

NOTARY PUBLIC for the State of Oregon
My commission expires: 12-18-95

THIS FORM MUST BE ACCOMPANIED BY A MAP PREPARED BY A CERTIFIED WATER RIGHT EXAMINER (CWRE).

Certified Water Right Examiner

Name: Darryl Anderson CWRE#: 005

Address: 618 South 1st ST P.O. Box 28 Lakeview OR 97630

Telephone: 503 947 4407

Fax 947 2321

SWR-170

MAP TO ACCOMPANY SURFACE WATER REGISTRATION STATEMENT
PRE– 1909 VESTED WATER RIGHT CLAIM

LOCATED IN SECTIONS 4,5,8 AND 9
TOWNSHIP 30 SOUTH RANGE 17 EAST

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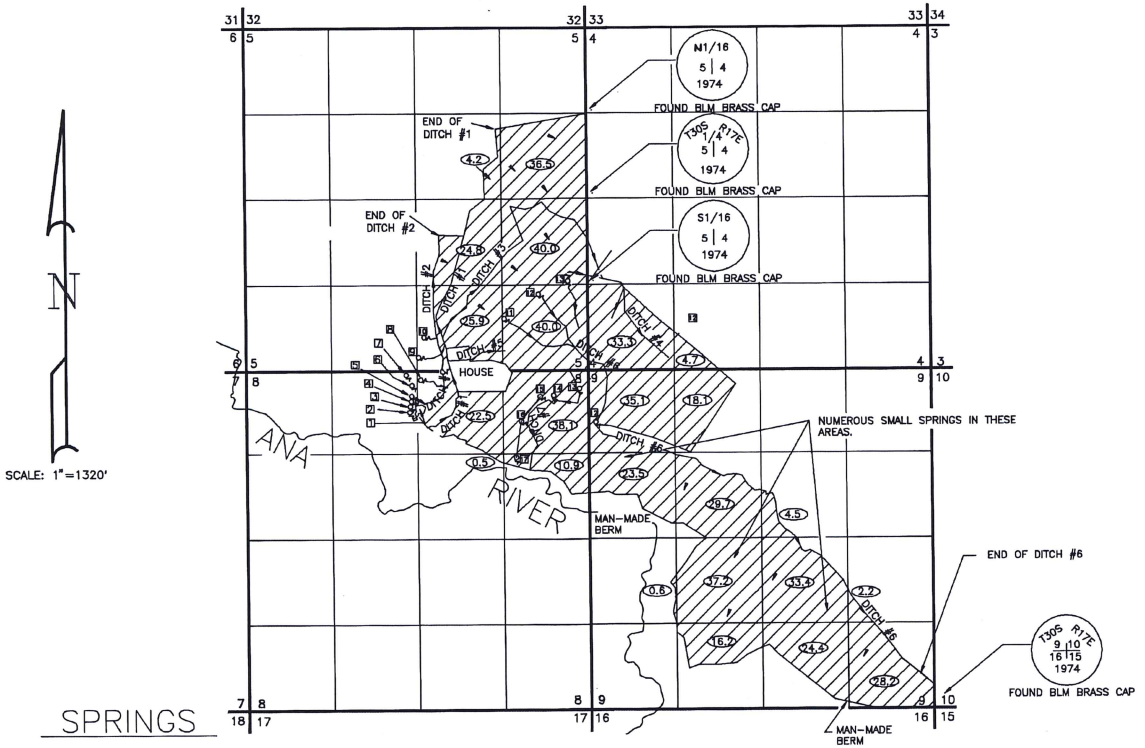
AUG 24 1993
WATER RESOURCES DEPT.
SALEM, OREGON

NOTES:

AREA SHOWN IS FLOOD IRRIGATED FROM THE EXISTING SPRINGS AND DITCHES AS INDICATED ON THE MAP. BUCKHORN SPRING AND THE FOUR ARTESIAN WELLS ARE DIVERTED THROUGH THE TROUT FARM THEN PUMPED BACK INTO DITCHES ONE AND TWO. THE OWNER INDICATED THAT PROIR TO CONSTRUCTION OF THE TROUT FARM THESE SOURCES WERE DIVERTED DIRECTLY INTO DITCHES ONE AND TWO. SOURCE VOLUMES FOR SOURCES 1–4 WERE SUPPLIED BY THE OWNER. VOLUMES FOR THE OTHER SOURCES WERE ESTIMATED AT THE TIME OF OUR SURVEY, DEC. 15,1992. MANY OTHER SMALLER SPRINGS HELP IRRIGATE THE PROPERTY AS INDICATED ON THE MAP. IRRIGATED AREAS WERE SURVEYED TO EXISTING CROP LINES (GRASS) AND VERIFIED USING AN ASCS PHOTOGRAPH 41037–379.



LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE
- IRRIGATED AREA

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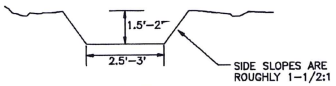
NOTE: PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE LOCATIONS OR DIMENSIONS OF PROPERTY BOUNDRIES..

SPRINGS

DISTANCES ARE FROM THE SOUTH 1/16 CORNER BETWEEN SECTIONS 4 AND 5, T30S R17E

1 – BUCKHORN SPRING, APPROXIMATE FLOW, 4200 G.P.M. 1902' SOUTH AND 2615' WEST.
2 – ARTESIAN WELL, APPROXIMATE FLOW, 2000 G.P.M., 1972' SOUTH AND 2753' WEST.
3 – ARTESIAN WELL, APPROXIMATE FLOW, 2000 G.P.M., 1880' SOUTH AND 2746' WEST.
4 – ARTESIAN WELL, APPROXIMATE FLOW, 2000 G.P.M., 1802' SOUTH AND 2729' WEST.
5 – ARTESIAN WELL, APPROXIMATE FLOW, 2000 G.P.M. 1802' SOUTH AND 2724' WEST.
6 – SPRING, APPROXIMATE FLOW, 20 G.P.M. 1559' SOUTH AND 2716' WEST.
7 – SPRING, APPROXIMATE FLOW, 20 G.P.M. 1399' SOUTH AND 2803' WEST.
8 – SPRING, APPROXIMATE FLOW, 20 G.P.M. 1473' SOUTH AND 2583' WEST.
9 – SPRING, APPROXIMATE FLOW, 20 G.P.M. 1126' SOUTH AND 2610' WEST.
10 – SPRING, APPROXIMATE FLOW, 50 G.P.M. 822' SOUTH AND 2524' WEST.
11 – SPRING, APPROXIMATE FLOW, 20 G.P.M. 534' SOUTH AND 1286' WEST.
12 – SPRING, APPROXIMATE FLOW, 50 G.P.M. 2129' SOUTH AND 114' EAST.
13 – SPRING, APPROXIMATE FLOW, 5 G.P.M. 1614' SOUTH AND 133' WEST.
14 – SPRING, APPROXIMATE FLOW, 5 G.P.M. 1718' SOUTH AND 531' WEST.
15 – SPRING, APPROXIMATE FLOW, 5 G.P.M. 1739' SOUTH AND 740' WEST.
16 – SPRING, APPROXIMATE FLOW, 5 G.P.M. 2117' SOUTH AND 1033' WEST.
17 – SPRING, APPROXIMATE FLOW, 5 G.P.M. 2676' SOUTH AND 1113' WEST.

THE DITCHES THAT ARE NUMBERED ARE ALL OF THE SAME APPROXIMATE SIZE;



NOT TO SCALE

DITCH SLOPES
#1 0.001 FT PER FT
#2 0.001 FT PER FT
#3 0.003 FT PER FT
#4 0.010 FT PER FT
#5 0.005 FT PER FT
#6 0.001 FT PER FT
#7 0.005 FT PER FT

DITCH SLOPES VARY ALONG COURSE OF DITCH SLOPES SHOWN ARE AN APPROXIMATE ADVERAGE

Certified Water Right Examiner
Nov. 19, 1987
STATE OF OREGON

MAP REVISED 8/6/93

PREPARED FOR:
ROBERT OLSON
P.O. BOX 40
SUMMER LAKE, OREGON 97640

PREPARED BY:
ANDERSON ENGINEERING AND SURVEYING
618 SOUTH FIRST STREET
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947–4407 FAX 947–2321

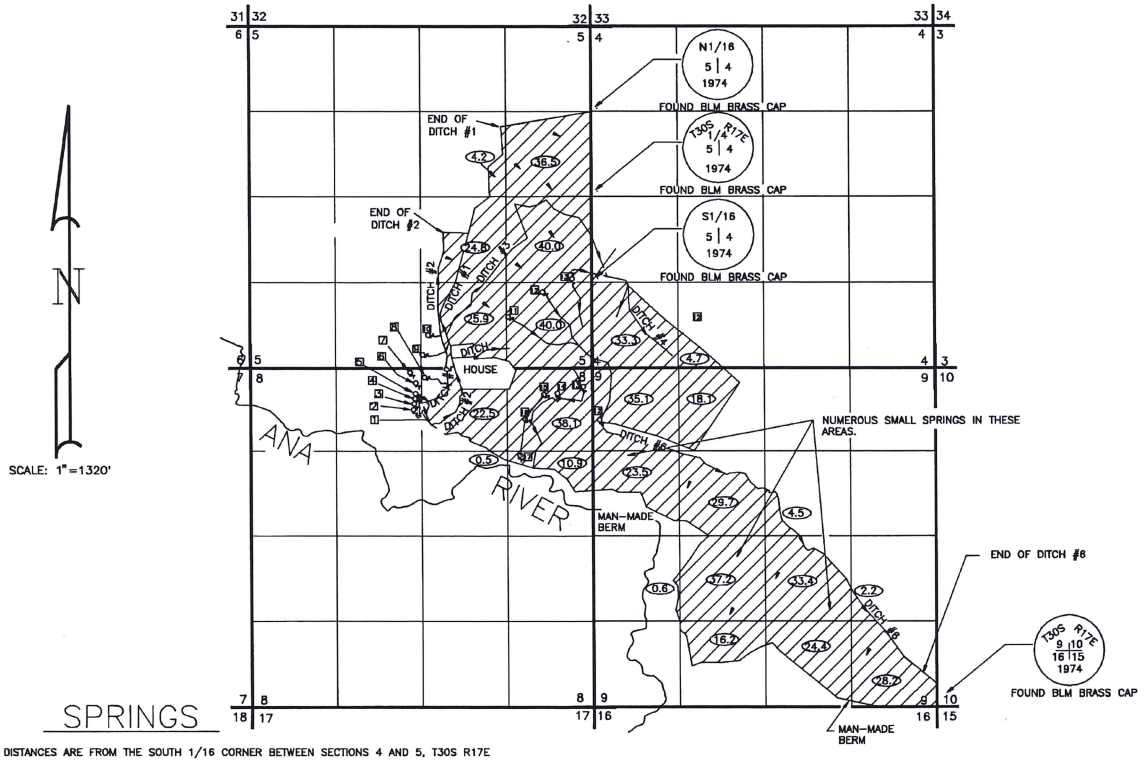
DECEMBER 1992 SHEET 1 OF 1
REVISED ON AUGUST 6, 1993

~~SWR 170~~

Supersedes

MAP TO ACCOMPANY SURFACE WATER REGISTRATION STATEMENT
PRE– 1909 VESTED WATER RIGHT CLAIM

LOCATED IN SECTIONS 4,5,8 AND 9
TOWNSHIP 30 SOUTH RANGE 17 EAST



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- 1/4 SECTION LINE
- 1/16 SECTION LINE
- IRRIGATED AREA

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Certified Water Right Examiner #005
Darryl J. Anderson
Nov. 19, 1987
STATE OF OREGON

PREPARED FOR:
ROBERT OLSON
P.O. BOX 40
SUMMER LAKE, OREGON 97640

PREPARED BY:
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LAKEVIEW, OREGON 97630
(503) 947–4407 FAX 947–2321

DECEMBER 1992 SHEET 1 OF 1

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STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS A MACDONALD
PO BOX 87
SUMMER LAKE OR 97640

NORTHWEST FARM CREDIT SERVICES FLCA/PCA
PO BOX 148
KLAMATH FALLS OR 97601

confirms the right to use the waters of UNNAMED STREAM, a tributary of ANA RIVER for FISH CULTURE.

This right was perfected under Permit S-46063. The date of priority is APRIL 6, 1981. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 14.26 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
30 S	17 E	WM	8	NE NW	780 FEET SOUTH AND 170 FEET WEST FROM N1/4 CORNER, SECTION 8

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in 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 137-004-0080, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

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WITNESS the signature of the Water Resources Director, affixed JAN 26 2007.

Phillip C. Ward, Director
Water Resources Department

 Recorded in State Record of Water Right Certificates numbered 83065.

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STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS A MACDONALD
PO BOX 87
SUMMER LAKE OR 97640

NORTHWEST FARM CREDIT SERVICES FLCA/PCA
PO BOX 148
KLAMATH FALLS OR 97601

confirms the right to use the waters of UNNAMED STREAM, a tributary of ANA RIVER, for IRRIGATION of 570.5 ACRES.

This right was perfected under Permit S-43260. The date of priority is MAY 24, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 14.3 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
30 S	17 E	WM	8	NE NW	780 FEET SOUTH AND 170 FEET WEST FROM N1/4 CORNER, SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	NW SW	2.60
30 S	17 E	WM	4	SW SW	21.20
30 S	17 E	WM	4	SE SW	0.50
30 S	17 E	WM	5	SW NE	8.50
30 S	17 E	WM	5	SE NE	22.80
30 S	17 E	WM	5	SE NW	9.60
30 S	17 E	WM	5	NE SW	0.50

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in 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 137-004-0080, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	NE SE	37.60
30 S	17 E	WM	5	NW SE	36.80
30 S	17 E	WM	5	SW SE	29.60
30 S	17 E	WM	5	SE SE	35.80
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	30.00
30 S	17 E	WM	8	SW NE	8.80
30 S	17 E	WM	8	SE NE	19.40
30 S	17 E	WM	9	SW NE	1.60
30 S	17 E	WM	9	NE NW	10.80
30 S	17 E	WM	9	NW NW	39.50
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	27.30
30 S	17 E	WM	9	NE SW	40.00
30 S	17 E	WM	9	NW SW	15.60
30 S	17 E	WM	9	SW SW	5.40
30 S	17 E	WM	9	SE SW	9.60
30 S	17 E	WM	9	NW SE	28.00
30 S	17 E	WM	9	SW SE	40.00
30 S	17 E	WM	9	SE SE	17.00

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

WITNESS the signature of the Water Resources Director, affixed JAN 2 6 2007.

Phillip C. Ward, Director
Water Resources Department

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 Recorded in State Record of Water Right Certificates numbered 83069.

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

This superseding and correcting permit is issued to describe amendments for changes in the points of appropriation and an additional point of appropriation proposed under Permit Amendment Application T-11749 approved by Special Order Volume 103, Page 268 entered October 24, 2016, amendments for additional points of appropriation as described in T-10716 approved by Special Order Vol. 76, Page 833, entered December 10, 2008, and to describe all assignments and the extension of time for complete application of water approved October 30, 2016. This permit supersedes Permit G-11024 and G-17282.

to use the waters of NINE WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.80 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	WELL#1 - 390 FEET SOUTH AND 150 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#2 - 480 FEET SOUTH AND 190 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#3 - 525 FEET SOUTH AND 140 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#4 - 340 FEET SOUTH AND 145 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE NW	WELL#5 - 3200 FEET NORTH AND 300 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SW SE	WELL#6 - 155 FEET NORTH AND 230 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#7 - 110 FEET SOUTH AND 280 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	NW SE	WELL#8 - 2070 FEET NORTH AND 100 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE SW	WELL#9 - 1040 FEET NORTH AND 130 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.30
30 S	17 E	WM	5	NE SW	28.40
30 S	17 E	WM	5	SE SW	1.40
Total					50.10

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.00
30 S	17 E	WM	5	SW NE	40.00
30 S	17 E	WM	5	SE NE	40.00
30 S	17 E	WM	5	NE SE	40.00
30 S	17 E	WM	5	NW SE	39.10
30 S	17 E	WM	5	SW SE	30.00
30 S	17 E	WM	5	SE SE	40.00
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	33.00
30 S	17 E	WM	8	SW NE	11.00
30 S	17 E	WM	8	SE NE	31.00
30 S	17 E	WM	9	SW NE	2.00

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SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	9	NW NW	36.00
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	30.00
30 S	17 E	WM	9	NE SW	31.00
30 S	17 E	WM	9	NE SE	0.50
30 S	17 E	WM	9	NW SE	28.00
30 S	17 E	WM	9	SW SE	20.00
30 S	17 E	WM	9	SE SE	16.00
				Total	569.60

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Permit Amendment T-11749

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to the extent necessary to restore Ana River to its historic flow. If the flow of Ana Springs is insufficient to furnish the amount of water required for existing rights with earlier priority dates and not all the ground water derived under this permit can be delivered into the Ana River, then all of the ground water derived under this permit shall be shut off.

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

Water shall be acquired from the same aquifer as the original points of appropriation.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Water use measurement conditions:

a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
b. The water user shall maintain the meters or measuring devices in good working order.
c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Original Permit Conditions

This project was considered and approved by the Water Resources Commission on March 30, 1990.

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 and airline and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work was to begin on or before April 30, 1991, however, complete application of the water to the use was extended and shall be made on or before October 1, 2016. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

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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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued March 17, 2017

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

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Attachment B

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18CV47457

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LAKE

SUMMER LAKE TROUT FARM, INC., an Oregon corporation; BERNARD BURKHOLDER, individually and in his capacity as limited partner of WESTERN DEVELOPMENT GROUP, LP and as manager of WESTERN DEVELOPMENT GROUP GP, LLC; and ETHAN NEGUS, Plaintiffs, v. THOMAS A. MACDONALD; KAREN MACDONALD; MEGAN MACDONALD; and EDWARD MACDONALD, Defendants, And WESTERN DEVELOPMENT GROUP, LP; and WESTERN DEVELOPMENT GROUP GP, LLC, Nominal Defendants.	Case No. **COMPLAINT (Declaratory Judgment; Quiet Title; Trover, Conversion, Detinue; Unjust Enrichment; Breach of Fiduciary Duty; Financial Abuse; Specific Performance)** **CLAIMS NOT SUBJECT TO MANDATORY ARBITRATION** **Amount Claimed: $12 Million** **Fee Authority: ORS 21.135(1), (2)(g)**

For their complaint, plaintiffs Summer Lake Trout Farm, Inc. ("SLTF"); Ethan Negus ("Negus"); and Bernard Burkholder, individually ("Burkholder"), and in his capacity as a limited partner of Western Development Group, LP (the "Partnership") and as manager of Western Development Group GP, LLC (the "General Partner") allege as follows:

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Venue

1.

This case involves several claims seeking determinations concerning the ownership and recovery of both real property and personal property located exclusively in Lake County,

schmidmalonebuchanan llc
937 NW Newport Avenue, Suite 220
Bend, Oregon 97703
p 541 388 1107
f 541 388 7370
schmidmalone.com

LAKE COUNTY, OREGON
D-LISPEN
Cnt=1 Pgs=3
$15.00 $11.00 $60.00 $10.00

2018-002083
10/24/2018 09:53:28 AM
Total:$96.00

00020459201800020830030032

I, Stacie Geaney, County Clerk for Lake County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Stacie Geaney - County Clerk

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AFTER RECORDING RETURN TO:

William F. Buchanan
Schmid Malone Buchanan LLC
937 N.W. Newport Avenue, Suite 220
Bend, Oregon 97703

NOTICE OF PENDENCY OF AN ACTION (LIS PENDENS)

Pursuant to ORS 93.740, the undersigned states:

1. Plaintiffs, Bernard Burkholder, individually, as a limited partner of Western Development Group, LP, a Texas limited partnership and Western Development Group GP, LLC, a Texas limited liability company; Summer Lake Trout Farm, Inc., an Oregon corporation; and Ethan Negus, individually, have filed an action in the Circuit Court for Lake County, State of Oregon, identified as Case No. 18CV47457.

2. The Defendants are Thomas A. MacDonald, Karen M. MacDonald, Megan MacDonald, and Edward MacDonald.

3. The object of the action in the complaint is to quiet title to, or declare ownership of, the real property described in Exhibit A; to establish a constructive trust in such property in favor of Western Development Group, LP; and/or to compel transfer of the property to Western Development Group, LP.

4. The description of the real property involved or affected is set forth in Exhibit A.

5. All persons should be advised that one or more parties claim an interest in the above-described real property and that the outcome of the above-referenced proceeding may have an effect on that claimed interest.

DATED this 22nd day of October, 2018.

William F. Buchanan, OSB# 93222
bill@schmidmalone.com
Schmid Malone Buchanan LLC
550 NW Franklin Avenue, Suite 378
Bend, Oregon 97701
p541 388 1107
f 541 388 7370
Of Attorneys for Plaintiff

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me this 22nd day of October, 2018 by William F. Buchanan.

OFFICIAL STAMP
BLAKE B VAUGHN
NOTARY PUBLIC-OREGON
COMMISSION NO. 979180
MY COMMISSION EXPIRES SEPTEMBER 12, 2022

Notary Public for Oregon
My commission expires: 9/12/2022

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Parcel 1 Legal description:

Lot 2 in Block 3 of Ana River Subdivision No. 1, a subdivision in the NW1/4 of Section 6, Township 30 South, Range 17 East of the Willamette Meridian, Lake County, Oregon

TOGETHER WITH all appurtenances to the above described property, and other interests associated therewith, including, but not limited to, all water and all inchoate and vested water rights.

Tax information: Tax Map/Lot No. 30S17E06B000801; Tax Account No. 16840

Parcel 2 Legal description:

In the County of Lake, State or Oregon:

Lot 25, Block 3 of Ana River Subdivision No. 1, a subdivision in the NW1/4 of Section 6, Township 30 South, Range 17 East of the Willamette Meridian, Lake County, Oregon

TOGETHER WITH all appurtenances to the above described property, and other interests associated therewith, including, but not limited to, all water and all inchoate and vested water rights.

Tax information: Tax Map/Lot No. 30S17E06B000603; Tax Account No. 8933

Parcel 3 Legal description:

T.30S R.17E W.M.

Section 5: that portion of the SE ¼ NW1/4 lying West of County Road #4-16B

TOGETHER WITH all appurtenances to the above described property, and other interests associated therewith, including, but not limited to, all water and all inchoate and vested water rights.

Tax information: Tax Map/Lot No. 30S17E000001001; Tax Account No. 8522

Parcel 4 Legal description:

In the County of Lake, State of Oregon, as follows:

Township 30 South, Range 17 East of the Willamette Meridian,

Section 5: Beginning at the Northwest corner of the Southeast Quarter of Section 5, Township 30 South, Range 17 East of the Willamette Meridian; Thence East 200 feet; Thence South 400 feet; Thence West 200 feet; Thence North 400 feet to the point of beginning, EXCEPTING THEREFROM property conveyed to Lake County, a political subdivision of the State of Oregon, by deed recorded January 27, 1992, in Book 219 at Page 259, Deed Records, for road purposes.

TOGETHER WITH all appurtenances to the above described property, and other interests associated therewith, including, but not limited to, all water and all inchoate and vested water rights.

Tax information: Tax Map/Lot No. 30S17E000000700; Tax Account No. 8479

LAKE COUNTY RECORDING NO.

2018002083

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Parcel 5 (Tax Map/Lot 30S17E000000600; Tax Account No. 8477) In the County of Lake, State of Oregon, as follows

Township 30 South, Range 17 East of the Willamette Meridian
Section 4: SW¼ SW¼

Section 5: That portion of the SE¼ NW¼ lying east of County Road 4-16B; that portion of the NE¼ SW¼ lying east of County Road 4-16B; that portion of the SW¼ SW¼ lying east of County Road 4-16B; that portion of the SE¼ SW¼ lying south and east of County Road 4-16B; S½ NE¼; N½ SE¼ EXCEPTING THEREFROM beginning at the Northwest corner of the SE¼ of said Section 5, thence East 200.00 feet, thence South 400.00 feet, thence West 200.00 feet, thence North 400.00 feet to the point of beginning; S½ SE¼.

Section 8: Beginning at the interseotion of the west right-of-way line of County Road 4-16B and the north line of the NE¼ NW¼ said Section 8, thence S31°52'50"E a distance of 173.24 feet, more or less, to a 5/8" iron pin, thence along a 1244.12 foot radius curve to the left, the central angle of which is 26°58'44" a distance of 585.82 feet to a 5/8" iron pin, thence leaving said right-of-way line N73°11'23"E a distance of 243.04 feet to a 5/8" iron pin, thence N26°42'07"E a distance of 382.43 feet to a 5/8" iron pin, thence S54°03'09"E a distance of 343.14 feet to a 5/8" iron pin, thence S25°45'07"E a distance of 192.22 feet to a 5/8" iron pin, thence S17°12'45"W a distance of 126.80 feet to a 5/8" iron pin, thence N82°08'01"W a distance of 65.05 feet to a 5/8" iron pin, thence S01°54'03"E a distance of 279.53 feet to a 5/8" iron pin, thence S49°23'39"E a distance of 533.48 feet to a 5/8" iron pin, thence S50°01'04"E a distance of 102.66 feet to a 5/8" iron pin, thence S85°39'58"E a distance of 26.81 feet to a 5/8" iron pin, thence S45°38'45"E a distance of 210.58 feet to a 5/8" iron pin on the north bank of Ana River, thence S45°38'45"E to the center line of Ana River, thence Southeasterly along the center line of Ana River to a point on the east line of the SE¼ NE¼ said Section 8, thence Northerly along the east line of said Section 8 to the NE corner of the NE¼ NE¼, thence Westerly along the north line of said Section 8 to the point of beginning. EXCEPTING THEREFROM any portion lying within the county road right-of-way.

Section 9: NW¼ NW¼; that portion of the SW¼ NW¼ lying north and east of the center line of Ana Reservoir; SE¼ NW¼; SW¼ NE¼; NE¼ SW¼; NW¼ SE¼; S½ SE¼.

TOGETHER WITH all appurtenances to the above described property, and other interests associated therewith, including, but not limited to, all water and all inchoate and vested water rights.

LAKE COUNTY RECORDING NO.

2018002083

Mailing List for Extension FO Copies

FO Date: July 28, 2017

Application: G-11640
Permit: G-17749

Copies Mailed

By: VB
On: 7-31-17

Original mailed to permit holder

Thomas A. MacDonald
48413 Desert Springs Rd.
Summer Lake, OR 97460

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024

2. Estes Surveys, LLC
   Bruce A. Estes
   60382 Arnold Market Rd.
   Bend, OR 97301-1266

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 12, Brian Mayer

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-11024, Water Right Application G-11640, in the name of Thomas A. MacDonald	)))	FINAL ORDER

Permit Information

Application:	G-11640
Permit:	G-17749
Basin:	13 – Goose and Summer Lakes / Watermaster District 12
Date of Priority:	April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; and June 14, 1989 for 7.8 cfs for fish culture
Source of Water:	Nine wells in the Ana River Basin
Purpose or Use:	Fish culture, irrigation use of 50.1 acres and supplemental irrigation of 569.6 acres
Maximum Rate:	17.80 cfs, being 7.73 cfs for irrigation and 17.80 cfs for fish cultur

---

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-11024 was issued by the Department on April 30, 1990 and modified by Permit Amendment T-11749, Superseded Permit G-17749 was issued on March 17, 2017. The original permit specified actual construction of the well to begin by April 30, 1991, completion of construction by October 1, 1992, and complete application of water to beneficial use by October 1, 1993. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2016. On December 14, 2016, Thomas A. MacDonald submitted an Application for Extension of Time for Permit G-17749. In

accordance with OAR 690-315-0050(2), on June 6, 2017, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed July 21, 2017, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 6, 2017.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following condition.

LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**
   This is to be the last extension of time granted for Permit G-17749. Any future extensions of time requests shall be denied.

CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-11640, Permit G-17749, therefore, is approved. The deadline for completing construction is extended from October 1, 2016, to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2016, to October 1, 2020.

DATED: July 28, 2017

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

PLACED IN U.S. MAIL
JUL 31 2017
OREGON WATER RESOURCES DEPT.

- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.

- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

This superseding and correcting permit is issued to describe amendments for changes in the points of appropriation and an additional point of appropriation proposed under Permit Amendment Application T-11749 approved by Special Order Volume 103, Page 268 entered October 24, 2016, amendments for additional points of appropriation as described in T-10716 approved by Special Order Vol. 76, Page 833, entered December 10, 2008, and to describe all assignments and the extension of time for complete application of water approved October 30, 2016. This permit supersedes Permit G-11024, and G-17282

to use the waters of NINE WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.80 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	WELL#1 - 390 FEET SOUTH AND 150 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#2 - 480 FEET SOUTH AND 190 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#3 - 525 FEET SOUTH AND 140 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#4 - 340 FEET SOUTH AND 145 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE NW	WELL#5 - 3200 FEET NORTH AND 300 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SW SE	WELL#6 - 155 FEET NORTH AND 230 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#7 - 110 FEET SOUTH AND 280 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	NW SE	WELL#8 - 2070 FEET NORTH AND 100 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE SW	WELL#9 - 1040 FEET NORTH AND 130 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.30
30 S	17 E	WM	5	NE SW	28.40
30 S	17 E	WM	5	SE SW	1.40
Total					50.10

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.00
30 S	17 E	WM	5	SW NE	40.00
30 S	17 E	WM	5	SE NE	40.00
30 S	17 E	WM	5	NE SE	40.00
30 S	17 E	WM	5	NW SE	39.10
30 S	17 E	WM	5	SW SE	30.00
30 S	17 E	WM	5	SE SE	40.00
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	33.00
30 S	17 E	WM	8	SW NE	11.00
30 S	17 E	WM	8	SE NE	31.00
30 S	17 E	WM	9	SW NE	2.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	9	NW NW	36.00
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	30.00
30 S	17 E	WM	9	NE SW	31.00
30 S	17 E	WM	9	NE SE	0.50
30 S	17 E	WM	9	NW SE	28.00
30 S	17 E	WM	9	SW SE	20.00
30 S	17 E	WM	9	SE SE	16.00
				Total	569.60

Permit Amendment T-11749

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to the extent necessary to restore Ana River to its historic flow. If the flow of Ana Springs is insufficient to furnish the amount of water required for existing rights with earlier priority dates and not all the ground water derived under this permit can be delivered into the Ana River, then all of the ground water derived under this permit shall be shut off.

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

Water shall be acquired from the same aquifer as the original points of appropriation.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Water use measurement conditions:

a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
b. The water user shall maintain the meters or measuring devices in good working order.
c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Original Permit Conditions

This project was considered and approved by the Water Resources Commission on March 30, 1990.

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 and airline and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work was to begin on or before April 30, 1991, however, complete application of the water to the use was extended and shall be made on or before October 1, 2016. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued March 17, 2017

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

Mailing List for Extension PFO Copies

PFO Date: June 6, 2017

Copies Mailed

By: SP
On: 6-6-17

Application: G-11640
Permit: G-17749

Original mailed to Applicant:

Thomas A. MacDonald
48413 Desert Springs Rd.
Summer Lake, OR 97460

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024

2. Estes Surveys, LLC
   Bruce A. Estes
   60382 Arnold Market Rd.
   Bend, OR ~~97301-1266~~ 97702

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 12, Brian Mayer

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-17749, Water Right Application G-11640, in the name of Thomas A. MacDonald	)))	PROPOSED FINAL ORDER

Permit Information

Application:	G-11640
Permit:	G-17749
Basin:	13 – Goose and Summer Lakes / Watermaster District 12
Date of Priority:	April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; and June 14, 1989 for 7.8 cfs for fish culture
Source of Water:	Nine wells in the Ana River Basin
Purpose or Use:	Fish culture, irrigation use of 50.1 acres and supplemental irrigation of 569.6 acres
Maximum Rate:	17.80 cfs, being 7.73 cfs for irrigation and 17.80 cfs for fish culture

Please read this Proposed Final Order in its entirety.

In Summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2016, to October 1, 2020.
- Grant an extension of time to apply water to full beneficial use from October 1, 2016, to October 1, 2020[1].
- Make the extension subject to certain conditions set forth below.

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.

[1]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.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
POA – Point of Appropriation
cfs – cubic feet per second
FOF – Finding of Fact
PFO – Proposed Final Order
Agent – Bruce Estes

Points of Appropriation

Well 1 – LAKE 52367	Well 2 – LAKE 1507	Well 3 – LAKE 4444
Well 4 – LAKE 3029	Well 5 – Not Constructed	Well 6 – LAKE 52368
Well 7 – LAKE 52369	Well 8 – LAKE 52487	Well 9 – Not Constructed

AUTHORITY

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

ORS 537.630(1) 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) contain the factors that the Department must consider to make findings that support a "good cause" determination.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

FINDINGS OF FACT

1. On April 30, 1990, Permit G-11024 was issued by the Department. The permit authorizes the use of up to 17.80 cfs of water, being 7.73 cfs for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres, and 17.80 cfs for fish culture from a well in the Ana River Basin. The permit specified actual construction of the well to begin by April 30, 1991, construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. On December 10, 2008, the Department approved Permit Amendment T-10716 (Special Order Volume 76, Page 833) authorizing four additional points of appropriation (POA) under Permit G-11024 (modified by Permit Amendment T-10716) which is hereafter referred to simply as Permit G-11024.

3. On September 20, 2010, an assignment from Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald to Thomas A. MacDonald was recorded in the records of the Water Resources Department.

4. On October 24, 2016, the Department approved Permit Amendment T-11749 (Special Order Volume 103, Page 268) authorizing a change in the location of one POA and to add an additional POA under Permit G-11024 (modified by Permit Amendment T-10716). A superseding Permit G-17282 was issued by the Department on October 24, 2016, to reflect the changes.

5. Four prior permit extensions have been granted for this permit. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2014, to October 1, 2016.

6. On December 14, 2016, the permit holder, Thomas A. MacDonald, 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-17282 be extended from October 1, 2016, to October 1, 2020.

7. On December 20, 2016, notification of the Application for Permit G-11024 was published in the Department's Public Notice. No public comments were received regarding the Application.

8. On January 18, 2017, the permit holder submitted additional information to supplement their Application. The additional information was to clarify information describing the work accomplished during the most recent extension of time period, being from October 1, 2014 to October 1, 2016.

9. On February 15, 2017, Bruce Estes (Agent), agent for the permit holder submitted additional information to supplement the Application. The additional information was to clarify information about permit condition compliance, irrigated lands under the permit, and the rate of use from each well.

10. On March 17, 2017, the Department issued a superseding final order for Permit Amendment T-11749 (Special Order Volume 104, page 165), approving a change in POA, adding an additional POA and correcting a scrivener's error in a previous order. Permit G-17749 was issued to reflect these changes.

11. Permit G-17749 authorizes the use of up to 17.80 cfs of water, being 7.73 cfs for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres, and 17.80 cfs for fish culture from nine wells in the Ana River Basin.

12. On May 18, 2017, the Agent submitted additional information further clarifying the development of the water project.

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)]*

13. On December 14, 2016, 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)]*

14. Actual construction of the well began prior to the April 30, 1991 deadline specified in the permit. According to the permit holder, construction of LAKE 1507 (Well 2) began April 15, 1985.

15. According to the well log received by the Department on February 2, 1986, construction of Well 2 began April 15, 1985.

Based on Findings of Fact (FOF) 14 and 15, the Department has determined that the prosecution of the construction of the well began prior to April 30, 1991.

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 previous extension.[2])

16. During the most recent extension period, being from October 1, 2014, to October 1, 2016, the permit holder completed 17 new raceways, including piping, for fish culture and began construction of Well 9.

17. Since October 1, 2016, the applicant does not state any additional work has been accomplished.

Based on FOF 16, the Department has determined that work has been accomplished during the last extension period, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Compliance with Conditions *OAR 690-315-0040(3)(c)*
The water right permit holder's conformance with the permit, permit amendment, and previous extension conditions.

18. The Application states that the artesian wells have control valves installed to regulate the flow of water.

19. The Department has considered the permit holder's compliance with conditions placed on the permit with the approval of Permit Amendment T-11749 and included in the superseding Permit G-17749, and has identified the following concerns: (1) the record does not show that a totalizing flowmeter or other suitable measuring device has been installed on each point of appropriation, and (2) the record does not show that all the wells listed on the permit have been assigned an OWRD Well Identification Number. The Department recognizes that these conditions are new upon approval of Permit Amendment T-11749, and it is the intent of the permit holder to comply with all permit conditions now that the conditions are applicable.

Based on FOF 19, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-17749:

- "**Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing)."; and

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[2] **"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.

- "Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued."

Failure to comply with permit conditions constitutes illegal use of water. 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 and previous extension.*

20. The Application states that the total combined production capacity of the wells used under this permit is 19.53 cfs.

21. The Application states a combined maximum rate of approximately 11.0 cfs of water has been appropriated from Well 1, Well 2, Well 3, Well 4, Well 6, and Well 7, for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres, and 5.0 cfs of water has been appropriated from Well 5 and Well 8 for fish culture. According to the permit holder, the rates are approximate based on measurements using temporary weirs of the flow through the ditch system before and after well construction.

Based on FOF 19, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2016.

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

22. The Application states the permit holder has invested about $583,000, which is approximately 76 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $180,000 investment is needed for the completion of this project.

Based on FOF 22, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has not demonstrated compliance with all permit conditions, a financial investment has been made, and; beneficial use of water has not been demonstrated.

The Department has determined the applicant has demonstrated reasonable diligence towards in previous performance under Permit G-17749.

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.*

The amount of water available to satisfy other affected water rights and scenic waterway flows OAR 690-315-0040(4)(a)

23. 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-11024; 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.

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

24. The points of appropriation for Permit G-17749, located within the Ana River Basin, are not located within a limited or critical groundwater area.

25. Ana River is not located within or above any state or federal scenic waterway.

26. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife *OAR 690-315-0040(4)(c)*

27. It is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

Economic interests dependent on completion of the project *OAR 690-315-0040(4)(d)*

28. The Application states an approximate total of $583,000 has been invested in the project.

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

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

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

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

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

31. The Application identifies that the use and income from the permitted water development will likely result in reasonable returns upon the investment made to date. The Application states that there is a demand for quality trout in the region and the permit allows the use of the high quality of water needed to meet the demand.

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

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

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

33. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-17749, in that construction of authorized Well 9 was delayed when the drilling rig collapsed while constructing the well. At the time the Application was submitted, the drilling rig was still located on the property waiting for insurance underwriter to make a determination on the insurance policy payout.

Denial of the Extension Will Result in Undue Hardship *OAR 690-315-0040(2)(i)*

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

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

35. The Application provides evidence of good faith of the appropriator under Permit G-17749.

Based on FOF 14, through 18, 21, 22, and 28, 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.

36. As of December 14, 2016, the Application states the remaining work to be completed consists of completing construction of the water system, which includes completing construction on Well 9 and installing additional raceways and piping; meeting all permit conditions, which include installing a totalizing flowmeter or other suitable device, as approved by the Director, on each of the wells (new and existing); and applying water to full beneficial use.

Based on FOF 36, the Department has determined that the permit holder's request to have until October 1, 2020, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-17749 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 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 complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary due to the amount of time already allowed for development of this permit.

CONCLUSIONS OF LAW

1. 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).

2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

3. Based on Finding of Facts 14 through 35, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2020, as required by OAR 690-315-0040(1)(c).

4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development an apply water to beneficial use. OAR 690-315-0050(5).

5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

continued on following page

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 complete construction of the water system under Permit G-17749 from October 1, 2016, to October 1, 2020.

Extend the time to apply water to beneficial use under Permit G-17749 from October 1, 2016, to October 1, 2020.

Subject to the following condition:

LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**
   This is to be the last extension of time granted for Permit G-17749. Any future extensions of time requests shall be denied.

DATED: June 6, 2017

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 **July 21, 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

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- If you have questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503)986-0802.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G-11640 Permit: G-17749 Permit Amendment? No ☐ Yes ☒ T-11749 ☐ pending ☒ approved

Permit Holder's Name: Thomas A. Macdonald

Permit Holder's Mailing Address: PO Box 87 Summer Lake OR 97640 email _____

Phone Number: _____

POD Location: Township 30S Range 17E Section 5 & 8 ¼¼ _____

Drainage Basin: 13 Goose & Summer Lake County: LAKE Watermaster District: __ Watermaster: _____

Date Permit was issued: 3-17-2017 **Priority Date:** 4-7-87 & 6-14-87 **Date of PN:** 12-20-2014

Source: 9 wells ANA River Basin

Use: Fish Culture ~~& Cooling~~ Irr & Sup Irr

"Q": 17.80 - PD & RATE

Orig "A" Date: _____ **Orig "B" Date:** 10/1/_____ **Orig "C" Date:** 10/1/_____

Extension request rec'd: 12-14-16 **Last Authorized "B" Date:** 10/1/2016 **Last Authorized "C" Date:** 10/1/2010

Request Number (1, 2, 3…): 5 **Proposed "B" Date:** 10/1/2020 **Proposed C Date:** 10/1/2021

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☐	☒	meter
☐	☒	Well Tags
☒	☐	Control Valves on Art. Wells
☐	☐	
☒	☐	Construction began

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: $~~4200~~ 585,000 Estimated Remaining Cost: $180,000
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
  - Permit holder has beneficially used 19.53 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on all acres

GW REVIEW: Y (N)

MITIGATION REVIEW: Y (N)

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located…

Surface Water Permits: Is the POD located…

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

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

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

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**

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

☒ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ **Protest Deadline Date:** _____

Reviewer's Name: Jeffrey P. **Date:** _____

Print Report

Oregon Water Resources Department
Attribute Report

Report Date: May 19, 2017

General:

TRSQQ:	WM29.00S17.00E31SESE WM29.00S17.00E32SESE WM29.00S17.00E32SESW WM29.00S17.00E32SWSE WM30.00S17.00E4NESW WM30.00S17.00E4SESW WM30.00S17.00E4SWNW WM30.00S17.00E5NWSW WM30.00S17.00E5SENE WM30.00S17.00E5SENW WM30.00S17.00E5SESE WM30.00S17.00E5SWSW WM30.00S17.00E6NESE WM30.00S17.00E6NESW WM30.00S17.00E6NWSE WM30.00S17.00E6SENE WM30.00S17.00E6SWSE WM30.00S17.00E7NENE WM30.00S17.00E7NENW WM30.00S17.00E7NESE WM30.00S17.00E7SWNE WM30.00S17.00E8NESW WM30.00S17.00E8NWNE WM30.00S17.00E8NWNW WM30.00S17.00E8NWSE WM30.00S17.00E8NWSW WM30.00S17.00E8SWNE WM30.00S17.00E8SWNW WM30.00S17.00E8SWSE WM30.00S17.00E8SWSW WM30.00S17.00E9NWNW WM30.00S17.00E9NWSW WM30.00S17.00E9SWNW WM30.00S17.00E5NWNE WM29.00S17.00E32SWSW

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DLC:	-
Latitude:	42.9940068717
Longitude:	-120.7321700040
Buffer (ft):	5280
Elevation (ft):	4239
Basin Name:	Goose & Summer Lakes
Basin Plan:	4-Summer Lake
County:	Lake
WM District:	12

WM Region:	SOUTH CENTRAL
ODFW Region, District:	High Desert, Klamath District
Irrigation District AOI:	SUMMER LAKE IRRIGATION DISTRICT
Irrigation District, Other:	
Dams (Permit):	Ana River Dam -0
Water Rights:	Platcard for WM29.00S17.00E31 Platcard for WM29.00S17.00E32 Platcard for WM29.00S17.00E32 Platcard for WM29.00S17.00E32 Platcard for WM30.00S17.00E4 Platcard for WM30.00S17.00E4 Platcard for WM30.00S17.00E4 Platcard for WM30.00S17.00E5 Platcard for WM30.00S17.00E5 Platcard for WM30.00S17.00E5 Platcard for WM30.00S17.00E5 Platcard for WM30.00S17.00E5 Platcard for WM30.00S17.00E6 Platcard for WM30.00S17.00E6 Platcard for WM30.00S17.00E6 Platcard for WM30.00S17.00E6 Platcard for WM30.00S17.00E6 Platcard for WM30.00S17.00E7 Platcard for WM30.00S17.00E7 Platcard for WM30.00S17.00E7 Platcard for WM30.00S17.00E7 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E9 Platcard for WM30.00S17.00E9 Platcard for WM30.00S17.00E9 Platcard for WM30.00S17.00E5 Platcard for WM29.00S17.00E32 Platcard for WM29.00S17.00E33

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Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	**STATEWIDE**, *Anna River-Summer Lake*, Redband Trout
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	13007000100140 - Unn Str 1300700010 - Ana R 13007000100160 - Ana Spr
Waterbody Name:	-
HUC 10:	1712000514
HUC Watershed:	Anna River-Summer Lake

WAB Wshed Order:	-
WAB Analysis:	-
Streamflow:	-
Gaging Station Data:	10388001, *ANA R + SUMMER LAKE CN NR SUMMER LAKE, OR*, Discontinued 10388000, *ANA R NR SUMMER LAKE, OR*, Active

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. ESRI World Elevation. February 2000. 1:121,000.

OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.

Oregon Counties. Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.

OWRD Regions. Oregon Water Resources Department. January 1, 1995.

ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.

Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.

Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.

Rules

Withdrawn Authority Areas. Oregon Water Resources Commission. January 1, 2007.

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.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

close

Print Report

Application: G-11640 Permit: G-17282

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) Thomas A. MacDonald ✓

☑ **WRIG...Money Receipted on:** Dec 14, 2016

☐ **Extension Specialist ...**

☑ Added to tracking spreadsheet

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

☑ **Stacy Phillips...**

☑ N/A Recent Assignment (Check WRIS for Update)

☑ Publish on Public Notice (initial 30-day comment): Date of notice 12-20-16

☑ Update WRIS Database

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

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

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

NOTES:

Oregon
Kate Brown, Governor

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

December 16, 2016

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #:** G-11640 **(Permit** G-17282**).** Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

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

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

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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.

Instructions are in Attachment A.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

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I, Thomas MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

48413 Desert Springs Rd.	Summer Lake	OR	97460
ADDRESS	CITY	STATE	ZIP

541-943-3104
PHONE

desertsprings16@hotmail.com
E-MAIL ADDRESS

the permit holder of: Application Number G-11640
Permit Number G-17749 (Previously G-11024 & G-17282)

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

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: October Day: 1 Year: 2016,** be extended to October 1, ____, *[OAR 690-315-0020(3)(i)]*

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

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

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

Signature	**Date**
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:

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

- 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

- 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.

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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: April 15, 1985

Details of construction and attach documentation: LAKE 1507 (Well 2) construction began prior to permit issuance.

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a totalizing flow meter, or with prior approval by the Director, another suitable measuring device at each well (new and existing) (from Permit Amendment T-11749)	☐ Yes ☒ No	
☒	Other (Specify): install a Department issued Well ID Tag on all wells (from Permit Amendment T-11749)	☐ Yes ☐ No	
☒	Other (Specify): Artesian Wells must have control valves installed	☒ Yes ☐ No	
☒	Other (Specify): Well 5 and Well 9 obtain water only from predominately volcanic/basalt unit below the predominately basin fill unit, and shall be continuously cased and sealed into the predominately volcanic/basalt unit.	☐ Yes ☐ No	

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

The condition requiring measuring devices at all wells (new and existing) was only imposed with the approval of Permit Amendment T-11749, and was not previously part of the permit.

[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)

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CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*
April 1985	Well 2 (LAKE 1507) constructed	10,000
Oct 1987	Well 3 (LAKE 4444) constructed	10,000
April 1988	Well 4 (LAKE 3029) constructed	10,000
DATE	**WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER** *List work/actions done during the permitted time period.*	**COST***
April 30, 1990	**Date the permit was signed** - find date above signature on last page of permit.	
1990-1992	Delivery system constructed and concrete ponds constructed (7.0 cfs appropriated)	$80,000
September 2010	Well 1 constructed (LAKE 52367)	19,000
October 2010	Well 5 constructed, (saline well)	17,000
October 2010	Well 6 (LAKE 52368) construction began	7,000
March 2011	Well 7 (LAKE 52369) completed	5,000
September 2013	Well 8 (LAKE 52487) completed	5,000
October 1, 2014	**Date the permit specified complete application of water to the use shall be made-** all permits contain this date. (From previous extension)	
DATE	**WORK ACCOMPLISHED AFTER the date the permit specified complete application of water** *COMPETE 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.*	**COST***
	Total Cost for Chart-B	163,000

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD *List all work done during the last authorized extension period.*	COST*
October 1, 2014	**"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.**	
November 2015	Constructed 17 additional raceways for fish culture	400,000
Fall 2016	Began Construction of Well 9 (not completed due to well drilling rig collapsing during drilling of the well)	20,000
October 1, 2016	**"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.**	
DATE	**WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED** *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.*	**COST***
October 1, 2016 to present	Working with insurance underwriters to deal with the well rig which is still overturned on the property	
	Total Cost of Chart-C	420,000

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

5. Cost of project to date: 583,000

(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 <u>water diverted for beneficial use</u> under this permit and/or prior extensions of time (if any) <u>made to date</u>.

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

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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.

NA

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

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

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	YES	LAKE 52367	103896	Yes ☐ No ☐	2.56 cfs	Yes ☐ No ☐	-
	Well 2	YES	LAKE 1507		Yes ☐ No ☐	1.61 cfs	Yes ☐ No ☐	-
	Well 3	YES	LAKE 4444		Yes ☐ No ☐	2.04 cfs	Yes ☐ No ☐	-
	Well 4	YES	LAKE 3029		Yes ☐ No ☐	1.07 cfs	Yes ☐ No ☐	-
	Well 5	YES			Yes ☐ No ☐	0.0	Yes ☐ No ☐	-
	Well 6	YES	LAKE 52368	103897	Yes ☐ No ☐	2.23 cfs	Yes ☐ No ☐	-
	Well 7	YES	LAKE 52369	103898	Yes ☐ No ☐	6.68 cfs	Yes ☐ No ☐	-
	Well 8	YES	LAKE 52487	104458	Yes ☐ No ☐	3.34 cfs	Yes ☐ No ☐	-
	Well 9	NO			Yes ☐ No ☐		Yes ☐ No ☐	-
Total instantaneous rate from all wells utilized under this permit								

8. **Has a Permit Amendment Application been filed? Yes ☒ No ☐**
If yes, identify Transfer No. T-11749

Has the Permit Amendment been approved? Yes ☒ No ☐
If yes, on what date was the Permit Amendment approved? October 24, 2016

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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.

a) Total acres irrigated to date: _____

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

Year	Acres	Year	Acres	Year	Acres
2007	50.1 Primary / 570.5 Sup	2012	50.1 Primary / 569.6 Sup		
2008	50.1 Primary / 569.6 Sup	2013	50.1 Primary / 569.6 Sup		
2009	50.1 Primary / 569.6 Sup	2014	50.1 Primary / 569.6 Sup		
2010	50.1 Primary / 569.6 Sup	2015	50.1 Primary / 569.6 Sup		
2011	50.1 Primary / 569.6 Sup	2016	50.1 Primary / 569.6 Sup		

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).

(POA)# 1 - 8 Acres50.1 Primary / 569.6 Sup

[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)
Summer 2017	Construct Well 9	40,000
Summer 2018	New Raceways	100,000
" "	Additional piping	40,000
Year: 2019 or 2020	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	180,000

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

11. Estimated remaining cost to complete the project: 180,000

(The total cost from CHART-E)

[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.)* _____

Drill well 9 2017, Additional raceways & piping 2018
Install measuring devices 2017 & 2018.

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

13. <u>Justify the time requested</u> 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.)*

_____ Please see plan under #12. We should have more time than the plan indicates because the drilling and ground conditions are unpredictable.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* _____

Major problem to have the flow and aeriation necessary to support the project.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)* _____

No, the fish require this high quality water. Also the run off from this project winds up in Summer Lake.

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[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

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[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.)* During construction of Well 9, the drilling rig collapsed over the well bore. This caused the drilling to stop until the insurance underwriters complete their assessment and a new drill location is identified and authorized.

[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.)*

Finances for major construction and must have buyers for the additional fish.

[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.

This has been an expensive and difficult project to complete. This project is very important to trout production in the northwest.

[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, there is a demand for quality trout in the region. We have the quality of water necessary to meet most of the demand.

[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?)* _____

Yes, the flow off this project contributes to Summer Lake and some of it to Anna River.

Attach permit, and documentation to the application

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ESTES SURVEYS LLC

SURVEYS
CONSULTING

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

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

February 13, 2017

Jeffrey D. Pierceall
Extension and Adjudication Specialist
Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Dear Mr. Pierceall: Re: G-11640

Your letter of December 21, 2016 had several concerns with Tom McDonald's extension of time for permit G-17282. Tom responded by letter January 17, 2017 with the date requested under your item 2.

Item 1: There are no permanent measuring devices on the system because permit G-11024 did not require them. I used temporary weirs a number of years ago to determine the amount of use. The WRD issued special order V103, pages 268 – 271 October 24, 2016 which required measuring devices and reporting. Permit G-17282 issued with the order requires flow meters! This will be a difficult system to install any kind of measuring devices on the artesian flow wells. We will be able to install weirs on some and probably flow meters on the others, but will not be able measure individual wells for several of them. I will go there with some special equipment this spring to install the measuring devices. Since the wells run 24/7 and have very little or no fluctuation the weirs will produce excellent records.

Item 2: See Tom,s letter of January 17.

Item 3: I am enclosing a copy of the application map for this permit which shows the location of the primary and supplemental irrigation along with Ralph Sutterfield's final proof map for permits 43260 and 46063. The application map with the location of the wells identified for permit amendment T-11749 is also enclosed. Wells 1-4 and 6 and 7 have been used for irrigation so far. They produce about 11 cfs combined.

Item 4: Wells 5 and 8 have been used for fish propagation in the new races. They produce about 5 cfs. Well #9 was the one being drilled this last fall when the rig fell over. The drill rig is still on the site waiting for the underwriters decision from the insurance company. They will have to move the site a few hundred feet south east to find more stable ground. Well #9 will be drilled under the requested extension of time.

Hopefully this will answer your questions. If not, just call.

Sincerely,

Bruce

Bruce A. Estes, PLS, CWRE

Cc Tom McDonald

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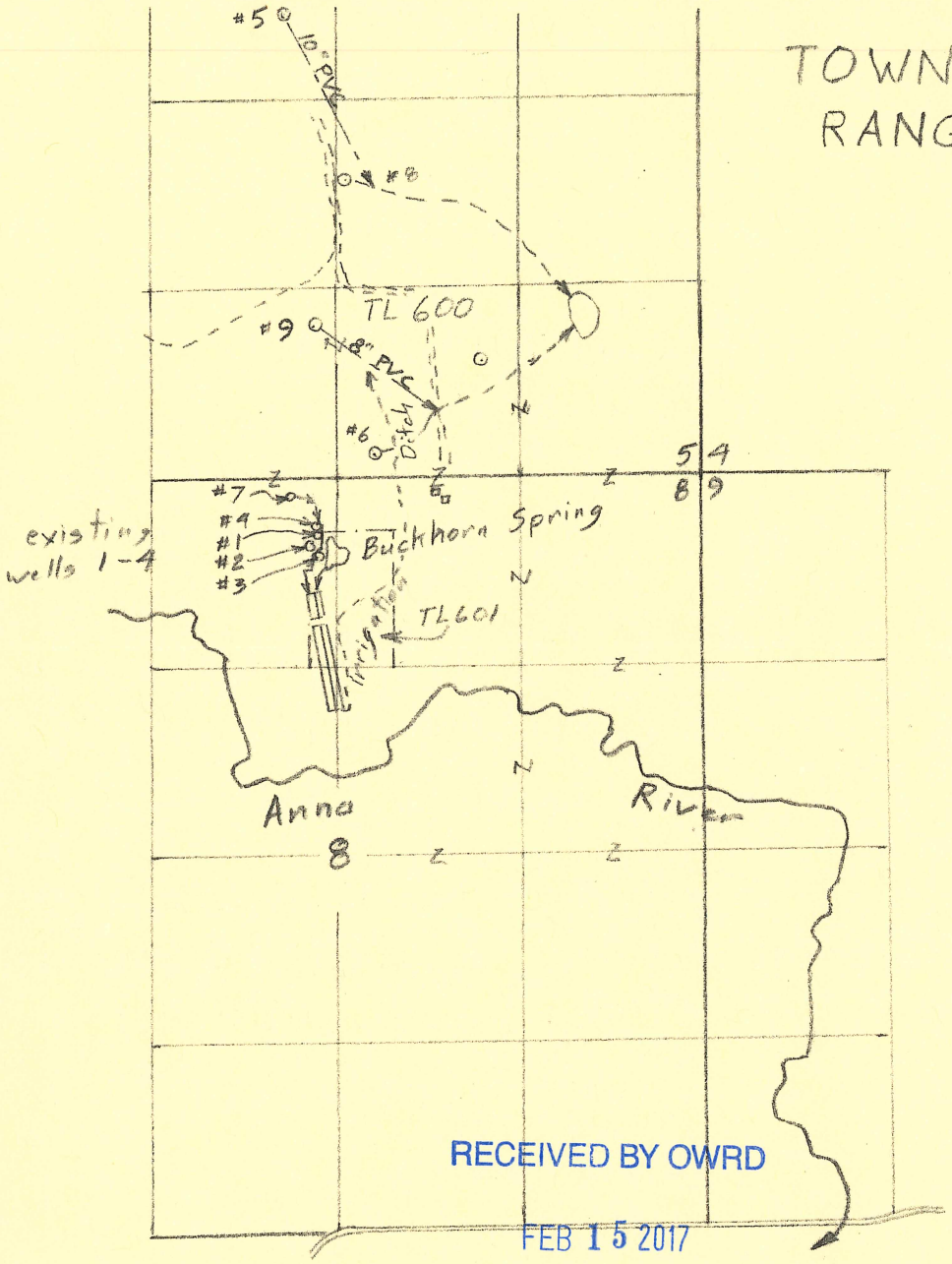
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.



Wells located from 1/4 corner between sections 5 & 8:

- #1 390'S & 150'W
- #2 480'S & 190'W
- #3 525'S & 140'W
- #4 340'S & 145'W

} No change

Proposed Additional POA's

- #6 155'N & 230'E
- #7 110'S & 280'W
- #8 2070'N & 100'E
- #5 3200'N & 300'W
- #9 1040'N & 130'W

Authorized POA's under T-10716 to be deleted

- #5 150'S & 300'W
- #6 160'S & 80'W
- #7 150'S & 30'W
- #8 340'S & 280'W

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Scale 1" = 1320'
(4" = 1 mile)

N

Permit Amendment Map
for
Tom MacDonald
(Desert Springs Trout Farm)

App G-11640
Per G-11024
T-10716

Certified Water Right Examiner
#1
Bruce A. Estes
Nov. 19, 1987
STATE OF OREGON
Renewal Dec 31, 2015

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

ESTES SURVEYS, LLC
~~PO Box 17510~~
~~Salem, OR 97305-7510~~
~~(503) 585-7500~~
60382 Arnold Rd
Bend, OR 97702
(541) 382-7391

amended 14Feb2014

Western Development Group, LP
P.O. Box 87, Summer Lake, OR 97640

January 17, 2017

State of Oregon
Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301

RECEIVED BY OWRD
JAN 18 2017
SALEM, OR

Re: Water Right Application G-11640; Permit G-17282

Dear Mr. Pierceall:

This letter is written in response to your letter dated December 21, 2016. We are attempting to provide you with the additional information you are requesting. As you know, the weather has been an additional challenge this last month that everyone in Central Oregon has been working with.

Item 1: We established flow rates through Bruce Estes. In working with Brian Mayer, the Water Master for District 12, he stated that our drilling permits did not specify that flow meters were required. There have been no meters installed and we do not believe that installing meters is a requirement addressed in our permit. In addition, these meters, if required, would add an additional cost of approximately $5000 per well and restrict the artesian well flow significantly. We have also contacted Thompson Pump at (541)382-1438, a supplier of these meters, and presently they do not have new catalogs and price lists for these meters.

Item 2: These additional raceways were completed in November 2015.

Item 3: Please see the attached picture you requested for the irrigated land. Please note that we have not started to irrigate or used any of this water to irrigate the identified property to date. The discharge water from aquaculture is discharged and distributed to a gravity flow ditch system and used to irrigate the farm land identified in the picture and then excess and run-off water is discharged back into the Anna River.

Item 4: It was our understanding that you were going to contact Bruce Estes and get the flow rates and distribution of each well as he has determined. If you have not been able to contact Bruce, we can arrange a meeting and have him provide the information you need.

We would like to be able to sit down with you and work through any open issues or questions you have. We understand that you would like to be able to determine flow on these wells and

we are fully supportive of this request. However, we do not want to add excessive cost or restriction to artesian flow rates that are critical to the success and return for my company to commit to make the expenditures required to develop these wells.

Thank you for your help with these matters.

Sincerely,

Thomas A. MacDonald
Managing Partner, Western Development Group, LP

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JAN 18 2017

SALEM, OR

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.

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

I, Thomas A. MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

48413 Desert Springs Rd	Summer Lake	OR	97460
ADDRESS	CITY	STATE	ZIP

541-943-3104
PHONE

DesertSprings16@hotmail.com
E-MAIL ADDRESS

the permit holder of: Application Number G-11640
Permit Number G-17282
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month:** October **Day: 1 Year: 2016,** be extended to October 1, 2020, *[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.)

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and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month:** October **Day: 1 Year: 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.

Thomas A MacDonald — **Signature**
Oct 4 2016 — **Date**
Thomas A MacDonald — **Printed Name**
President — **Title**

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

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

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

$575 STATUTORY FEE TO:

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

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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

- 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 question 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

- 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 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 questions.

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

For Groundwater Permits

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

Date construction began Month: Day: Year: 2010

Details of construction and attach documentation: _____

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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: _____

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

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

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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		
☐	Installation of a meter/totalizing flow meter	☐ Yes ☒ No	
☐	Submittal of annual water usage report	☐ Yes ☒ No	
☐	Submittal of initial static water level measurement	☒ Yes ☐ No	
☐	Submittal of annual static water level measurements in the month required	☐ Yes ☐ No	
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☐ No	
☐	Special well construction standards	☐ Yes ☐ No	N/A
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☐	Installation of a meter/ totalizing flow meter/ in-line meter	☐ Yes ☐ No	
☐	Installation a staff gauge	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

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

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

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

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER *List work/actions done during the permitted time period.*	COST*
	Date the permit was signed - find date above signature on last page of permit.	
	4 wells drilled pipe was complet	100,000
	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 *COMPETE 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.*	COST*
	Total Cost for Chart-B	

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

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

CHART-C

DATE	WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD *List all work done during the last authorized extension period.*	COST*
	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
NOV 2015	17 new raceway and piping was completed	404000
	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	

DATE	WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXTENSION PERIOD EXPIRED *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.*	COST*
	Total Cost of Chart-C	

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

5. Cost of project to date: 400,000

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

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[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):

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	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment? (See 8 below)	IF DRILLED: Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under any OTHER water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
11749		Yes ☑ No ☐	52367	103896	Yes ☐ No ☐		Yes ☐ No ☐	- -
11749		Yes ☑ No ☐	52368	103897	Yes ☐ No ☐		Yes ☐ No ☐	- -
11749		Yes ☑ No ☐	52369	103898	Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
Total instantaneous rate from all wells utilized under this permit								

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

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

If a Permit Amendment Application has been filed: Transfer No. T-11749

Well #_____ Actual location: _____ Well #_____ Actual location: _____

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

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

Total acres irrigated to date: about 600 ac

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

Well #_____ Acres_____ **Well #_____ Acres_____**

Well #_____ Acres_____ **Well #_____ Acres_____**

all well are used for aquaculture and Then irrigation. water is artesian.

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2016 To 2020	new raceway new wells, new piping	400,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	

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

11. Estimated remaining cost to complete the project: 400,000

(The total cost from CHART-E)

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

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

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

13. <u>Justify the time requested</u> 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.

will start in summer of 2017 and should done 2018 or 2019.

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

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

When the wreck the truck is still setting and I don't Know when it will be settle with the Insurance.

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Attach permit, and documentation to the application.

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

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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.

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TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

I, Thomas A MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

48413 Desert Springs Rd | Summerlake | Or | 97640
ADDRESS | CITY | STATE | ZIP

5419433104
PHONE

DesertSprings16@hotmail.com
E-MAIL ADDRESS

the permit holder of: Application Number G - 11640

Permit Number T 11 - 749
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☐ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month:** Oct **Day:** ~~10~~ 30 **Year:** ~~2014~~ 2016, be extended to October 1, 2018, *[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:** Oct **Day:** 30 **Year:** 2016, be extended to October 1, ~~2018~~. *[OAR 690-315-0020(3)(i)]*

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

Thomas A MacDonald — Oct 4 2016
Signature | **Date**

Thomas A MacDonald — Oct 4 2016
Printed Name | **Title**

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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

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$575 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.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 question 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

- 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).

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- 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 questions.

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

For Groundwater Permits

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

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

Details of construction and attach documentation:

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

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

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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		
☐	Installation of a meter/totalizing flow meter	☐ Yes ☒ No	n/a
☐	Submittal of annual water usage report	☐ Yes ☒ No	n/a
☐	Submittal of initial static water level measurement	☒ Yes ☐ No	
☐	Submittal of annual static water level measurements in the month required	☒ Yes ☐ No	
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☒ No	
☐	Special well construction standards	☐ Yes ☐ No	n/a
☐	Submittal of a monitoring plan	☐ Yes ☐ No	n/a
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☐	Installation of a meter/ totalizing flow meter/ in-line meter	☐ Yes ☐ No	
☐	Installation a staff gauge	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

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

[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 *List any work done before the permit was issued – eg. well drilled.*	COST*
		0
DATE	**WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER** *List work/actions done during the permitted time period.*	**COST***
	Date the permit was signed - find date above signature on last page of permit.	
		$ 500,000
	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** *COMPETE 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.*	**COST***
		0
	Total Cost for Chart-B	

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

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

CHART-C

DATE	WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD *List all work done during the last authorized extension period.*	COST*
	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
		300,000 00
	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	
DATE	**WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXTENSION PERIOD EXPIRED** *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.*	**COST***
		0
	Total Cost of Chart-C	

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

5. Cost of project to date: 500,000 00

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

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

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

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

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

TIP: Report <u>the rate</u> in the same units of measurement as specified in the permit.

Maximum rate <u>used to date</u> = _____ cfs (cubic feet per second) *or,*

Maximum rate <u>used to date</u> = _____ gpm (gallons per minute) *or,*

Acre-feet stored to date = _____ AF

7. <u>For Ground Water Permit Extensions (e.g. G-XXXX)</u>:

<u>TIP:</u> 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? (See 8 below)	Maximum instantaneous rate used to date from this well - - under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	
Total instantaneous rate from all wells utilized under this permit								

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

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

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If a Permit Amendment Application <u>has</u> been filed: Transfer No. T-_____

Well #_____ Actual location: _____ Well #_____ Actual location: _____

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

9. Provide the total number of acres irrigated to date under this permit (if applicable).

List by year, the number of acres irrigated <u>each year</u> since permit issuance, and provide a copy of the application map identifying the acres irrigated.

Total acres irrigated to date: 50.1 supplemental 569.6

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<u>Ground Water Permits</u>: Please specify which wells are being utilized for this irrigation.

Well #_____ Acres_____ **Well #_____ Acres_____**

Well #_____ Acres_____ **Well #_____ Acres_____**

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	

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

11. Estimated remaining cost to complete the project: _____

(The total cost from CHART-E)

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

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

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

13. <u>Justify the time requested</u> 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.

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

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

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Attach permit, and documentation to the application.

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Instructions for Completing an Application for Extension of Time

For Water Right Permit

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Signature Box:

The application must be signed by the permit holder of record, or an authorized agent of the permit holder of record.

If there are multiple permit holders of record for a single permit, only one permit holder of record needs to sign the extension application.

If you are not the permit holder(s) of record, but should be, you will need to request an assignment of the water right permit into your name(s), by providing a completed application for assignment, the statutory fee of $85, and any other supporting documentation necessary to complete the assignment.

If the prior permit holder is available for a signature you may request an assignment using the form available at this link:
http://www.oregon.gov/owrd/pubs/docs/forms/Assign_7_19_13.pdf

If the prior permit holder is absent, you may request an assignment by proof of land ownership using the form available at this link:
http://www.oregon.gov/owrd/pubs/docs/forms/Assign_by_proof_7_19_13.pdf

The following instructions are numbered to correspond with the APPLICATION FOR EXTENSION OF TIME. Each question is shown and followed by guidance that may help you respond to the question. When reviewing these instructions, it will be helpful to have a copy of your water right permit at hand.

If needed, a copy of the water right permit can be downloaded from the Department's Website at *http:www.oregon.gov/OWRD/* (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).

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**

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Date construction began Month:__ Day: Year:____

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

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

Date construction began Month: Day: Year:

Details of construction and attach documentation: _____

The following information will help you answer these questions.

Construction - any 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. OAR 690-315-0020(3)(d)(A)and(B).

Each water right permit contains specific dates by which permit holders are to have completed a certain level of development of the right. Generally, these dates appear toward the end of a permit. Among the dates that may be cited are the following:

A. Actual construction work shall begin on or before [date certain]; if no date for Actual construction work specified in the permit, the applicant has five years from the permit issuance date to begin construction. ORS 537.230(1) and 537.630(1)

B. Construction shall be completed on or before [date certain]; not all permits specify a construction completion date.

C. Complete application of the water shall be made on or before [date certain] ALL PERMITS will specify a date for complete application of water.

By statute, a permit extension for a non-municipal water right ***cannot*** be granted when there is no evidence of actions taken to **begin construction** within 5 years of permit issuance or sooner if specified in the permit. Permit extensions may be granted **only** for completing construction and/ or completing application of water.

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

2. **Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit**

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condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here; however, you must submit the results of the test to the Department for approval prior to certification.

Depending on the vintage of the water right permit issued by OWRD, the location of the conditions on the permit may vary. Most, but not all, permits issued before 1990, did not include conditions. If these permits contained conditions they would generally appear on the permit just above the State Engineer's or Water Resources Director's signature. In the early 1990's conditions became more common. Conditions associated with the point of diversion or point of appropriation might be listed immediately following the description of the point of diversion or appropriation. Conditions associated with the place of use, might be listed immediately following the description of the place of use. From the mid-1990's to present, conditions may be listed under separate subtitles in the permit such as "Measurement, Recording, and Reporting Conditions" or "Standard Conditions."

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Conditions may have been added to the permit as result of an approved Final Order for a permit amendment or a Final Order approving a prior extension of time. These added conditions are binding on the original permit, and must also be also addressed in this extension request.

Conditions requiring a written response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to have accomplished a specific action, such as a condition that requires plans and specifications for a reservoir, a groundwater monitoring plan or some other document which "...shall be submitted...within (for example) *two* years of permit issuance."

- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."

TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit.

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If needed, you may contact the OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the extension application.

In responding to question 2 on the application:

Step (1) Read your permit and when you come to a condition, check the box in the first column that corresponds to condition as listed in the 2nd column.

Step (2) Check the Yes box to all the conditions that you have complied with and check the No box for all the conditions that you have not complied with.

Step (3) Indicate the date the condition was met or will be met.

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

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

If a permit holder is not in compliance with time-sensitive conditions, OWRD may take one of three actions:

1. Suspend processing of the application until the permit holder complies with unmet conditions; or
2. Establish time certain performance deadlines by which the conditions must be complied with and include these as conditions on the extension order; or
3. Deny the permit extension.

NOTE: If you are considering applying for a permit extension and you **are not** in compliance with time-sensitive conditions, you may want to hold off filing the extension application until you have complied with the conditions. If you are not in compliance, but wish to proceed with the extension application, you should explain how, and the dates by which, you will comply with the conditions in Chart-A. If the extension is allowed, OWRD will likely not grant much time (less than one year) for the permit holder to comply with time-sensitive conditions.

[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-B); and if applicable, within the time period of the most recent extension granted (CHART-C).

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

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Time Period of the Previous Extension

For 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For 3rd, or 4th, or . . . nth , Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

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

Chart-B must be filled out by all applicants regardless of how many extensions have been granted in the past. List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question d 5 on the application for extension.

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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-C above). Use chronological order.***

Chart-C must be filled out by all applicants who have been granted an extension in the past (that is, this is your 2nd, 3rd, or 4th, etc. request) List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 5 on the application for extension.

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

5. ***Cost of project to date _____.***

Indicate the amount invested in developing the water use system to date. This will be a total of the costs indicated on Chart-B and Chart-C from Questions 3 and 4. If exact cost is not known, you must provide your best estimate.

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

6. ***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.***

A permit authorizes a specific rate of water that may be used within the terms and conditions of the permit. (For example a permit may authorize the use of 1.5 cubic feet per second (cfs) of water for irrigation of 60 acres. In this example 1.5 cfs is the specified authorized rate in the permit). The Department is asking you to report the portion of the full authorized rate you have beneficially used to date. (In this example,

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if a maximum of 30 acres has been placed under irrigation, the portion of the rate beneficially used to date would (likely) be 0.75 cfs).

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

Surface water permits are those where the source of water is a river, stream, lake, pond, or reservoir, etc. Report the rate (not the volume) of water you are beneficially using under this permit in cubic feet per second (CFS) or gallons per minute (GPM). Only if you are using stored water under a reservoir permit (e.g. R-XXXX), may you indicate the volume used – which is reported in acre-feet (AF).

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

The source of water for ground water permit is a well. Some permits authorize the use of water from more than one well. Fill out Chart-D with information for a single well, or if applicable, for multiple wells. Give information about all the well(s) listed on your permit, even if not yet drilled; or if drilled, even if it is not being used for some reason.

1st Column: For each well authorized on the permit, indicate the Well # or the well name that is listed on the permit.

2nd Column: If naming system you use is different than what is listed on the permit, indicate the Well # or well name you use for each of the wells.

3rd Column: Enter a yes or no for each well listed on the permit, indicating whether or not it has been drilled yet.

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The following columns relate only to wells which have been already drilled.

4th Column: Enter the Well Log Number for each well. Typically this is a four letter prefix (of the county) followed by 3 to 5 digits.

5th Column: Enter the Well Tag Number for each well (typically 5 digits). Not all wells have been assigned a well tag number.

Note: Well Log Numbers and Well Tag ID Numbers can be accessed through the Department's Website at http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

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6th Column: The Department is asking if the actual location of each well is the same as where the permit authorizes the location of that specific well. If the actual location is not the same as the authorized location, a permit amendment may be necessary in order to receive approval for use of the well in the new location. If the

actual location of any well is different from its authorized location, then Question 8 must also be completed. *Questions about permit amendments may be directed to the Transfer Division of the Department.*

7th Column: Report the rate (not the volume) of water being used to date under this permit from each well. Give the rate in cubic feet per second (CFS) or gallons per minute (GPM). If more than one well is listed on the permit, than add the rates from each individual well and enter the sum in the last box in this column for the "Total instantaneous rate from all wells utilized under this permit."

8th Column: Enter a yes or no for each well listed on the permit, indicating if this well is authorized under any other water right(s).

9th Column: If a well is authorized under any other water right(s), provide the Permit Number(s), or Certificate Number(s) or Transfer Number(s) of each water right also listing that well.

8. If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its actual location. Has or will a permit amendment application been/be filed? Yes___No____

If a Permit Amendment Application <u>has</u> been filed: Transfer No. T-_____

Well#_____: Actual location_____

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If **NO** is marked for any well in the 6th Column of Chart-D, this question (8) <u>must be</u> answered. For each well that is drilled in a location NOT authorized on the permit, report its actual location (for example: 300 Feet North and 520 Feet East from SW Corner, Section 6, Township 40 South, Range 10 East, W.M.), or provide a map with the actual well(s) location(s) clearly marked.

In rare cases, a permit amendment may have been filed prior to the extension application being filed. If this is the case, please provide the transfer number that was assigned to this permit amendment request. (e.g. T-10351). Current department policy provides that if a permit amendment is needed for which the 'C-date' has passed, a Final Order approving an extension of time must be received before the Department accepts the permit amendment application. A permit amendment can only be granted if the 'C-date' specified in the permit or a new 'C-date' granted in approved extension has not expired.

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

9. ***Provide the total number of acres irrigated to date under this permit (if applicable).***

List by year, the number of acres irrigated each year since permit issuance
If your permit authorizes irrigation, provide a listing by year of the number of acres irrigated each year since permit issuance, indicate the maximum number of acres you have irrigated under this permit, and provide a copy of the application map identifying the acres irrigated.

Total acres irrigated to date:_____

<u>Ground Water Permits</u>: Please specify which wells are being utilized for this irrigation.

Well #_____ Acres_____ ***Well #_____Acres_____***

Well #_____ Acres_____ ***Well #_____Acres_____***

If you have a ground water permit which authorizes the use of more than one well, or you are using more than one well for irrigation under this permit, please specify which wells are being utilized, and how many acres are being irrigated from that well.

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

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

Fill out Chart-E, making your best estimate of the future time line and costs for work necessary to complete construction and/or apply water to full beneficial use under the terms and conditions of the permit.

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

11. ***Estimated remaining cost to complete the project _____.***

Indicate your best estimate of the remaining investment necessary to fully construct the system and to fully put water to beneficial use. This will be a total of the costs indicated in Chart-E from Question 10.

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

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

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

13. ***Justify the time requested to complete the project and/or apply the water to full beneficial use.***

A justification should integrate information presented in this Application for Extension of Time, but may include any other information or evidence to establish that the requested amount of time is reasonable. This can be a summary of why you need the amount of time you have requested.

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

14. ***Provide any other information you wish the OWRD to consider while evaluating the extension of time application.***

This is your opportunity to include any other information you want the OWRD to have when considering your extension request.

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SALEM, OR

LAKE 4444

May 15th, 2014

Oregon Water Resources Department
Attn: Buffy Gillis
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Ms. Gillis,

Below is a list of the correct locations of the wells therein identified. Well driller Tom Search sent your office the corrected well logs for LAKE 1507 and LAKE 52487. Schroeder Law Offices sent your office the corrected well logs for the remaining wells.

Well #	Well Log #	Township, Range, Section, Quarter-Quarter
Well 1	LAKE 3030	30 South, 17 East, Sec. 8 NE NW
Well 2	LAKE 1507	30 South, 17 East, Sec. 8 NE NW
Well 3	LAKE 4444	30 South, 17 East, Sec. 8 NE NW
Well 4	LAKE 3029	30 South, 17 East, Sec. 8 NE NW
Well 6	LAKE 52368	30 South, 17 East, Sec. 5 SW SE
Well 7	LAKE 52369	30 South, 17 East, Sec. 8 NE NW
Well 8	LAKE 52487	30 South, 17 East, Sec. 5 NW SE

Sincerely,

Thomas MacDonald
Desert Springs Trout Farm

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OCT 24 2016
SALEM, OR

RECEIVED BY OWRD
MAY 19 2014
SALEM, OR

LAKE 1507

May 15th, 2014

Oregon Water Resources Department
Attn: Buffy Gillis
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Ms. Gillis,

Below is a list of the correct locations of the wells therein identified. Well driller Tom Search sent your office the corrected well logs for LAKE 1507 and LAKE 52487. Schroeder Law Offices sent your office the corrected well logs for the remaining wells.

Well #	Well Log #	Township, Range, Section, Quarter-Quarter
Well 1	LAKE 3030	30 South, 17 East, Sec. 8 NE NW
Well 2	LAKE 1507	30 South, 17 East, Sec. 8 NE NW
Well 3	LAKE 4444	30 South, 17 East, Sec. 8 NE NW
Well 4	LAKE 3029	30 South, 17 East, Sec. 8 NE NW
Well 6	LAKE 52368	30 South, 17 East, Sec. 5 SW SE
Well 7	LAKE 52369	30 South, 17 East, Sec. 8 NE NW
Well 8	LAKE 52487	30 South, 17 East, Sec. 5 NW SE

Sincerely,

Thomas MacDonald
Desert Springs Trout Farm

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STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

well #2
LAKE 52368
Amended

LAKE 52368
WELL LABEL # L 10387
START CARD # 306439
ORIGINAL LOG #

(1) LANDOWNER
First Name Thomas Last Name ~~Smith~~ MC Donald
Company
Address PO Box 87
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: ☐ Steel ☐ Plastic ☐ Other _____
Casing Gauge _____ Casing Diameter _____

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well _____ ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	Material	SEAL From	To	Amount	Sacks/lbs
24"	0	39	Cement	0	39	80	SCK
18"	39	210	Cement	210	210	150	SCK
12"	210	260					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		18"	+	21	39	.250	X		X	
X		12"	–	3	210	.156	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000.			

Temperature 60° °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W W.M.
Sec 5 NW 1/4 of the _____ 1/4 Tax Lot 600
Tax Map Number _____ Lot _____
Lat _____ ° _____ ' _____ " or _____ DMS or DD
Long _____ ° _____ ' _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 48113 Dessert Spring Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	10 24 10	215		
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	20	25	25gal			

(11) WELL LOG Ground Elevation _____

Material	From	To
Top Soil	0	2
Black Clay	2	60
Gray Clay	60	120
Blue Clay	120	180
Gray Basalt	180	225
Red Cinder	225	260

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Date Started 9-28-10 Completed 10-25-10

(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.

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APR 05 2012
WATER RESOURCES DEPT
SALEM, OREGON

License Number _____ Date _____
Signed _____

(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 1654 Date 10-12-11
Signed _____
Contact Info. (optional)
Scott Drilling LLC
10m Search Sil 676-2159

ORIGINAL – WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

01/02/2009

LAKE 52368 2

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

WELL LABEL # L 10 3897
START CARD # 306439
ORIGINAL LOG #

(1) LANDOWNER
First Name Thomas Last Name Search
Company
Address PO Box 87
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth ft.
Seal Material
Casing Type: ☐ Steel ☐ Plastic ☐ Other
Casing Gauge Casing Diameter

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	Material	SEAL From	To	Amount	Sacks/lbs
24"	0	39	Cement	0	39	80	SCK
18"	39	270	Cement	240	270	150	SCK
12"	270	260					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ft. to ft. Material
filter pack from ft. to ft. Material Size

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: sacks/lbs
Actual Amount Used: sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		16"	+	2	39	.250	X		X	
X		12"	-	3	230	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)
Temporary casing ☐ Yes Diameter From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000.			

Temperature 60° °F Lab analysis ☐ Yes By
Water quality concerns? ☐ Yes (describe below) TDS ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W W.M.
Sec 5 NW NW 1/4 of the 1/4 Tax Lot 600
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
Street Address of Well (or nearest address) 48413 Dessert Spring Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	10-24-10	2 PSI		
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	10	25	25gal			

(11) WELL LOG Ground Elevation

Material	From	To
TOP SOIL	0	2
Black clay	2	60
Gray clay	60	120
Blue clay	120	180
Gray Basalt	180	225
Red clock	225	260

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WATER RESOURCES DEPT
SALEM, OREGON

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SALEM, OR

Date Started 9-29-10 Completed 10-28-10

(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.

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License Number Date DEC 14 2016

Signed SALEM, OR

(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 1654 Date 10-12-11

Signed

Contact Info. (optional)
Search drilling INC
Tom Search 541-576-2189

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

01/02/2009

LAKE 4444

Well #3

30s/16E-8aa

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

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WATER RESOURCES DEPT
SALEM, OREGON

Lake 4444

Well Number 0559N

(1) OWNER:
Name ROBERT OLSON
Address P/O BOX 40
City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☒ No ☐ Depth of Completed Well 262 ft
Explosives used Yes ☐ No ☒ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16	0	120	GROUT	0	120	165
12"	120	262				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ____ ft. to ____ ft. Material ____
Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245
Was a water analysis done? ☐ Yes By whom ____
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other ____
Depth of strata: ONE FOOT

(9) LOCATION OF WELL by legal description:
County LAKE Latitude ____ Longitude ____
Township 30 N or S Range 16 E or W, WM.
Section 8 NE ¼ NE ¼
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:
____ ft. below land surface. Date ____
Artesian pressure 17 lb per square inch Date ____

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

From	To	Estimated Flow Rate	SWL
1'	7'		1'
245	262	2100	+2'

(12) WELL LOG: Ground elevation ____

Material	From	To	SWL
SOIL, SANDY BROWN	0	7	1'
CLAY, GREEN	7	63	1'
CLAY - TAN	63	245	+2'
CINDERS - SAND, RED	245	246	+2
BOULDERS, LAVA, LARGE	246	261	+2
CINDERS - SAND, RED	261	262	+2

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Date started 5-15-87 Completed 10-20-87

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1362
Signed Floyd A Baker Date 6-24-88

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 8609C 10/86

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APR 24 2014
SALEM, OR

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DEC 14 2016
SALEM, OR

LAKE 52367 Well #1

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

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

WELL LABEL # L 103896
START CARD # 200438
ORIGINAL LOG #

(1) LANDOWNER Owner Well I.D.
First Name Thomas Last Name Mac Donald
Company
Address PO Box 97
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: ☐ Steel ☐ Plastic ☐ Other _____
Casing Gauge _____ Casing Diameter _____

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 420 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	Material	SEAL From	To	Amount	Sacks/lbs
20"	0	219	Cement	0	219	200	SK
12"	219	420					

How was seal placed. Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from _____ ft. to _____ ft. Material _____
filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
☒		12"	+	1	219	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000 gal		420	

Temperature 51° °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W W.M.
Sec 5 SE 1/4 of the NW 1/4 Tax Lot 600
Tax Map Number _____ Lot _____
Lat ___ ° ___ ' ___ " or _____ DMS or DD
Long ___ ° ___ ' ___ " or _____ DMS or DD
Street Address of Well (or nearest address) 48413 Dessert Springs Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Pre-Alteration	9-25-10			Land surface
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found 60

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	225	250	1000 gal			

(11) WELL LOG Ground Elevation _____

Material	From	To
Top Soil	0	2
Black clay	2	100
Blue clay	100	120
Gray clay	120	165
Black clay	165	195
Blue clay	195	225
Sand gravel w/ water	225	250
Gray clay	250	290
Blue clay	290	300
Gray clay	300	350
Black clay	350	395
Blue clay	395	420

Date Started 8-31-10 Completed 9-25-10

(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 _____ Date _____
Signed _____

(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 1654 Date 10-10-11
Signed _____
Contact Info. (optional)
Search Drilling INC
Tom Search
541-576-2189

RECEIVED BY OWRD DEC 14 2016 SALEM, OR

RECEIVED BY OWRD

RECEIVED MAR 12 2012 WATER RESOURCES DEPT SALEM, OREGON

RECEIVED NOV 1 2012 WATER RESOURCES DEPT SALEM, OREGON

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER (01/2011)
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

OCT 24 2016 SALEM, OR

P.2/3

MAR-12-2012 12:35 FROM:TOM 5415762189 TO:15039860904

LAKE 52368

Well #6

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

LAKE 52368 Well #2 LAKE 52368 Am Tated

WELL LABEL # L 103897
START CARD # 106439
ORIGINAL LOG #

(1) LANDOWNER
First Name Thomas Last Name [redacted] McDaniel
Company
Address PO Box 87
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth ____ ft.
Seal Material
Casing Type: ☐ Steel ☐ Plastic ☐ Other
Casing Gauge Casing Diameter

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 260 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	Material	SEAL From	To	Amount	Sacks/lbs
24"	0	39	Cement	0	39	80	sack
18"	39	210	Cement	140	210	750	sack
12"	210	260					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ____ ft to ____ ft Material
Filter pack from ____ ft to ____ ft Material ____ Size ____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: ____ sacks/lbs
Actual Amount Used: ____ sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		18"	+	1	39	.250	X		X	
X		12"	-	3	220	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)
Temporary casing ☐ Yes Diameter From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000.		260	

Temperature 60° °F Lab analysis ☐ Yes By
Water quality concerns? ☐ Yes (describe below) TDS ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W W.M.
Sec 5 NW 1/4 of the 1/4 Tax Lot 600
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
Street Address of Well (or nearest address) 48413 Dessert Spring Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	10-24-10	2 PSI		
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found 23'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	20	23	25gal			

(11) WELL LOG Ground Elevation

Material	From	To
Top Soil	0	2
Black Clay	2	60
Gry Clay	60	120
Blue Clay	120	180
Gry Basalt	180	225
Red Cinder	225	260

RECEIVED MAR 13 2012 WATER RESOURCES DEPT SALEM, OREGON
RECEIVED BY OWRD JUL 12 2012 SALEM, OR

Date Started 9-28-10 Completed 10-28-10

(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 ____ Date ____
Signed ____

(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 1654 Date 10-12-11
Signed
Contact Info (optional) Search Drilling INC Tom Search 541-576-2189

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK
01/02/2009

RECEIVED BY OWRD OCT 24 2016 SALEM, OR
RECEIVED BY OWRD DEC 14 2016 SALEM, OR
RECEIVED BY OWRD APR 24 2014 SALEM, OR

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

RECEIVED LAKE 1507
FEB 2 1986
WATER RESOURCES DEPT
SALEM, OREGON

Lake 1507

30s/17E-8bb

PLEASE TYPE or PRINT IN INK Per Wm. T, R&S. (for official use only)

(1) OWNER:

Name ROBERT OLSON
Address SUMMER LAKE
City State OR.

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☒ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☒ Municipal ☐
Irrigation ☐ Thermal: Withdrawal ☐ Reinjection ☐
Other: Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☐

12" Diam. from +1 ft. to 60 ft. Gauge 250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☐

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
" " "
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow 1960 g.p.m.
Temperature of water 60° Depth artesian flow encountered 241 ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒
Well seal—Material used CEMENT GROUT
Well sealed from land surface to 55 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Amount of sealing material 118 sacks ☒ pounds ☐
How was cement grout placed? PUMPED

Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL by legal description:

County LAKE ¼ ¼ of Section of
Township (Township is North or South), Range (Range is East or West), WM.
Tax Lot Lot Block Subdivision
MAILING ADDRESS OF WELL (or nearest address) SUMMER LAKE

(11) WATER LEVEL of COMPLETED WELL:

Depth at which water was first found 55 ft.
Static level ft. below land surface. Date
Artesian pressure 5 lbs. per square inch. Date 6-30-85

(12) WELL LOG:

Diameter of well below casing 12"
Depth drilled 296 ft. Depth of completed well 296 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SANDY SOIL	0	3	
TAN CLAY	3	55	2'
SAND, FINE	55	56	
CLAY, GREEN	56	241	+1
BOULDERS, RED, POUROUS	241	296	

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OCT 24 2016
SALEM, OR

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DEC 14 2016
SALEM, OR

Date work started 4-15-85 /completed 6-30-85
Date well drilling machine moved off of well 7-15- 1985

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Date , 19

(bonded) Water Well Constructor Certification:

Bond SB 41670 (number) Issued by: O.A.I.C. (Surety Company Name)
On behalf of FLOYD BAKER (type or print name of Water Well Constructor)

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief:

(Signed) Floyd Baker (Water Well Constructor)
(Dated) 2-20-86

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP*46866-690

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

LAKE 52368 LAKE 52368 Well #2 Am Tubed

WELL LABEL # L 10 3897
START CARD # 306439
ORIGINAL LOG #

(1) LANDOWNER
First Name Thomas Last Name [redacted] MC Donald
Company
Address PO Box 87
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: ☐ Steel ☐ Plastic ☐ Other _____
Casing Gauge _____ Casing Diameter _____

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 260 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	SEAL Material	From	To	Amount	Sacks/lbs
24"	0	39	Cement	0	39	80	sack
18"	39	210	Cement	40	210	750	sack
12"	210	260					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		18"	+	1	39	.250	X		X	
X		12"	-	3	220	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000.		260	

Temperature 60° °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W W.M.
Sec 5 NE NW 1/4 of the _____ 1/4 Tax Lot 600
Tax Map Number _____ Lot _____
Lat ___° ___' ___.___" or ___.___ DMS or DD
Long ___° ___' ___.___" or ___.___ DMS or DD
Street Address of Well (or nearest address) 48413 Dessert Spring Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	10-24-10	2 PSI		
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found 25'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	20	25	25gal			

(11) WELL LOG Ground Elevation _____

Material	From	To
Top Soil	0	2
Black Clay	2	60
Gray Clay	60	120
Blue Clay	120	180
Gray Basalt	180	225
Red Cider	225	260

RECEIVED
MAR 13 2012
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED BY OWRD
JUL 12 2012
SALEM, OR

Date Started 9-28-10 Completed 10-28-10

(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.

RECEIVED BY OWRD RECEIVED BY OWRD

License Number _____ Date _____
Signed DEC 14 2016 OCT 24 2016

(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.

SALEM, OR SALEM, OR

License Number 1654 Date 10-12-11
Signed _____
Contact Info. (optional)
Search drilling INC
Tom Search 541-576-2189

ORIGINAL – WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

01/02/2009

RECEIVED

JUL - 1 1988

WATER RESOURCES DEPT

LAKE 4444

30s/16E-8aa

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

Well Number: 30S/16E-8aa #5

(1) OWNER:

Name ROBERT OLSON

Address P/O BOX 40

City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable

☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☒ No ☐ Depth of Completed Well 262 ft.

Explosives used Yes ☐ No ☒ Type _____ Amount _____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16	0	120	GROUT	0	120	165
12"	120	262				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____

☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☒ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: ONE FOOT

(9) ~~LOCATION~~ OF WELL by legal description:

County LAKE Latitude _____ ' " Longitude _____ ' "

Township 30 N or S Range 16 E or W, WM.

Section 8 NE ¼ NE ¼

Tax Lot _____ Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:

_____ ft. below land surface. Date _____

Artesian pressure 17 lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found ONE FOOT

From	To	Estimated Flow Rate	SWL
1'	7-		1'
245	262	2100	+2'

(12) WELL LOG:

Ground elevation _____

Material	From	To	SWL
SOIL, SANDY BROWN	0	7	1'
CLAY, GREEN	7	63	1'
CLAY - TAN	63	245	+2'
CINDERS - SAND, RED	245	246	+2
BOULDERS, LAVA, LARGE	246	261	+2
CINDERS - SAND, RED	261	262	+2

RECEIVED BY OWRD OCT 24 2016 SALEM, OR

RECEIVED BY OWRD DEC 14 2016 SALEM, OR

Date started 5-15-87 Completed 10-20-87

(unbonded) Water Well Constructor Certification:

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

WWC Number _____

Signed _____ Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1362

Signed Floyd A Baker Date 6-24-88

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 9809C 10/86

RECEIVED

LAKE 3029

JUL - 1 1988

WATER RESOURCES DEPT
SALEM, OREGON

30S/16E-8aa

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

Well Number: LAKE #4

(1) OWNER:
Name ROBERT OLSON
Address P/O BOX 40
City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☒ No ☐ Depth of Completed Well 310 ft.
Explosives used Yes ☐ No ☒ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	120	CEMENT GROUT	0	120	210 SACK
12"	120	245				
8"	245	310				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ____ ft. to ____ ft. Material ____
Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245
Was a water analysis done? ☐ Yes By whom ____
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other ____
Depth of strata: 7'

(9) LOCATION OF WELL by legal description:
County LAKE Latitude ____ ' ____ " Longitude ____ ' ____ "
Township 30 N of S Range 16 E or W, WM.
Section 8 NE ¼ NE ¼
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:
____ ft. below land surface. Date ____
Artesian pressure 17 lb. per square inch. Date 4-15-88

(11) WATER BEARING ZONES:
Depth at which water was first found 7 FT

From	To	Estimated Flow Rate	SWL
7'	8'		3'
245	310	2100	+2

(12) WELL LOG:
Ground elevation ____

Material	From	To	SWL
SOIL, BROWN SANDY	0	7	7'
CLAY - GREEN	7	53'	7'
CLAY - TAN	53	245	+2
CINDERS - SAND, RED	245	246	+2
LAVA BOULDERS, LARGE	246	308	+2
CINDERS, RED	308	310	+2

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DEC 14 2016
SALEM, OR

RECEIVED BY OWRD
OCT 24 2016
SALEM, OR

Date started 11-10-87 Completed 4-15-88

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1362
Signed Elmer Baker Date 6-24-88

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 9809C 10/86

LAKE 3029

Well #4

RECEIVED
JUL - 1 1988
WATER RESOURCES DEPT
SALEM, OREGON

Lake 3029

30S/16E-8aa

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

Well Number: Lake 3029 #4

(1) OWNER:
Name ROBERT OLSON
Address P/O BOX 40
City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☒ No ☐ Depth of Completed Well 310 ft.
Explosives used Yes ☐ No ☒ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	120	CEMENT GROUT	0	120	310 SACK
12"	120	245				
8"	245	310				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ____ ft. to ____ ft. Material ____
Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245
Was a water analysis done? ☐ Yes By whom ____
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other ____
Depth of strata: 7'

(9) LOCATION OF WELL by legal description:
County LAKE Latitude ____ ° Longitude ____ °
Township 30 N or S Range 16 E or W, WM
Section 8 NE ¼ NW ¼
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:
____ ft. below land surface. Date ____
Artesian pressure 17 lb. per square inch Date 4-15-88

(11) WATER BEARING ZONES:
Depth at which water was first found 7 FT

From	To	Estimated Flow Rate	SWL
7'	8'		3'
245	310	2100	+2

(12) WELL LOG: Ground elevation ____

Material	From	To	SWL
SOIL, BROWN SANDY	0	7	7'
CLAY - GREEN	7	53	7'
CLAY - TAN	53	245	+2
CINDERS - SAND, RED	245	246	+2
LAVA BOULDERS, LARGE	246	308	+2
CINDERS RED	308	310	+2

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DEC 14 2016
SALEM, OR

Date started 11-10-87 Completed 4-15-88

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1262
Signed Floyd Baker Date 6-24-88

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 9809C 10/88

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APR 24 2014
SALEM, OR

LAKE 1507

Well #2

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

RECEIVED
FEB 2 1986
WATER RESOURCES DEPT
SALEM, OREGON

Lake 1507

30S/17E-8bb

PLEASE TYPE or PRINT IN INK Per Wm. T, R 17 S. 7 (for official use only)

(1) OWNER:
Name ROBERT OLSON
Address SUMMER LAKE
City State OR

(2) TYPE OF WORK (check):
New Well X Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
Cable X Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial X Municipal ☐
Irrigation ☐ Thermal: ☐ Withdrawal ☐ Reinjection ☐
Other:
Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED: Steel ☐ Threaded ☐ Plastic ☐ Welded ☐
12 " Diam. from +1 ft. to 60 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED: Steel ☐ Threaded ☐ Plastic ☐ Welded ☐
" Diam. from ft. to ft. Gauge

(6) PERFORATIONS: Perforated? ☐ Yes X No
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS: Well screen installed? ☐ Yes X No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes X No If yes, by whom?
gal./min. with ft. drawdown after hrs.
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow 1960 g.p.m.
Temperature of water 60° Depth artesian flow encountered 241 ft.

(9) CONSTRUCTION: Special standards: Yes ☐ No X
Well seal—Material used CEMENT GROUT
Well sealed from land surface to 55 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Amount of sealing material 118 sacks X pounds ☐
How was cement grout placed? PUMPED
Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? X Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes X No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes X No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL by legal description:
County LAKE NE ¼ NW ¼ of Section 8 of
Township 30 (Township is North or South) Range 17 (Range is East or West) WM.
Tax Lot Lot Block Subdivision
MAILING ADDRESS OF WELL (or nearest address) SUMMER LAKE

(11) WATER LEVEL of COMPLETED WELL:
Depth at which water was first found 55 ft.
Static level ft. below land surface. Date
Artesian pressure 5 lbs. per square inch. Date 6-30-85

(12) WELL LOG: Diameter of well below casing 12"
Depth drilled 296 ft. Depth of completed well 296 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SANDY SOIL	0	3	
TAN CLAY	3	55	9'
SAND, FINE	55	56	
CLAY, GREEN	56	241	+1
BOULDERS, RED, POUROUS	241	296	

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Date work started 4-15-85 /completed 6-30-85
Date well drilling machine moved off of well 7-15- 1985

(unbonded) Water Well Constructor Certification (if applicable):
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Date , 19

(bonded) Water Well Constructor Certification:
Bond SB 41670 (number) Issued by: O.A.I.C. (Surety Company Name)
On behalf of FLOYD BAKER (type or print name of Water Well Constructor)
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
(Signed) Floyd Baker (Water Well Constructor)
(Dated) 8-20-86

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*46866-690

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OCT 24 2016
SALEM, OR

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APR 24 2014
SALEM, OR

RECEIVED BY OWRD

JAN 18 2017

SALEM, OR

Google Maps Desert Springs Trout Farm



Imagery ©2017 DigitalGlobe, State of Oregon, Map data ©2017 Google 100 ft

LAKE 52368

May 15th 2014

Oregon Water Resources Department
Attn: Buffy Gillis
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Ms. Gillis,

Below is a list of the correct locations of the wells therein identified. Well driller Tom Search sent your office the corrected well logs for LAKE 1507 and LAKE 52487. Schroeder Law Offices sent your office the corrected well logs for the remaining wells.

Well #	Well Log #	Township, Range, Section, Quarter-Quarter
Well 1	LAKE 3030	30 South, 17 East, Sec. 8 NE NW
Well 2	LAKE 1507	30 South, 17 East, Sec. 8 NE NW
Well 3	LAKE 4444	30 South, 17 East, Sec. 8 NE NW
Well 4	LAKE 3029	30 South, 17 East, Sec. 8 NE NW
Well 6	LAKE 52368	30 South, 17 East, Sec. 5 SW SE
Well 7	LAKE 52369	30 South, 17 East, Sec. 8 NE NW
Well 8	LAKE 52487	30 South, 17 East, Sec. 5 NW SE

Sincerely,

Thomas MacDonald
Desert Springs Trout Farm

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SALEM, OR

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OCT 24 2016
SALEM, OR

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MAY 19 2014
SALEM, OR

Laura A. Schroeder
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Therese A. Ure
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Sarah R. Liljefelt
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Wyatt E. Rolfe
Of Counsel
Licensed in Oregon & Washington

Matthew J. Curti
Licensed in Nevada

Brian R. Sheets
Licensed in Oregon

October 3, 2014

RECEIVED BY OWRD

OCT 06 2014

SALEM, OR

VIA US MAIL

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

RE: Original Signature Page
Application for Extension of Time: Permit G-11024; Application G-11640

To Whom It May Concern:

Enclosed pursuant to our October 1, 2014 letter, please find the original signature page to the Application for Extension of Time for Water Right Permit G-11024 (Application G-11640), submitted for filing on behalf of Thomas MacDonald.

Thank you for your assistance with this matter. If you have any questions, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Tara J. Jackson
Paralegal

TJJ:las

Enclosures

cc: Client

Oregon
Kate Brown, Governor

Jeffrey

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

March 20, 2017

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

REFERENCE: Permit Amendment Application T-11749

Enclosed is a copy of the superseding order approving your Permit Amendment application. This is also a correction to the order entered at Special Order Volume 103, Page 268, which is withdrawn and is in no further force and effect.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Sarah Henderson, by telephone at (503) 986-0890 or by e-mail at Sarah.A.Henderson@oregon.gov.

Sincerely,

Marissa Andrews
Water Rights Services Support

cc: Brian M. Mayer, Watermaster Dist. # 12 (via email)
Brian Sheets, Agent
Landowners (other or receiving)

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-11749, LAKE County	)	SUPERCEDING FINAL ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION AND AN ADDITIONAL POINT OF APPROPRIATION AND CORRECTING A SCRIVENER'S ERROR IN A PREVIOUS ORDER AND PERMIT

Authority

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

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

Findings of Fact

1. On March 5, 2014, Thomas MacDonald filed an application to change a point of appropriation and add an additional point of appropriation under Permit G-11024. The Department assigned the application number T-11749.

2. On October 24, 2016, the Department issued a Final Order approving permit amendment application number T-11749, recorded at Special Order Volume 103, Pages 268-271 and issued a superseding Permit G-17282. There were scrivener's errors in the final order and the superseding permit, this order and the new superseding permit will resolve those issues.

3. On April 30, 1990, the Department issued permit G-11024 in the name of Robert F. Olson.

4. On March 14, 1994, the Department approved an assignment of the permit to Summer Lake Trout Farm.

5. On June 12, 1995, the Department approved an assignment of the permit to Key Bank of Oregon.

6. On March 26, 2003, the Department approved an assignment of the permit to Thomas A. MacDonald and Northwest Farm Credit Services.

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.

7. On January 10, 2008, the Department approved an extension of time for complete application of water to October 1, 2010.

8. On December 10, 2008, the Department approved permit amendment T-10716 as described in Special Order Volume 76, Pages 833-836. Permit Amendment T-10716 added 4 additional points of appropriation and provided a more accurate description of the four authorized (original) points of appropriation.

9. On January 20, 2012, the Department approved an extension of time for complete application of water to October 1, 2012.

10. On September 13, 2010, the Department approved an assignment of the permit to Thomas A. MacDonald.

11. On October 18, 2013, the Department approved an extension of time for complete application of water to October 1, 2014.

12. On January 16, 2015, the Department issued a Final Order approving an extension of time for complete application of water to October 30, 2016.

13. Notice of the application for the permit amendment was published in the Department's weekly notice on March 11, 2014, and in the Lake County Examiner newspaper on September 14 and 21st, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

14. The applicant has provided information that more accurately describes the authorized points of appropriation for Well #6 (LAKE 52368), Well #7 (LAKE 52369) and Well #8 (LAKE 52387) as indicated in the table below:

Well ID/Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well #6 LAKE 52368	30 S	17 E	WM	5	SW SE	155 FEET NORTH AND 230 FEET EAST FROM THE N ¼ CORNER OF SECTION 8
Well #7 LAKE 52369	30 S	17 E	WM	8	NE NW	110 FEET SOUTH AND 280 FEET WEST FROM THE N ¼ CORNER OF SECTION 8
Well #8 LAKE 52487	30 S	17 E	WM	5	NW SE	2070 FEET NORTH AND 100 FEET EAST FROM THE N ¼ CORNER OF SECTION 8

15. Permit Amendment Application T-11749 proposes to move an authorized point of appropriation (Well #5) and add an additional point of appropriation (Well #9) as described in the table below with approximate distances from the existing points of appropriation:

Proposed Well#	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
Well #5	30 S	17 E	WM	5	SE NW	3200 FEET NORTH AND 300 FEET WEST FROM THE N1/4 CORNER OF SECTION 8	WELL# 1 – 0.68 mile WELL# 2 – 0.69 mile WELL# 3 – 0.70 mile WELL# 4 – 0.67 mile WELL# 6 – 0.58 mile WELL# 7 – 0.62 mile WELL# 8 – 0.23 mile

Proposed Well#	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
Well #9	30 S	17 E	WM	5	SE SW	1040 FEET NORTH AND 130 FEET WEST FROM THE N1/4 CORNER OF SECTION 8	WELL# 1 – 0.27 mile WELL# 2 – 0.28 mile WELL# 3 – 0.29 mile WELL# 4 – 0.26 mile WELL# 6 – 0.18 mile WELL# 7 – 0.22 mile WELL# 8 – 0.20 mile

Permit Amendment Review Criteria

16. The changes as conditioned would not result in injury to other water rights.

17. The changes as conditioned do not enlarge the permit.

18. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11749 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 103, Pages 268-271 is withdrawn and of no further force and effect and is superseded by this order.

2. The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11749 are approved.

3. Permit G-17749, in the name of Thomas A. MacDonald, supersedes Permit G-17282, and incorporates the amendments approved by this order, the amendments approved by Special Order Volume 76, Pages 833-836, and the extensions of time and assignments. Permit G-17282 in the name of Thomas A. MacDonald, is no longer of any force or effect.

4. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

5. Water shall be acquired from the same aquifer as the original points of appropriation.

6. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

7. The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

8. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

9. Water use measurement conditions:
   a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
   b. The water user shall maintain the meters or measuring devices in good working order.
   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

10. At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to the extent necessary to restore Ana River to its historic flow. If the flow of Ana Springs is insufficient to furnish the amount of water required for existing rights with earlier priority dates and not all the ground water derived under this permit can be delivered into the Ana River, then all of the ground water derived under this permit shall be shut off.

11. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

12. All other terms and conditions of Permit G-17749 remain the same.

Dated at Salem, Oregon this 17 day of March 2017.

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

Mailing Date: MAR 22 2017

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

This superseding and correcting permit is issued to describe amendments for changes in the points of appropriation and an additional point of appropriation proposed under Permit Amendment Application T-11749 approved by Special Order Volume 103, Page 268 entered October 24, 2016, amendments for additional points of appropriation as described in T-10716 approved by Special Order Vol. 76, Page 833, entered December 10, 2008, and to describe all assignments and the extension of time for complete application of water approved October 30, 2016. This permit supersedes Permit G-11024 and G-17282.

to use the waters of NINE WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.80 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	WELL#1 - 390 FEET SOUTH AND 150 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#2 - 480 FEET SOUTH AND 190 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#3 - 525 FEET SOUTH AND 140 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#4 - 340 FEET SOUTH AND 145 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE NW	WELL#5 - 3200 FEET NORTH AND 300 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SW SE	WELL#6 - 155 FEET NORTH AND 230 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#7 - 110 FEET SOUTH AND 280 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	NW SE	WELL#8 - 2070 FEET NORTH AND 100 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE SW	WELL#9 - 1040 FEET NORTH AND 130 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.30
30 S	17 E	WM	5	NE SW	28.40
30 S	17 E	WM	5	SE SW	1.40
Total					50.10

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.00
30 S	17 E	WM	5	SW NE	40.00
30 S	17 E	WM	5	SE NE	40.00
30 S	17 E	WM	5	NE SE	40.00
30 S	17 E	WM	5	NW SE	39.10
30 S	17 E	WM	5	SW SE	30.00
30 S	17 E	WM	5	SE SE	40.00
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	33.00
30 S	17 E	WM	8	SW NE	11.00
30 S	17 E	WM	8	SE NE	31.00
30 S	17 E	WM	9	SW NE	2.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	9	NW NW	36.00
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	30.00
30 S	17 E	WM	9	NE SW	31.00
30 S	17 E	WM	9	NE SE	0.50
30 S	17 E	WM	9	NW SE	28.00
30 S	17 E	WM	9	SW SE	20.00
30 S	17 E	WM	9	SE SE	16.00
				Total	569.60

Permit Amendment T-11749

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to the extent necessary to restore Ana River to its historic flow. If the flow of Ana Springs is insufficient to furnish the amount of water required for existing rights with earlier priority dates and not all the ground water derived under this permit can be delivered into the Ana River, then all of the ground water derived under this permit shall be shut off.

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

Water shall be acquired from the same aquifer as the original points of appropriation.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Water use measurement conditions:

a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
b. The water user shall maintain the meters or measuring devices in good working order.
c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Original Permit Conditions

This project was considered and approved by the Water Resources Commission on March 30, 1990.

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 and airline and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work was to begin on or before April 30, 1991, however, complete application of the water to the use was extended and shall be made on or before October 1, 2016. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued March 17, 2017

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

Oregon
Kate Brown, Governor

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

October 25, 2016

Thomas A. MacDonald
48413 Desert Springs Rd.
Summer Lake, OR 97640

Reference: Application G-11640, Permit ~~G-14933~~ G-17282
(Please note that a new permit was issued on October 24, 2016, to reflect the changes authorized under Permit Amendment T-11749)

Dear Thomas,

The Department received an Application for Extension of Time on October 24, 2016, requesting to extend the date to apply water to full beneficial use under the terms and conditions of the permit to October 1, 2018.

Upon reviewing the application, the Department has considered the application incomplete. I have included a copy of your original application with the items that need to be completed highlighted.

The Department updated the Application for an Extension of Time for a Water Right Permit on May 25, 2016, in order to attain necessary information required by Oregon Administrative Rules pertaining to the Department's authority to grant extensions of time for completion of construction and application of water to its beneficial use.

Please review the enclosed instructions and complete the updated form to submit to the Department so we may begin to review the application.

If you have any other questions please contact me at 503-986-0802.

Sincerely,

Jeffrey D. Pierceall
Adjudication and Extension Specialist

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DEC 14 2016
SALEM, OR

Encl: Updated Application, returned application and fees

Cc: Application File G-11640/Permit ~~G-14933~~ G-17282

LAKE 3029

May 15th 2014

Oregon Water Resources Department
Attn: Buffy Gillis
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Ms. Gillis,

Below is a list of the correct locations of the wells therein identified. Well driller Tom Search sent your office the corrected well logs for LAKE 1507 and LAKE 52487. Schroeder Law Offices sent your office the corrected well logs for the remaining wells.

Well #	Well Log #	Township, Range, Section, Quarter-Quarter
Well 1	LAKE 3030	30 South, 17 East, Sec. 8 NE NW
Well 2	LAKE 1507	30 South, 17 East, Sec. 8 NE NW
Well 3	LAKE 4444	30 South, 17 East, Sec. 8 NE NW
Well 4	LAKE 3029	30 South, 17 East, Sec. 8 NE NW
Well 6	LAKE 52368	30 South, 17 East, Sec. 5 SW SE
Well 7	LAKE 52369	30 South, 17 East, Sec. 8 NE NW
Well 8	LAKE 52487	30 South, 17 East, Sec. 5 NW SE

Sincerely,

Thomas MacDonald
Desert Springs Trout Farm

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Date Postmarked 9.29.10
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W 206439
OWRD Receipt 101298
Date Fee Received 10.1.10
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SALEM, OREGON

START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION
(as required by ORS 537.762)

This form must be completed and the original mailed or delivered to the region office within which the well is being constructed, converted, altered, deepened, or abandoned using one of the following methods: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; (b) by hand delivery, during regular office hours before work is commenced; or (c) by FAX before work is commenced. If method (c) is used, a legible copy of the start card shall also be mailed or delivered to the region office no later than the day work is commenced. The fee required under ORS 537.762(5) for the construction of a new well, deepening of an existing well, conversion of a monitoring well, geotechnical hole, or other hole shall be submitted to the Water Resources Department, 725 Summer Street NE Suite A, Salem, OR 97301-1266 with a duplicate copy of the start card. The Water Resources Commission has authority to impose civil penalties for failure to submit the required $225 fee with the start card, for failure to submit the $225 fee in a timely manner, and for failure to timely submit start cards.

#3

Owner's name: Thomas S A MacDonald
Home Phone: (541) 943-3104 Mailing Address: Box 87 C48413 Desert Spring Rd
Work Phone: (541) 943-3192 City, State Zip: Summer Lake Or 97640

Type of work: **Fee Required:** ☒ New Construction ☐ Conversion ☐ Deepening Orig. Start Card No. _____
No Fee Required: ☐ Alteration (Repair/Recondition) ☐ Abandonment Orig. Start Card No. _____

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Proposed Commencement Date: 9-28-10

Existing or Proposed Well Depth: 400' Diameter: 12" Original Well I.D. Label Number: _____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial
☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☒ Other Fish Farming

Proposed Well Location:
County Lake Township 30 North or South Range 17 East or West Section 5 Tax Lot 600
1/4 _____ 1/4 _____ Or Latitude N 42.39428 Longitude W 120.43954

Street Address of well, if not assigned, nearest address:
48413 Desert Spring Rd Summer Lake 97640

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Thomas MacDonald — Owner/Agent Name
_____ — Date Signed
_____ — Bonded Water Supply/Monitor Well Constructor Name
Season Drilling — Company
1654 — License No.
9-28-10 — Date Signed

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OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

ADDITIONAL IMPORTANT INFORMATION ON BACK.

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W 206439
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START CARD

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NOTICE OF BEGINNING OF WELL CONSTRUCTION
(as required by ORS 537.762)

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#3

Owner's name: Thomas S A MacDonald
Home Phone: (541) 943-3104 Mailing Address: Box 87 C48413 Desert Spring Rd
Work Phone: (541) 943-3192 City, State Zip: Summer Lake Or 97640

Type of work: **Fee Required:** ☒ New Construction ☐ Conversion ☐ Deepening Orig. Start Card No. _____
No Fee Required: ☐ Alteration (Repair/Recondition) ☐ Abandonment Orig. Start Card No. _____

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Proposed Commencement Date: 9-28-10

Existing or Proposed Well Depth: 400' Diameter: 12" Original Well I.D. Label Number: _____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial
☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☒ Other Fish Farming

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Proposed Well Location:
County Lake Township 30 North or South Range 17 East or West Section 5 Tax Lot 600
1/4 _____ 1/4 _____ Or Latitude N 42. 59 428 Longitude W 120. 43954

Street Address of well, if not assigned, nearest address:
48413 Desert Spring Rd Summer Lake 97640

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name	Bonded Water Supply/Monitor Well Constructor Name	License No.
Thomas A MacDonald		1654
Date Signed	**Company**	**Date Signed**
	Seven Drilling	9-28-10

OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

ADDITIONAL IMPORTANT INFORMATION ON BACK.

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SALEM, OREGON

W 206440
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Date Fee Received 10.1.10
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START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION

(as required by ORS 537.762)

This form must be completed and the original mailed or delivered to the region office within which the well is being constructed, converted, altered, deepened, or abandoned using one of the following methods: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; (b) by hand delivery, during regular office hours before work is commenced; or (c) by FAX before work is commenced. If method (c) is used, a legible copy of the start card shall also be mailed or delivered to the region office no later than the day work is commenced. The fee required under ORS 537.762(5) for the construction of a new well, deepening of an existing well, conversion of a monitoring well, geotechnical hole, or other hole shall be submitted to the Water Resources Department, 725 Summer Street NE Suite A, Salem, OR 97301-1266 with a duplicate copy of the start card. The Water Resources Commission has authority to impose civil penalties for failure to submit the required $225 fee with the start card, for failure to submit the $225 fee in a timely manner, and for failure to timely submit start cards.

#4

Owner's name: Thomas A MacDonald
Home Phone: (541) 943-3104
Mailing Address: Po Box 87
Work Phone: ( )
City, State Zip: Summer Lake OR 97640

Type of work:
Fee Required: ☒ New Construction ☐ Conversion ☐ Deepening Orig. Start Card No. ____
No Fee Required: ☐ Alteration (Repair/Recondition) ☐ Abandonment Orig. Start Card No. ____

Proposed Commencement Date: 9-28-10

Existing or Proposed Well Depth: 400 Diameter: 12" Original Well I.D. Label Number: ____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial
☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☒ Other Fish

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Proposed Well Location:

County Lake Township 30 North or South Range 17 East or West Section 5 Tax Lot 600

1/4 SE 1/4 SW Or Latitude N 42.59687 Longitude W 120 43739

Street Address of well, if not assigned, nearest address:
48413 Dessert Spring Rd Summer Lake OR 97640

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name	Bonded Water Supply/Monitor Well Constructor Name	License No.
Date Signed	Company	Date Signed
	Search Wells Inc	

OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

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NOTICE OF BEGINNING OF WELL CONSTRUCTION
(as required by ORS 537.762)

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#14

Owner's name: Thomas A MacDonald

Home Phone: (541) 943-3104 Mailing Address: Po Box 87

Work Phone: (___) _____ City, State Zip: Summer Lake OR 97640

Type of work: **Fee Required:** ☒ New Construction ☐ Conversion ☐ Deepening **Orig. Start Card No.** _____ **No Fee Required:** ☐ Alteration (Repair/Recondition) ☐ Abandonment **Orig. Start Card No.** _____

Proposed Commencement Date: 9-28-10

Existing or Proposed Well Depth: 400 Diameter: 12" Original Well I.D. Label Number: _____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☒ Other Fish

Proposed Well Location:

County Lake Township 30 North or South Range 17 East or West Section 5C Tax Lot 600

1/4 SE 1/4 SW Or Latitude N 42.59687 Longitude W 120 43739

Street Address of well, if not assigned, nearest address:
48413 Desert Springs Rd Summer Lake OR 97640

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We have read the back of this form and the information provided is accurate to the best of our knowledge.

Thomas A MacDonald — Owner/Agent Name

_____ — Bonded Water Supply/Monitor Well Constructor Name

1654 — License No.

_____ — Date Signed

Searcy Wells Inc — Company

_____ — Date Signed

OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

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Date Region Office Rec'd
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SALEM, OREGON

W 206041
OWRD Receipt 101298
Date Fee Received 10.1.10
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START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION

(as required by ORS 537.762)

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Owner's name: Thomas A MacDonald
Home Phone: (541) 943-1392 Mailing Address: PO Box 87
Work Phone: ( ) City, State Zip: Summer Lake OR 97640

Type of work: **Fee Required:** ☒ New Construction ☐ Conversion ☐ Deepening Orig. Start Card No. _____ **No Fee Required:** ☐ Alteration (Repair/Recondition) ☐ Abandonment Orig. Start Card No. _____

Proposed Commencement Date: 9-28-10

Existing or Proposed Well Depth: 400' Diameter: 12" Original Well I.D. Label Number: _____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☐ Other Fish

Proposed Well Location:

County Lake Township 30 North or South Range 17 East or West Section 5 Tax Lot 600

1/4 SE 1/4 NW Or Latitude _____ Longitude _____

Street Address of well, if not assigned, nearest address:
41843 Dessert Springs Rd Summer Lake OR 97640

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name	Bonded Water Supply/Monitor Well Constructor Name	License No.
		1654
Date Signed	**Company**	**Date Signed**
	Season Drilling	9-27-10

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OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

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Date Region Office Rec'd _____

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SALEM, OREGON

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START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION
(as required by ORS 537.762)

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Owner's name: Thomas A MacDaniel
Home Phone: (541) 943-1392 Mailing Address: PO Box 87
Work Phone: ( ) City, State Zip: Summer Lake OR 97640

Type of work: Fee Required: ☒ New Construction ☐ Conversion ☐ Deepening Orig. Start Card No. _____ No Fee Required: ☐ Alteration (Repair/Recondition) ☐ Abandonment Orig. Start Card No. _____

Proposed Commencement Date: 9-28-10

Existing or Proposed Well Depth: 400' Diameter: 12" Original Well I.D. Label Number: _____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☐ Other Fish

Proposed Well Location:

County Lake Township 30 (North or South) Range 17 (East or West) Section 5 Tax Lot 600

1/4 SE 1/4 NW Or Latitude _____ Longitude _____

Street Address of well, if not assigned, nearest address:
48413 Dessert Springs Rd Summer Lake OR 97640

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name	Bonded Water Supply/Monitor Well Constructor Name	License No.
	[signature]	1654
Date Signed	Company	Date Signed
	Search Process	9-27-10

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SALEM, OR

OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

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Date Hand-Delivered
Date Region Office Rec'd
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WATER RESOURCES DEPT
SALEM, OREGON

W 206438
OWRD Receipt 101298
Date Fee Received 10.1.10
Check No. 64

START CARD

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(as required by ORS 537.762)

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Owner's name: Thomas H MacDonald
Home Phone: (541) 943-1392 Mailing Address: PO Box 87
Work Phone: ( ) City, State Zip: Summer Lake OR 97640

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Type of work: **Fee Required:** ☒ New Construction ☐ Conversion ☐ Deepening Orig. Start Card No. ____ **No Fee Required:** ☐ Alteration (Repair/Recondition) ☐ Abandonment Orig. Start Card No. ____

Proposed Commencement Date: 8-31-10

Existing or Proposed Well Depth: 400' Diameter: 12" Original Well I.D. Label Number: ____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☐ Other ____

Proposed Well Location:

County Lake Township 30 North or South Range 17 East or West Section 5 Tax Lot 600

1/4 SE 1/4 NW Or Latitude ____ Longitude ____

Street Address of well, if not assigned, nearest address:
48113 Dessert Springs Rd Summer Lake OR 97640

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name	Bonded Water Supply/Monitor Well Constructor Name	License No.
Date Signed	Company	8-27-10 Date Signed

OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

ADDITIONAL IMPORTANT INFORMATION ON BACK.

RECEIVED BY OWRD OCT 24 2016 SALEM, OR

Revised 07/2009

A COPY, WITH ACCOMPANYING FEE, TO WATER RESOURCES DEPARTMENT IN SALEM

LAKE 52487

~~Amended~~

Well #8

LAKE 52487

LAKE 52487

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

WELL LABEL # L 104458
START CARD # 206041
ORIGINAL LOG #

(1) LANDOWNER Owner Well I.D.
First Name Thomas Last Name MacDonald
company
Address Po Box 5-1
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth ft.
Seal Material
Casing Type: ☐ Steel ☐ Plastic ☐ Other
Casing Gauge Casing Diameter

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 220 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	SEAL Material	From	To	Amount	Sacks/lbs
24"	0	90	Cement	0	90	100	5 sk
18"	90	155	Cement	90	155	100	5 sk
14"	155	200					
10"	200	220					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ft. to ft. Material
filter pack from ft. to ft. Material Size

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: sacks/lbs
Actual Amount Used: sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		18"	+	1	90	.250	X		X	
X		14"	+	1	155	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)
Temporary casing ☐ Yes Diameter From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1500			hr 1

emperature 60' °F Lab analysis ☐ Yes By
Water quality concerns? ☐ Yes (describe below) TDS ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S, Range 17 E or W W.M.
Sec 35 NE¼ NW¼ of the SW¼ Tax Lot 600
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
Street Address of Well (or nearest address) 48413 Dyess
Spring Rd Summer Lake

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	9-1-13	4 psi		
Completed Well				

Flowing Artesian? ☒ Yes Dry Hole? ☐ Yes
WATER BEARING ZONES Depth water was first found 260'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
9-1-13	220	260	1500	4 psi		

(11) WELL LOG Ground Elevation

Material	From	To
Top Soil	0	2
Brown clay	2	150
Black Lava Rock	150	165
Red Lava Rock	165	220
Black Lava Rock	220	260

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~~OCT 10 2013~~
~~SALEM, OR~~

Date Started 8-15-13 Completed 9-1-13

(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 Date
Signed

(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 1651 Date 10-6-13
Signed
Contact Info (optional)

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ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK 01/02/2009

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From: **Edward** edward45auto@gmail.com
Subject: Drill rig
Date: September 27, 2016 at 11:39 AM
To: desertsprings16@hotmail.com







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Oregon Water Resources Department
Water Right Services Division

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SALEM, OR

Water Rights Application
Number G-11640

FINAL ORDER

Extension of Time for Permit Number G-11024
Permit Holder: Thomas A MacDonald

Permit Information

Application:	G-11640
Permit:	G-11024 (modified my Permit Amendment T-~~10716~~ 11049)
Basin:	13 – Goose and Summer Lake / Watermaster District 12
Date of Priority:	April 7, 1987 for 10.0 cfs for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Source of Water:	Eight wells in the Ana River Basin
Purpose of Use:	Fish culture, primary irrigation use on 50.1 acres and supplemental irrigation of 569.6 acres
Maximum Rate:	17.8 cubic feet per second (cfs), being 7.73 cfs for irrigation and 17.8 cfs for fish culture

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-11024 was issued by the Department on April 30, 1990, and modified by Permit Amendment T-10716 on December 10, 2008. The permit called for actual construction to begin by April 30, 1991, completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2014. On October 6, 2014, Thomas A MacDonald submitted to the Department an Application for

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Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on November 25, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 30, 2016, and the time to fully apply water to beneficial use to October 30, 2016. The protest period closed January 9, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated November 25, 2014.

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

CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-11640, Permit G-11024, therefore, is approved. The deadline for completing construction is extended to from October 1, 2014 to October 30, 2016. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2014 to October 30, 2016.

DATED: January 16, 2015

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

- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

FOR WATER RESOURCES DEPARTMENT USE ONLY

Date Postmarked _____
Date Hand-Delivered _____
Date Region Office Rec'd Faxed 8-31-10 WR

W 206438
OWRD Receipt _____
Date Fee Received ~~Faxed 8-31-10 WR~~
Check No. _____

SEP 03 2010

START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION

(as required by ORS 537.762)

This form must be completed and the original mailed or delivered to the region office within which the well is being constructed, converted, altered, deepened, or abandoned using one of the following methods: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; (b) by hand delivery, during regular office hours before work is commenced; or (c) by FAX before work is commenced. If method (c) is used, a legible copy of the start card shall also be mailed or delivered to the region office no later than the day work is commenced. The fee required under ORS 537.762(5) for the construction of a new well, deepening of an existing well, conversion of a monitoring well, geotechnical hole, or other hole shall be submitted to the Water Resources Department, 725 Summer Street NE Suite A, Salem, OR 97301-1266 with a duplicate copy of the start card. The Water Resources Commission has authority to impose civil penalties for failure to submit the required $225 fee with the start card, for failure to submit the $225 fee in a timely manner, and for failure to timely submit start cards.

Owner's name: Thomas A MacDonald
Home Phone: (541) 943-1392 Mailing Address: PO Box 87
Work Phone: (___) _____ City, State Zip: Summer Lake OR 97640

Type of work: **Fee Required:** ☒ New Construction ☐ Conversion ☐ Deepening Orig. Start Card No. _____ **No Fee Required:** ☐ Alteration (Repair/Recondition) ☐ Abandonment Orig. Start Card No. _____

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Proposed Commencement Date: 8-31-10

Existing or Proposed Well Depth: 400' Diameter: 12" Original Well I.D. Label Number: _____

Use: ☐ Monitoring ☐ Domestic ☒ Irrigation ☐ Community (Public System) ☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☐ Other _____

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Proposed Well Location:

County Lake Township 30 North or South Range 17 East or West Section 5 Tax Lot 600

1/4 SE 1/4 SW Or Latitude _____ Longitude _____

Street Address of well, if not assigned, nearest address:
48410 Dessert Springs Rd Summer Lake OR 97640

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name	Bonded Water Supply/Monitor Well Constructor Name	License No.
Date Signed	Company	Date Signed
	Swarbrick (RECEIVED BY OWRD)	8-27-10

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OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

ADDITIONAL IMPORTANT INFORMATION ON BACK.

A COPY, WITH ACCOMPANYING FEE, TO WATER RESOURCES DEPARTMENT IN SALEM

Revised 07/2009

10-20-2016

Joan Smith
Transfer Specialist
OR Dept. Water Resources

Dear Joan,

Enclosed are the pictures of the new raceways and the well machine on its side and now standing. The machine is still sitting with no movement from the Insurance Co.

Also enclosed are the start cards from Search Well Drilling. I'm missing one card that hasn't been sent in yet.

I have approximately 11 CFS from permit 11749 in wells. I need another 6.8 CFS to finish the permit.

I would like another 2-year extension to finish the wells.

I've spent over $500,000 on the wells and new raceways (17 raceways). I'll spend another $500,000 when all the wells are in.

Sincerely,

Tom MacDonald
P.O. Box 87
Summer Lake, OR 97640

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Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

Therese A. Ure
Licensed in Oregon and Nevada

William F. Schroeder
Of Counsel to the Firm

SCHROEDER
LAW OFFICES, P.C.

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Licensed in Oregon & California

Wyatt E. Rolfe
Of Counsel
Licensed in Oregon & Washington

Matthew J. Curti
Licensed in Nevada & California

Brian R. Sheets
Licensed in Oregon

January 16, 2015

VIA US & ELECTRONIC MAIL

RECEIVED BY OWRD
DEC 14 2016
SALEM, OR

Tom MacDonald
Desert Springs Trout Farm
PO Box 40
Summer Lake, OR 97640
Email: desertsprings16@hotmail.com

RE: Permit G-11024: Final Order Approving Extension of Time & Permit Amendment

Dear Mr. MacDonald:

Congratulations! The Oregon Water Resources Department ("OWRD") issued a Final Order approving the extension of time to complete perfection under Permit G-11024 until **October 30, 2016**. The Final Order is enclosed for your records. OWRD will now continue to process your permit amendment application to final order.

Please let us know if you have any questions.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Sarah R. Liljefelt

TJJ: srl

Enclosure

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Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on November 25, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 30, 2016, and the time to fully apply water to beneficial use to October 30, 2016. The protest period closed January 9, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated November 25, 2014.

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

CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-11640, Permit G-11024, therefore, is approved. The deadline for completing construction is extended to from October 1, 2014 to October 30, 2016. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2014 to October 30, 2016.

DATED: January 16, 2015

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

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OCT 24 2016

SALEM, OR

- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.

G-16640

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

October 28, 2016

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

REFERENCE: Permit Amendment Application T-11749

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@wrd.state.or.us.

Sincerely,

Marissa Andrews
Water Rights Services Support

cc: Brian M. Mayer, Watermaster Dist. # 12 (via email)
Brian Sheets, Agent
Landowners (other or receiving)
Irrigation District

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-11749, LAKE County	)	FINAL ORDER APPROVING
	)	A CHANGE IN POINT OF
	)	APPROPRIATION AND AN
	)	ADDITIONAL POINT OF
	)	APPROPRIATION

Authority

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

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

Findings of Fact

1. On March 5, 2014, Thomas MacDonald filed an application to change a point of appropriation and add an additional point of appropriation under Permit G-11024. The Department assigned the application number T-11749.

2. On April 30, 1990, the Department issued permit G-11024 in the name of Robert F. Olson.

3. On March 14, 1994, the Department approved an assignment of the permit to Summer Lake Trout Farm.

4. On June 12, 1995, the Department approved an assignment of the permit to Key Bank of Oregon.

5. On March 26, 2003, the Department approved an assignment of the permit to Thomas A. MacDonald and Northwest Farm Credit Services.

6. On January 10, 2008, the Department approved an extension of time for complete application of water to October 1, 2010.

7. On December 10, 2008, the Department approved permit amendment T-10716 as described in Special Order Volume 76, Pages 833-836. Permit Amendment T-10716 added 4 additional points of appropriation and provided a more accurate description of the four authorized (original) points of appropriation.

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.

8. On January 20, 2012, the Department approved an extension of time for complete application of water to October 1, 2012.

9. On September 13, 2010, the Department approved an assignment of the permit to Thomas A. MacDonald.

10. On October 18, 2013, the Department approved an extension of time for complete application of water to October 1, 2014.

11. On January 16, 2015, the Department issued a Final Order approving an extension of time for complete application of water to October 30, 2016.

12. Notice of the application for the permit amendment was published in the Department's weekly notice on March 11, 2014, and in the Lake County Examiner newspaper on September 14 and 21st, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

13. The applicant has provided information that more accurately describes the authorized points of appropriation for Well #6 (LAKE 52368), Well #7 (LAKE 52369) and Well #8 (LAKE 52387) as indicated in the table below:

Well ID/Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well #6 LAKE 52368	30 S	17 E	WM	5	SW SE	155 FEET NORTH AND 230 FEET EAST FROM THE N ¼ CORNER OF SECTION 8
Well #7 LAKE 52369	30 S	17 E	WM	8	NE NW	110 FEET SOUTH AND 280 FEET WEST FROM THE N ¼ CORNER OF SECTION 8
Well #8 LAKE 52487	30 S	17 E	WM	5	NW SE	2070 FEET NORTH AND 100 FEET EAST FROM THE N ¼ CORNER OF SECTION 8

14. Permit Amendment Application T-11749 proposes to move an authorized point of appropriation (Well #5) and add an additional point of appropriation (Well #9) as described in the table below with approximate distances from the existing points of appropriation:

Proposed Well#	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
Well #5	30 S	17 E	WM	5	SE NW	3200 FEET NORTH AND 300 FEET WEST FROM THE N1/4 CORNER OF SECTION 8	WELL# 1 – 0.68 mile WELL# 2 – 0.69 mile WELL# 3 – 0.70 mile WELL# 4 – 0.67 mile WELL# 6 – 0.58 mile WELL# 7 – 0.62 mile WELL# 8 – 0.23 mile
Well #9	30 S	17 E	WM	5	SE SW	1040 FEET NORTH AND 130 FEET WEST FROM THE N1/4 CORNER OF SECTION 8	WELL# 1 – 0.27 mile WELL# 2 – 0.28 mile WELL# 3 – 0.29 mile WELL# 4 – 0.26 mile WELL# 6 – 0.18 mile WELL# 7 – 0.22 mile WELL# 8 – 0.20 mile

Permit Amendment Review Criteria

15. The changes as conditioned would not result in injury to other water rights.

16. The changes as conditioned do not enlarge the permit.

17. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11749 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11749 are approved.

2. Permit G-17282, in the name of Thomas A. MacDonald, supersedes Permit G-11024, and incorporates the amendments approved by this order, the amendments approved by Special Order Volume 76, Pages 833-836, and the extensions of time and assignments. Permit G-11024 in the name of Robert F. Olson, is no longer of any force or effect.

3. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

4. Water shall be acquired from the same aquifer as the original points of appropriation.

5. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

6. The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

7. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

8. Before water use may begin, the water user shall install a totalizing flow meter at each point of appropriation. The totalizing flow meter must be installed and maintained in good working order. In addition, the water user shall maintain a record of all water used each month, including the total number of hours of pumping, the total quantity pumped, and the categories

of beneficial use to which the water is applied. During the period of the limited license, the record of use shall be submitted to the Department annually, or more frequently as may be required by the Director, and shall be submitted to the Watermaster upon request.

9. At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to the extent necessary to restore Ana River to its historic flow otherwise, all ground water derived under this permit cannot be delivered into the Ana River.

10. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

11. All other terms and conditions of Permit G-17282 remain the same.

Dated at Salem, Oregon this 24 day of October 2016.

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

Mailing Date: OCT 31 2016

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

This superseding permit is issued to describe amendments for changes in the points of appropriation and an additional point of appropriation proposed under Permit Amendment Application T-11749 approved by Special Order Volume 103, Page 268-271 entered October 24, 2016, amendments for additional points of appropriation as described in T-10716 approved by Special Order Vol. 76, Page 833, entered December 10, 2008, and to describe all assignments and the extension of time for complete application of water approved October 30, 2016. This permit supersedes Permit G-11024.

to use the waters of NINE WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.80 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	WELL#1 - 390 FEET SOUTH AND 150 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#2 - 480 FEET SOUTH AND 190 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#3 - 525 FEET SOUTH AND 140 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#4 - 340 FEET SOUTH AND 145 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE NW	WELL#5 - 3200 FEET NORTH AND 300 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SW SE	WELL#6 - 155 FEET NORTH AND 230 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#7 - 110 FEET SOUTH AND 280 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	NW SE	WELL#8 - 2070 FEET NORTH AND 100 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE SW	WELL#9 - 1040 FEET NORTH AND 130 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.30
30 S	17 E	WM	5	NE SW	28.40
30 S	17 E	WM	5	SE SW	1.40
Total					50.10

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.00
30 S	17 E	WM	5	SW NE	40.00
30 S	17 E	WM	5	SE NE	40.00
30 S	17 E	WM	5	NE SE	40.00
30 S	17 E	WM	5	NW SE	39.10
30 S	17 E	WM	5	SW SE	30.00
30 S	17 E	WM	5	SE SE	40.00
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	33.00
30 S	17 E	WM	8	SW NE	11.00
30 S	17 E	WM	8	SE NE	31.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	9	SW NE	2.00
30 S	17 E	WM	9	NW NW	36.00
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	30.00
30 S	17 E	WM	9	NE SW	31.00
30 S	17 E	WM	9	NE SE	0.50
30 S	17 E	WM	9	NW SE	28.00
30 S	17 E	WM	9	SW SE	20.00
30 S	17 E	WM	9	SE SE	16.00
				Total	569.60

Permit Amendment T-11749

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to extent necessary to restore Ana River to its historic flow otherwise, all ground water derived under this permit cannot be delivered into the Ana River.

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

Water shall be acquired from the same aquifer as the original points of appropriation.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Before water use may begin, the water user shall install a totalizing flow meter at each point of appropriation. The totalizing flow meter must be installed and maintained in good working order. In addition, the water user shall maintain a record of all water used each month, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. During the period of the limited license, the record of use shall be submitted to the Department annually, or more frequently as may be required by the Director, and shall be submitted to the Watermaster upon request.

Original Permit Conditions

This project was considered and approved by the Water Resources Commission on March 30, 1990.

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 and airline and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work was to begin on or before April 30, 1991, however, complete application of the water to the use was extended and shall be made on or before October 1, 2016. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued October 24, 2016

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

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

503-943-3277

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
	SECTION 4	
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
	SECTION 5	

ASSIGNED, See Misc. Rec., Vol. 7 Page 2878

ASSIGNED, See Misc. Rec., Vol. 7 Page 3056

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

SMITH Joan M

From: SMITH Joan M
Sent: Tuesday, September 30, 2014 9:59 AM
To: counsel@water-law.com
Cc: GRONDIN Jerry H; MAYER Brian M; STARNES Kelly
Subject: 11749-response
Attachments: 11749-response.pdf

Dear Ms. Liljefelt:

The Department received your letter on September 12, 2014.

Transfer Staff reviewed the file for Water Use Application G-11640, Permit G-11024, Senior Groundwater Hydrogeologist, Jerry Grondin, also reviewed the file; at this time, the Department can find no reason to remove condition #9 from the Draft Final Order for Permit Amendment T-11749, and remain confident in the findings and recommendations of our Groundwater staff.

If you would like to meet with staff to discuss this file, please contact me at Joan.M.SMITH@wrd.state.or.us or call 503-986-0892.

Joan Smith
WRD

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, 2014

Schroeder Law Offices. P.C.
Attn: Sarah R. Liljefelt
1915 NE Cesar E. Chavez Blvd
Portland, OR. 97212

Dear Ms. Liljefelt:

The Department received your letter on September 12, 2014.

Transfer Staff reviewed the file for Water Use Application G-11640, Permit G-11024, Senior Groundwater Hydrogeologist, Jerry Grondin, also reviewed the file; at this time, the Department can find no reason to remove condition #9 from the Draft Final Order for Permit Amendment T-11749, and remain confident in the findings and recommendations of our Groundwater staff.

If you would like to meet with staff to discuss this file, please contact me at Joan.M.SMITH@wrd.state.or.us or call 503-986-0892.

Best Regards,

Joan M. Smith
Transfer Specialist
Oregon Department of Water Resources

cc: Jerry Grondin, Hydrogeologist WRD
Brian Mayer, District 12 Watermaster
file

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-11640

Final Order
Extension of Time for Permit Number G-11024
Permit Holder: Thomas A. MacDonald

Permit Information
Application File G-11640 Permit G-11024
Basin: 13 – Goose & Summer Lakes / Watermaster District 12
Date of Priority: April 7, 1987 and June 14, 1989

Authorized Use of Water

Source of Water:	Four Wells in the Ana River Basin within the Ana River Basin
Purpose of Use:	Irrigation of 619.7 Acres
Maximum Rate:	17.8 Cubic Feet per Second (CFS), being 7.73 cfs for irrigation and 17.8 cfs for fish culture Cubic Feet per Second (cfs)

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

Application History

Permit G-11024 was issued by the Department on April 30, 1990 and modified by Permit Amendment T-10716 on December 10, 2008. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. Two prior permit extensions have been granted for Permit G-11024. The most recent extension

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.

request resulted in the completion dates for construction and full application of water being extended from October 1, 2010 to October 1, 2012. On October 1, 2012, Thomas A. MacDonald submitted to the Department an Application for Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on August 27, 2013, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2014 and the time to fully apply water to beneficial use to October 1, 2014. The protest period closed October 11, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated August 27, 2013.

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

CONCLUSION OF LAW

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

Order

The extension of time for Application G-11640, Permit G-11024, therefore, is approved. The deadline for completing construction is extended to from October 1, 2012 to October 1, 2014. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2014.

DATED: October 18, 2013



Dwight W. French, Administrator, Water Right Services Division,
for PHILLIP C. WARD, DIRECTOR

- If you have any questions about statements contained in this document, please contact Jerry Sauter at (503) 986-0817.

- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Mailing List for Extension FO Copies

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: October 18, 2013 **Copies Mailed**

Application G-11640
Permit G-11024

By: CH
On: 10/21/13

Original mailed to permit holder

Thomas A. MacDonald
P.O. Box 40
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024
2. Schroeder Law- Attn: Sarah Liljefelt

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)

CASEWORKER: jks

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-11024, Water Right Application G-11640 in the name of Thomas A. MacDonald	)))	SUPERSEDING PROPOSED FINAL ORDER

Permit Information

Application File G-11640 Permit G-11024
Basin: 13 – Goose & Summer Lakes / Watermaster District 12
Date of Priority: April 7, 1987 and June 14, 1989

Authorized Use of Water

Source of Water: Four Wells in the Ana River Basin
Purpose of Use: Fish Culture, Irrigation of 50.1 Acres, and Supplemental Irrigation of 569.6 Acres
Maximum Rate: 17.8 Cubic Feet per Second (cfs), being 7.73 cfs for irrigation and 17.8 cfs for Fish Culture

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

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-11024, water right Application G-11640.
A copy of Permit G-11024 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system and time to apply water to full beneficial use from October 1, 2012 to October 1, 2014.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure
cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

Background

1. Permit G-11024 was granted by the Department on April 30, 1990. The permit authorizes the use of up to 17.8 cfs, being 7.73 cfs for irrigation and 17.8 cfs for fish culture from Four Wells in the Ana River Basin for Fish Culture, Irrigation, and Supplemental Irrigation. The permit specified construction of the water system was to be completed by October 1, October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. Permit G-11024 contains two priority dates for the authorized uses. The earliest priority date, being April 7, 1987, authorizes 10.0 cfs of water for Fish Culture and 7.73 cfs of water for Irrigation. The later priority date, being June 14, 1989, authorizes 7.78 cfs of water for Fish Culture.

3. The use is limited to not more than 17.80 cfs, being 7.73 cfs for irrigation and 17.8 cfs for Fish Culture, or its equivalent in case of rotation, measured at the wells.

4. On December 10, 2008, the Department approved Permit Amendment T-10716 (Special Order Volume 76, Page 833) authorizing additional points of appropriation under Permit G-11024.

5. Two prior permit extensions have been granted for Permit G-11024. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2010 to October 1, 2012.

6. The permit holder submitted an "Application for Extension of Time" to the Department on October 1, 2012 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-11024 be extended from October 1, 2012 to October 1, 2014. This is the third permit extension requested for Permit G-11024.

7. On August 13, 2013, the Department issued a Proposed Final Order for the Application for Extension of Time for Permit G-11024. Subsequently, the Department discovered the following scrivener's error (additions are shown in "underline" text, deletions are shown in "~~strikethrough~~" text):

    a. Finding of fact 7 is corrected as follows:

    Notification of the Application for Extension of Time for Permit G-11024 was published in the Department's Public Notice dated October 16, ~~20102~~ 2012. No public comments were received regarding the extension application.

8. Notification of the Proposed Final Order for Application for Extension of Time for Permit G-11024 was published in the Department's Public Notice dated August 13, 2013. Subsequently, the Department discovered that the Recommendation, shown on page 7 of the August 13, 2013 Public Notice contained the following scrivener's error:

    a. The Recommendation for the Application for Extension of Time for Permit G-11024 is corrected as follows:

    Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2012, to October 1, ~~2012~~ 2014; and grant an extension of time to apply water to full beneficial use from October 1, 2012, to October 1, ~~2012~~ 2014.

9. This document supersedes the August 13, 2013 Proposed Final Order, which is no longer in effect.

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[1], 537.248[2], 537.630[3] and/or 539.010(5)[4].

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

10. On October 1, 2012, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

11. Actual construction of the well began prior to the April 30, 1991 deadline specified in the permit.

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.

12. As of October 1, 2012, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.

13. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2014, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-11024 is both reasonable and necessary.

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

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

Reasonable Diligence of the Appropriator *[OAR 690-315-0040(2)(a)]*
The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

---

[1] ORS 537.230 applies to surface water permits only.
[2] ORS 537.248 applies to reservoir permits only.
[3] ORS 537.630 applies to ground water permits only.
[4] ORS 539.010(5) applies to surface water and ground water permits.

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

14. Work was accomplished within the time allowed in the permit or previous extension as follows:

    a. Construction of the well and water system began prior to the April 30, 1991 deadline specified in the permit.

    b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-11024.

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

15. The following beneficial use of water was made during the permit or previous extension time limits:

    a. Since the issuance of Permit G-11024 on April 30, 1990, a maximum rate of 7.0 cfs of water has been appropriated from the well for Fish Culture and Irrigation of 619.7 acres. The authorized amount of water for Fish Culture and Irrigation use is 17.8 cfs, being 7.73 cfs for irrigation and 17.8 cfs for fish culture.

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

16. 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)]*

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

    As of October 1, 2012, the permit holder has invested approximately $162,272, which is approximately 85 percent of the total projected cost for complete development of this project.

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

18. The permit holder anticipates an additional $28,500 investment is needed for the completion of this project.

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

19. The Department has found good faith of the appropriator under Permit G-11024.

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:

20. 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)]*.

a. 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-11024; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-11024, are located within the Ana River Basin, are not located within a limited or critical ground water area. Ana River is not located within or above any state or federal scenic waterway, and it is not located within an area ranked "" 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. Ana River is not listed by the Department of Environmental Quality as a water quality limited stream.

21. Economic investment in the project to date *[OAR 690-315-0040(4)(d)]*.

As of October 1, 2012, the permit holder has invested approximately $162,272.

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

None have been identified.

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

a. None have been identified.

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

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

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

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

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

26. None have been identified.

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, 2014[5], 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).

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[5]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.

Proposed Order

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

> Extend the time for complete construction of the water system and the time to apply water to beneficial use under Permit G-11024 from October 1, 2012 to October 1, 2014.

DATED: August 27, 2013

Dwight W. 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 **October 11, 2013,** 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.

- If you have any questions about statements contained in this document, please contact Michele McAleer at (503) 986-0825.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Superseding Extension PFO Copies

PFO Date: August 27, 2013

Copies Mailed

Application G-11640
Permit G-11024

By: CH
On: 8/27/13

Original mailed to Applicant:

Thomas A. MacDonald
P.O. Box 40
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024
2. Schroeder Law – Attn: Sarah Liljefelt

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)

CASEWORKER: MRM

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, Northwest Farm Credit Services FLCA/PCA
(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

1900 W. Nickerson St., Suite 215 | Seattle | WA | 98119 | 206-691-2000
(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.)*

☐ hereby assign *a portion of my interest* in and to the *entire* application/permit/transfer/license/GR Certificate of Registration:

Application # G11640 ; Permit # G11024 ; Transfer # _____
-OR-
License # _____ ; GR Statement # _____ ; GR Certificate of Registration # _____

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

Thomas A. MacDonald
(Name of New Owner)

PO Box 87 | Summer Lake | OR | 97640 | 541-943-3104
(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 8th day of September, 2010.

Applicant/Permit Holder [signature], Authorize Signer, Northwest Farm Credit

Applicant/Permit Holder _____

Assign 9/8/2010

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 101069
- 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.

RECEIVED
SEP 10 2010
WATER RESOURCES DEPT
SALEM, OREGON

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

September 13, 2010

Northwest Farm Credit Services FLCA/PCA
1900 West Nickerson St., Suite 215
Seattle, Washington 98119-1650

Reference: Application G-11640, Permit G-11024

The assignment from Northwest Farm Credit Services FLCA/PCA to Thomas A. MacDonald 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 101069 covering the recording fee of $75is 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 101069

cc: Watermaster 12
Thomas A. MacDonald
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File

Northwest
FARM CREDIT SERVICES

1900 West Nickerson St., Suite 215
Seattle, WA 98119-1650
Voice: 206.691.2000 *Toll Free:* 800.372.0112 *Fax:* 206.691.2005

September 8, 2010

Oregon Water Resources Department
Attn: Jerry Sauter
725 Summer Street NE, Suite A
Salem, OR 97301

RECEIVED
SEP 10 2010
WATER RESOURCES DEPT
SALEM, OREGON

Re: Application #G11640, Permit #G11024

Dear Jerry,

Enclosed is a Request for Assignment for Application #G11640, Permit #G11024.

We request that all of Northwest Farm Credit Services FLCA/PCA's interest be assigned to Thomas A. MacDonald.

A check for $75 is enclosed.

Please send confirmation of the assignment to us once it has been recorded.

As we discussed, Application #S61505, Permit #S46063 and Application #S57451, Permit #S43260 are now Certificates so no Assignment is needed.

Thank you.

Sincerely,

Cindy Burright

Cindy Burright
Financial Specialist
Northwest Farm Credit Services

cc: Thomas A. MacDonald

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

This superseding permit is issued to describe amendments for changes in the points of appropriation and an additional point of appropriation proposed under Permit Amendment Application T-11749 approved by Special Order Volume 103, Page 268-271 entered October 24, 2016, amendments for additional points of appropriation as described in T-10716 approved by Special Order Vol. 76, Page 833, entered December 10, 2008, and to describe all assignments and the extension of time for complete application of water approved October 30, 2016. This permit supersedes Permit G-11024.

to use the waters of NINE WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.80 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	WELL#1 - 390 FEET SOUTH AND 150 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#2 - 480 FEET SOUTH AND 190 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#3 - 525 FEET SOUTH AND 140 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#4 - 340 FEET SOUTH AND 145 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE NW	WELL#5 - 3200 FEET NORTH AND 300 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SW SE	WELL#6 - 155 FEET NORTH AND 230 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#7 - 110 FEET SOUTH AND 280 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	NW SE	WELL#8 - 2070 FEET NORTH AND 100 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE SW	WELL#9 - 1040 FEET NORTH AND 130 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.30
30 S	17 E	WM	5	NE SW	28.40
30 S	17 E	WM	5	SE SW	1.40
Total					50.10

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.00
30 S	17 E	WM	5	SW NE	40.00
30 S	17 E	WM	5	SE NE	40.00
30 S	17 E	WM	5	NE SE	40.00
30 S	17 E	WM	5	NW SE	39.10
30 S	17 E	WM	5	SW SE	30.00
30 S	17 E	WM	5	SE SE	40.00
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	33.00
30 S	17 E	WM	8	SW NE	11.00
30 S	17 E	WM	8	SE NE	31.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	9	SW NE	2.00
30 S	17 E	WM	9	NW NW	36.00
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	30.00
30 S	17 E	WM	9	NE SW	31.00
30 S	17 E	WM	9	NE SE	0.50
30 S	17 E	WM	9	NW SE	28.00
30 S	17 E	WM	9	SW SE	20.00
30 S	17 E	WM	9	SE SE	16.00
				Total	569.60

Permit Amendment T-11749

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to extent necessary to restore Ana River to its historic flow otherwise, all ground water derived under this permit cannot be delivered into the Ana River.

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

Water shall be acquired from the same aquifer as the original points of appropriation.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Before water use may begin, the water user shall install a totalizing flow meter at each point of appropriation. The totalizing flow meter must be installed and maintained in good working order. In addition, the water user shall maintain a record of all water used each month, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. During the period of the limited license, the record of use shall be submitted to the Department annually, or more frequently as may be required by the Director, and shall be submitted to the Watermaster upon request.

Original Permit Conditions

This project was considered and approved by the Water Resources Commission on March 30, 1990.

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 and airline and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work was to begin on or before April 30, 1991, however, complete application of the water to the use was extended and shall be made on or before October 1, 2016. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued October 24, 2016

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

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS A. MACDONALD
PO BOX 87
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Twp	Rng	Mer	Sec	Q-Q	Acres
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30 S	17 E	WM	5	NE SW	28.40
30 S	17 E	WM	5	SE SW	1.40
Total					50.10

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30 S	17 E	WM	5	SE NE	40.00
30 S	17 E	WM	5	NE SE	40.00
30 S	17 E	WM	5	NW SE	39.10
30 S	17 E	WM	5	SW SE	30.00
30 S	17 E	WM	5	SE SE	40.00
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	33.00
30 S	17 E	WM	8	SW NE	11.00
30 S	17 E	WM	8	SE NE	31.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	9	SW NE	2.00
30 S	17 E	WM	9	NW NW	36.00
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	30.00
30 S	17 E	WM	9	NE SW	31.00
30 S	17 E	WM	9	NE SE	0.50
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Permit Amendment T-11749

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Original Permit Conditions

This project was considered and approved by the Water Resources Commission on March 30, 1990.

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 and airline and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

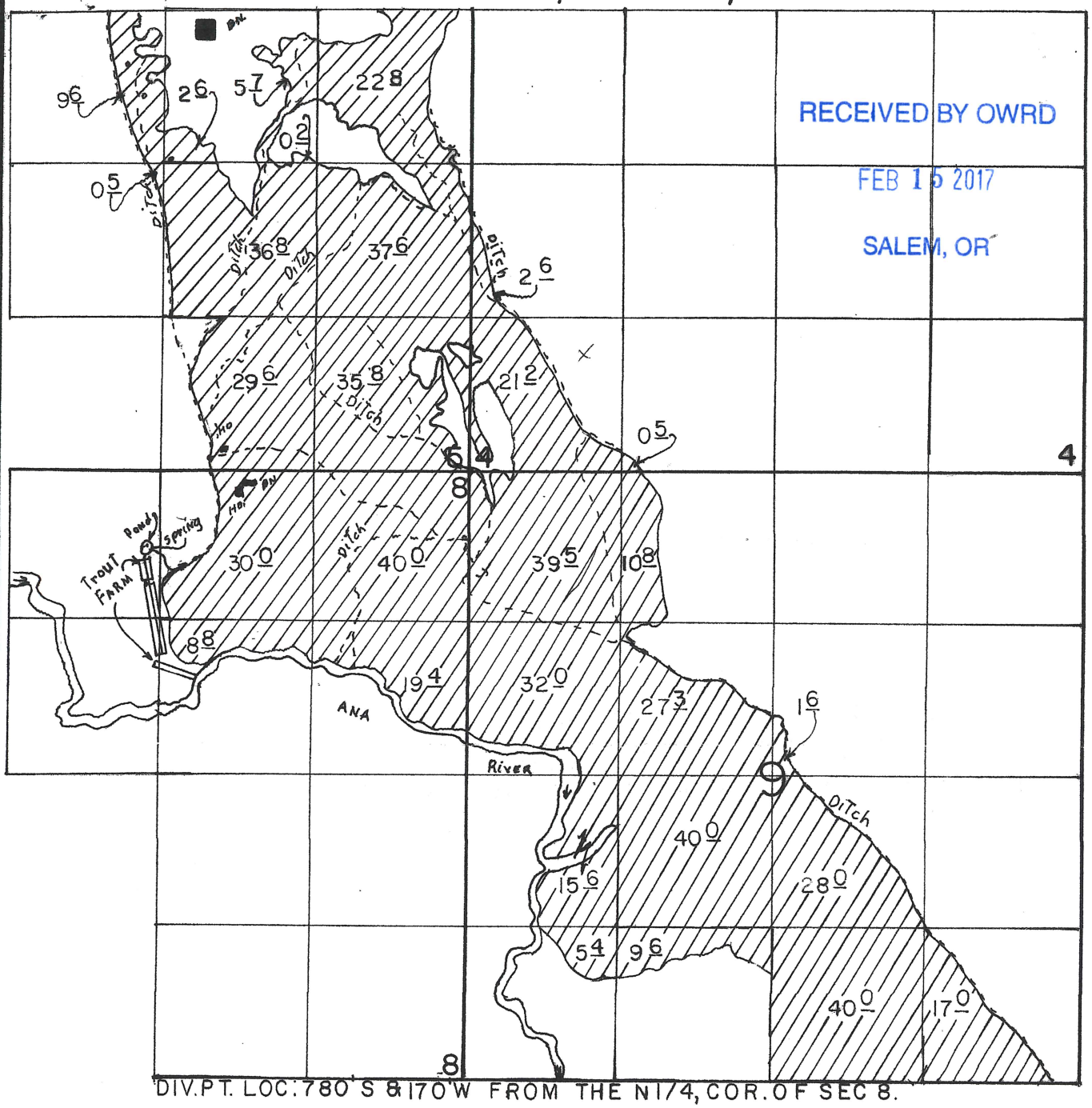
Issued October 24, 2016

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

App#	G-17166
Permit Number	G-16884
County/Basin	Lane / Willamette(2)
Applicant Name	LONG HAUL TIMBER AND CATTLE LLC 24620 TRILLIUM LANE ELMIRA, OR 97347
Sources/TRSQ40Q160	A WELL > HANNAVAN CREEK / 17.00S 6.00W 11 SESE
Use/Quantity	IRRIGATION / 0.090 CFS
Proposed Completion Date	10/01/2019

App#	G-11640
Permit Number	G-17282
County/Basin	Lake / Goose & Summer Lake(13)
Applicant Name	MACDONALD, THOMAS A. PO BOX 87 SUMMER LAKE, OR 97640
Sources/TRSQ40Q160	FOUR WELLS > ANA RIVER BASIN / 30.00S 17.00E 8 NENW A WELL > ANA RIVER BASIN / 30.00S 17.00E 5 SENW A WELL > ANA RIVER BASIN / 30.00S 17.00E 5 SWSE A WELL > ANA RIVER BASIN / 30.00S 17.00E 8 NENW A WELL > ANA RIVER BASIN / 30.00S 17.00E 5 NWSE A WELL > ANA RIVER BASIN / 30.00S 17.00E 5 SESW
Use/Quantity	FISH CULTURE / 17.8 CFS
Proposed Completion Date	10/01/2020

T.30S., R.17 E., W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

61505 46063 — TROUT FARM

Application No. 57451 **Permit No.** 43260 — IRRIGATION

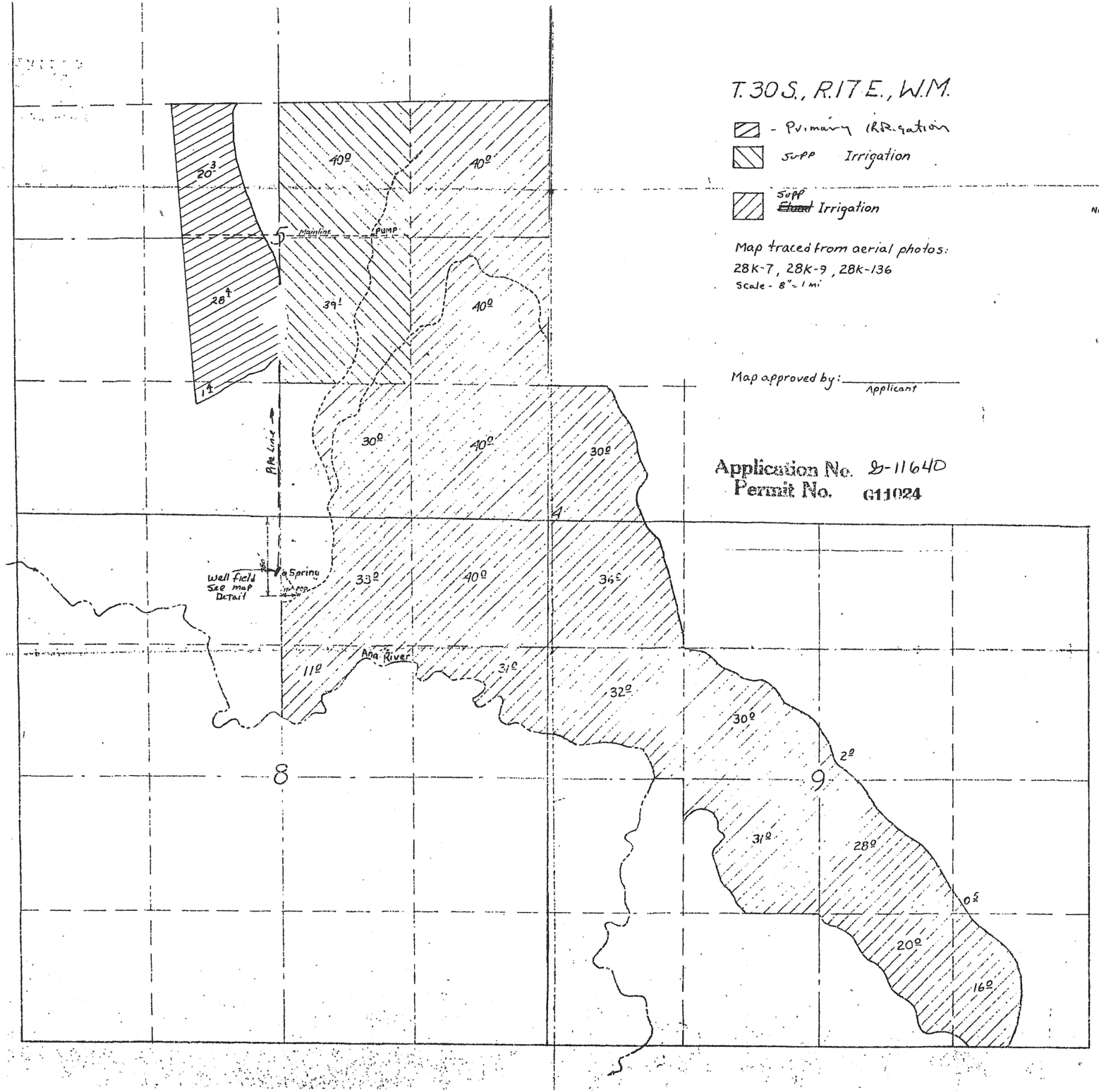
IN NAME OF

FIRST INTERSTATE BANK OF OREGON &
EUAN CARLON DBA CARLON CATTLE CO.

Surveyed MAY 29 **19**97, **by** R.M. SUTTERFIELD

570 E

PHOTO SURVEY # 41037-1689-75D,B DATE 10/13/97 R.M.S.



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APR - 7 1987
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
MAR 31 1989
WATER RESOURCES DEPT
SALEM, OREGON

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FEB 15 2017
SALEM, OR

Print Report

Oregon Water Resources Department
Attribute Report

Report Date: Dec 15, 2016

General:

TRSQQ:	WM30.00S17.00E8NWNE WM30.00S17.00E8NENW WM30.00S17.00E5SWSE WM30.00S17.00E5SESW WM30.00S17.00E5NWSE WM30.00S17.00E5NESW
DLC:	-
Latitude:	42.9932373808
Longitude:	-120.7319011937
Buffer (ft):	1000
Elevation (ft):	4241
Basin Name:	Goose & Summer Lakes
Basin Plan:	4-Summer Lake
County:	Lake
WM District:	12
WM Region:	SOUTH CENTRAL
ODFW Region, District:	High Desert, Klamath District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E8 Platcard for WM30.00S17.00E5 Platcard for WM30.00S17.00E5

	Platcard for WM30.00S17.00E5 Platcard for WM30.00S17.00E5
Well Logs:	Logs for WM30.00S17.00E8 Logs for WM30.00S17.00E8 Logs for WM30.00S17.00E5 Logs for WM30.00S17.00E5 Logs for WM30.00S17.00E5 Logs for WM30.00S17.00E5

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	**STATEWIDE**, *Anna River-Summer Lake*, Redband Trout
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	13007000100140 - Unn Str
Waterbody Name:	-
HUC 10:	1712000514
HUC Watershed:	Anna River-Summer Lake
WAB Wshed Order:	-

WAB Analysis:	-
Streamflow:	-
Gaging Station Data:	-

Sources:

General
Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.
Elevation. ESRI World Elevation. February 2000. 1:121,000.
OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.
Oregon Counties. Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.
OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.
OWRD Regions. Oregon Water Resources Department. January 1, 1995.
ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.
Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.
Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.
Rules
Withdrawn Authority Areas. Oregon Water Resources Commission. January 1, 2007.
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.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

close

Print Report

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

December 21, 2016

Thomas A. Macdonald
PO Box 87
Summer Lake, OR 97640

REFERENCE: Water Right Application G-11640; Permit G-17282

Dear Thomas:

On December 14, 2016, the Department received your application for an extension of time for Permit G-17282. In reviewing the application, it has been determined that additional information will be necessary to make a determination on the extension of time application. The Department has determined that the following information must be provided in order to make a finding on your extension of time application:

1. The Application for an Extension of Time submitted indicates that no meters have been installed. Previous extension applications identified meters have been installed. Please identify to what extent meters have been installed on each well. If the meters have not been installed, what date do you anticipate the installation will be accomplished?

2. The Application for an Extension of Time states 17 new raceways and piping had been completed during the most recent extension of time period. Please identify the date(s) that these projects were accomplished.

3. The Application for an Extension of Time requires the submittal of a map indicating the acres irrigated by year and from what point of diversion. The map should include the location of the wells uniquely identified (i.e. well 1, well 2 etc.) and should distinguish between the lands where primary irrigation and supplemental irrigation occur.

4. The Application for an Extension of Time requires a summary of the rate of water used from each well for each authorized use. Please provide information on the rate of water used from each of the 9 well authorized under the permit for each of the uses (irrigation and fish culture).

Please provide to the Department the information requested above by close of business on Friday January 20, 2017, so the Department may consider it in making a determination on your application for an extension of time.

If you have any questions or concerns regarding this matter, please feel free to contact me by telephone at 503-986-0802.

Sincerely,

Jeffrey D. Pierceall
Extensions and Adjudication Specialist

cc: file

Route Slip…..Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 9/30/2008

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

☒ **315** ☐ **320** OAR Division under which Progress Report was required

☑ Publish on Public Notice Date: 12/2/08 JS

☑ Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record)

☑ Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See ..\Procedures_progress reports (date / mail out after 30 day comment period)

Date Letter Needed: 1/14/2009

☑ Update Progress Report Worksheet.xls

☑ Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster #12

File G-11640 JS

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Thomas MacDonald Attn: _____

Permit Holder's Mailing Address: PO Box 87
Summerlake, OR
97640

Application: G- 11640 Permit: G- 11024

County: Lake

Quantity of Water: 17.80cfs

Source: Four wells in the Ana River Basin

Use: 7.13 cfs for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres and 17.8 cfs for fish culture

Current Authorized Extension Date: 10/1/2010

✓

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

JANUARY 14, 2009

THOMAS MACDONALD
PO BOX 87
SUMMERLAKE, OR 97640

REFERENCE: Application G-11640 / Permit G-11024

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit G-11024. Receipt of the progress report was published on the Department's weekly Public Notice, dated December 2, 2008. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc: Application G-11640
Watermaster District 12 – Brian Mayer
Northwest Farm Credit Services, FLCA
PO Box 1490 Roseburg, OR 97470

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

Extension of Time
Diligence Progress Reporting Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Thomas MacDonald; Northwest Farm Credit Services Application G-11640
Permit G-11024

Report Due no later than October 1, 2008

Diligence Progress Report for 2008

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-11024

DATE WORK WAS DONE	WORK ACCOMPLISHED and FINANCIAL INVESTMENT SINCE OCTOBER 1, 1993 *List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form*	FINANCIAL INVESTMENT
Sept. 2008	*Preparation of permit amendment*	**$1072**
Aug/Sept. 2008	*Hire CWRE to complete survey of new Point of Appropriation for amendment*	
	Meet with well driller and negotiate contract, estimate, and schedule of work	

2. Compliance with terms and conditions of the permit and/or previous extension.

See attached

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WATER RESOURCES DEPT
SALEM, OREGON

3. Total number of acres irrigated to date= 569.6 *(if applicable)*

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 11 **cfs (cubic feet per second), or**

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

Acre Feet stored to date = _____ **AF**

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). ***Do not provide daily, monthly or annual water volume totals.***

Signature Thomas A MacDonald Date Sept 29, 2008

{P0147529; 0929.00 KCT} ***For OWRD use only***

Diligence Shown ☑ Yes ☐ No Date Public Noticed: 12/2/08

Reviewed by: SBK Date: 11/20/08

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 11640 Permit: G- 11024 Permit Amendment? No ☐ Yes ☒ T- 10716 ☐ pending ☒ approved

Permit Holder's Name: Thomas A. MacDonald

Permit Holder's Mailing Address: P.O. Box 40, Summer Lake, OR. 97640 email desertsprings16@hotmail.com

Phone Number: 541-943-3192

POD Location: Township 30S Range 17E Section 5 ¼¼ SESW

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: Brian Mayer

Date Permit was issued: 4/30/1990 **Priority Date:** 4/7/1987 & 6/14/1989 **Date of PN:** 10/16/2012

Source: four wells in the Ana River Basin

Use: Fish Culture, Irrigation of 50.1 Acres and Supplemental Irrigation of 569.6 Acres

"Q": 17.8 cubic feet per second (cfs); being 7.73 cfs for irrigation and 17.8 cfs for fish culture

Orig "A" Date: 4/30/1991 **Orig "B" Date:** 10/1/1992 **Orig "C" Date:** 10/1/1993

Extension request rec'd: 10/1/2012 **Last Authorized "B" Date:** 10/1/____ **Last Authorized "C" Date:** 10/1/2012

Request Number (1, 2, 3…): 3 **Proposed "B" Date:** 10/1/____ **Proposed C Date:** 10/1/2014

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Wells constructed to General Standards
☒	☐	installed and maintained measureing devices
☐	☐	
☐	☐	
☐	☐	

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: $**162,272** Estimated Remaining Cost: $**28,500**

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

- Permit holder has beneficially used **7.0** ☒cfs☐gpm☐af of the total permitted quantity of water on **619.7** acres

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N

8/5/10

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

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

Determination of the market and the present demand for water or power to be supplied: Identify the closest surface water or localized water basin. Ana River Basin

Ground Water Permits: Is the POA located…
Surface Water Permits: Is the POD located…

Yes No

- ☐ ☒ above a state scenic waterway? Name Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- ☐ ☒ within a critical or limited Ground Water Area? Name of area
- ☐ ☒ within a Withdrawn Area? Name of area
- ☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list
- ☐ ☐ within an area ranking ☐ low / ☐ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

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

* ☒ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**

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

* ☒ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

* Two Priority dates one Prior 1987 one Post

Extension "PFO" Dates
Mailing / Issuance Date: Aug 6, 2013 **Protest Deadline Date:** Sep 20, 2013

Reviewer's Name: Mike Conrad **Date:** July 23, 2013

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 <u>each</u> 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, <u>Thomas MacDonald</u>
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

<u>P.O. Box 40</u> ADDRESS | <u>Summer Lake</u> CITY | <u>Oregon</u> STATE | <u>97640</u> ZIP

<u>(541) 943-3192</u> PHONE | <u>desertsprings16@hotmail.com</u> E-MAIL ADDRESS

the permit holder of: Application Number <u>G-11640</u>

Permit Number <u>G-11024</u>
[OAR 690-315-0020(3)(b)]

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SALEM, OR

do hereby request that the time in which to:

X 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, <u>2012</u>, be extended to October 1, <u>2014</u>,

☐ 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:

X apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, <u>2012</u>, be extended to October 1, <u>2014</u>.

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

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OCT 01 2012
SALEM, OR



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.

- 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).

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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? X Yes ☐ No



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

Date construction began is: October 1, 1987 (for permit); Summer of 2010 (amendment)

Details of construction: The ground was graded and leveled for the pouring of concrete and cement ponds and platforms in October 1987. Construction of wells 1 – 4 was complete prior to 1990. Construction of three new wells, as authorized by the permit amendment, began in

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Summer of 2010. Construction of these three wells was complete in September and October 2010 and March 2011.

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

2. **Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? X Yes ☐ No**

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	9/17/1992	Permittee construct the necessary pipelines and ditches with the appropriate valves
2	Prior to 1990	The wells were constructed in accordance with the General Standards for the Construction and Maintenance of Wells in Oregon
3	Prior to 1990	A pump test could not be submitted because the source is artesian stream and no pumping is required. The Department measured and determined the amount of water from the spring prior to issuance of the permit
4	October 1, 2008	Permittee submitted a complete Diligence Process Report to the Department as required as a condition of the Final Order approving the first extension of time for permit G-11024
5	9/17/1992 and Fall 2011	The necessary pipeline and ditches with the appropriate valves were completed in 1992. The three new wells are connected to the existing infrastructure. A measuring device is located at the concrete ditch. (see 3 above)
6	Sept/Oct 2010 and March 2011	The three new wells acquire water from the same aquifer as the original points of appropriation (Permit Amendment)

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension). Include a copy of your hand-numbered permit with the application.*

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension. Include a copy of your hand-numbered permit with the application.*

[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 *List any work done before the permit was issued – eg. well drilled.*	COST*

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER *List work/actions done during the permitted time period.*	COST*
4/30/1990	Date the permit was signed - find date above signature on last page of permit.	
1990 – 1992	Wells 1-4 constructed and delivery system completed; concrete ponds constructed	$80,000+
1990-1992	Construction of necessary pipelines and ditches for irrigation of place of use	$20,000
4/30/1991	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	

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10/1/1993	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" *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.*	COST*
	Total Cost for Chart-C	**$100,000+**

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

3-B) If this is <u>not</u> 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 *List all work done during the last authorized extension period.*	COST*
10/1/2010	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
Sept. 2010	Well 7 constructed and completed	$5000
Oct. 2010	Well 6 constructed and completed	$5000
March 2011	Well 5 constructed and completed	$5000
June 2012	Cement pads prepared for construction of last authorized well	$1000
Sept. 2012	Well driller began construction of last authorized well	$5000
10/1/2012	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED *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.*	COST*
September 2008	Preparation of permit amendment application to authorize additional points of appropriation (POA)	$1072

Aug/Sept. 2008	Hire water witch to locate well locations	$900
Aug/Sept. 2008	Hire CWRE to complete survey of new POD for amendment and submission of application for permit amendment	$1000
Sept. 2008	Meet with well driller and complete survey contract, estimate and schedule of work	$300
June/July 2010	Drill first well (not located in permit amendment); work on casing and sealing (well start card submitted to OWRD)	$19,000
August/ Sept. 2010	Start construction of second well (Well #5 authorized by permit amendment – well card submitted to OWRD)	$17,000
Sept. 2010	Start well construction on third and fourth wells (#6 in permit amendment and one not located in permit amendment – well start cards submitted to OWRD)	$2000
	Total Cost of Chart-D	**$62, 272**

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

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

4. Cost of project to date: $162,272+
(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

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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	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	IF DRILLED: Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under any OTHER water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
#1	#1	Yes X No ☐	LAKE 3030		Yes X No ☐	Unknown*	Yes ☐ No X	- -
#2	#2	Yes X No ☐	LAKE 1507		Yes X No ☐	Unknown*	Yes ☐ No X	- -
#3	#3	Yes X No ☐	LAKE 4444		Yes X No ☐	Unknown*	Yes ☐ No X	- -
#4	#4	Yes X No	LAKE 3029		Yes X No	Unknown*	Yes No X	
#5	#5	Yes X No	LAKE 52369		Yes No X	Unknown*	Yes No X	
#6	#6	Yes X No	LAKE 52368		Yes No X	Unknown*	Yes No X	
#7	#7	Yes X No	LAKE 52367		Yes No X	Unknown*	Yes No X	
#8	#8	Yes No X			Yes No ☐		Yes ☐ No X	- -
Total instantaneous rate from all wells utilized under this permit						Approx. 7 cfs		

*The instantaneous rate form Wells 1-7 cannot be measured as the wells are currently constructed. Wells 1 – 4 are fed from an artesian spring and the water is collected in a concrete ditch and delivered to the fish raceways or the authorized place of use. Water has not yet been appropriated and measured from wells 5 – 7 due to ongoing construction issues. The rate measured at the confluence of the water at the head of the concrete ditch is approximately 7 cfs.

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 X No ☐ *The permit holder plans to submit a permit amendment to add two additional points of appropriation and to update the location of the wells as needed

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

See Attachment 1.

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

6. **Provide the total number of acres irrigated to date under this permit (if applicable).**

Total acres irrigated to date: 619.7 (50.1 primary and 569.6 supplemental)

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

Well #1 ____ **Acres** 619.7 **Well #3** ____ **Acres** 619.7

Well #2 ____ **Acres** 619.7 **Well #4** ____ **Acres** 619.7

[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)
August/Sept. 2012	Complete construction of Well #8	$10,000
Fall 2012	Complete casing and sealing of Wells 7 and 8	$5000
Fall 2012	Deepen Well 7 to appropriate higher quality water	$5000
Fall 2012	Complete and submit permit amendment as necessary	$1500
Summer 2013	Complete any well construction required and complete full appropriation of total rate	$5000
Summer 2013	Hire CWRE to complete COBU	$2000
Year: 2014	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	**$28,500**

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

8. **Estimated remaining cost to complete the project:** $28,500
(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).***

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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.

See Exhibit A

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

Problems with the construction and casing of Well 5 and Well 6 have continued to persist. Specifically, it is believed that Well 5 and Well 6 were construction near a fault line which has caused some blow outs of the temporary casing and additional sealing has been required. The additional construction costs have exceeded the original cost estimates for completing the project.

Well 7 has failed to produce water of a sufficient quality for fish propagation as authorized by the permit. Accordingly, Well 7 will be deepened in an effort to appropriate higher quality water. The deepening of the well was not initially planned.

The unexpected costs associated with development of Wells 5, 6 and 7 has delayed the construction and development of Well 8 until just recently.

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.

The permittee has continuously pursued perfection of this water use. As evidenced in the first two extension requests and the permit amendment request for this permit, the permittee has been diligently pursuing perfection of G-11024. Permittee has expended significant funds and resources in pursuit of Permit G-11024. Three new wells have been constructed during the last extension period. The permit holder plans to construct the fourth authorized well and seek permission to add two more wells to make full beneficial use of the water authorized for use.

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.

The allowed uses of water under Permit G-11024is irrigation, supplemental irrigation and fish propagation. The water appropriated from Well 7, which was drilled in 2010 is poor quality and is not the optimal temperature and quality for fish propagation. Improvement of the water quality was attempted but not achieved. The permit holder will seek to deepen Wells 5 and 6 to find water of higher quality and suitability. In addition, new additional points of appropriation are likely required appropriate the full quantity of water authorized.

[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.

See Exhibit A

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

See Exhibit A

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.

Teresa A MacDonald — **Signature**

Sept 11 2012 — **Date**

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Attachment 1
Application for Third Extension of Time

Well #5: Actual location: T30S, R17E, Section 5, SESW, TL 600 (GPS points: N 42° 59.427' and W 120° 43.665'. NOTE: Well Log LAKE52369 does not have a complete location and incorrectly describes the proposed use for the well. Well Log LAKE52369 will be corrected.

Well #6: Actual location: T30S, R17E, Section 5, SESW, TL 600 (GPS points: N 42° 59.472' and W 120° 43.848'). NOTE: Well Log LAKE52368 incorrectly describes the location of the well. Well Log LAKE52368 will be corrected.

Well #7: Actual location: T30S, R17E, Section 5, SESE, TL 600 (GPS points N 42° 59.580 and W 120° 43.665'). NOTE: Well Log LAKE52367 incorrectly describes the location of the well. Well Log LAKE52368 will be corrected.

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Exhibit A
Application for Third Extension of Time

Please consider the following justifying facts supporting a third extension of time to apply the water to full beneficial use under Permit G-11024:

1. The permitted use under G-11024 is irrigation and fish culture. A total of 569.6 acres permitted under G-11024 are supplemental to Certificate 83065, held by the requestor, and 50.1 are new primary acres. The fish culture use utilizes the same facilities as the fish culture use allowed under Certificate 83065, also held by the requestor.

2. In 1993, 17.8 cfs of water was being diverted from the four authorized wells for irrigation and fish culture according to the terms and conditions of the Permit.

3. After 1993, the applicant sold the appurtenant property. Since the time the requestor acquired the property, he has been unable to make full beneficial use of the water under the permit due to damage caused to the wells, due in part to the location of the wells. The requestor has appropriated approximately 7 cfs of the allowed 17.8 cfs.

4. The requestor requested an extension of time in 2007 to make full beneficial use of the water under the terms of the permit and complete the final proof survey that was never completed by the commission.

5. The first extension was needed to:

    a. Investigate and make certain repairs to the casing of the existing wells, which have collapsed and been damaged;

    b. To seek a permit amendment pursuant to ORS 537.211(4)(a) and OAR 690-380-0010(f) for new authorized points of appropriation; and

    c. Utilize new irrigation technologies and infrastructures that have emerged since the water was first put to beneficial use in 1993.

6. The Department approved the first request for extension of time on January 10, 2008. The requestor completed and submitted a Diligence Progress report on September 29, 2008.

7. As indicated, the requestor completed and submitted an application for a permit amendment in September 2008. The permit amendment was approved to allow four additional points of appropriation in December 2008.

8. In October 2010, the requestor sought a second extension of time to construct the new authorized points of appropriation. The extension period was sought to:

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a. Construct the new four authorized points of appropriation and address the construction issues that arose in the fall of 2010; and

b. Make full beneficial use of the entire authorized duty under Permit G-11024.

9. The requestor's second application for extension of time was approved by final order on January 20, 2012.

10. The requestor has been diligently pursing perfection (as detailed in the extension application) since that time.

11. The new extension period is requested to:

a. Complete construction of the fourth authorized well;

b. Address construction and water quality issues found with three newly drilled wells; and

c. To seek a permit amendment pursuant to ORS 537.211(4)(a) and OAR 690-380-0010(f) for new authorized points of appropriation.

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STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40 503-943-3277
SUMMER LAKE, OREGON 97640

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

#1 The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
	SECTION 4	
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
	SECTION 5	

ASSIGNED, See Misc Rec, Vol 7 Page 2878 ASSIGNED, See Misc Rec, Vol 7 Page 3056

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NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES &	FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

#2 The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

#3 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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Department
William H. Young
Director

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-11640

Final Order
Extension of Time for Permit Number G-11024

Appeal Rights

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

Application History

The Department issued Permit G-11024 on April 30, 1990. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On September 5, 2007, Thomas MacDonald submitted to the Department an Application for Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on November 13, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2010 and the time to fully apply water to beneficial use to October 1, 2010. The protest period closed December 28, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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 the following conditions:

CONDITIONS

1. **Checkpoint Condition**

#4

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2008.** ***A form is enclosed for your use.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

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Exhibit C
Page 1 of 2

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-11640, Permit G-11024, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2010. The deadline for applying water to full beneficial use is extended to October 1, 2010.

DATED: January 10, 2008

Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-10716, Lake County	)	**FINAL ORDER** APPROVING ADDITIONAL POINTS OF APPROPRIATION

Authority

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

Thomas A. MacDonald
P.O. Box 40
Summer Lake, Oregon 97640

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Findings of Fact

Background

1. On September 30, 2008, Thomas A. MacDonald, filed an application for additional points of appropriation under Permit G-11024. The Department assigned the application number T-10716.

2. The permit to be amended is as follows:

Permit:	G-11024 in the name of Thomas A. MacDonald
Use:	Fish culture, primary irrigation of 50.1 acres and supplemental irrigation of 569.6 acres
Priority Dates:	April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Rate:	17.8 cubic feet per second (cfs); being 7.73 cfs for irrigation and 17.8 cfs for fish culture
Limit/Duty:	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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.
Sources:	Four wells in the Ana River Basin

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 530 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 560 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 590 feet South and 170 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 500 feet South and 150 feet West from the N¼ Corner of Section 8.

Authorized Places of Use:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.3
30 S	17 E	WM	5	NE SW	28.4
30 S	17 E	WM	5	SE SW	1.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.0
30 S	17 E	WM	5	SW NE	40.0
30 S	17 E	WM	5	SE NE	40.0
30 S	17 E	WM	5	NE SE	40.0
30 S	17 E	WM	5	NW SE	39.1
30 S	17 E	WM	5	SW SE	30.0
30 S	17 E	WM	5	SE SE	40.0
30 S	17 E	WM	8	NE NE	40.0
30 S	17 E	WM	8	NW NE	33.0
30 S	17 E	WM	8	SW NE	11.0
30 S	17 E	WM	8	SE NE	31.0
30 S	17 E	WM	9	SW NE	2.0
30 S	17 E	WM	9	NW NW	36.0
30 S	17 E	WM	9	SW NW	32.0
30 S	17 E	WM	9	SE NW	30.0
30 S	17 E	WM	9	NE SW	31.0
30 S	17 E	WM	9	NE SE	0.5
30 S	17 E	WM	9	NW SE	28.0
30 S	17 E	WM	9	SW SE	20.0
30 S	17 E	WM	9	SE SE	16.0

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3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 390 feet South and 150 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 480 feet South and 190 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 525 feet South and 140 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 340 feet South and 145 feet West from the N¼ Corner of Section 8.

4. Permit Amendment Application T-10716 proposes four additional points of appropriation approximately 200 to 900 feet North from the existing points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 5 - 150 feet South and 300 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 6 - 160 feet South and 80 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	5	SE SW	Well 7 - 150 feet North and 30 feet West from the S¼ Corner of Section 5.
30 S	17 E	WM	5	SE SW	Well 8 - 340 feet North and 280 feet West from the S¼ Corner of Section 5.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 7, 2008 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

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6. The change would not result in injury to other water rights.

7. The change does not enlarge the permit.

8. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-10716 are 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 points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

#5 2. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

#6 3. Water shall be acquired from the same aquifer as the original points of appropriation.

4. All other terms and conditions of Permit G-11024 remain the same.

5. Permit G-11024, in the name of Thomas A. MacDonald, is amended as described herein.

Dated at Salem, Oregon this 10 day of December 2008.

Phillip C. Ward, for
Director

Mailing Date: DEC 12 2008

RECEIVED BY OWRD

OCT 01 2012

SALEM, OR

DEC 15 2008

bai 929.00

Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager

SCHROEDER
LAW OFFICES, P.C.

Cortney D. Duke
Oregon, Nevada

Sarah R. Liljefelt
Oregon, California

Wyatt E. Rolfe
Oregon, Nevada, Washington

Therese A. Ure
Oregon, Nevada

September 28, 2012

VIA US PRIORITY MAIL

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

RE: Application for Extension of Time: Permit G-11024; Application G-11640

To Whom it May Concern:

Enclosed for filing on behalf of Thomas MacDonald please find an Application for Extension of Time for Water Right Permit G-11024 (Application G-11640).

Also enclosed is the required filing fee of $500.

If you have any questions, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Tara J. Jackson
Paralegal

TJJ:tjj

Enclosures

cc: Client

RECEIVED BY OWRD
OCT 01 2012
SALEM, OR

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 16, 2012

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-11640 (Permit G-11024).** 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.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

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 Jerry Gainey (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 website at: www.wrd.state.or.us.

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.

Last revised: October 2, 2012

DIRECTIONS: ***Before completing this checklist, pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS for your reference.***

☑ **1.** Is the permit to be extended Non-Cancelled according to WRIS? _____

If the permit has been cancelled, the Extension Application cannot be accepted.

☑ **2.** Is the extension applicant's name and mailing address supplied? _____

If yes, is the extension applicant a permit holder of record *(i.e., permit either issued to them or assigned to them)*? _____

If the extension applicant is **NOT** a permit holder of record, a "*Request for Assignment*" must be processed before the Extension Application can be accepted.

If an Assignment has **not** yet occurred, or if a concurrent "*Request for Assignment*" was **not** submitted along with the Extension Application, the Extension Application cannot be accepted.

☑ **3.** 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).*"

☑ **4.** 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.

10-1-2014

NOTE: For permits with both a "B-Date and a "C-Date," the applicant will likely request an extension of both dates *(i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use)*. Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" *(i.e., to apply water to full beneficial use)*.

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

☑ **5.** 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 to agent to sign on their behalf must be provided or already in the permit file.)

If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.

NOTE: If the permit covers land that has been subdivided and assigned to different, individual parties… we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

☑ 6. 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.)

The tables below are informational only. No need to check off.

■ **For NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:**

▪ **Ques. #1** - Information provided on beginning of construction ("A" Date) under the permit.	▪ **Ques. #5-C** - Well location information provided and whether a permit amendment is necessary.
▪ **Ques. #2** - Information provided on compliance with permit conditions.	▪ **Ques. #6** - Information provided on number of acres irrigated, if applicable.
▪ **Ques. #3** - Description provided of progress made in developing the permit.	▪ **Ques. #7** - Description provided of remaining work left to be accomplished to perfect the permit.
▪ **Ques. #4** - Monetary investment made in the project to date provided.	▪ **Ques. #8** - Description provided of estimated cost to complete the project associated with the permit.
▪ **Ques. #5-A** - Max amount of water beneficially used to date for a SW permit indicated.	▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected.
▪ **Ques. #5-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated.	▪ **Ques. #10** - Justification provided of why the requested time is necessary to complete project.

■ **For Municipal/Quasi-Municipal Permit Extension Applications:**

▪ **Ques. #2** – For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	▪ **Ques. #8** - Estimate provided of current peak water demand of the population served and the methodology used to make the estimate.
▪ **Ques. #3** – For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected.
▪ **Ques. #4** - Description provided of progress made in developing the permit and financial expenditures made in the project to date.	▪ **Ques. #10-A** - Estimate provided of demand projection for the permit, the methodology used to make the estimate and anticipated date for full beneficial use of the permit.
▪ **Ques. #5-A & #5-B** - Information provided on compliance *(or non-compliance)* with permit conditions.	▪ **Ques. #10-B** – For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
▪ **Ques. #6-A** - Max amount of water beneficially used to date for a SW permit indicated.	▪ **Ques. #11** – Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
▪ **Ques. #6-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated.	▪ **Ques. #12** - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
▪ **Ques. #6-C** - Well location information provided and whether a permit amendment is necessary.	▪ **Ques. #14**- A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
▪ **Ques. #7** – Estimate provided of current population served under the permit and the methodology used to make the estimate.	▪ **Attachment A** – A tabular inventory of the water supplier's water rights and any other water use authorizations.

☑ 7. Has the $500 fee been paid? _____

(As of August 29, 2012, the Extension of Time fee is $500.)

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 a certain timeframe, hold the Extension Application. If the fee does not arrive within that timeframe, return the Extension Application to the applicant.*

☐ 8. If it is not clear whether an application can be accepted, please route both the money slip and Extension Application to **Joan Smith**. She will either: **1)** accept the application; **2)** return the application; or **3)** prepare a deficiency letter *(as appropriate)*.

Reviewed by: Susan Date: 10-2-12

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 11640 Permit: G- 11024 Permit Amendment? No ☐ Yes ☒ T- 10716 ☐ pending ☒ approved

Permit Holder's Name: Thomas A MacDonald

Permit Holder's Mailing Address: P.O. Box 40, Summer Lake, OR 97640 email desertsprings16@hotmail.com

Phone Number: 541-943-3192

POD Location: Township T-R-S-QQ: 30.00S-17.00E-8-NE NW Range _____ Section _____

¼¼ _____

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: Brian Mayer

Date Permit was issued: 4/30/1990 **Priority Date:** 4/7/1987 **Date of PN:** 10/14/14

Source: four wells in the ana River Basin

Use: Fish culture, irrigation on 50.1 A and Supplemental irrigation on 569.6 A

"Q": 17.80 being 7.73 cfs for irrigation, 17.8 cfs for fish culture

Orig "A" Date: 4/30/1990 **Orig "B" Date:** 10/1/1992 **Orig "C" Date:** 10/1/1993

Extension request rec'd: _____ **Last Authorized "B" Date:** 10/1/_____ **Last Authorized "C" Date:** 10/1/2012

Request Number (1, 2, 3…): 4 **Proposed "B" Date:** 10/1/_____ **Proposed C Date:** 10/1/2016

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	piplelines and ditches
☒	☐	measuring device
☐	☐	
☐	☐	
☐	☐	

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: $**30,600** Estimated Remaining Cost: $**70,000**

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

- Permit holder has beneficially used **13.5** ☒cfs☐gpm☐af of the total permitted quantity of water on **50.1 primary;569.6 supplemental** acres

GW REVIEW: Y (N) MAB

MITIGATION REVIEW: Y (N)

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located…

Surface Water Permits: Is the POD located…

Yes No

☐ ☒ above a state scenic waterway? Name Source: OWRD "Areas Above State Scenic Waterways" Map

☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html

☒ ☐ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"

☐ ☒ within a critical or limited Ground Water Area? Name of area

☐ ☒ within a Withdrawn Area? Name of area

☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list

☒ ☐ within an area ranking ☒low / ☐moderate / ☐high / ☐highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

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

☒ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**

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

☐ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ **Protest Deadline Date:** _____

Reviewer's Name: Machelle Bamberger **Date:** 10-2-14

BAMBERGER Machelle A

From: Cami Carder <desertsprings16@hotmail.com>
Sent: Wednesday, November 12, 2014 1:17 PM
To: BAMBERGER Machelle A
Subject: Thomas MacDonald Application for Extension correspondence

Good afternoon Mrs. Bamberger,

Please remit all correspondence relating to my Application for Extension of Time for my Water Right Permit (#G-11024) to the following address:

Thomas MacDonald
PO Box 40
Summer Lake Oregon 97640

I would also like to authorize Cami Carder (541) 943-3192 and Bruce Estes to speak with anyone from Water Resources regarding the extension application. Additionally please cease all correspondence with Schroeders Law Offices. Don't hesitate to contact me with any questions.

Best regards,

Thomas MacDonald
Desert Springs Trout Farm
541-815-4070

Oregon Water Resources Department
Water Right Services Division

PROPOSED FINAL ORDER

In the Matter of the Application for an Extension of Time for Permit G-11024 (modified by Permit Amendment T-10716), Water Right Application G-11640, in the name of Thomas A MacDonald

Permit Information	
Application:	G-11640
Permit:	G-11024 (modified my Permit Amendment T-10716)
Basin:	13 – Goose and Summer Lake / Watermaster District 12
Date of Priority:	April 7, 1987 for 10.0 cfs for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Source of Water:	Eight wells in the Ana River Basin
Purpose of Use:	Fish culture, primary irrigation use on 50.1 acres and supplemental irrigation of 569.6 acres
Maximum Rate:	17.8 cubic feet per second (cfs), being 7.73 cfs for irrigation and 17.8 cfs for fish culture

Please read this Proposed Final Order in its entirety as it may contain additional conditions not included in the original permit. *

In Summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2014 to October 30, 2016.
- Grant an extension of time to apply water to full beneficial use from October 1, 2014 to October 30, 2016[1].

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.

[1]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.

ACRONYM QUICK REFERENCE
Department – Oregon Department of Water Resources
PFO – Proposed Final Order
cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

Background

1. Permit G-11024 was granted by the Department on April 30, 1990. The permit authorizes the use of up to 17.8 cfs of water, being 7.73 cfs for irrigation and 17.8 cfs for fish culture from four wells in the Ana River Basin for fish culture, irrigation use on 50.1 and supplemental irrigation use on 569.6 acres. The permit specified actual construction was to begin by April 30, 1991, construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. On December 10, 2008 the Department approved Permit Amendment T-10716 (Special Order Volume 76 Page 833) authorizing four additional points of appropriation under Permit G-11024.

3. On April 5, 2014 the Department received an application for a Permit Amendment (T-1179) proposing to add an additional point of appropriation and change a point of appropriation under Permit G-11024 (modified by Permit Amendment T-10716) which is hereafter referred to simply as Permit G-11024.

4. Three prior permit extensions have been granted for Permit G-11024. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2012 to October 1, 2014.

5. The permit holder submitted an "Application for Extension of Time" to the Department on October 6, 2014, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-11024 be extended from October 1, 2014 to October 30, 2016.

6. Notification of the Application for Extension of Time for Permit G-11024 was published in the Department's Public Notice dated October 14, 2014. 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[2], 537.248[3], 537.630[4] and/or 539.010(5)[5].

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

7. On October 6, 2014, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

8. Actual construction of the well began prior to the April 30, 1990 deadline specified in the permit. Construction of well 1 (LAKE 3030) began April 15, 1985.

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.

9. As of October 6, 2014, the remaining work to be completed consists of drilling well 9, drilling well 5 in new location, completing construction of the water system and applying

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[2]ORS 537.230 applies to surface water permits only.

[3]ORS 537.248 applies to reservoir permits only.

[4]ORS 537.630 applies to ground water permits only.

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

water to full beneficial use.

10. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 30, 2016, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-11024 is both reasonable and necessary.

Good Cause *[OAR 690-315-0040(1)(d)]*
The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]
The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]
11. Work was accomplished within the time allowed in the permit or previous extension as follows:

    a. Construction of the well and water system began prior to the April 30, 1990 deadline specified in the permit. Construction of well 1 (LAKE 3030) began April 15, 1985 and was completed June 30, 1985. Well 2 (LAKE 1507) was completed June 30, 1985. Well 3 (LAKE 4444) was completed October 20, 1987. Well 4 (LAKE 3029) was completed April 15, 1988.

    b. Work was completed during the original development time frame under Permit G-11024. Between 1990 and 1992 the delivery system was constructed, pipelines installed and ditches were constructed.

    c. From October 1, 2010 to October 1, 2012 the permit holder has constructed well 5 (LAKE 52367), well 6 (LAKE 52368) and well 7 (Lake 52369).

    d. During the most recent extension period, being from October 1, 2012, to October 1, 2014, the following was accomplished:

        - Constructed well 8 (LAKE 52487);
        - Completed casing and sealing of well 5 (LAKE 52367); and
        - Deepened well 5 (LAKE 52367).

Beneficial Use of Water [OAR 690-315-0040(3)(b)]
12. The following beneficial use of water was made during the permit or previous extension time limits:

a. Since the issuance of Permit G-11024 on April 30, 1990, a maximum rate of 13.5 cfs of water has been appropriated from the wells for fish culture, irrigation of 50.1 acres and supplemental irrigation on 569.6 acres.

b. Delay of full beneficial use of water under Permit G-11024 was due, in part, to poor quality of water from the permitted well 7 which is not the optimal temperature and quality for fish propagation. The permit holder needs more time in which to gain approval for the construction of an additional point of appropriation and change a point of appropriation to obtain the full quantity of water allowed under the permit.

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

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

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

14. As of October 6, 2014, the permit holder has invested approximately $126,000, which is approximately 63 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $73,000 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-11024.

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)]*.

    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-11024; 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. The points of appropriation for Permit G-11024, are located within the Ana River Basin, and are not located within a limited or critical ground water area. The Ana River is not located within or above any state or federal scenic waterway, however, it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

17. None have been identified.

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

18. None have been identified.

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

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

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

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

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

21. None have been identified.

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 30, 2016, 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 complete construction of the water system under Permit G-11024 from October 1, 2014 to October 30, 2016.

Extend the time to apply water to beneficial use under Permit G-11024 from October 1, 2014 to October 30, 2016.

DATED: November 25, 2014

Dwight W. 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 **January 9, 2015,** 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.

- If you have questions about statements contained in this document, please contact Machelle A Bamberger at (503)986-0802.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: November 25, 2014

Application: G-11640
Permit: G-11024

Copies Mailed

By: BWO
On: 11/25/14

Original mailed to Applicant:

Thomas A MacDonald
P.O. Box 40
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-116410/ Permit G-11024

2. SCHROEDER LAW OFFICES PC
   1915 NE CESAR E CHAVEZ BLVD MAB
   PORTLAND, OR 97212

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 12, Brian Mayer

CASEWORKER: MAB

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-11640

FINAL ORDER

Extension of Time for Permit Number G-11024
Permit Holder: Thomas A MacDonald

Permit Information

Application:	G-11640
Permit:	G-11024 (modified my Permit Amendment T-10716)
Basin:	13 – Goose and Summer Lake / Watermaster District 12
Date of Priority:	April 7, 1987 for 10.0 cfs for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Source of Water:	Eight wells in the Ana River Basin
Purpose of Use:	Fish culture, primary irrigation use on 50.1 acres and supplemental irrigation of 569.6 acres
Maximum Rate:	17.8 cubic feet per second (cfs), being 7.73 cfs for irrigation and 17.8 cfs for fish culture

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-11024 was issued by the Department on April 30, 1990, and modified by Permit Amendment T-10716 on December 10, 2008. The permit called for actual construction to begin by April 30, 1991, completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2014. On October 6, 2014, Thomas A MacDonald submitted to the Department an Application for

Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on November 25, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 30, 2016, and the time to fully apply water to beneficial use to October 30, 2016. The protest period closed January 9, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated November 25, 2014.

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

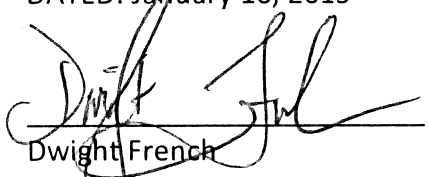
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-11640, Permit G-11024, therefore, is approved. The deadline for completing construction is extended to from October 1, 2014 to October 30, 2016. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2014 to October 30, 2016.

DATED: January 16, 2015



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

- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.

- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Mailing List for Extension FO Copies

FO Date: January 16, 2015

Application: G-11640
Permit: G-11024

Copies Mailed

By: BM
On: 1/16/15

Original mailed to permit holder

Thomas A MacDonald
P.O. Box 40
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-116410/ Permit G-11024

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 12, Brian Mayer

4. WRD - Kelly Starnes, Permit Amendments

CASEWORKER: MAB

App G-11640 Permit G-11024

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.** Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.

☑ **2.** 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.

☑ **3.** Is the extension applicant's name and mailing address supplied? _____

If yes, is the applicant a permit holder of record *(i.e., permit issued or assigned to them)*? _____

If the extension applicant is **NOT** a permit holder of record, a "*Request for Assignment*" must be accepted and processed before the Extension Application can be processed.

If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.

* ***NOTE:*** The applicant **may** submit a complete "*Request for Assignment,*" at the same time, which **must** include the statutory fee of $85 for the assignment, required proof of ownership, or signature of previous permit holder, in addition to all necessary items required for the Extension of Time Application so that **both applications can be accepted**.

☑ **4.** 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).*"

☑ **5.** 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.

NOTE: For permits with both a "B-Date and a "C-Date," the applicant will likely request an extension of both dates *(i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use)*. Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" *(i.e., to apply water to full beneficial use)*.

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

☑ **6.** 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.

NOTE: If the permit covers land that has been subdivided and assigned to different, individual parties… we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

☐ 7. 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.)

The tables below are informational only. No need to check off.

■ NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:

▪ **Ques. #1** - Information provided on beginning of construction ("A" Date) under the permit.	▪ **Ques. #5-C** - Well location information provided and whether a permit amendment is necessary.
▪ **Ques. #2** - Information provided on compliance with permit conditions.	▪ **Ques. #6** - Information provided on number of acres irrigated, if applicable.
▪ **Ques. #3** - Description provided of progress made in developing the permit.	▪ **Ques. #7** - Description provided of remaining work left to be accomplished to perfect the permit.
▪ **Ques. #4** - Monetary investment made in the project to date provided.	▪ **Ques. #8** - Description provided of estimated cost to complete the project associated with the permit.
▪ **Ques. #5-A** - Max amount of water beneficially used to date for a SW permit indicated.	▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected.
▪ **Ques. #5-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated.	▪ **Ques. #10** - Justification provided of why the requested time is necessary to complete project.

■ Municipal/Quasi-Municipal Permit Extension Applications:

▪ **Ques. #2** – For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	▪ **Ques. #8** - Estimate provided of current peak water demand of the population served and the methodology used to make the estimate.
▪ **Ques. #3** – For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	▪ **Ques. #9** - Explanation provided of why the permit has not been fully developed/perfected.
▪ **Ques. #4** - Description provided of progress made in developing the permit and financial expenditures made in the project to date.	▪ **Ques. #10-A** - Estimate provided of demand projection for the permit, the methodology used to make the estimate and anticipated date for full beneficial use of the permit.
▪ **Ques. #5-A & #5-B** - Information provided on compliance *(or non-compliance)* with permit conditions.	▪ **Ques. #10-B** – For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
▪ **Ques. #6-A** - Max amount of water beneficially used to date for a SW permit indicated.	▪ **Ques. #11** – Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
▪ **Ques. #6-B** - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated.	▪ **Ques. #12** - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
▪ **Ques. #6-C** - Well location information provided and whether a permit amendment is necessary.	▪ **Ques. #14** - Accounting of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
▪ **Ques. #7** – Estimate provided of current population served under the permit and the methodology used to make the estimate.	▪ Attachment A – A tabular inventory of the water supplier's water rights and any other water use authorizations.

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RECEIVED OCT 30 2014 WATER RESOURCES DEPT SALEM, OREGON

☐ 8. Has the $575 fee been paid? In The Mail

***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)

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RECEIVED SEP 30 WATER RESOURCES DEPT SALEM, OREGON

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. We are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.*

☐ 9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Michele McAleer,** or **Anne Reece** for municipal and quasi-municipal applications. One will either: **1)** accept the application; **2)** return the application; or **3)** prepare a deficiency letter.

Reviewed by: Steven Vkoutt Date: 10-1-14

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 8, 2014

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-11640 (Permit G-11024).** 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.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

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 Machelle Bamberger at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: **www.wrd.state.or.us.**

RECEIVED BY OWRD

OCT 06 2014

SALEM, OR

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

comply with

I, Thomas MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

the holder of: Application Number G-11640 Permit Number G-11024 *[OAR 690-315-0020(3)(b)]*

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

P.O. Box 40
MAILING ADDRESS

Summer Lake, OR 97640
CITY, STATE, ZIP

541-943-3192
PHONE

desertsprings16@hotmail.com
E-MAIL ADDRESS

☒ **do hereby request that** the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month October Day 1 Year 2014, be extended to October 30, Year 2016.

Please Note. If the permit **does** specify a date when **construction** must be **completed**, you should request to extend both the time to apply water to full beneficial use **and** to complete construction. These dates are typically found on the permit above the signature of the Director.

and

☒ **do hereby request that** the time to complete construction of the water system, which now expires on Month October Day 1 Year 2014, be extended to October 30, Year 2016

Sign after completing the entire application, questions 1-11.

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Thomas MacDonald
Signature

Sept 26 2014
Date

Printed Name/Title Thomas MacDonald Owner

Orginal to follow

$575.00

RECEIVED BY OWRD

OCT 03 2014

SALEM, OR

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

comply with

I, Thomas MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

the holder of: Application Number G-11640 Permit Number G-11024 *[OAR 690-315-0020(3)(b)]*

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

P.O. Box 40
MAILING ADDRESS

97640
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and

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Thomas MacDonald
Signature

Sept 26 2014
Date

Printed Name/Title Thomas MacDonald Owner

Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

Therese A. Ure
Licensed in Oregon and Nevada

William F. Schroeder
Of Counsel to the Firm

SCHROEDER
LAW OFFICES, P.C.

Sarah R. Liljefelt
Licensed in Oregon & California

Wyatt E. Rolfe
Of Counsel
Licensed in Oregon & Washington

ORIGINAL

October 1, 2014

VIA HAND DELIVERY

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

RE: Application for Extension of Time: Permit G-11

To Whom It May Concern:

Enclosed for filing on behalf of Thomas MacDonald, please find an Application for Extension of Time for Water Right Permit G-11024 (Application G-11640).

A check for the required $575 filing fee was mailed to the Oregon Water Resources Department today by Mr. MacDonald.

Please note that the enclosed signature page to the Application is a copy. The original signature page will be submitted upon receipt.

If you have any questions, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Tara J. Jackson
Paralegal

TJJ:srl

Enclosures

cc: Client

RECEIVED
OCT 01 2014
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

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

comply with

I, Thomas MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

the holder of: Application Number G-11640 Permit Number G-11024 *[OAR 690-315-0020(3)(b)]*

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

P.O. Box 40 — Summerlake, OR 97640
MAILING ADDRESS — CITY, STATE, ZIP

541-943-3192 — desertsprings16@hotmail.com
PHONE — E-MAIL ADDRESS

☒ **do hereby request that** the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month October Day 1 Year 2014, be extended to October 30, Year 2016.

Please Note. If the permit **does** specify a date when **construction** must be **completed**, you should request to extend both the time to apply water to full beneficial use **and** to complete construction. These dates are typically found on the permit above the signature of the Director.

and

☒ **do hereby request that** the time to complete construction of the water system, which now expires on Month October Day 1 Year 2014, be extended to October 30, Year 2016.

RECEIVED
OCT 01 2014
WATER RESOURCES DEPT
SALEM, OREGON

Sign after completing the entire application, questions 1-11.

I am the permit holder, or have attached to this application written 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. I have completed the entire application.

Thomas MacDonald — Sept 26 2014
Signature **Date**

Printed Name/Title Thomas MacDonald Owner

MAIL COMPLETED and SIGNED APPLICATION with the $575 STATUTORY FEE TO:

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

RECEIVED
OCT 01 2014
WATER RESOURCES DEPT
SALEM, OREGON

Submit the following items with your Application for Extension of Time:

- **The signed and completed Application for Extension of Time.**
- **$575 check to OWRD or Oregon Water Resources Department**
- **All supporting documentation and/or evidence referenced in the application.**

Reference materials needed to complete this Application:

- **Water right permit**. A copy of the water right permit can be downloaded from the Department's Website at *http://www.wrd.state.or.us* (using the link to the Water Rights Information System (WRIS). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (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.).

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is 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 construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.

- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.

- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: http://www.wrd.state.or.us/OWRD/LAW/index.shtml. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).

- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

Questions to Complete this Application for Extension of Time

Please see the instruction sheet to help you answers these questions.

[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** ☐ **N/A**, if not specified in this permit

Date "actual construction" began is: October 1, 1987 (for permit); Summer of 2010 (for amendment).

Describe details of construction: The ground was graded and leveled for the pouring of concrete and cement ponds and platforms in October, 1987. Construction of Wells 1-4 was complete prior to 1990. Construction of Wells 5-8 under the permit amendment began in Summer of 2010, Wells 5-6 were completed in September and October, 2010, Well 7 was completed in March, 2011, and Well 8 was completed in September, 2013.

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

2-A. **Please Describe how you have complied with each standard and special condition in the original permit [and, if applicable, conditions contained in any order approving a permit amendment and/or order approving a prior extension of time].**

TIP: The instruction sheet explains which typical conditions must be addressed here.

Condition Number: *Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit.*

CHART-A

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
#1	9/17/1992	Permittee constructed the necessary pipelines and ditches with the appropriate valves.
#2	Prior to 1990	The wells were constructed in accordance with the General Standards for the Construction and Maintenance of Wells in Oregon.
#3	Prior to 1990	A pump test could not be submitted because the source is artesian stream and no pumping is required. The Department measured and determined the amount of water from the spring prior to issuance of the permit.
#4	10/1/2008	Permittee submitted a complete Diligence Progress Report to the Department as required as a condition of the Final Order approving the first extension of time for permit G-11024.
#5	9/17/1992 and fall 2011	The necessary pipeline and ditches with the appropriate valves were completed in 1992. The three new wells are connected to the existing infrastructure. A measuring device is located at the concrete ditch. (see #3 above).
#6	Sept 2010-Sept 2013	The four new wells (Wells 5-8) under the permit amendment acquire water from the same aquifer as the original points of appropriation (Wells 1-4).

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2-B. If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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

3-A. Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the original permitted time period.

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

CHART-C

DATE	LIST & DESCRIBE WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
DATE	**LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE FOR COMPLETE APPLICATION OF WATER**	**COST***
4/30/1990	Date the permit was signed - find date above signature on last page of permit.	
1990-1992	Wells 1-4 constructed and delivery system completed; concrete ponds constructed.	$80,000+
1990-1992	Construction of necessary pipelines and ditches for irrigation of place of use.	$20,000
4/30/1991	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/1993	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
DATE	**LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW** Complete if this is your first request for extension of time.	**COST***
	***Total Cost for Chart-C**	**$100,000**

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

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IF this is your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

3-B) Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the most recent extension period.

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	LIST AND DESCRIBE WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD	COST*
10/1/2012	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
Fall 2012	Complete casing and sealing of well 5	$2,500
Fall 2012	Deepen well 5 to appropriate higher quality water	$5,000
Sept 2013	Complete construction of well 8	$12,500
Jan. 2014	Hire CWRE to complete surveying and mapping for permit amendment application.	$1,000 NO
Feb.- Mar. 2014	Prepare and submit second permit amendment application to more accurately describe POA for (wells 6-8); move a POA (well 5); and add a POA (well 9)	$5,000
April-May 2014	Complete well log amendments	$1,000
Sept 2014 (ongoing)	Work with OWRD to revise proposed permit condition for permit amendment application T-11749	$1,100 NO
Sept 2014	Prepare and submit extension of time application to complete construction of works and apply water to beneficial use	$2,500 NO
10/1/2014	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED AFTER THE LAST EXPIRED EXTENSION PERIOD UP TO NOW	COST*

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Total Cost of Chart-D	**$30,600**	

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

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

4. Cost of project to date: $192,872+*
(The total combined cost from CHART-C and CHART-D)

*The above value also includes $62, 272 in work completed during the first and second extension of time periods, from Fall 2008 to Fall 2012.

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

5. Provide evidence of the maximum rate (or duty, if applicable) of water actually 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 in the same units of measurement as specified in the permit. 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):

Maximum measured rate used to date = _____ cfs (cubic feet per second)
or
Maximum measured 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 wells not currently being 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 **measured rate** used 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.
1	1	Yes ☒ No ☐	LAKE 3030		Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	- -
2	2	Yes ☒ No ☐	LAKE 1507		Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	- -
3	3	Yes ☒	LAKE		Yes ☒	Unknown*	Yes ☐	-

		No ☐	4444		No ☐		No ☒	-
4	4	Yes ☒ No ☐	LAKE 3029		Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	- -
5	5	Yes ☒ No ☐	LAKE 52367	103896	Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	-
5**	5	Yes ☐ No ☒	n/a	n/a	Yes ☐ No ☒	n/a	Yes ☐ No ☒	-
6	6	Yes ☒ No ☐	LAKE 52368	103897	Yes ☐ No ☒	Unknown*	Yes ☐ No ☒	-
7	7	Yes ☒ No ☐	LAKE 52369	103898	Yes ☐ No ☒	Unknown*	Yes ☐ No ☒	-
8	8	Yes ☒ No ☐	LAKE 52487	104458	Yes ☐ No ☒	Unknown*	Yes ☐ No ☒	-
9**	9	Yes ☐ No ☒	n/a	n/a	Yes ☐ No ☒	n/a	Yes ☐ No ☒	-
Total **measured rate** from all wells utilized under this permit						13.5 cfs*		

*CWRE Bruce Estes measured and reported the rate in groups of wells. Wells 1-4 were measured by a weir at the confluence of the water in the fish raceway. The other wells were measured by a combination of weirs and yard stick. The rate developed to date is 7.3 cfs from Wells 1-4, and 6.2 cfs from Wells 6-8, for a total of 13.5 cfs.

** These wells are the proposed wells in the second permit amendment application. The first listing for Well 5 is the original Well 5 that did not produce water of an appropriate quality for fish propagation.

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-11749

Well #5: Proposed new location: T30S, R17E, Section 5, SENW, tax lot 600, 3200 feet north and 300 feet west from the N ¼ of Section 8.

Well #6: Actual location: T30S, R17E, Section 5, SWSE, tax lot 600, 155 feet north and 230 feet east from the N ¼ of Section 8.

Well #7: Actual location: T30S, R17E, Section 8, NENW, tax lot 600, 110 feet south and 280 feet west from the N ¼ of Section 8.

Well #8: Actual location: T30S, R17E, Section 5, NWSE, tax lot 600, 2070 feet north and 100 feet east from the N ¼ of Section 8.

Well #9: Proposed location: T30S, R17E, Section 5, SESW, tax lot 600, 1040 feet north and 130 feet west from the N ¼ of Section 8.

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

6. Provide the total number of acres actually irrigated to date under this permit (if any).

Surface Water Permits: I have applied water to _____ acres for irrigation to date.

Ground Water Permits: I have applied water to 619.7 (50.1 primary and 569.6 supplemental) acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well #1 Acres 619.7 Well #2 Acres 619.7

Well #3 Acres 619.7 Well #4 Acres 619.7

Well #7 Acres 619.7

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
Fall 2014	Drill well 5 in new location upon issuance of final order on permit amendment application T-11749	$25,000
Fall 2014	Drill well 9 upon issuance of final order on permit amendment application T-11749	$25,000
Summer 2015	Complete any well construction and infrastructure required and complete full appropriation of total rate	$20,000
Summer 2015	Hire CWRE to Complete COBU	$3,000
Year: 2016	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
8. Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]		**$73,000**

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

9. Describe the reasons why the water development 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) Is the project 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? If yes, describe.

9-B) Did the financial resources needed to develop the project preclude completion of the

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project within authorized time frames? If yes, describe.

9-C) Did good faith attempts to comply with other agency permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delay completion of the project? If yes, describe.

9-D) Have other unforeseen events delayed full development of the water system and use of water within the authorized time frames? If yes, describe.

The water appropriated from Well 5, which was drilled in 2010 is poor quality and not optimal temperature for fish propagation. Improvement of the water quality was attempted through deepening of the well, but not obtained. Accordingly, a new point of appropriation for Well 5 has been requested in the second permit amendment application. In addition, an additional point of appropriation is needed to appropriate the full quantity of water authorized under the water use permit and has been requested in the second permit amendment application.

The permit holder submitted an application for a third extension of time in September, 2013. The extension was granted in October, 2013. Thereafter, the second permit amendment application was submitted. A final order approving the second permit amendment application has not been issued to date, and therefore an extension of time is needed to allow issuance of the final order, and to allow the final two wells under the permit amendment to be constructed.

[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. 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.

OWRD is close to issuing a final order approving the second permit amendment application, but was not able to complete that process during the last extension period. The request for an extension of time until October 30, 2016 is justified to allow OWRD enough time to issue a final order approving the second permit amendment application, and to allow the two wells proposed in the second permit amendment application to be constructed.

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

Permittee has diligently developed the water use under Permit G-11024 prior to the initial completion date and during all subsequence extension periods. The first extension of time was needed to repair the casings of certain wells that had collapsed, upgrade the water system, and seek a permit amendment to utilize new points of appropriation. OWRD approved the first request for extension of time on January 10, 2008, and the permittee submitted a Diligence Progress Report on September 29, 2008. The permittee also submitted a permit amendment in September, 2008, and OWRD approved four additional points of appropriation

in December, 2008. In October, 2010, the permittee sought a second extension of time to construct the new authorized points of appropriation, and OWRD approved the second extension on January 20, 2012. In September, 2012 the permittee sought a third extension of time to complete construction of the fourth well authorized under the permit amendment application, and to seek a permit amendment to change the location of Well 5 due to water quality issues, add another point of appropriation, and update the well locations for Wells 6-8 to their "as drilled" locations. The third extension of time was granted in October, 2013, and a second permit amendment application was submitted in March, 2014. Because the second permit amendment application has not been approved to date, the permittee cannot complete construction of the two wells proposed in the permit amendment application and finish applying water to beneficial use. The permittee has diligently pursued perfection since issuance of the permit.

Thank you for submitting a complete and accurate application. Remember to sign the front page. If you have questions or need assistance, please ask to speak with the Department's Extension Specialist by calling 503-986-0900 during business hours.

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EXHIBIT A

STATEMENT OF RATE OF WATER USE IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME

To Whom It May Concern:

I am an attorney for Tom MacDonald, who is the holder of Permit G-11024 and Transfer T-11749. As stated in Mr. MacDonald's permit extension application, the current rate of water use developed is 13.5 cubic feet per second ("cfs") from Wells 1-4 and 6-8.

Mr. MacDonald hired Certified Water Right Examiner Bruce Estes to assist with development of Permit G-11024 and Transfer T-11749, and Mr. Estes measured and reported the outflow of water from the wells as 7.3 cfs from Wells 1-4 and 6.2 cfs from Wells 6-8 in October, 2013. Mr. Estes measured Wells 1-4 with a weir at the confluence of the water in the fish raceway, and measured the flow of the other wells with a combination of a yard stick and weirs at the individual well heads.

Please let me know if you have any questions, or if any other evidence is necessary to support this extension of time application under OAR 690-315-0020(3)(e)(B).

Sincerely,

Sarah Liljefelt, Associate Attorney

Schroeder Law Offices, P.C.

Phone: 503-281-4100

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STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

503-943-3277

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

#1

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
	SECTION 4	
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
	SECTION 5	

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ASSIGNED, See Misc. Rec., Vol. 7 Page 2878 ASSIGNED, See Misc. Rec., Vol. 7 Page 3056

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES
NW 1/4 NW 1/4	36.0 ACRES
SW 1/4 NW 1/4	32.0 ACRES
SE 1/4 NW 1/4	30.0 ACRES
NE 1/4 SW 1/4	31.0 ACRES
NE 1/4 SE 1/4	0.5 ACRE
NW 1/4 SE 1/4	28.0 ACRES
SW 1/4 SE 1/4	20.0 ACRES
SE 1/4 SE 1/4	16.0 ACRES

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

#2 The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

#3 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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Department
William H. Young
Director

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-11640

Final Order
Extension of Time for Permit Number G-11024

Appeal Rights

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

Application History

The Department issued Permit G-11024 on April 30, 1990. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On September 5, 2007, Thomas MacDonald submitted to the Department an Application for Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on November 13, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2010 and the time to fully apply water to beneficial use to October 1, 2010. The protest period closed December 28, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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 the following conditions:

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CONDITIONS

1. **Checkpoint Condition**

#4

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2008.** ***A form is enclosed for your use.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

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BY: KCT

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-11640, Permit G-11024, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2010. The deadline for applying water to full beneficial use is extended to October 1, 2010.

DATED: January 10, 2008

Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

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- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-10716, Lake County	)	**FINAL ORDER** APPROVING ADDITIONAL POINTS OF APPROPRIATION

Authority

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.

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Applicant

Thomas A. MacDonald
P.O. Box 40
Summer Lake, Oregon 97640

Findings of Fact

Background

1. On September 30, 2008, Thomas A. MacDonald, filed an application for additional points of appropriation under Permit G-11024. The Department assigned the application number T-10716.

2. The permit to be amended is as follows:

Permit:	G-11024 in the name of Thomas A. MacDonald
Use:	Fish culture, primary irrigation of 50.1 acres and supplemental irrigation of 569.6 acres
Priority Dates:	April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Rate:	17.8 cubic feet per second (cfs); being 7.73 cfs for irrigation and 17.8 cfs for fish culture
Limit/Duty:	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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.
Sources:	Four wells in the Ana River Basin

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 530 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 560 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 590 feet South and 170 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 500 feet South and 150 feet West from the N¼ Corner of Section 8.

Authorized Places of Use:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.3
30 S	17 E	WM	5	NE SW	28.4
30 S	17 E	WM	5	SE SW	1.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.0
30 S	17 E	WM	5	SW NE	40.0
30 S	17 E	WM	5	SE NE	40.0
30 S	17 E	WM	5	NE SE	40.0
30 S	17 E	WM	5	NW SE	39.1
30 S	17 E	WM	5	SW SE	30.0
30 S	17 E	WM	5	SE SE	40.0
30 S	17 E	WM	8	NE NE	40.0
30 S	17 E	WM	8	NW NE	33.0
30 S	17 E	WM	8	SW NE	11.0
30 S	17 E	WM	8	SE NE	31.0
30 S	17 E	WM	9	SW NE	2.0
30 S	17 E	WM	9	NW NW	36.0
30 S	17 E	WM	9	SW NW	32.0
30 S	17 E	WM	9	SE NW	30.0
30 S	17 E	WM	9	NE SW	31.0
30 S	17 E	WM	9	NE SE	0.5
30 S	17 E	WM	9	NW SE	28.0
30 S	17 E	WM	9	SW SE	20.0
30 S	17 E	WM	9	SE SE	16.0

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3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 390 feet South and 150 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 480 feet South and 190 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 525 feet South and 140 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 340 feet South and 145 feet West from the N¼ Corner of Section 8.

4. Permit Amendment Application T-10716 proposes four additional points of appropriation approximately 200 to 900 feet North from the existing points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 5 - 150 feet South and 300 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 6 - 160 feet South and 80 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	5	SE SW	Well 7 - 150 feet North and 30 feet West from the S¼ Corner of Section 5.
30 S	17 E	WM	5	SE SW	Well 8 - 340 feet North and 280 feet West from the S¼ Corner of Section 5.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 7, 2008 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.

7. The change does not enlarge the permit.

8. The change does not alter any other terms of the permit.

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Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-10716 are 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 points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

#5 2. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

#6 3. Water shall be acquired from the same aquifer as the original points of appropriation.

4. All other terms and conditions of Permit G-11024 remain the same.

5. Permit G-11024, in the name of Thomas A. MacDonald, is amended as described herein.

Dated at Salem, Oregon this 10 day of December 2008.

Phillip C. Ward, for
Director

Mailing Date: DEC 12 2008

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DEC 15 2008
bai 929.00

LAKE 3030

Well #1

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WATER RESOURCES DEPT
SALEM, OREGON

Lake 3030

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

(1) OWNER: Well Number 1
Name ROBERT OLSON
Address P/O BOX 40
City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☐ No ☒ Depth of Completed Well 296 ft.
Explosives used Yes ☐ No ☒ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	60'	CEMENT GROUT	0	60	160 SACKS
12"	60	296				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ____ ft. to ____ ft. Material ____
Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	+1.5	60'	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 241
Was a water analysis done? ☐ Yes By whom ____
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other ____
Depth of strata: 3'

(9) LOCATION OF WELL by legal description:
County LAKE Latitude ____ Longitude ____
Township 30 N or (S) Range 17 (E) or W, WM.
Section 8 NE ¼ NW ¼
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:
____ ft. below land surface. Date ____
Artesian pressure 17 lb. per square inch. Date 6-30-85

(11) WATER BEARING ZONES:
Depth at which water was first found 3 FT.

From	To	Estimated Flow Rate	SWL
241	296	2100	+1.5

(12) WELL LOG: Ground elevation ____

Material	From	To	SWL
SOIL - SANDY	0	3'	3'
CLAY - GREEN	3	45	3'
SAND - FINE BLACK	45	46	3'
CLAY - TAN	46	241	+1.5
CINDERS - SAND, RED	241	243	+1.5
LAVA BOULDERS	243	295	+1.5
CINDERS - SAND, RED	295	296	+1.5

Date started 4-15-85 Completed 6-30-85

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1362
Signed Floyd Baker Date 6-24-88

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SALEM, OR

LAKE 1507

Well #2

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

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WATER RESOURCES DEPT
SALEM, OREGON

Lake 1507

30S/17E-8bb

PLEASE TYPE or PRINT IN INK Per Wm. T, R & S. 7 (for official use only)

(1) OWNER:
Name ROBERT OLSON
Address SUMMER LAKE
City State OR.

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☒ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☒ Municipal ☐
Irrigation ☐ Thermal: Withdrawal ☐ Reinjection ☐
Other: Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED: Steel ☐ Plastic ☐ Threaded ☐ Welded ☐
12 " Diam. from +1 ft. to 60 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED: Steel ☐ Plastic ☐ Threaded ☐ Welded ☐
" Diam. from ft. to ft. Gauge

(6) PERFORATIONS: Perforated? ☐ Yes ☒ No
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS: Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☒ No If yes, by whom?
gal./min. with ft. drawdown after hrs.
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow 1960 g.p.m.
Temperature of water 60° Depth artesian flow encountered 241 ft.

(9) CONSTRUCTION: Special standards: Yes ☐ No ☒
Well seal—Material used CEMENT GROUT
Well sealed from land surface to 55 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Amount of sealing material 118 sacks ☒ pounds ☐
How was cement grout placed? PUMPED
Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL by legal description:
County LAKE NE NW ¼ of Section 8 of
Township 30 (Township is North or South) Range 17 (Range is East or West) WM.
Tax Lot Lot Block Subdivision
MAILING ADDRESS OF WELL (or nearest address) SUMMER LAKE

(11) WATER LEVEL of COMPLETED WELL:
Depth at which water was first found 55 ft.
Static level ft. below land surface. Date
Artesian pressure 5 lbs. per square inch. Date 6-30-85

(12) WELL LOG: Diameter of well below casing 12"
Depth drilled 296 ft. Depth of completed well 296 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SANDY SOIL	0	3	
TAN CLAY	3	55	2'
SAND, FINE	55	56	
CLAY, GREEN	56	241	+1
BOULDERS, RED, POUROUS	241	296	

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SALEM, OREGON

Date work started 4-15-85 /completed 6-30-85
Date well drilling machine moved off of well 7-15- 1985

(unbonded) Water Well Constructor Certification (if applicable):
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Date , 19

(bonded) Water Well Constructor Certification:
Bond SB 41670 (number) Issued by: O.A.I.C. (Surety Company Name)
On behalf of FLOYD BAKER (type or print name of Water Well Constructor)
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
(Signed) Floyd Baker (Water Well Constructor)
(Dated) 2-20-86

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP*46866-690

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LAKE 4444

Well #3

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WATER RESOURCES DEPT

Lake 4444

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

Well Number 259 N

(1) OWNER:
Name ROBERT OLSON
Address P/O BOX 40
City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☒ No ☐ Depth of Completed Well 262 ft
Explosives used Yes ☐ No ☒ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16	0	120	GROUT	0	120	165
12"	120	262				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ____ ft. to ____ ft. Material ____
Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245
Was a water analysis done? ☐ Yes By whom ____
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other ____
Depth of strata: ONE FOOT

(9) LOCATION OF WELL by legal description:
County LAKE Latitude ____ Longitude ____
Township 30 N or S Range 17 E or W, WM.
Section 8 NE ¼ NW ¼
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:
____ ft. below land surface. Date ____
Artesian pressure 17 lb per square inch Date ____

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

From	To	Estimated Flow Rate	SWL
1'	7'		1'
245	262	2100	+2'

(12) WELL LOG: Ground elevation ____

Material	From	To	SWL
SOIL, SANDY BROWN	0	7	1'
CLAY, GREEN	7	63	1'
CLAY - TAN	63	245	+8'
CINDERS - SAND, RED	245	246	+2
BOULDERS, LAVA, LARGE	246	261	+2
CINDERS - SAND, RED	261	262	+2

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Date started 5-15-87 Completed 10-20-87

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1362
Signed Floyd A Baker Date 6-24-88

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LAKE 3029

Well #4

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SALEM, OREGON

Lake 3029

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

Well Number OREGON #4

(1) OWNER:
Name ROBERT OLSON
Address P/O BOX 40
City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☒ No ☐ Depth of Completed Well 310 ft.
Explosives used Yes ☐ No ☒ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	120	CEMENT GROUT	0	120	210 SACK
12"	120	245				
8"	245	310				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ____ ft. to ____ ft. Material ____
Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing	12"	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245
Was a water analysis done? ☐ Yes By whom ____
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other ____
Depth of strata: 7'

(9) LOCATION OF WELL by legal description:
County LAKE Latitude ____ Longitude ____
Township 30 N or S Range 17 E or W, WM.
Section 8 NE ¼ NW ¼
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:
____ ft. below land surface. Date ____
Artesian pressure 17 lb. per square inch Date 4-15-88

(11) WATER BEARING ZONES:
Depth at which water was first found 7 FT

From	To	Estimated Flow Rate	SWL
7'	8'		3'
245	310	2100	+2

(12) WELL LOG: Ground elevation ____

Material	From	To	SWL
SOIL, BROWN SANDY	0	7	7'
CLAY - GREEN	7	53	7'
CLAY - TAN	53	245	+2
CINDERS - SAND, RED	245	246	+2
LAVA BOULDERS, LARGE	246	308	+2
CINDERS RED	308	310	+2

Date started 11-10-87 Completed 4-15-88

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief
WWC Number 1262
Signed Edmund Baker Date 6-24-88

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SALEM, OR

LAKE 52367

Well #5

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

WELL LABEL # L 103896
START CARD # 206438
ORIGINAL LOG #

(1) LANDOWNER Owner Well I.D.
First Name Tim and Last Name Mc Donald
Company
Address PO Box 87
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: ☐ Steel ☐ Plastic ☐ Other _____
Casing Gauge _____ Casing Diameter _____

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 420 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	Material	SEAL From	To	Amount	Sacks/lbs
20"	0	219	Cement	0	219	200	SK
12"	219	420					

How was seal placed. Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Casg	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
☒		12"	+	1	219	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000 gal		420	

Temperature 51° °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W W.M.
Sec 5 SE 1/4 of the NW 1/4 Tax Lot 600
Tax Map Number _____ Lot _____
Lat ___ ° ___ ' ___ " or _____ DMS or DD
Long ___ ° ___ ' ___ " or _____ DMS or DD
Street Address of Well (or nearest address) 48413 Dessart Springs Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	9-25-10			Land Surface
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found 60

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	225	250	1000 gal			

(11) WELL LOG Ground Elevation _____

Material	From	To
Top Soil	0	2
Black clay	2	100
Blue clay	100	120
Gray clay	120	165
Black clay	165	195
Blue clay	195	225
Sand gravel w/ water	225	250
Gray clay	250	290
Blue clay	290	300
Gray clay	300	350
Black clay	350	395
Blue clay	395	420

Date Started 8-31-10 Completed 9-25-10

(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 _____ Date _____
Signed _____

(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 1654 Date 10-10-11
Signed _____
Contact Info. (optional)
Search Drilling Inc
Tom Search
541-576-2189

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ORIGINAL – WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK (01/2009)

MAR-12-2012 12:35 FROM:TOM 5415762189 TO:15039860904 P.2/3

LAKE 52368

Well #6

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

LAKE 52368 LAKE 52368 Am Tabled

WELL LABEL # L 10 3847
START CARD # 306439
ORIGINAL LOG #

(1) LANDOWNER Owner Well I.D.
First Name Thomas Last Name [redacted] McDaniel
Company
Address PO Box 87
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: ☐ Steel ☐ Plastic ☐ Other _____
Casing Gauge _____ Casing Diameter _____

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 260 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	SEAL Material	From	To	Amount	Sacks/lbs
24"	0	39	Cement	0	39	80	SCK
18"	39	210	Cement	210	210	150	SCK
12"	210	260					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+ or -	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		18"	+	1	39	.250	X		X	
X		12"	-	3	210	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/slot width	Slot length	# of slots	Tele/pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1000.		260	

Temperature 60° °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W W.M.
Sec 5 - SW 1/4 of the SE 1/4 Tax Lot 600
Tax Map Number _____ Lot _____
Lat ° ' " or _____ DMS or DD
Long ° ' " or _____ DMS or DD
Street Address of Well (or nearest address) 48413 Dessert Spring Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	10-27-10	2 PSI		
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes
WATER BEARING ZONES Depth water was first found 25'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	20	25	25gal			

(11) WELL LOG Ground Elevation _____

Material	From	To
Top Soil	0	2
Black Clay	2	60
Gray Clay	60	120
Blue Clay	120	180
Gray Basalt	180	225
Red Cinder	225	260

RECEIVED MAR 13 2012 WATER RESOURCES DEPT SALEM, OREGON
RECEIVED BY OWRD JUL 12 2012 SALEM, OR

Date Started 9-28-10 Completed 10-28-10

(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.
RECEIVED OCT 01 2014 WATER RESOURCES DEPT SALEM, OREGON
License Number _____ Date _____
Signed _____

(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 1654 Date 10-12-11
Signed _____
Contact Info (optional)
Search Drilling INC
Tom Search 541-576-2189

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR LANDOWNER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK
10/02/2009

RECEIVED BY OWRD APR 24 2014 SALEM, OR

LAKE 52369

Well #7

Amended

LAKE 52369

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

WELL LABEL # L 103498
START CARD # 206440
ORIGINAL & 1st COPY

(1) LANDOWNER Owner Well I.D.
First Name Thomas Last Name MacDonald
Company
Address PO Box 87
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: ☐ Steel ☐ Plastic ☐ Other _____
Casing Gauge _____ Casing Diameter _____

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 360 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	SEAL Material	From	To	Amount	Sacks/lbs
20"	0	320	Cement	0	320	300	5cK
12 1/4	320	360					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		12"	+	1	320	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Casing	Liner	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Temperature 60° °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S Range 17 E or W WM
Sec 8 NE 1/4 of the NW 1/4 Tax Lot 600
Tax Map Number _____ Lot _____
Lat _____ ° _____ ' _____ " or _____ DMS or DD
Long _____ ° _____ ' _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 48413 Dessot Spring Rd Summer Lake OR 97640

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Pre-Alteration	2-5-11	4 psi		
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes
WATER BEARING ZONES Depth water was first found 60

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
	140	200	500 gpm			1'

(11) WELL LOG Ground Elevation _____

Material	From	To
Top Soil	0	2
Yellow Clay	2	10
Black clay with	10	35
Rock	35	65
Green Clay	65	105
Red Clay	105	210
Lava Rock	210	240
Red Basalt	240	260
Black Lava Rock	260	300
Red Clay	300	360

Date Started 10-30-10 Completed 3-5-11

(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 _____ Date OCT 01 2014
Signed _____

(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 1654 Date 10-12-11
Signed _____
Contact Info. (optional)
Search drilling INC
Tom Search
541 576-2189

RECEIVED
WATER RESOURCES DEPT
SALEM, OREGON
OCT 01 2014

RECEIVED
WATER RESOURCES DEPT
SALEM, OREGON
MAR 1 9 2012

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

RECEIVED BY OWRD
APR 24 2014
SALEM, OR

MAR-19-2012 12:34 FROM:TOM 5415762189 TO:15039869094 P.1/3

LAKE 52487

Amended

Well #8

LAKE 52487

LAKE 52487

STATE OF OREGON
WATER SUPPLY WELL REPORT
(ORS 537.765 & OAR 690-205-0210)
Instructions for completing this report are on the last page of this form.

WELL LABEL # L 10458
START CARD # 206041
ORIGINAL LOG #

(1) LANDOWNER Owner Well I.D.
First Name Thomas Last Name MacDonald
ompany
Address PO Box 571
City Summer Lake State OR Zip 97640

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material
Casing Type: ☐ Steel ☐ Plastic ☐ Other
Casing Gauge Casing Diameter

(3) DRILL METHOD ☒ Rotary Air ☐ Rotary Mud ☐ Auger
☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Indostrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 260 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE Dia	From	To	SEAL Material	From	To	Amount	Sacks/lbs
24"	0	90	Lemon Cement	0	90	100	Sx
18"	90	155		90	155	100	Sx
14"	155	200					
10"	200	260					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ft. to ft. Material
ilter pack from ft. to ft. Material Size

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: sacks/lbs
Actual Amount Used: sacks/lbs

(6) CASING/LINER

Csng	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		18"	+	1	90	.250	X		X	
X		14"	+	1	155	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)
Temporary casing ☐ Yes Diameter From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/ slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1500			hr 1

emperature 60' °F Lab analysis ☐ Yes By
Water quality concerns? ☐ Yes (describe below) TDS ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Lake Twp 30 N or S, Range 17 E or W W.M.
Sec 15 NE¼ of the SW¼ Tax Lot 600
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
Street Address of Well (or nearest address) 48413 Dyess
Spring nr Summer Lake

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL (ft)
Existing Well/Pre-Alteration	9-1-13	4 psi		
Completed Well				

Flowing Artesian? ☒ Yes Dry Hole? ☐ Yes
WATER BEARING ZONES Depth water was first found 260'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
9-1-13	220	260	1500	4 psi		

(11) WELL LOG Ground Elevation

Material	From	To
Top Soil	0	2
Brown clay	2	150
Black Lava Rock	150	165
Red Lava Rock	165	220
Black Lava Rock	220	260

RECEIVED BY OWRD
NOV 18 2013
SALEM, OR
RECEIVED BY OWRD
OCT 10 2013
SALEM, OR

Date Started 8-15-13 Completed 9-4-13

(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

RECEIVED
OCT 01 2014
WATER RESOURCES DEPT
SALEM, OREGON

License Number Date
Signed

(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 1651 Date 10-6-13
Signed
Contact Info (optional)

RECEIVED BY OWRD
APR 24 2014
SALEM, OR

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK
01/02/2009

Permit Extension Ground Water Review

Date: 9/13, 2007

To: Doug Woodcock, Ground Water Section Manager

From: Kim French, Permit Extension Review

Subject: Ground Water Review for File G- 11640 / Permit G- 11024

(Date permit issued: 4/30/90)

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, a Ground Water review for this file is necessary. Special designations affecting this permit are as follows:

NOTE: *Original Division 9 review completed by:* N/A

☐ Located within a Ground Water Administrative Area (Critical, Limited, etc.)

☐ 5-Year Limited Permit

☐ Other:

x None (no special designations)

Dan Miller 10/30/07

For Ground Water / Hydrology Staff Use:

Please answer the following questions. If necessary, attach an additional sheet.

1. Does the ground water source under this permit have the potential for substantial interference with surface water? N/A

*[**NOTE:** Applies **ONLY** to **Municipal permits issued before November 2, 1998** - see OAR 690-315-0080(1) & (2)]*

2. Are there ground water supply concerns relevant to this extension of time that the Department should consider? None relevant to this extension

*[**NOTE:** Does **NOT** apply to **Quasi- Municipal** or **Municipal permits issued before November 2, 1998** - see OAR 690-315-0080(5)]*

3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? No

4. Should any additional conditions be added to this permit? Annual water use reporting pursuant to flowmeter installations would be very helpful to monitor this very large appropriation and manage water in the area. Water conflicts in the distant future seem likely.

5. Other issues or concerns? The permit holder maintains **incorrectly** that a pump test per WRD standards is not possible since the wells are flowing. It is not clear that the appropriate measuring devices have been installed per the condition in the permit.

Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager

SCHROEDER
LAW OFFICES, P.C.

Lynn L. Steyaert
Licensed in Oregon and Nevada

Cortney D. Duke
Licensed in Oregon

Colm Moore
Licensed in Oregon and Nevada

Therese A. Ure
Licensed in Nevada

Wyatt E. Rolfe
Licensed in Oregon

June 8, 2007

VIA FACSIMILE & US MAIL

Oregon Water Resources Department
725 Summer Street N.E., Suite A
Salem, OR 97301-4172
ATTN: Kim Gribsby
Fax: (503) 986-0903

RE: Public Records Request

Dear Ms. Grigsby:

Our office makes the following request for public records under the INSPECTION OF PUBLIC RECORDS LAW, ORS 192.410 – 192.530. The requestor is willing to pay up to a maximum of $100 in fees for the requested materials; however, please advise if the cost may exceed that amount. ORS 192.440(3). Otherwise, if there are any fees that occur during duplication of these materials, please enclose an invoice and our bookkeeper will pay upon receipt.

Please make the following files available for review and copying by our office on Tuesday June 12th, 2007: Applications S-57451, S-61505, and G-11640 and related files, if any, including partial cancellation, extension requests, or enforcement actions

Additionally, please make the Surface Water Registration Statement for a Pre-1909 Vested Water Right, filed by Robert Olson, available for review and copying. The claim was made in December of 1992 and development was initiated by Aurthur S. Phillips. Please make this record, as well as all other Surface Water Registration Statements for Pre-1909 Vested Water Rights related to Summer Lake and Anna Creek available for review and copying.

Should you have any questions, please contact our office at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Tara J. Jackson, paralegal for
Laura A. Schroeder

TJJ: tjj

cc: Client

{10101757; 0929.001MM }

FIELDFORM TO: RALPH ASSIGNED, See Misc. Rec., Vol. By deed Page

SUTTER FIELD 43260 6/2/97

Application No. 57451 Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

RECEIVED
MAY 24 1978
WATER RESOURCES DEPT.
SALEM, OREGON

I, Carlon Cattle Company (Name of Applicant)

of Box 896 (Mailing Address), Summer Lake (City)

State of Oregon, 97640 (Zip Code) Phone No. 943-3948 do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is An unnamed stream

, a tributary of Ana River

2. The point of diversion is to be located 780 ft. S (N. or S.) and 170 ft. (E) W (E. or W.)

from the N 1/4 corner of Section 8 (Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the NW ¼ of the NE ¼ of

Sec. 8 Tp. 30S (N. or S.) R. 17E (E. or W.), W. M., in the county of Lake

3. Location of area to be irrigated, or place of use if other than irrigation.

Final Proofed 5-29-97 RMS, ET

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
30S	17E	4											30					
		5			40	40									40	40	30	40
		8	40	33	11	31												
		9			2			36	32	30	31				05	28	20	16

570 5

see for 61505

STATE OF OREGON

COUNTY OF LAKE

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FIRST INTERSTATE BANK OF OREGON & EUAN CARLON D.B.A. CARLON CATTLE CO.
P.O.BOX 40
SUMMER LAKE, OREGON 97640

confirms the right to use the waters of UNNAMED STREAM, a tributary of ANA RIVER, for IRRIGATION OF 570.5 ACRES.

This right was perfected under Permit 43260. The date of priority is MAY 24, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 14.3 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 8, 780 FEET SOUTH AND 170 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 8. T 30 S., R 17 E.,W.M.

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

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

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4	SW 1/4	2.6 ACRES
SW 1/4	SW 1/4	21.2 ACRES
SE 1/4	SW 1/4	0.5 ACRE
	SECTION 4	
SW 1/4	NE 1/4	8.5 ACRES
SE 1/4	NE 1/4	22.8 ACRES
SE 1/4	NW 1/4	9.6 ACRES
NE 1/4	SW 1/4	0.5 ACRE
NE 1/4	SE 1/4	37.6 ACRES
NW 1/4	SE 1/4	36.8 ACRES
SW 1/4	SE 1/4	29.6 ACRES
SE 1/4	SE 1/4	35.8 ACRES
	SECTION 5	
NE 1/4	NE 1/4	40.0 ACRES
NW 1/4	NE 1/4	30.0 ACRES
SW 1/4	NE 1/4	8.8 ACRES
SE 1/4	NE 1/4	19.4 ACRES
	SECTION 8	
SW 1/4	NW 1/4	32.0 ACRES
SE 1/4	NW 1/4	27.3 ACRES
NE 1/4	NW 1/4	10.8 ACRES
NW 1/4	NW 1/4	39.5 ACRES
SE 1/4	SW 1/4	9.6 ACRES
NE 1/4	SW 1/4	40.0 ACRES
NW 1/4	SW 1/4	15.6 ACRES
SW 1/4	SW 1/4	5.4 ACRES
NW 1/4	SE 1/4	28.0 ACRES
SW 1/4	SE 1/4	40.0 ACRES
SE 1/4	SE 1/4	17.0 ACRES
	SECTION 9	

TOWNSHIP 30 SOUTH., RANGE 17 EAST.,W.M.

add 1.6 acres SWNE sec. 9

57451

draft

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

57451.RMS.

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

Key Bank of Ore.
POB 2246
Salem 97308
ph. 399-2729
503-943-3277

THIS PERMIT IS HEREBY ISSUED TO

ASSIGNED
ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

Summer Lake Trout Farm
PO Box 40
Summer Lake, OR 97640
ph# 943-3192

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
	SECTION 4	
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
	SECTION 5	

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

William H. Young

Water Resources Department
William H. Young
Director

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

December 15, 2004

Thomas A. MacDonald
c/o Courtney D. Duke
Schroeder Law Offices, P.C.
PO Box 12527
Portland, OR 97212-0527

REFERENCE: File #G-11640 (Permit #G-11024)

Dear Ms. Duke,

On August 22, 2007, you submitted an Application for Extension of Time for Permit #G-11024 on behalf of Thomas A. MacDonald, along with a check in the amount of $350. Additionally, a Reimbursement Authority Estimate Application and a check in the amount of $125 were also submitted for Permit G-11024.

Upon review of the extension request and our subsequent telephone conversation, it is apparent that an extension of time request for Permit #G-11024 is not necessary. The permit holders completed construction of the water system and completed full beneficial use of water within the time authorized under Permit #G-11024. Additionally, development was accomplished consistent with the terms and conditions of the permit. Additional time is only needed to complete and submit Claim of Beneficial Use report and survey map.

The Department, therefore, is returning the Application for Extension of Time for Permit #G-11024 and the check in the amount of $350. The Reimbursement Authority Estimate Application and the check in the amount of $125 will be returned under separate cover.

If you have any further questions concerning this matter, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

Kim R. French
Extensions Specialist
Water Rights Section

Enclosures

cc: File #G-11640 (Permit #G-11024)
Watermaster Dist #17
Fiscal
Thomas A. MacDonald, PO Box 40, Summer Lake, OR 97640

WATER RESOURCES DEPARTMENT

REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of $125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: *(check one)*:

REQUEST	TYPE	FILE NUMBER
☐	Transfer Application	_____
☐	Certificate Request	_____
☑	Extension of Time Request	Application G-11640/ Permit G-11024

	Applicant Information	Applicant's Representative/Contact
Name: (Please Print)	Thomas A. MacDonald	Cortney D. Duke, Schroeder Law Offices, P.C.
Address:	P.O. Box 40, Summer Lake, Oregon 97640	1915 NE 39th Ave., Portland, Oregon 97212
Phone:	(541) 943-3192	(503) 281-4100
Fax		(503) 281-4600
E-Mail Address:		Cortney@water-law.com

I understand the following:

- There is a non-refundable application fee of $125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates 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 may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to: **OWRD – Reimbursement Authority Program**
  725 Summer St. NE, Suite A
  Salem, OR 97301-1266.

I certify that I am the *(check one)* ☐ Applicant ☑ Applicant's Representative ☐ Other *(Please specify)*_____

Signature: Cortney D Duke **Name:** 8/21/07

OWRD USE ONLY

Contractor Assigned:	**Total Amount Paid: $**
OWRD Approval:	

Revised: 6/21/2004

Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager

SCHROEDER
LAW OFFICES, P.C.

Lynn L. Steyaert
Licensed in Oregon and Nevada

Cortney D. Duke
Licensed in Oregon

Colm Moore
Licensed in Oregon and Nevada

Therese A. Ure
Licensed in Nevada

Wyatt E. Rolfe
Licensed in Oregon

August 21, 2007

VIA US MAIL

Oregon Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street N.E. Suite A
Salem, OR 97301-4172

RE: Application for Extension of Time for a Water Right Permit, Application G-11640, Permit G-11024

To Whom It May Concern:

Enclosed for filing on behalf of Thomas A. MacDonald, please find an Application for Extension of Time for a Water Right Permit for Application G-11640, Permit G-11024, with Exhibits A-B attached. In addition, we have included the City of Banks' Reimbursement Authority Estimate Application. We have enclosed our firm check in the amount of $350.00 for the extension application, and a separate check in the amount of $125.00 for the reimbursement authority request.

If you have any questions regarding this application, please contact attorney Cortney Duke or paralegal Tara Jackson of this office at (503) 281-4100.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Tara J. Jackson,
Paralegal

TJJ:tjj
Enclosures

cc: Client

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SALEM, OREGON

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for <u>each</u> 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, Thomas A. MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

P.O. Box 40	Summer Lake	Oregon	97640
ADDRESS	CITY	STATE	ZIP

(541) 943-3192
PHONE

E-MAIL ADDRESS

the permit holder of: Application Number ____-G-11640

Permit Number ____-G-11024
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☐ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, _____, be extended to October 1, _____,

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, 1993, be extended to October 1, 2010.

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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 $350.
- 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

$350 STATUTORY FEE TO:

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



GENERAL TIPS:

- 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.

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- 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] Yes



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

Date construction began is: October 1, 1987

Details of construction: The ground was graded and leveled for the pouring of concrete cement ponds and platforms.

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

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no] Yes

A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	9/17/1992	Permittee constructed the necessary pipelines and ditches with the appropriate valves.
2	Prior 1990	The wells were constructed in accordance with the General Standards for the
		Construction and Maintenance of Wells in Oregon.
3	Prior 1990	A pump test could not be submitted because the source is an artesian stream and no
		pumping is required. The Department measured and determined the amount of water
		from the spring prior to issuance of the permit.

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).*

B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension.*

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[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).

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

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*

INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER *List work/actions done during the permitted time period.*	COST*
4/30/90	The permit was signed - find date above signature on last page of permit.	
1990-1992	Wells constructed and delivery system completed; concrete ponds constructed	$80,000+
4/30/91	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
6/15/90-9/15/92	See Attachment A	
10/1/93	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" *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.*	COST*
	Total Cost to Date	$80,000+

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

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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

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD *List all work done during the last authorized extension period.*	COST*
10/1/____	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
10/1/_____	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	

INSERT DATES	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED *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.*	COST*
	Total Cost to Date	

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

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

4. **Cost of project to date:** $80,000+
(The total cost from CHART-C and CHART-D)

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

5. Provide 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 in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = 17.8 **cfs (cubic feet per second)** *or,*

Maximum rate = _____ **gpm (gallons per minute)** *or,*

Acre Feet Stored = _____ **AF**

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

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

Total acres irrigated to date: 619.7

[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-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
As soon as approved	Repair existing wells and/or drill new wells	$80,000
Year: 2010	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	$80,000

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

8. Estimated remaining cost to complete the project: $80,000
(The total cost from CHART-E)

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[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) 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.

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

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.

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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, 3-A, 3-B, 7 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.

See Attachment A

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

See Attachment A

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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.

Thomas A MacDonald — **Signature**

8/21/07 — **Date**

Exhibit A
Application for Extension of Time

Please consider the following justifying facts supporting an extension of time to apply the water to full beneficial use under Permit G-11024:

1. Application of water to beneficial use on Permit G-11024 was complete July 1, 1993. *See* Form C in Department file.

2. Form C was added to the water right file for Permit G-11024 on March 1, 1994.

3. On March 9, 1994 a letter to the applicant from the Department states "We have received your notice that complete application of water has been made under Permit G-11024. At a later date, a representative of this office will make an inspection and survey of your project. You will then be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector." *See* Letter attached hereto as attachment 1.

4. A handwritten note in the file indicates field inspector P.M.S. made a photo survey and inspection was made on September 7, 1994.

5. Permit G-11024 was approved under application G-11640, which was applied for on April 7, 1987. According to ORS 537.799:

> Any person who has applied for or received a permit or transfer to appropriate water under ORS 537.211...on or before July 9, 1987, shall notify the Water Resources Department that the work has been completed and either
>
> > (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey...;
> >
> > (2) Continue to appropriate water under the water right permit or transfer issued under ORS 537.211...until the Water Resources Department conducts a survey and the commission issues a water right certificate under ORS 537.250...

6. Permit G-11024 is subject to ORS 537.211. The Department indicated a proposed certificate would be mailed after the field inspection, in accordance with this statute. The field inspection occurred on September 9, 1994, however no water right was issued by the commission.

7. In 1993, 17.8 cfs of water was being diverted from the four authorized wells for irrigation and fish culture according to the terms and conditions of the Permit.

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8. The permitted use under G-11024 is irrigation and fish culture. A total of 570.5 acres permitted under G-11024 are supplemental to Certificate 83609, held by the requestor, and 50.1 new primary acres. The fish culture use utilizes the same facilities as the fish culture use allowed under Certificate 83063, also held by the requestor.

9. Since 1993 the water has been continuously diverted according to the terms of Permit G-11024.

10. The requestor now requests an extension of time to complete the final proof survey that was never completed by the commission.

11. The extension is needed to:

    a. Make certain repairs to the casing of the wells, which have collapsed and been damaged; and

    b. Utilize new irrigation technologies and infrastructures that have emerged since the water was first put to beneficial use in 1993.

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Oregon

WATER
RESOURCES
DEPARTMEN

March 9, 1994

ROBERT F OLSON
ROUTE 1 BOX 159
RICHLAND OR 97870

REFERENCE: File G-11640

We have received your notice that complete application of water has been made under Permit G-11024.

At a later date, a representative of this office will make an inspection and survey of your project.

You will then be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector. Any use described in the permit that was not made will not be included in the certificate.

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

If you have any questions, please contact the Water Rights Section at 378-3739.

TES:jh

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

OWRD0006
Application G11640

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

503-943-3277

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

#1 The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
	SECTION 4	
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
	SECTION 5	

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ASSIGNED, See Misc. Rec., Vol. 7 Page 2878 ASSIGNED, See Misc. Rec., Vol. 7 Page 3056

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
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SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

#2 The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

#3 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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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

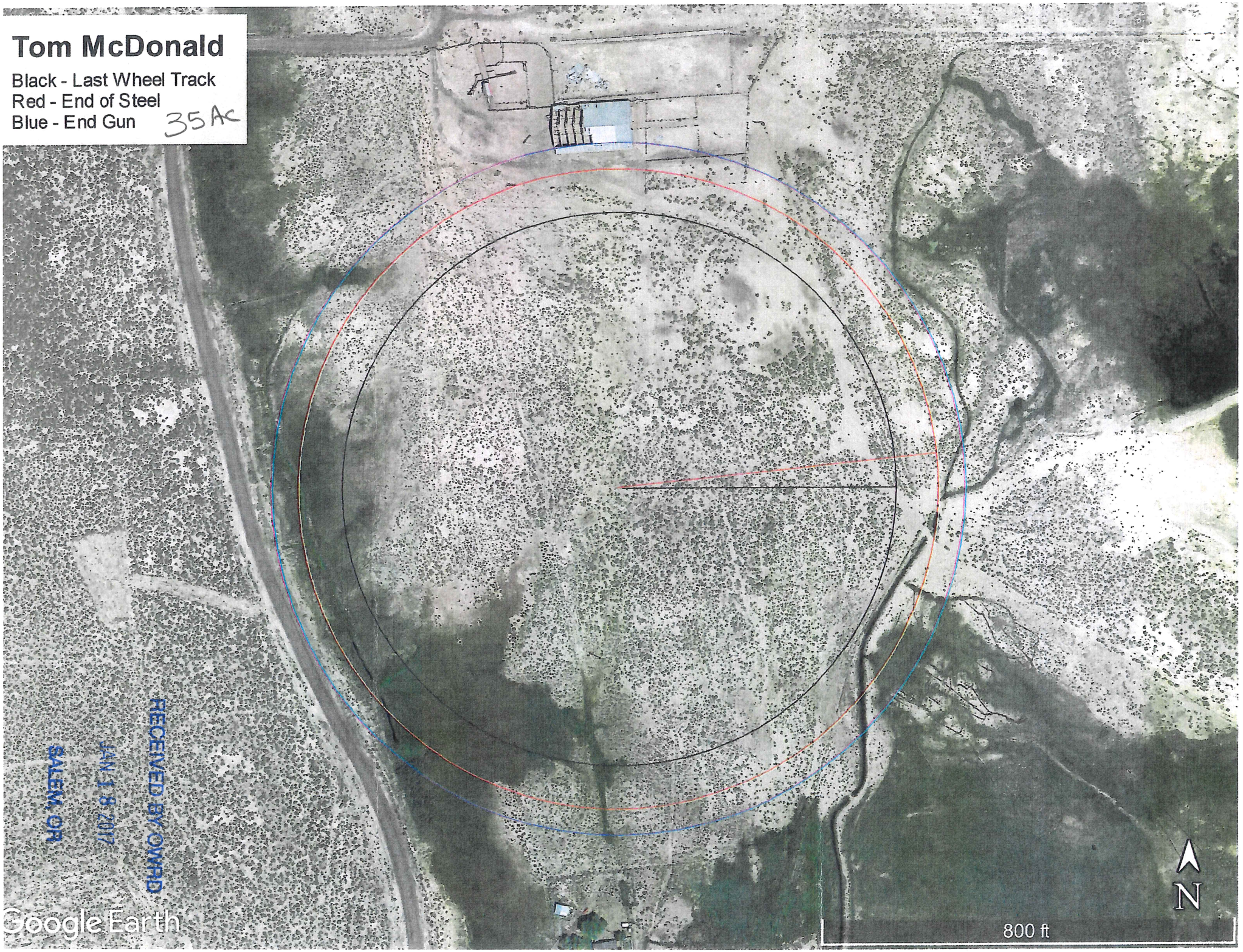
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Department
William H. Young
Director

RECEIVED
AUG 22 2007
WATER RESOURCES DEPT
SALEM, OREGON


Tom McDonald
Black - Last Wheel Track
Red - End of Steel
Blue - End Gun
35 Ac
RECEIVED BY OWRD
JAN 18 2017
SALEM, OR
Google Earth
800 ft
N

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G-11640 Permit: ~~#1024~~ G-17282 Permit Amendment? No ☐ Yes ☑ T- 10716 11749 ☐ pending ☑ approved

Permit Holder's Name: Thomas A MacDonald

Permit Holder's Mailing Address: 48413 Desert Springs Rd. Summer Lake OR 97640

email DesertSprings16@hotmail.com

Phone Number: 541-943-3104

Agent/CWRE BRUCE ESTES

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: _____

Goose & Summer Lakes

4-30-1990 4-7-1987 - 10.0 cfs

Date Permit was issued: 10-24-2016 **Priority Date:** 6-14-89 7.8 cfs Date of PN: _____

Source: Nine wells in the Ana River Basin for Fish Culture, Irrigation of 50.1 acre pond sup. irr of 596.6 AC

Use: _____

"Q": 17.80 cfs being 7.8 cfs for irrigation and 17.8 cfs for fish culture

Orig "A" Date: 4-30-1991 **Orig "B" Date:** Oct 1, 1992 **Orig "C" Date:** Oct. 1, 1993

Extension request received: ~~Dec 14, 2016~~ Feb 15, 2017 **Last Authorized Date:** 2016 **Last Authorized "C" Date:** 2016

Request Number (1, 2, 3…): 5 **Proposed "B" Date:** Oct 1, 2020 **Proposed C Date:** Oct 1, 2020

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction: Previous Ext.
		well #9 & #5 WCC
	✓	WELL ID
	✓	totalizing flow meter

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

Yes No

☐ ☐ Work was accomplished within the time allowed in the permit or previous extension

☐ ☐ Water right permit holder conformed with the permit or previous extension conditions

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

- Permit holder has beneficially used _____ cfs/gpm/af of the total permitted quantity of water on Approx 200.0 acres

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

- Amount Invested to date: $_____ Estimated Remaining Cost: $_____

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N

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

Application ___ - _____ Permit ___ - _____ Township _____ Range _____ Section _____

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located…

Surface Water Permits: Is the POD located…

Yes No

❒ ❒ above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map

❒ ❒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html

❒ ❒ within a critical or limited Ground Water Area? Name of area_____

❒ ❒ within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"

❒ ❒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list_____

❒ ❒ within an area ranking low / moderate / high/Highest *(circle one)* for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

❒ 5-year Progress Report Checkpoints (Years: _____)

❒ Other: _____

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

❒ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

❒ **COBU Requirement - Surface Water - post July 9, 1987**

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

❒ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ **Protest Deadline Date:** _____ **FO Issuance Date:** _____

Reviewer's Name: _____ **Date:** _____

G-11640

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

March 20, 2017

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

REFERENCE: Permit Amendment Application T-11749

Enclosed is a copy of the superseding order approving your Permit Amendment application. This is also a correction to the order entered at Special Order Volume 103, Page 268, which is withdrawn and is in no further force and effect.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Sarah Henderson, by telephone at (503) 986-0890 or by e-mail at Sarah.A.Henderson@oregon.gov.

Sincerely,

Marissa Andrews
Water Rights Services Support

cc: Brian M. Mayer, Watermaster Dist. # 12 (via email)
Brian Sheets, Agent
Landowners (other or receiving)

Enclosure

Jeffrey,
out card w/ your name on it !! Please put in file. -MA

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-11749, LAKE County	)	SUPERCEDING FINAL ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION AND AN ADDITIONAL POINT OF APPROPRIATION AND CORRECTING A SCRIVENER'S ERROR IN A PREVIOUS ORDER AND PERMIT

Authority

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

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

Findings of Fact

1. On March 5, 2014, Thomas MacDonald filed an application to change a point of appropriation and add an additional point of appropriation under Permit G-11024. The Department assigned the application number T-11749.

2. On October 24, 2016, the Department issued a Final Order approving permit amendment application number T-11749, recorded at Special Order Volume 103, Pages 268-271 and issued a superseding Permit G-17282. There were scrivener's errors in the final order and the superseding permit, this order and the new superseding permit will resolve those issues.

3. On April 30, 1990, the Department issued permit G-11024 in the name of Robert F. Olson.

4. On March 14, 1994, the Department approved an assignment of the permit to Summer Lake Trout Farm.

5. On June 12, 1995, the Department approved an assignment of the permit to Key Bank of Oregon.

6. On March 26, 2003, the Department approved an assignment of the permit to Thomas A. MacDonald and Northwest Farm Credit Services.

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.

7. On January 10, 2008, the Department approved an extension of time for complete application of water to October 1, 2010.

8. On December 10, 2008, the Department approved permit amendment T-10716 as described in Special Order Volume 76, Pages 833-836. Permit Amendment T-10716 added 4 additional points of appropriation and provided a more accurate description of the four authorized (original) points of appropriation.

9. On January 20, 2012, the Department approved an extension of time for complete application of water to October 1, 2012.

10. On September 13, 2010, the Department approved an assignment of the permit to Thomas A. MacDonald.

11. On October 18, 2013, the Department approved an extension of time for complete application of water to October 1, 2014.

12. On January 16, 2015, the Department issued a Final Order approving an extension of time for complete application of water to October 30, 2016.

13. Notice of the application for the permit amendment was published in the Department's weekly notice on March 11, 2014, and in the Lake County Examiner newspaper on September 14 and 21st, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

14. The applicant has provided information that more accurately describes the authorized points of appropriation for Well #6 (LAKE 52368), Well #7 (LAKE 52369) and Well #8 (LAKE 52387) as indicated in the table below:

Well ID/Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well #6 LAKE 52368	30 S	17 E	WM	5	SW SE	155 FEET NORTH AND 230 FEET EAST FROM THE N ¼ CORNER OF SECTION 8
Well #7 LAKE 52369	30 S	17 E	WM	8	NE NW	110 FEET SOUTH AND 280 FEET WEST FROM THE N ¼ CORNER OF SECTION 8
Well #8 LAKE 52487	30 S	17 E	WM	5	NW SE	2070 FEET NORTH AND 100 FEET EAST FROM THE N ¼ CORNER OF SECTION 8

15. Permit Amendment Application T-11749 proposes to move an authorized point of appropriation (Well #5) and add an additional point of appropriation (Well #9) as described in the table below with approximate distances from the existing points of appropriation:

Proposed Well#	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
Well #5	30 S	17 E	WM	5	SE NW	3200 FEET NORTH AND 300 FEET WEST FROM THE N1/4 CORNER OF SECTION 8	WELL# 1 – 0.68 mile WELL# 2 – 0.69 mile WELL# 3 – 0.70 mile WELL# 4 – 0.67 mile WELL# 6 – 0.58 mile WELL# 7 – 0.62 mile WELL# 8 – 0.23 mile

Proposed Well#	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
Well #9	30 S	17 E	WM	5	SE SW	1040 FEET NORTH AND 130 FEET WEST FROM THE N1/4 CORNER OF SECTION 8	WELL# 1 – 0.27 mile WELL# 2 – 0.28 mile WELL# 3 – 0.29 mile WELL# 4 – 0.26 mile WELL# 6 – 0.18 mile WELL# 7 – 0.22 mile WELL# 8 – 0.20 mile

Permit Amendment Review Criteria

16. The changes as conditioned would not result in injury to other water rights.

17. The changes as conditioned do not enlarge the permit.

18. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11749 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 103, Pages 268-271 is withdrawn and of no further force and effect and is superseded by this order.

2. The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11749 are approved.

3. Permit G-17749, in the name of Thomas A. MacDonald, supersedes Permit G-17282, and incorporates the amendments approved by this order, the amendments approved by Special Order Volume 76, Pages 833-836, and the extensions of time and assignments. Permit G-17282 in the name of Thomas A. MacDonald, is no longer of any force or effect.

4. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

5. Water shall be acquired from the same aquifer as the original points of appropriation.

6. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

7. The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

8. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

9. Water use measurement conditions:
   a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
   b. The water user shall maintain the meters or measuring devices in good working order.
   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

10. At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to the extent necessary to restore Ana River to its historic flow. If the flow of Ana Springs is insufficient to furnish the amount of water required for existing rights with earlier priority dates and not all the ground water derived under this permit can be delivered into the Ana River, then all of the ground water derived under this permit shall be shut off.

11. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

12. All other terms and conditions of Permit G-17749 remain the same.

Dated at Salem, Oregon this 17 day of March 2017.

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

Mailing Date: MAR 22 2017

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS A. MACDONALD
PO BOX 87
SUMMER LAKE, OR 97640

This superseding and correcting permit is issued to describe amendments for changes in the points of appropriation and an additional point of appropriation proposed under Permit Amendment Application T-11749 approved by Special Order Volume 103, Page 268 entered October 24, 2016, amendments for additional points of appropriation as described in T-10716 approved by Special Order Vol. 76, Page 833, entered December 10, 2008, and to describe all assignments and the extension of time for complete application of water approved October 30, 2016. This permit supersedes Permit G-11024 and G-17282.

to use the waters of NINE WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.80 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	WELL#1 - 390 FEET SOUTH AND 150 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#2 - 480 FEET SOUTH AND 190 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#3 - 525 FEET SOUTH AND 140 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#4 - 340 FEET SOUTH AND 145 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE NW	WELL#5 - 3200 FEET NORTH AND 300 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SW SE	WELL#6 - 155 FEET NORTH AND 230 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	8	NE NW	WELL#7 - 110 FEET SOUTH AND 280 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	NW SE	WELL#8 - 2070 FEET NORTH AND 100 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 8
30 S	17 E	WM	5	SE SW	WELL#9 - 1040 FEET NORTH AND 130 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.30
30 S	17 E	WM	5	NE SW	28.40
30 S	17 E	WM	5	SE SW	1.40
Total					50.10

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.00
30 S	17 E	WM	5	SW NE	40.00
30 S	17 E	WM	5	SE NE	40.00
30 S	17 E	WM	5	NE SE	40.00
30 S	17 E	WM	5	NW SE	39.10
30 S	17 E	WM	5	SW SE	30.00
30 S	17 E	WM	5	SE SE	40.00
30 S	17 E	WM	8	NE NE	40.00
30 S	17 E	WM	8	NW NE	33.00
30 S	17 E	WM	8	SW NE	11.00
30 S	17 E	WM	8	SE NE	31.00
30 S	17 E	WM	9	SW NE	2.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	9	NW NW	36.00
30 S	17 E	WM	9	SW NW	32.00
30 S	17 E	WM	9	SE NW	30.00
30 S	17 E	WM	9	NE SW	31.00
30 S	17 E	WM	9	NE SE	0.50
30 S	17 E	WM	9	NW SE	28.00
30 S	17 E	WM	9	SW SE	20.00
30 S	17 E	WM	9	SE SE	16.00
				Total	569.60

Permit Amendment T-11749

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into the Ana River to the extent necessary to restore Ana River to its historic flow. If the flow of Ana Springs is insufficient to furnish the amount of water required for existing rights with earlier priority dates and not all the ground water derived under this permit can be delivered into the Ana River, then all of the ground water derived under this permit shall be shut off.

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

Water shall be acquired from the same aquifer as the original points of appropriation.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

The Additional Point of Appropriation Well #9 and the new Point of Appropriation Well #5 shall obtain groundwater from the predominately volcanic/basalt unit below the predominately basin-fill unit and both wells shall have continuous casing and continuous seal from land surface through the basin-fill unit into the predominantly volcanic/basalt unit.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). The tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID tag, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Water use measurement conditions:

a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
b. The water user shall maintain the meters or measuring devices in good working order.
c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Original Permit Conditions

This project was considered and approved by the Water Resources Commission on March 30, 1990.

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 and airline and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work was to begin on or before April 30, 1991, however, complete application of the water to the use was extended and shall be made on or before October 1, 2016. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued March 17, 2017

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

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-11640

Final Order
Extension of Time for Permit Number G-11024

Appeal Rights

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

Application History

The Department issued Permit G-11024 on April 30, 1990. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On September 5, 2007, Thomas MacDonald submitted to the Department an Application for Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on November 13, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2010 and the time to fully apply water to beneficial use to October 1, 2010. The protest period closed December 28, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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 the following conditions:

CONDITIONS

1. **Checkpoint Condition**

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2008.** ***A form is enclosed for your use.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-11640, Permit G-11024, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2010. The deadline for applying water to full beneficial use is extended to October 1, 2010.

DATED: January 10, 2008

Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.

- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

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

Extension of Time
Diligence Progress Reporting Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Thomas MacDonald; Northwest Farm Credit Services Application G-11640
Permit G-11024

Report Due no later than October 1, 2008

Diligence Progress Report for 2008

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-11024

DATE WORK WAS DONE	WORK ACCOMPLISHED and FINANCIAL INVESTMENT SINCE OCTOBER 1, 1993 or *List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form*	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date= _____ *(if applicable)*

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

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**

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). ***Do not provide daily, monthly or annual water volume totals.***

Signature_____ Date_____

For OWRD use only

Diligence Shown ❒ Yes ❒ No Date Public Noticed: _____

Reviewed by: _____ Date: _____

Mailing List for Extension FO Copies

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: January 10, 2008

Copies Mailed

By: QNS
On: 1/10/08

Application G-11640
Permit G-11024

Original mailed to permit holder

Thomas MacDonald
PO Box 87
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024
2. WRD - Watermaster District 12, Brian Mayer
3. WRD - Kelly Starnes, Permit Amendments *(if in transfer stage, not inchoate)*
4. Northwest Farm Credit Services, PO Box 148, Klamath Falls, OR 97601
5. Courtney Duke, Schroeder Law Offices, PO Box 12527, Portland, OR 97212-0527
6. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

7. None

Receiving via e-mail (10 AM day of signature date)

8. None

CASEWORKER: KRF

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-11024, Water Right Application G-11640 in the name of Thomas MacDonald and Northwest Farm Credit Services, FLCA	))))	PROPOSED FINAL ORDER

Permit Information

Application File G-11640 Permit G-11024

Basin: 13 – Goose & Summer Lakes / Watermaster District 12

Dates of Priority: April 7, 1987 for 10.0 cfs for Fish Culture and 7.73 cfs for Irrigation; and June 7, 1987 for 7.8 cfs for Fish Culture

Authorized Use of Water

Source of Water: Four Wells in the Ana River Basin

Purpose of Use: Fish Culture, Irrigation of 50.1 Acres and Supplemental Irrigation of 569.6 acres

Maximum Rate: 17.80 Cubic Feet per Second (cfs), Being 7.73 cfs for Irrigation and 17.8 cfs for Fish Culture

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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 as it contains additional conditions not included in the original permit.

This Proposed Final Order applies only to Permit G-11024, water right Application G-11640.
A copy of Permit G-11024 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time for complete construction of the water system from October 1, 1992 to October 1, 2010, and
- grant an extension of time to apply water to full beneficial use from October 1, 1993 to October 1, 2010.
- make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure
cfs – cubic feet per second

AUTHORITY

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

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-11024 was granted to Robert F. Olson by the Department on April 30, 1990. On March 26, 2003, the permit was assigned to Thomas MacDonald and Northwest Farm Credit Services, FLCA. The permit authorizes the use of up to 17.80 cfs of water from four wells, being 7.73 cfs for primary irrigation of 50.1 acres and supplemental irrigation of 569.6 acres and 17.8 cfs for fish culture. The permit specified actual construction of the well was to begin by April 30, 1991, construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. The permit holder submitted an "Application for Extension of Time" to the Department on September 5, 2007 requesting the time to apply water to full beneficial use under the terms of Permit G-11024 be extended from October 1, 1993 to October 1, 2010. The Application for Extension of Time clearly suggests that construction is not complete. The Department, therefore, determined that the permit holder's intent was to also request the time in which to complete construction of the water system under Permit G-11024 be extended from October 1, 1992 to October 1, 2010. This is the first permit extension requested for Permit G-11024.

3. Notification of the Application for Extension of Time for Permit G-11024 was published in the Department's Public Notice dated September 11, 2007. 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[1], 537.248[2], 537.630[3] and/or 539.010(5)[4].

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

4. On September 5, 2007, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

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

5. Actual construction of the well began prior to the deadline specified in the permit, being April 30, 1991.

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[1]ORS 537.230 applies to surface water permits only.

[2]ORS 537.248 applies to reservoir permits only.

[3]ORS 537.630 applies to ground water permits only.

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

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.

6. As of September 5, 2007, the remaining work to be completed consists of applying for and receiving Department approval for a permit amendment to change the points of appropriation, completing construction of the water system and applying water to full beneficial use.

7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2010, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms of Permit G-11024 is both reasonable and necessary.

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

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

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

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

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

8. The following construction was completed within the time allowed in the permit or previous extension:

   a. Construction of the well and water system began prior to the time specified in the permit, being April 30, 1991.

   b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-11024.

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

9. The following beneficial use was made of the water during the permit or previous extension time limits:

   a. Since the issuance of Permit G-11024 on April 30, 1990, a maximum rate of 7.0 cfs has been appropriated from the wells for irrigation of 619.7 acres.

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

10. 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)]*

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

a. As of September 5, 2007, the permit holder has invested approximately $80,000, which is 50 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $80,000 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)]*

12. As of September 5, 2007, the permit holder has invested approximately $80,000 which is 50 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $80,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-11024.

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:

14. 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)]*.

a. 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-11024; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-11024, located within the Ana River Basin, are not located within a limited or critical ground water area. Ana River is not located within or above any state or federal scenic waterway, however it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located

within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Ana River is not listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date *[OAR 690-315-0040(4)(d)]*.

    a. As of September 5, 2007, the permit holder has invested approximately $80,000.

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

    a. None have been identified.

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

    a. None have been identified.

18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

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

19. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

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

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

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

21. None have been identified.

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, 2010[5], 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).

6. As required by OAR 690-315-0050(6) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-11024.

Proposed Order

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

extend the time for complete construction of the water system under Permit G-11024 from October 1, 1992 to October 1, 2010.

extend the time to apply water to beneficial use under Permit G-11024 from October 1, 1993 to October 1, 2010.

Subject to the following conditions:

CONDITIONS

1. **Checkpoint Condition**

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2008.** ***A form will be enclosed with your Final Order.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been

[5]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 the claim of beneficial use.

diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: November 13, 2007

Dwight French
Administrator
Water Rights & Adjudications 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 protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **December 28, 2007** being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

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 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 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 protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.

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:
      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.

- If you have any questions about statements contained in this document, please contact Kim French at 503-986-0813.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Dwight French at 503-986-0819.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
- Address any correspondence to : Water Rights and Adjudications Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: November 13, 2007

Copies Mailed

Application G-11640
Permit G-11024

By: MS
On: 11/13/07

Original mailed to Applicant:

Thomas MacDonald
PO Box 87
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024
2. WRD - Watermaster District 12, Brian Mayer
3. WRD – Kelly Starnes, Salem (permit amendment)
4. Northwest Farm Credit Services, PO Box 148, Klamath Falls, OR 97601
5. Courtney Duke, Schroeder Law Offices, PO Box 12527, Portland, OR 97212-0527

Fee paid as specified under ORS 536.050 to receive copy:

6. None

Receiving via e-mail (10 AM Tuesday of signature date)

7. None

CASEWORKER: KRF

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G - 11640 Permit: G - 11024 Permit Amendment? No ☑ Yes ☐ T-_____

Permit Holder's Name: THOMAS MACDONALD; NW FARM CREDIT SERVICES

Permit Holder's Mailing Address: PO BOX 8?, SUMMER LAKE OR 97640

Phone Number: _____

POD Location: Township 30S Range 17E Section 8 ¼¼ NENW

Drainage Basin: 13 County: _____ Watermaster District: 12 Region: _____

Date Permit was issued: 4-30-1990 **Priority Date:** 4-7-87 - 10.0 CFS - FISH CULTURE & 7.73 CFS - IRRIGATION 6-14-89 - 7.8 CFS - FISH **Date of PN:** 9-11-07

Source: FOUR WELLS IN THE ANA RIVER BASIN

Use: FISH CULTURE, IRRIGATION OF 50.1 ACRES & SUPPLEMENTAL IRR OF 569.6 ACRES

"Q": 17.80 CFS, BEING 7.73 CFS FOR IRRIGATION & 17.8 CFS FOR FISH CULTURE

Orig "A" Date: 4-30-91 **Orig "B" Date:** 10-1-92 **Orig "C" Date:** 10-1-93

Extension request received: 9-5-07 **Last Authorized "B" Date:** — **Last Authorized "C" Date:** —

Request Number (1, 2, 3…): 1 **Proposed "B" Date:** — **Proposed C Date:** 10-1-2010

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		INSTALL ACCESS PORT
		~~INSTALL METER~~

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

Yes No

☑ ☐ Work was accomplished within the time allowed in the permit or previous extension

☑ ☐ Water right permit holder conformed with the permit or previous extension conditions

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

- Permit holder has beneficially used 7.0 cfs/gpm/af of the total permitted quantity of water on 619.7 acres

☑ ☐ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: $ 80,000+ Estimated Remaining Cost: $ 80,000

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

Application G - 11640 Permit G - 11024 Township 30S Range 17E Section 8

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

Identify the closest surface water or localized water basin. ANA RIVER

Ground Water Permits: Is the POA located…
Surface Water Permits: Is the POD located…

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

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

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

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

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

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

☑ 5-year Progress Report Checkpoints (Years: 2008)

☐ Other: _____

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

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

☑ **COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

CC: COURTNEY DUKE
SCHROEDER LAW OFFICES
PO BOX 12527
PORTLAND, OR 97212-0527

Extension "PFO" Dates

Mailing / Issuance Date: _____ **Protest Deadline Date:** _____

Reviewer's Name: _____ **Date:** _____

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

September 11, 2007

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-11640 (**PERMIT #**G-11024). 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 Kim French at (503) 986-0813. 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**".

Division 315 - Other Than Muni or Quasi-Muni
Extension of Time Application - Completeness Checklist
OAR 690-315-0020

Place a "✓" in the box if the item is satisfied	
✓	The appropriate extension of time fee (as specified in ORS 536.050). *[OAR 690-315-0020(3)]* **$250** - applications received on or after October 1, 2003/ **$350** – applications received on or after July 1, 2007
✓	The name and mailing address of the water right permit holder(s); *[OAR 690-315-0020(3)(a)]*
✓	The application number and the permit number for which an extension is requested; *[OAR 690-315-0020(3)(b)]*
✓	If the water right permit holder receives delivery of the subject water right permit from a municipality, municipal corporation, or other special district, the applicant shall provide the name of the entity and evidence that a copy of the application for extension of time has been provided to the entity responsible for delivering the water; *[OAR 690-315-0020(3)(c)]*
✓	Evidence of the actions taken to begin actual construction within the time period in the permit or previous extension: • "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's 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, or surveying. *[OAR 690-315-0020(3)(d)]*
✓	Evidence of progress made toward completion of the water development and application to full beneficial use, which includes but is not limited to: *[OAR 690-315-0020(3)(e)]* • The annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied or the reason the condition was not satisfied; • The maximum rate of diversion, if any, made to date; and • If for irrigation, a listing by year of the number of acres irrigated each year since permit issuance, the total number of acres irrigated to date under the permit or previous extension, and a copy of the application map showing the acres irrigated.
✓	A description of financial expenditures made toward completion of the water development; *[OAR 690-315-0020(3)(f)]*
✓	An estimate of the cost to complete the water development; *[OAR 690-315-0020(3)(g)]*
✓	A summary of any additional unforeseen events which delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project which have significantly delayed completion of construction or perfection of the right; *[OAR 690-315-0020(3)(h)]*
✓	The date by which the water development will be completed and water put to full beneficial use; *[OAR 690-315-0020(3)(i)]*
✓	A summary of the applicant's plan and schedule to complete construction and/or perfect the water right; *[OAR 690-315-0020(3)(j)]*
✓	Justification of why the requested time is needed to complete the project and/or apply the water to full beneficial use; *[OAR 690-315-0020(3)(k)]*
✓	A description of any undue hardship to the applicant which will result from denial of the extension, and that there are no other reasonable alternatives for meeting water use needs; *[OAR 690-315-0020(3)(l)]* *(NOTE: The permit holder is not asked to answer this specific question when filling out the Extension of Time Application. The Department decided this was a finding that should be determined by staff. In order to make this determination, review the Extension of Time Application and documentation in the file record. Generally, a denied extension of time may result in possible loss of investments made in the project, loss of future property value, and/or loss of future income.*
✓	Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and these rules; *[OAR 690-315-0020(3)(m)]*
✓	Any other information required in the application form that is necessary to evaluate the application in accordance with applicable statutory requirements; and *[OAR 690-315-0020(3)(n)]*
✓	Signature(s) of the water right permit holder(s).

Name of Reviewer: Kim French **Date:** 9/6/07

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for <u>each</u> 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, Thomas A. MacDonald
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

P.O. Box 40	Summer Lake	Oregon	97640
ADDRESS	CITY	STATE	ZIP

(541) 943-3192
PHONE E-MAIL ADDRESS

the permit holder of: Application Number ____-G-11640

Permit Number ____-G-11024
[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 October 1, _____, be extended to October 1, _____,

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, 1993, be extended to October 1, 2010.

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 $350.
- 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

$350 STATUTORY FEE TO:

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

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GENERAL TIPS:

- 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.

- 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] Yes



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

Date construction began is: October 1, 1987

Details of construction: The ground was graded and leveled for the pouring of concrete cement ponds and platforms.

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

2. **Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no]** yes

A) **Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.**



TIP: *The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.*

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	9/17/1992	Permittee constructed the necessary pipelines and ditches with the appropriate valves.
2	Prior 1990	The wells were constructed in accordance with the General Standards for the
		Construction and Maintenance of Wells in Oregon.
3	Prior 1990	A pump test could not be submitted because the source is an artesian stream and no
		pumping is required. The Department measured and determined the amount of water
		from the spring prior to issuance of the permit.

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).*

B) **If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.**

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension.*

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[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).**

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

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*

INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER *List work/actions done during the permitted time period.*	COST*
4/30/90	The permit was signed - find date above signature on last page of permit.	
1990-1992	Wells constructed and delivery system completed; concrete ponds constructed	$80,000+
4/30/91	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/1/93	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" *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.*	COST*
	Total Cost to Date	$80,000+

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

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

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD *List all work done during the last authorized extension period.*	COST*
10/1/____	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
10/1/_____	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	

INSERT DATES	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED *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.*	COST*
	Total Cost to Date	

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

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

4. Cost of project to date: $80,000+
(The total cost from CHART-C and CHART-D)

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

5. **Provide 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 in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = 7 **cfs (cubic feet per second)** *or,*

Maximum rate = _____ **gpm (gallons per minute)** *or,*

Acre Feet Stored = _____ **AF**

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

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

Total acres irrigated to date: 619.7

[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-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
As soon as	Construct new wells for appropriation	$80,000
approved		
Year: 2010	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	$80.000

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

8. **Estimated remaining cost to complete the project:** $80,000
(The total cost from CHART-E)

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[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) **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.**

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

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.**

A final proof survey was not completed in 1993 when the water was put to full beneficial use by the permit applicant. New additional time is required to seek a permit amendment under ORS 537.211(4) (a) to construct new POD'S to prove up the authorized amount.

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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, 3-A, 3-B, 7 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.

See Exhibit A

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

See Exhibit A

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.

Courtney D Duke — **Signature**

9/4/07 — **Date**

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Exhibit A
Application for Extension of Time

Please consider the following justifying facts supporting an extension of time to apply the water to full beneficial use under Permit G-11024:

1. The permitted use under G-11024 is irrigation and fish culture. A total of 570.5 acres permitted under G-11024 are supplemental to Certificate 83609, held by the requestor, and 50.1 are new primary acres. The fish culture use utilizes the same facilities as the fish culture use allowed under Certificate 83063, also held by the requestor.

2. In 1993, 17.8 cfs of water was being diverted from the four authorized wells for irrigation and fish culture according to the terms and conditions of the Permit.

3. After 1993, the applicant sold the appurtenant property. Since the time the requestor acquired the property, he has been unable to make full beneficial use of the water under the permit due to damage caused to the wells, due in part to the location of the wells. The requestor has appropriated approximately 7 cfs of the allowed 17.8 cfs.

4. The requestor now requests an extension of time to make full beneficial use of the water under the terms of the permit and complete the final proof survey that was never completed by the commission.

5. The extension is needed to:

    a. Investigate and make certain repairs to the casing of the existing wells, which have collapsed and been damaged;

    b. To seek a permit amendment pursuant to ORS 537.211(4)(a) and OAR 690-380-0010(f) for new authorized points of appropriation; and

    c. Utilize new irrigation technologies and infrastructures that have emerged since the water was first put to beneficial use in 1993.

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STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40 503-943-3277
SUMMER LAKE, OREGON 97640

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

#1 The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
SECTION 4		
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
SECTION 5		

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ASSIGNED, See Misc. Rec., Vol. 7 Page 2878 ASSIGNED, See Misc. Rec., Vol. 7 Page 3056

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

#2 The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

#3 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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Department
William H. Young
Director

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Laura A. Schroeder
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Wyatt E. Rolfe
Licensed in Oregon

September 4, 2007

VIA US MAIL

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SALEM, OREGON

Oregon Water Resources Department
Attn: Kim French
725 Summer Street N.E. Suite A
Salem, OR 97301-4172

RE: Application for Extension of Time for a Water Right Permit, Application G-11640, Permit G-11024

Dear Ms. French:

Pursuant to our telephone conversations on Monday, August 27th and again on Tuesday August 28th, please find a revised Application for Extension of Time for a Water Right Permit, for Application G-11640, Permit G-11024, with Exhibits A-B attached, for Thomas A. MacDonald. We have also enclosed our firm check in the amount of $350.00 for the extension application fee.

If you have any questions regarding this application, please contact me or paralegal Tara Jackson of this office at (503) 281-4100.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Cortney D. Duke

CDD:tjj
Enclosures

cc: Client

{P0108195; 0929.00 TJJ }

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 11640 Permit: G- 11024 Permit Amendment? No ☐ Yes ☒ T- 10716 ☐ pending ☒ approved

Permit Holder's Name: Thomas McDonald

Permit Holder's Mailing Address: PO Box 40 Summer Lake, OR 97640 email _____

Phone Number: 541-943-3192

POD Location: Township 30S Range 17E Section 8 ¼¼ NENW

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: Brian Mayer

Date Permit was issued: 4/30/1990 **Priority Date:** 6/14/1989 **Date of PN:** 10/19/2010

Source: Four wells in the Ana River Basin

Use: Fish Culture, irrigation of 50.1 acres and supplemental irriagtion of 569.6 acres

"Q": Not more than 17.80 cfs, being 7.73 cfs for irrigation and 17.8 cfs for fish culture

Orig "A" Date: 4/30/1991 **Orig "B" Date:** 10/1/1992 **Orig "C" Date:** 10/1/1993

Extension request rec'd: 10/1/2010 **Last Authorized "B" Date:** 10/1/2010 **Last Authorized "C" Date:** 10/1/2010

Request Number (1, 2, 3…): 2 **Proposed "B" Date:** 10/1/2011 **Proposed C Date:** 10/1/~~2011~~ 2012

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Wells constructed to General Standards
☒	☐	Constructed necessary pipelines or ditches and installed and maintained measuring devices
☐	☐	
☐	☐	
☐	☐	

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: $**141,272** Estimated Remaining Cost: $**48,000**

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

- Permit holder has beneficially used **7.0** ☒cfs☐gpm☐af of the total permitted quantity of water on **619.7** acres

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

Application: _-_____ Permit: _-_____ Township _____ Range _____ Section _____

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located…

Surface Water Permits: Is the POD located…

Yes No

☐ ☒ above a state scenic waterway? Name Source: OWRD "Areas Above State Scenic Waterways" Map

☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html

☐ ☒ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"

☐ ☒ within a critical or limited Ground Water Area? Name of area

☐ ☒ within a Withdrawn Area? Name of area

☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list

☒ ☐ within an area ranking ☒low / ☐moderate / ☐high / ☐highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

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

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**

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

☒ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ **Protest Deadline Date:** _____

Reviewer's Name: _____ **Date:** _____

G-11640

Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager

SCHROEDER
LAW OFFICES, P.C.

Cortney D. Duke
Oregon, Nevada

Sarah R. Liljefelt
Oregon

Wyatt E. Rolfe
Oregon, Nevada, Washington

Therese A. Ure
Oregon, Nevada

June 2, 2011

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SALEM, OREGON

VIA ELECTRONIC AND U.S. MAIL

Jerry Gainey
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301
Email: jerry.w.gainey@state.or.us

RE: Permit G-11024: Application for Extension of Time

Dear Mr. Gainey:

This office represents Thomas MacDonald, the holder of Permit G-11024. An Application for Extension of Time for Permit G-11024 was filed in September 2010. The Application requested an extension of time to apply the water to full beneficial use under the terms and conditions of the permit until October 1, 2011. The Application was the extension request filed for this permit.

Pursuant to your email dated May 2, 2011, we understand that the extension request is still being processed by the Department. Because the Department has not issued a proposed final order or final order, the applicant hereby requests that the extension period be extended to **October 1, 2012.**

Please contact me if you have any questions or concerns regarding this matter.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Cortney D. Duke

CDD: tjj

cc: Client

Laura A. Schroeder
Licensed in Oregon, Idaho, Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager

SCHROEDER
LAW OFFICES, P.C.

Licensed in Oregon and Nevada:
Cortney D. Duke
Wyatt E. Rolfe
Therese A. Ure

September 30, 2010

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WATER RESOURCES DEPT
SALEM, OREGON

VIA US MAIL

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

RE: Application for Extension of Time for a Water Right Permit
Permit G-11024; Application G-11640

To Whom It May Concern:

Enclosed for filing on behalf of Thomas A. MacDonald please find an Application for Extension of Time for Water Right Permit G-11024, Application G-11640 with exhibits A-C attached. Also enclosed is a check in the amount of $500.00 for the statutory filing fee.

We would be happy to provide the Department with copies of any documents referenced in the Application upon request, however we believe that all items referenced are in the Department's files.

Thank you for your assistance in this matter. Please contact our office if anything further is needed to process this Application.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.

Tara J. Jackson
Paralegal

TJJ:tjj

Enclosures

cc: Client

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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 <u>each</u> 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, <u>Thomas A. MacDonald</u>
NAME OF PERMIT HOLDER [*OAR 690-315-0020(1) and (3)(a)]*

<u>P.O. Box 40</u>	<u>Summer Lake</u>	<u>Oregon</u>	<u>97640</u>
ADDRESS	CITY	STATE	ZIP

<u>(541) 943-3192</u>
PHONE

_____
E-MAIL ADDRESS

the permit holder of: Application Number <u>G-11640</u>

Permit Number <u>G-11024</u>
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, <u>2010</u>, be extended to October 1, <u>2011</u>, (*see* Final Order approving Additional Points of Appropriation – T-10716)

☐ 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, <u>2010</u>, be extended to October 1, <u>2011</u>. (*see* Final Order approving Extension of Time for Permit Number G-11024) 2012 see ltr 6/3/11

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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.

- 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: October 1, 1987 (for permit) June 2010 (for amendment)

Details of construction: The ground was graded and leveled for the pouring of concrete cement ponds and platforms in October 1987. Construction of the wells 1 – 4 was complete prior to 1990. The additional wells approved by the permit amendment application were started in the summer of 2010.

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

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? ☒ Yes ☐ No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: *The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.*

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	9/17/1992	Permittee constructed the necessary pipelines and ditches with the appropriate valves
2	Prior to 1990	The wells were constructed in accordance with the General Standards for the Construction and Maintenance of Wells in Oregon
3	Prior to 1990	A pump test could not be submitted because the source is an artesian stream and no pumping is required. The Department measured and determined the amount of water form the spring prior to issuance of the permit
4	October 1, 2008	Permittee submitted a complete Diligence Progress Report to the Department

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).*

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension.*

[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 *List any work done before the permit was issued – eg. well drilled.*	COST*

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER *List work/actions done during the permitted time period.*	COST*
4/30/1990	**Date the permit was signed** - find date above signature on last page of permit.	
1990 – 1992	Wells 1 – 4 constructed and delivery system completed; concrete ponds constructed	$80,000+
1990 – 1992	Construction of necessary pipelines and ditches for irrigation of place of use	$20,000
4/30/1991	**Date the permit specified "Actual Construction Work" shall begin ("A-Date")** -not all permits contain this date.	
10/1/1993	**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" *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.*	COST*

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Total Cost for Chart-C	**$100,000+**	

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

3-B) If this is <u>not</u> 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 *List all work done during the last authorized extension period.*	COST*
10/1/1993	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
September 2008	Preparation of permit amendment application to authorize additional points of appropriation (POA)	$1072
Aug/Sept 2008	Hired water witch to located well locations	$900
Aug/Sept 2008	Hired CWRE to complete survey of new POAs for amendment and submission of permit amendment	$1000
Sept 2008	Meet with well driller and negotiate contract, estimate and schedule of work	$300
June/July 2010	Drill first well (not located in permit amendment); work on casing and sealing (well start card submitted to OWRD)	$19,000
Aug/Sept 2010	Start construction of second well (#5 in permit amendment – well start card submitted to OWRD)	$17,000
Sept 2010	Start well construction on third and fourth wells (#6 in permit amendment and one not located in permit amendment – well start cards submitted to OWRD)	$2000
10/1/2010	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED *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.*	COST*
Total Cost of Chart-D	**$41,272**	

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

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

4. **Cost of project to date:** $141,272
(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

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED: Well Log Number e.g. MORR 50473	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	IF DRILLED: Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under additional water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
#1	#1	Yes ☒ No ☐	3030		Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	- -
#2	#2	Yes ☒ No ☐	1507		Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	- -
#3	#3	Yes ☒ No ☐	4444		Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	- -
#4	#4	Yes ☒ No ☐	3029		Yes ☒ No ☐	Unknown*	Yes ☐ No ☒	- -
Total instantaneous rate from all wells utilized under this permit						App. 7 cfs		

* The instantaneous rate from each well can not be measured as the wells are currently constructed. The wells are fed from an artesian spring and the water is collected in a concrete ditch and delivered to the fish raceways or the authorized place of use. The rate measured at

the confluence of the water at the head of the concrete ditch is approximately 7 cfs. The rate from the new well constructed has not been measured due to construction issues.

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 ☐ N/A – four permitted wells are in authorized locations

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

Well #_____: Actual location: _____

Well #_____: Actual location: _____

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

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 619.7 (50.1 primary and 569.6 supplemental)

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

Well #1 Acres619.7 Well #3 Acres619.7

Well #2 Acres619.7 Well #4 Acres619.7

[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)
Sept 2010	Complete construction of Well #6	$10,000
Sept 2010	Complete Construction of well #7 and #8	$10,000
Sept/Oct 2010	Complete casing and sealing on Well #5	$5000
Spring/Summer 2011	Complete construction as necessary to appropriate total authorized rate	$20,000
Spring 2011	Complete second permit amendment to authorize well locations	$1000
Summer 2011	Complete survey and claim of beneficial use	$2000
Year: 2012	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	**$48,000**

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

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8. **Estimated remaining cost to complete the project:** $48,000
(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.

The well driller has experienced some mechanical problems in constructing Well 5 and Well 6 due in part because it is believed that the wells are located near a fault line. Specifically, there have been some blow outs of the temporary casing and additional sealing has been required. The additional construction costs have exceeded the original cost estimates for completing the new wells.

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.

A final proof survey was not completed in 1993 when the water was put to full beneficial use by the permit applicant. Additional time was needed to seek a permit amendment under ORS 537.211(4) to construct new wells to prove up the authorized amount. The permit amendment was approved by final order on December 12, 2008. The permit holder has diligently pursued construction of the new additional points of diversion since that time having nearly completed construction of one well and started construction on the remaining 3 wells. Start cards have been submitted on each well.

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.

The allowed uses of water under Permit G-11024 is irrigation, supplemental irrigation and fish propagation. The water appropriated from one of the new wells that was drilled in 2010 is poor quality and is not the optimal temperature and quality for fish propagation. Improvement of the water quality is required to complete beneficial use. Applicant may need to consider new well locations to find suitable water and file a second permit amendment.

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[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.

See Exhibit A

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

See Exhibit A

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.

Courtney D Duke
Signature

9-30-2010
Date

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SALEM, OREGON

Oregon
Theodore R. Kulongoski, 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 12, 2010

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-11640 (PERMIT#: G-11024).** 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 Scott Kudlemyer at (503) 986-0813. 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**".

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Exhibit A
Application for Second Extension of Time

Please consider the following justifying facts supporting a second extension of time to apply the water to full beneficial use under Permit G-11024:

1. The permitted use under G-11024 is irrigation and fish culture. A total of 569.6 acres permitted under G-11024 are supplemental to Certificate 83065, held by the requestor, and 50.1 are new primary acres. The fish culture use utilizes the same facilities as the fish culture use allowed under Certificate 83065, also held by the requestor.

2. In 1993, 17.8 cfs of water was being diverted from the four authorized wells for irrigation and fish culture according to the terms and conditions of the Permit.

3. After 1993, the applicant sold the appurtenant property. Since the time the requestor acquired the property, he has been unable to make full beneficial use of the water under the permit due to damage caused to the wells, due in part to the location of the wells. The requestor has appropriated approximately 7 cfs of the allowed 17.8 cfs.

4. The requestor requested an extension of time in 2007 to make full beneficial use of the water under the terms of the permit and complete the final proof survey that was never completed by the commission.

5. The first extension was needed to:

    a. Investigate and make certain repairs to the casing of the existing wells, which have collapsed and been damaged;

    b. To seek a permit amendment pursuant to ORS 537.211(4)(a) and OAR 690-380-0010(f) for new authorized points of appropriation; and

    c. Utilize new irrigation technologies and infrastructures that have emerged since the water was first put to beneficial use in 1993.

6. The Department approved the first request for extension of time on January 10, 2008. The requestor completed and submitted a Diligence Progress report on September 29, 2008.

7. As indicated, the requestor completed and submitted an application for a permit amendment in September 2008. The permit amendment was approved to allow four additional points of appropriation in December 2008.

8. Requestor has been diligently pursing perfection (as detailed in the extension application) since that time.

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STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40 503-943-3277
SUMMER LAKE, OREGON 97640

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

#1 The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
	SECTION 4	
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
	SECTION 5	

ASSIGNED, See Misc. Rec., Vol. 7 Page 2878 ASSIGNED, See Misc. Rec., Vol. 7 Page 3056

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NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES
NW 1/4 NW 1/4	36.0 ACRES
SW 1/4 NW 1/4	32.0 ACRES
SE 1/4 NW 1/4	30.0 ACRES
NE 1/4 SW 1/4	31.0 ACRES
NE 1/4 SE 1/4	0.5 ACRE
NW 1/4 SE 1/4	28.0 ACRES
SW 1/4 SE 1/4	20.0 ACRES
SE 1/4 SE 1/4	16.0 ACRES

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

#2 The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

#3 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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Department
William H. Young
Director

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-11640

Final Order
Extension of Time for Permit Number G-11024

Appeal Rights

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

Application History

The Department issued Permit G-11024 on April 30, 1990. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On September 5, 2007, Thomas MacDonald submitted to the Department an Application for Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on November 13, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2010 and the time to fully apply water to beneficial use to October 1, 2010. The protest period closed December 28, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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 the following conditions:

CONDITIONS

1. **Checkpoint Condition**

#4

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2008.** ***A form is enclosed for your use.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

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WATER RESOURCES DEPT
SALEM, OREGON

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-11640, Permit G-11024, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2010. The deadline for applying water to full beneficial use is extended to October 1, 2010.

DATED: January 10, 2008

Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Exhibit C
Page 2 of 2

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-11024, Water Right Application G-11640 in the name of Thomas A. MacDonald	)))	PROPOSED FINAL ORDER

Permit Information

Application File G-11640 Permit G-11024
Basin: 13 – Goose & Summer Lakes / Watermaster District 12
Date of Priority: April 7, 1987 and June 14, 1989

Authorized Use of Water
Source of Water: Four Wells in the Ana River Basin
Purpose of Use: Fish Culture, Irrigation of 50.1 Acres, and Supplemental Irrigation of 569.6 Acres
Maximum Rate: 17.8 Cubic Feet per Second (cfs), being 7.73 cfs for irrigation and 17.8 cfs for Fish Culture

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

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-11024, water right Application G-11640.
A copy of Permit G-11024 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water and time to apply water to full beneficial use from October 1, 2012 to October 1, 2014.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure
cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

Background

1. Permit G-11024 was granted by the Department on April 30, 1990. The permit authorizes the use of up to 17.8 cfs, being 7.73 cfs for irrigation and 17.8 cfs for fish culture from Four Wells in the Ana River Basin for Fish Culture, Irrigation, and Supplemental Irrigation. The permit specified construction of the water system was to be completed by October 1, October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. Permit G-11024 contains two priority dates for the authorized uses. The earliest priority date, being April 7, 1987, authorizes 10.0 cfs of water for Fish Culture and 7.73 cfs of water for Irrigation. The later priority date, being June 14, 1989, authorizes 7.78 cfs of water for Fish Culture.

3. The use is limited to not more than 17.80 cfs, being 7.73 cfs for irrigation and 17.8 cfs for Fish Culture, or its equivalent in case of rotation, measured at the wells.

4. On December 10, 2008, the Department approved Permit Amendment T-10716 (Special Order Volume 76, Page 833) authorizing additional points of appropriation under Permit G-11024.

5. Two prior permit extensions have been granted for Permit G-11024. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2010 to October 1, 2012.

6. The permit holder submitted an "Application for Extension of Time" to the Department on October 1, 2012 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-11024 be extended from October 1, 2012 to October 1, 2014. This is the third permit extension requested for Permit G-11024.

7. Notification of the Application for Extension of Time for Permit G-11024 was published in the Department's Public Notice dated October 16, 20102. 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[1], 537.248[2], 537.630[3] and/or 539.010(5)[4].

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[1]ORS 537.230 applies to surface water permits only.

[2]ORS 537.248 applies to reservoir permits only.

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

8. On October 1, 2012, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

9. Actual construction of the well began prior to the April 30, 1991 deadline specified in the permit.

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.

10. As of October 1, 2012, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.

11. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2014, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-11024 is both reasonable and necessary.

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

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

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

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

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

12. Work was accomplished within the time allowed in the permit or previous extension as follows:

    a. Construction of the well and water system began prior to the April 30, 1991 deadline specified in the permit.

    b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-11024.

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[3] ORS 537.630 applies to ground water permits only.

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

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

13. The following beneficial use of water was made during the permit or previous extension time limits:

    a. Since the issuance of Permit G-11024 on April 30, 1990, a maximum rate of 7.0 cfs of water has been appropriated from the well for Fish Culture and Irrigation of 619.7 acres. The authorized amount of water for Fish Culture and Irrigation use is 17.8 cfs, being 7.73 cfs for irrigation and 17.8 cfs for fish culture.

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

14. 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)]*

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

    As of October 1, 2012, the permit holder has invested approximately $162,272, which is approximately 85 percent of the total projected cost for complete development of this project.

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

16. The permit holder anticipates an additional $28,500 investment is needed for the completion of this project.

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

17. The Department has found good faith of the appropriator under Permit G-11024.

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:

18. 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)]*.

a. 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-11024; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-11024, are located within the Ana River Basin, are not located within a limited or critical ground water area. Ana River is not located within or above any state or federal scenic waterway, and it is not located within an area ranked "" 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. Ana River is not listed by the Department of Environmental Quality as a water quality limited stream.

19. Economic investment in the project to date *[OAR 690-315-0040(4)(d)]*.

As of October 1, 2012, the permit holder has invested approximately $162,272.

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

None have been identified.

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

a. None have been identified.

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

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

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

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

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

24. None have been identified.

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, 2014[5], 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 for complete construction of the water and the time to apply water to beneficial use under Permit G-11024 from October 1, 2012 to October 1, 2014.

DATED: August 13, 2013

Dwight W. 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.

[5]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.

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 **September 27, 2013,** 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.

- If you have any questions about statements contained in this document, please contact Michele McAleer at (503) 986-0825.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: August 13, 2013

Copies Mailed

Application G-11640
Permit G-11024

By: SH
On: 8-15-13

Original mailed to Applicant:

Thomas A. MacDonald
P.O. Box 40
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024
2. Schroeder Law – Attn: Sara Liljefelt

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)

CASEWORKER: MRM

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-10716, Lake County	)	**FINAL ORDER**
	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION

Authority

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

Thomas A. MacDonald
P.O. Box 40
Summer Lake, Oregon 97640

Findings of Fact

Background

1. On September 30, 2008, Thomas A. MacDonald, filed an application for additional points of appropriation under Permit G-11024. The Department assigned the application number T-10716.

2. The permit to be amended is as follows:

Permit:	G-11024 in the name of Thomas A. MacDonald
Use:	Fish culture, primary irrigation of 50.1 acres and supplemental irrigation of 569.6 acres
Priority Dates:	April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Rate:	17.8 cubic feet per second (cfs); being 7.73 cfs for irrigation and 17.8 cfs for fish culture
Limit/Duty:	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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.
Sources:	Four wells in the Ana River Basin

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 530 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 560 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 590 feet South and 170 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 500 feet South and 150 feet West from the N¼ Corner of Section 8.

Authorized Places of Use:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.3
30 S	17 E	WM	5	NE SW	28.4
30 S	17 E	WM	5	SE SW	1.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.0
30 S	17 E	WM	5	SW NE	40.0
30 S	17 E	WM	5	SE NE	40.0
30 S	17 E	WM	5	NE SE	40.0
30 S	17 E	WM	5	NW SE	39.1
30 S	17 E	WM	5	SW SE	30.0
30 S	17 E	WM	5	SE SE	40.0
30 S	17 E	WM	8	NE NE	40.0
30 S	17 E	WM	8	NW NE	33.0
30 S	17 E	WM	8	SW NE	11.0
30 S	17 E	WM	8	SE NE	31.0
30 S	17 E	WM	9	SW NE	2.0
30 S	17 E	WM	9	NW NW	36.0
30 S	17 E	WM	9	SW NW	32.0
30 S	17 E	WM	9	SE NW	30.0
30 S	17 E	WM	9	NE SW	31.0
30 S	17 E	WM	9	NE SE	0.5
30 S	17 E	WM	9	NW SE	28.0
30 S	17 E	WM	9	SW SE	20.0
30 S	17 E	WM	9	SE SE	16.0

3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 390 feet South and 150 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 480 feet South and 190 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 525 feet South and 140 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 340 feet South and 145 feet West from the N¼ Corner of Section 8.

4. Permit Amendment Application T-10716 proposes four additional points of appropriation approximately 200 to 900 feet North from the existing points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 5 - 150 feet South and 300 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 6 - 160 feet South and 80 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	5	SE SW	Well 7 - 150 feet North and 30 feet West from the S¼ Corner of Section 5.
30 S	17 E	WM	5	SE SW	Well 8 - 340 feet North and 280 feet West from the S¼ Corner of Section 5.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 7, 2008 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.

7. The change does not enlarge the permit.

8. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-10716 are 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 points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

2. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

3. Water shall be acquired from the same aquifer as the original points of appropriation.

4. All other terms and conditions of Permit G-11024 remain the same.

5. Permit G-11024, in the name of Thomas A. MacDonald, is amended as described herein.

Dated at Salem, Oregon this 10 day of December 2008.

Phillip C. Ward, for
Director

Mailing Date: DEC 12 2008

Herb Mosgar

From: Ruben Ochoa
Sent: Tuesday, January 25, 2011 3:31 PM
To: Herb Mosgar
Subject: A bit of help

G-11640 - Thomas MacDonald

Mr. Herb.....only due to the fact that I am presently mobility challenged am I making this request for a little help.
I need to look at two files: Application file G-11640 and T-10716. Would you be kind enough to have someone pull those files for me. I can pick them up when they are ready....thanks, ruben

2/2/2011 -
Copies -
T-10716 - 60 pages
App G-11640 MAP -
200
~~[illegible]~~
26 pages MAP

2.00
1.30
$132.00

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-11640

Final Order
Extension of Time for Permit Number G-11024
Permit Holder: Thomas A. MacDonald

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-11024 was issued by the Department on April 30, 1990, and modified by Permit Amendment T-10716 on December 10, 2008. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On January 10, 2008, the permit was extended for completion of construction by October 1, 2010 and complete application of water to beneficial use by October 1, 2010. On October 1, 2010, Schroeder Law Offices, P.C., agent for Thomas A. MacDonald submitted to the Department an Application for Extension of Time for Permit G-11024. In accordance with OAR 690-315-0050(2), on September 13, 2011, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2012 and the time to fully apply water to beneficial use to October 1, 2012. The protest period closed October 28, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated September 13, 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).

Order

The extension of time for Application G-11640, Permit G-11024, therefore, is approved. The deadline for completing construction is extended to from October 1, 2010 to October 1, 2012. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010 to October 1, 2012.

DATED: January 20, 2012

Dwight W. French, Water Right Services Administrator, *for*
PHILLIP C. WARD, DIRECTOR

- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.

- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Mailing List for Extension FO Copies

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: January 20, 2012

Copies Mailed

Application G-11640
Permit G-11024

By: Connie Vance
On: 1/20/2012

Original mailed to permit holder

Thomas A. MacDonald ✓
PO Box 87
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024 ✓

2. WRD - Watermaster District 12, Brian Mayer ✓

3. Cortney D. Duke, Schroeder Law Offices, P.C., 1915 NE Cesar E. Chavez Blvd, Portland, OR 97212 ✓

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM day of signature date)
(DONE BY EXTENSION SPECIALIST)
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-11024, Water Right Application G-11640 in the name of Thomas A. MacDonald) PROPOSED FINAL ORDER)

Permit Information

Application File G-11640 Permit G-11024
As Amended by Permit Amendment T-10716
Basin: 13 – Goose & Summer Lake / Watermaster District 12
Date of Priority: 6/14/1989

Authorized Use of Water

Source of Water: Four Wells within the Goose & Summer Lakes Basin
Purpose of Use: Fish culture, irrigation of 50.1 acres and supplemental irrigation of 569.6 acres
Maximum Rate: 17.8 Cubic Feet per Second (cfs); being 7.73 cfs for irrigation and 17.8 cfs for fish culture

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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-11024, water right Application G-11640. A copy of Permit G-11024 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 2010 to October 1, 2012.
- Grant an extension of time to apply water to full beneficial use from October 1, 2010 to October 1, 2012.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure
cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

Background

1. Permit G-11024 was granted by the Department on April 30, 1990. The permit authorizes the use of up to 17.8 cfs of water from four wells for fish culture, irrigation of 50.1 acres and supplemental irrigation of 569.6 acres acres. The permit specified construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. On December 10, 2008, the Department approved Permit Amendment T-10716 (Special Order Volume 76, Page 833) authorizing additional points of appropriation under Permit G-11024.

3. One prior permit extension has been granted for Permit G-11024. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 1993 to October 1, 2010.

4. The permit holder submitted an "Application for Extension of Time" to the Department on October 1, 2010 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-11024 be extended from October 1, 2010 to October 1, 2012. This is the first permit extension requested for Permit G-11024.

5. Notification of the Application for Extension of Time for Permit G-11024 was published in the Department's Public Notice dated October 19, 2010. No public comments were received regarding the extension application.

6. On June 3, 2011, the permit holder's authorized agent submitted additional information to supplement their Application for Extension of Time. The amendment requested the extended time to complete construction of the water system be changed from October 1, 2010 to October 1, 2012, and the extended time to apply water to full beneficial use of the water system be changed from October 1, 2010 to October 1, 2012.

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[1], 537.248[2], 537.630[3] and/or 539.010(5)[4].

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[1]ORS 537.230 applies to surface water permits only.

[2]ORS 537.248 applies to reservoir permits only.

[3]ORS 537.630 applies to ground water permits only.

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

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

7. On October 1, 2010, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

8. Actual construction of the well began prior to the April 30, 1991 deadline specified in the permit.

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.

9. As of October 1, 2010, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.

10. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2012, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-11024 is both reasonable and necessary.

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

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

Reasonable Diligence of the Appropriator *[OAR 690-315-0040(2)(a)]*
The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

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

11. Work was accomplished within the time allowed in the permit or previous extension as follows:

    a. Construction of the well and water system began prior to the April 30, 1991 deadline specified in the permit.

    b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-11024.

    c. During the most recent extension period, being from October 1, 1993, to October 1, 2010, the construction of some of the additional wells under the permit amendment were completed.

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

12. The following beneficial use of water was made during the permit or previous extension time limits:

    a. Since the issuance of Permit G-11024 on April 30, 1990, a maximum rate of 7 cfs of water has been appropriated from the wells for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres.

    b. Delay of full beneficial use of water under Permit G-11024 was due, in part, to insufficient yield of water from the permitted wells. The permit holder needs more time in which to gain approval for the construction of additional points of appropriation to obtain the full quantity of water allowed under the permit.

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

13. 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)]*

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

    a. As of October 1, 2010, the permit holder has invested approximately $141,272, which is approximately 75 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $48,000 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)]*

15. As of October 1, 2010, the permit holder has invested approximately $141,272 which is approximately 75 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $48,000 investment is needed for the completion of this project.

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

16. The Department has found good faith of the appropriator under Permit G-11024.

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:

17. 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)]*.

    a. 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-11024; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-11024, located within the Goose & Summer Lakes Basin, are not located within a limited or critical ground water area. Goose & Summer Lakes are not located within or above any state or federal scenic waterway, however they are located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and are not located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Goose & Summer Lakes are listed by the Department of Environmental Quality as a water quality limited stream.

18. Economic investment in the project to date *[OAR 690-315-0040(4)(d)]*.

    a. As of October 1, 2010, the permit holder has invested approximately $141,272.

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

    a. None have been identified.

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

    a. None have been identified.

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

21. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

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

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

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

23. None have been identified.

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, 2012[5], 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).

[5]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.

Proposed Order

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

Extend the time for complete construction of the water system under Permit G-11024 from October 1, 2010 to October 1, 2012.

Extend the time to apply water to beneficial use under Permit G-11024 from October 1, 2010 to October 1, 2012.

DATED: September 13, 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.

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 **October 28, 2011,** 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.

- If you have any questions about statements contained in this document, please contact Jerry Gainey at 503-986-0812.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: September 13, 2011

Copies Mailed

Application G-11640
Permit G-11024

By: La
On: 9/13/11

Original mailed to Applicant:

Thomas A. MacDonald
PO Box 87
Summer Lake, OR 97640

Copies sent to:

1. WRD - App. File G-11640/ Permit G-11024
2. WRD - Watermaster District 12, Brian Mayer
3. Cortney D. Duke, Schroeder Law Offices, P.C., 1915 NE Cesar E. Chavez Blvd, Portland, OR 97212

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. None

CASEWORKER: JWG

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-10716, Lake County	)	**FINAL ORDER** APPROVING ADDITIONAL POINTS OF APPROPRIATION

Authority

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

Thomas A. MacDonald
P.O. Box 40
Summer Lake, Oregon 97640

Findings of Fact

Background

1. On September 30, 2008, Thomas A. MacDonald, filed an application for additional points of appropriation under Permit G-11024. The Department assigned the application number T-10716.

2. The permit to be amended is as follows:

Permit:	G-11024 in the name of Thomas A. MacDonald
Use:	Fish culture, primary irrigation of 50.1 acres and supplemental irrigation of 569.6 acres
Priority Dates:	April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Rate:	17.8 cubic feet per second (cfs); being 7.73 cfs for irrigation and 17.8 cfs for fish culture
Limit/Duty:	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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.
Sources:	Four wells in the Ana River Basin

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 530 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 560 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 590 feet South and 170 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 500 feet South and 150 feet West from the N¼ Corner of Section 8.

Authorized Places of Use:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.3
30 S	17 E	WM	5	NE SW	28.4
30 S	17 E	WM	5	SE SW	1.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.0
30 S	17 E	WM	5	SW NE	40.0
30 S	17 E	WM	5	SE NE	40.0
30 S	17 E	WM	5	NE SE	40.0
30 S	17 E	WM	5	NW SE	39.1
30 S	17 E	WM	5	SW SE	30.0
30 S	17 E	WM	5	SE SE	40.0
30 S	17 E	WM	8	NE NE	40.0
30 S	17 E	WM	8	NW NE	33.0
30 S	17 E	WM	8	SW NE	11.0
30 S	17 E	WM	8	SE NE	31.0
30 S	17 E	WM	9	SW NE	2.0
30 S	17 E	WM	9	NW NW	36.0
30 S	17 E	WM	9	SW NW	32.0
30 S	17 E	WM	9	SE NW	30.0
30 S	17 E	WM	9	NE SW	31.0
30 S	17 E	WM	9	NE SE	0.5
30 S	17 E	WM	9	NW SE	28.0
30 S	17 E	WM	9	SW SE	20.0
30 S	17 E	WM	9	SE SE	16.0

3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

on permit G-11084

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	
30 S	17 E	WM	8	NE NW	Well 1 - 390 feet South and 150 feet West from the N¼ Corner of Section 8.	530 ft. S / 160 ft. W
30 S	17 E	WM	8	NE NW	Well 2 - 480 feet South and 190 feet West from the N¼ Corner of Section 8.	560 ft S / 160 ft. W
30 S	17 E	WM	8	NE NW	Well 3 - 525 feet South and 140 feet West from the N¼ Corner of Section 8.	590 ft S / 170 ft. W
30 S	17 E	WM	8	NE NW	Well 4 - 340 feet South and 145 feet West from the N¼ Corner of Section 8.	500 ft. S / 150 W

4. Permit Amendment Application T-10716 proposes four additional points of appropriation approximately 200 to 900 feet North from the existing points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 5 - 150 feet South and 300 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 6 - 160 feet South and 80 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	5	SE SW	Well 7 - 150 feet North and 30 feet West from the S¼ Corner of Section 5.
30 S	17 E	WM	5	SE SW	Well 8 - 340 feet North and 280 feet West from the S¼ Corner of Section 5.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 7, 2008 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.

7. The change does not enlarge the permit.

8. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-10716 are 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 points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

2. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

3. Water shall be acquired from the same aquifer as the original points of appropriation.

4. All other terms and conditions of Permit G-11024 remain the same.

5. Permit G-11024, in the name of Thomas A. MacDonald, is amended as described herein.

Dated at Salem, Oregon this 10 day of December 2008.

Phillip C. Ward, for
Director

Mailing Date: DEC 12 2008

G-11640

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-10716, Lake County	)))	**FINAL ORDER** APPROVING ADDITIONAL POINTS OF APPROPRIATION

Authority

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

Thomas A. MacDonald
P.O. Box 40
Summer Lake, Oregon 97640

Findings of Fact

Background

1. On September 30, 2008, Thomas A. MacDonald, filed an application for additional points of appropriation under Permit G-11024. The Department assigned the application number T-10716.

2. The permit to be amended is as follows:

Permit:	G-11024 in the name of Thomas A. MacDonald
Use:	Fish culture, primary irrigation of 50.1 acres and supplemental irrigation of 569.6 acres
Priority Dates:	April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; June 14, 1989 for 7.8 cfs for fish culture
Rate:	17.8 cubic feet per second (cfs); being 7.73 cfs for irrigation and 17.8 cfs for fish culture
Limit/Duty:	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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.
Sources:	Four wells in the Ana River Basin

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 530 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 560 feet South and 160 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 590 feet South and 170 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 500 feet South and 150 feet West from the N¼ Corner of Section 8.

Authorized Places of Use:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
30 S	17 E	WM	8	SW NE
30 S	17 E	WM	8	NE NW
30 S	17 E	WM	8	SE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	5	SE NW	20.3
30 S	17 E	WM	5	NE SW	28.4
30 S	17 E	WM	5	SE SW	1.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	17 E	WM	4	SW SW	30.0
30 S	17 E	WM	5	SW NE	40.0
30 S	17 E	WM	5	SE NE	40.0
30 S	17 E	WM	5	NE SE	40.0
30 S	17 E	WM	5	NW SE	39.1
30 S	17 E	WM	5	SW SE	30.0
30 S	17 E	WM	5	SE SE	40.0
30 S	17 E	WM	8	NE NE	40.0
30 S	17 E	WM	8	NW NE	33.0
30 S	17 E	WM	8	SW NE	11.0
30 S	17 E	WM	8	SE NE	31.0
30 S	17 E	WM	9	SW NE	2.0
30 S	17 E	WM	9	NW NW	36.0
30 S	17 E	WM	9	SW NW	32.0
30 S	17 E	WM	9	SE NW	30.0
30 S	17 E	WM	9	NE SW	31.0
30 S	17 E	WM	9	NE SE	0.5
30 S	17 E	WM	9	NW SE	28.0
30 S	17 E	WM	9	SW SE	20.0
30 S	17 E	WM	9	SE SE	16.0

3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 1 - 390 feet South and 150 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 2 - 480 feet South and 190 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 3 - 525 feet South and 140 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 4 - 340 feet South and 145 feet West from the N¼ Corner of Section 8.

4. Permit Amendment Application T-10716 proposes four additional points of appropriation approximately 200 to 900 feet North from the existing points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	17 E	WM	8	NE NW	Well 5 - 150 feet South and 300 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	8	NE NW	Well 6 - 160 feet South and 80 feet West from the N¼ Corner of Section 8.
30 S	17 E	WM	5	SE SW	Well 7 - 150 feet North and 30 feet West from the S¼ Corner of Section 5.
30 S	17 E	WM	5	SE SW	Well 8 - 340 feet North and 280 feet West from the S¼ Corner of Section 5.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 7, 2008 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.

7. The change does not enlarge the permit.

8. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-10716 are 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 points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

2. The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

3. Water shall be acquired from the same aquifer as the original points of appropriation.

4. All other terms and conditions of Permit G-11024 remain the same.

5. Permit G-11024, in the name of Thomas A. MacDonald, is amended as described herein.

Dated at Salem, Oregon this 10 day of December 2008.

Phillip C. Ward, for
Director

Mailing Date: DEC 12 2008

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ASSIGNED

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

Summer Lake Trout Farm
PO Box 40
Summer Lake, OR 97640
ph# 943-3192

503-943-3277

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The dates of priority for the uses are APRIL 7, 1987 for 10.0 CFS FOR FISH CULTURE AND 7.73 CFS FOR IRRIGATION AND JUNE 14, 1989 FOR 7.8 CFS FOR FISH CULTURE. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the permit may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
	SECTION 4	
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
	SECTION 5	

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	

SECTION 9

TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

William H. Young

Water Resources Department
William H. Young
Director

Field Form
Photo Survey 41037-1689-76C
9-7-94 CHZ-2KK-153
R.M.S F.I.
Completed by C.W.R.E.
Not Home 4-14-94 R.M.S

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

503-943-3277

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

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NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
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SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
SECTION 5		

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH

SECTION 8

SW 1/4 NE 1/4	2.0 ACRES	
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NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	

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

Issued this date, APRIL 30, 1990.

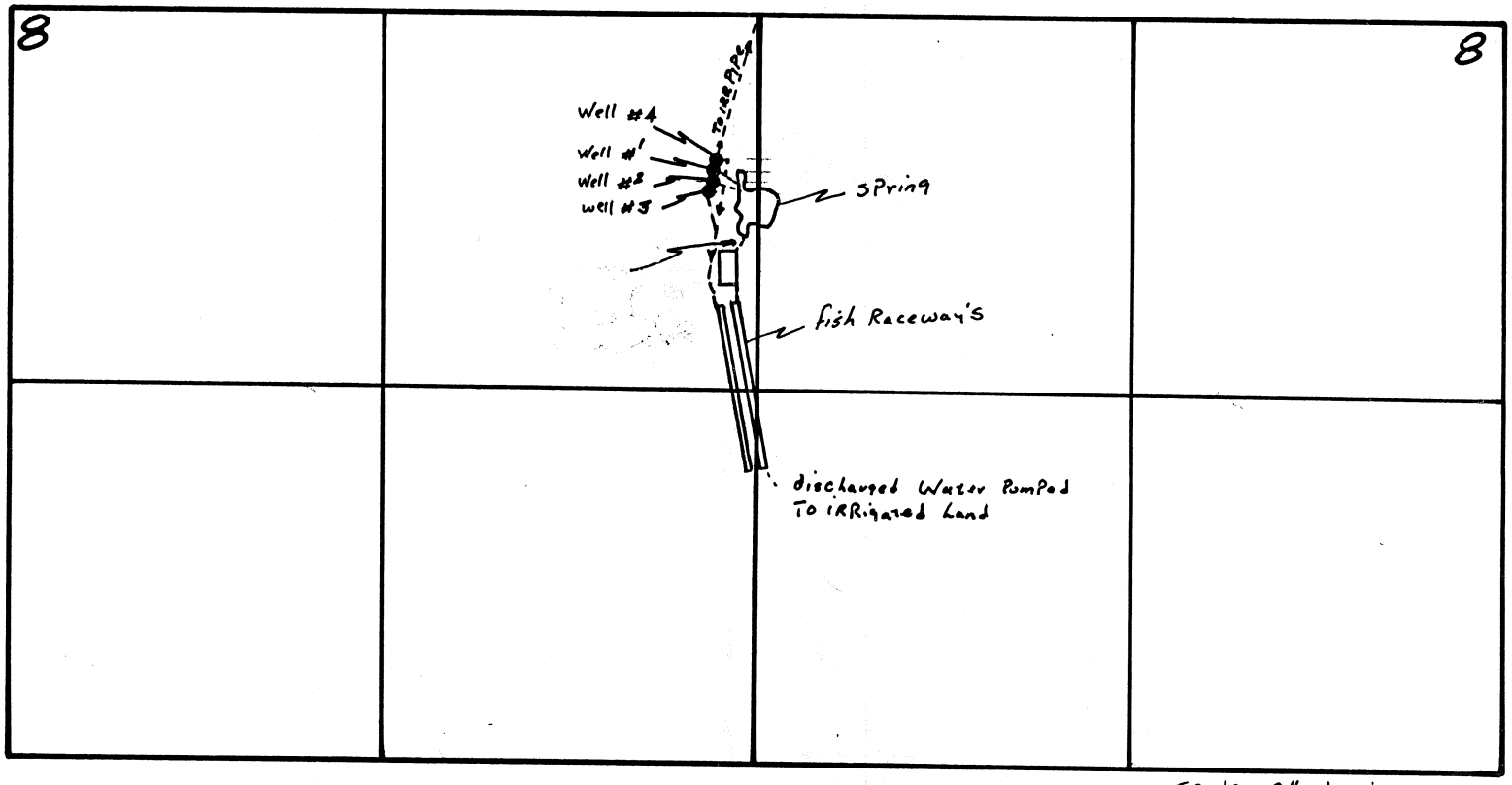
William H. Young

Water Resources Department
William H. Young
Director

Application No. G-11640
Permit No. G11024

RECEIVED
APR - 7 1987
WATER RESOURCES DEPT.
SALEM, OREGON

detail map



scale - 8" = 1 mi

Well #1 530' S & 160' W
Well # 2 560' S & 160' W
Well # 3 590' S & 170' W
well # 4 500' S & 150' W

} All From The North 1/4 Corner of Section 8, T 30 S R 17 E

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

March 9, 1994

ROBERT F OLSON
ROUTE 1 BOX 159
RICHLAND OR 97870

REFERENCE: File G-11640

We have received your notice that complete application of water has been made under Permit G-11024.

At a later date, a representative of this office will make an inspection and survey of your project.

You will then be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector. Any use described in the permit that was not made will not be included in the certificate.

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

If you have any questions, please contact the Water Rights Section at 378-3739.

TES:jh

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

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 59067

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

INVOICE # _____

RECEIVED FROM: Farm Credit Services

BY: _____

APPLICATION	
PERMIT	See
TRANSFER	below

CASH: ☐ CHECK:# ☑ 44004504 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 50.00

0401 TREASURY 0417 WRD MISC CASH ACCT

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

0427 WRD OPERATING ACCT

	MISCELLANEOUS	G 11640 17.00	
0407	COPY & TAPE FEES	S 57451 17.00	$
0410	RESEARCH FEES	S 61505 16.00	$
0408	MISC REVENUE: (IDENTIFY)	Assignment	$ 50.00
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$

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

		EXAM FEE		LICENSE FEE
	WELL CONSTRUCTION			
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: 59067 DATED: 4/1/03 BY: _____

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

Oregon
Theodore R. Kulongoski, Governor

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

April 2, 2003

Northwest Farm Credit Services FLCA/PCA
P.O. Box 148
Klamath Falls, Oregon 97601

Reference: Application S-57451, Permit S-43260
Application S-61505, Permit S-46063
Application G-11640, Permit G-11024

The assignments on the above referenced water rights have been recorded in the records of the Water Resources Department. A description of the assignments is as follows;

1) Application S-57451, Permit S-43260 has been assigned by deed as proof of ownership from Carlon Cattle Co. to Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald.

2) Application S-61505, Permit S-46063 has been assigned by deed as proof of ownership from Evan Carlon DBA Carlon Cattle Co.,and 1st Interstate Bank of Oregon, to Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald.

3) Application G-11640, Permit G-11024 has been assigned from Key Bank of Oregon: Agriculture Banking Center, to Thomas A. MacDonald, thus allowing assignment from Thomas A. MacDonald to Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald.

Our records have been changed accordingly and the original requests are enclosed. Receipt number 59067 covering partial recording fees of $50.00 is also enclosed, and receipt number 56676 covering the remainder of the recording fees of $55.00 has been sent to Desert Springs Trout Farm.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure
cc: Watermaster 12
Thomas A. MacDonald with receipt 56676
Key Bank of Oregon
Data Center, OWRD
Julie Forsgren

REQUEST FOR ASSIGNMENT

RECEIVED
MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

I, Key Bank of Oregon: Agriculture Banking Center
(Name of Applicant / Permit Holder)

P. O. Box 2246 (mailing address) Salem (City) OR (State) 97308 (Zip) 503-399=2723 (Phone #)

CHECK ONE

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

• • ...hereby assign ***all my interest*** in and to a ***portion*** of application/permit;
(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;

Application # G11640, **Permit #** G11024;

-OR-

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

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

Thomas A. MacDonald
(Name of New Owner)

P. O. Box 87 (mailing address) Summer Lake (City) OR (State) 97640 (Zip) 541-943-3104 (Phone #)

NOTE: *If there are other owners of the property described in this Application, Permit 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 18th day of March, 2003.

Applicant/Permit holder Susan Parker

Applicant/Permit holder _____

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt #S6676.S9067
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

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

- **$25 for the first page, *and***
- **$5 for ***each*** *additional page.***
  [as required by ORS 536.050(1)(d)]

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

REQUEST FOR ASSIGNMENT

RECEIVED
MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

I, Thomas A. MacDonald
(Name of Applicant / Permit Holder)

P.O. Box 87 Summer Lake OR 97640 541-943-3104
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

XXXXXX • ...hereby assign ***all my interest*** in and to application/permit;

• • ...hereby assign ***all my interest*** in and to a ***portion*** of application/permit;
(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;

Application # G11640, **Permit #** G11024;

-OR-

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

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

Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald
(Name of New Owner)

P. O. Box 87, Summer Lake, OR 97640 541-943-3104
900 Klamath Avenue, P. O. Box 148 OR Klamath Falls, OR 541-850-7500
(mailing address) (City) (State) (Zip) (Phone #)

97601

NOTE: *If there are other owners of the property described in this Application, Permit 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 24 day of March, 20 03.

Applicant/Permit holder Thomas A MacDonald

Applicant/Permit holder _____

ok assign
4/02/2005

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 56676 & 59067
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

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

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

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

Susan J. Paridee
Vice President
Business Banking Group

KeyBank
Mailcode: OR-20-99-0096
416 State Street
Salem, OR 97301

Tel: 503 399-2253
Fax: 503 399-2289

susan_j_paridee@keybank.com

RECEIVED
MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Lie –
your Copy

RETURN TO:
THOMAS A MAC DONALD
BOX 87
SUMMER LAKE, OR 97640

M^450851

107502

685

SATISFACTION AND RELEASE OF REAL ESTATE MORTGAGE

KeyBank National Association hereby releases and discharges all liens and encumbrances created under or by virtue of the Mortgage dated May 8, 2000 between THOMAS A MACDONALD, as Mortgagor, and Bank, as Mortgagee, recorded under LAKE County recording number M0362427, Volume # 119, Page # 574.

Date this 13 day of NOV, 2002.

KEYBANK NATIONAL ASSOCIATION

By: P. Knight
P. KNIGHT

STATE OF IDAHO)
COUNTY OF ADA)

I certify that I know or have satisfactory evidence that P. KNIGHT is the individual who signed this instrument in my presence, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the PAIDS SPEC. IV of KeyBank National Association to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 11/13/02

Sarah Romans
Notary Public in and for the State of IDAHO

My Commission Expires: 4-29-08

SARAH ROMANS NOTARY PUBLIC STATE OF IDAHO

State of Oregon } ss. Reel 45
County of Lake } File 851

I hereby certify that the within instrument was received and filed for record on the 18 day of Nov 20 02 1:40 o'clock P. M. and recorded on page 685 in book 131 record of Mortgages of said County

Barb Adams
County Clerk

By _____ Deputy

RECEIVED
MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

FORM No. 723 – BARGAIN AND SALE DEED (Individual or Corporate). COPYRIGHT 1996 STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204

NS

BERNIE BURKHOLDER

Grantor's Name and Address

THOMAS A. MacDONALD

Grantee's Name and Address

After recording, return to (Name, Address, Zip):
THOMAS A. MacDONALD
BOX 87
SUMMER LAKE OR 97640

Until requested otherwise, send all tax statements to (Name, Address, Zip):
THOMAS A. MacDONALD
BOX 87
SUMMER LAKE OR 97640

096659

SPACE RESERVED FOR RECORDER'S USE

M0311622

STATE OF OREGON, County of Lake } ss.

I certify that the within instrument was received for record on the 24 day of June, 1999, at 3:15 o'clock P.M., and recorded in book/reel/volume No. 244 on page 341 and/or as fee/file/instrument/microfilm/reception No. 34-11622 Records of said County.

Witness my hand and seal of County affixed.

Shirley Olsen, Clerk
NAME TITLE

By _____, Deputy.

BARGAIN AND SALE DEED

341

KNOW ALL BY THESE PRESENTS that BERNIE BURKHOLDER AS TO AN UNDIVIDED 13% INTEREST, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto THOMAS A. MacDONALD, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in LAKE County, State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

THESE TWO GIVE
100% OWNERSHIP TO
TOM MACDONALD

RECEIVED
MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $EXCHANGE OF PROPERTY. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration.① (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 8th day of February, 1999; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Bernie Burkholder
BERNIE BURKHOLDER

THIS INSTRUMENT WILL 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 APPROVED USES

EXHIBIT A M0341623

The following described property in the County of Lake, State of Oregon, to-wit:

Parcel No. 1:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 4: SW¼SW¼.
Section 5: S½NE¼, S½SW¼, NE¼SE¼, S½SE¼, and NW¼SE¼ EXCEPTING THEREFROM: Beginning at the Northwest corner of the SE¼ of Section 5, Township 30 South, Range 17 East of the Willamette Meridian, and running thence East 200 feet; thence South 400 feet; thence West 200 feet; thence North 400 feet to the point of beginning.

Section 8: N½NE¼, That part of the S½NE¼ and NE¼NW¼ lying North and East of the Center of Ana River, EXCEPTING THEREFROM: Beginning at the Southeast corner of the NW¼NW¼ of Section 8, Township 30 South, Range 17 East of the Willamette Meridian, thence East 1000 feet to the True Point of Beginning, thence North 950 feet; thence East 700 feet; thence South 950 feet; thence West 700 feet to the point of beginning.
ALSO, EXCEPTING THEREFROM That portion of the W½SW¼NE¼ of said Section 8, Township 30 South, Range 17 East of the Willamette Meridian, lying North of Ana River.

Section 9: SW¼NE¼, NW¼NW¼, NE¼SW¼, NW¼SE¼, S½SE¼, AND that part of SW¼NW¼ lying North and East of the center of Ana River:
SE¼NW¼.

Parcel No. 2:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 5: SE¼NW¼.

Parcel No. 3:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 5: NE¼SW¼.

Parcel No. 4:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 8: Beginning at the Southeast corner of the NW¼NW¼ of said Section 8, thence East 1000 feet to the TRUE POINT OF BEGINNING, thence North 950 feet; thence East 700 feet; thence South 950 feet; thence West 700 feet to the point of beginning.

AND, that portion of the W½SW¼NE¼ lying North of Ana River.

EXCEPTING THEREFROM, that portion of all of the above property heretofore conveyed to Lake County, a political subdivision of the State of Oregon, for road purposes more fully described in Book 219 Page 280, Record of Deeds.

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WATER RESOURCES DEPT.
SALEM, OREGON

FORM No. 723 – BARGAIN AND SALE DEED (Indiv r Corporate). COPYRIGHT STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204

095576

CENTRAL OREGON RANCHES

Grantor's Name and Address
THOMAS A. MacDONALD
BERNIE BURKHOLDER

Grantee's Name and Address

After recording, return to (Name, Address, Zip):
THOMAS A. MacDONALD
BOX 87
SUMMER LAKE OR 97640

Until requested otherwise, send all tax statements to (Name, Address, Zip):
THOMAS A. MacDONALD
BOX 87
SUMMER LAKE OR 97640

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of Lake } ss.

I certify that the within instrument was received for record on the 16 day of Feb., 1999, at 12:30 o'clock P. M., and recorded in book/reel/volume No. 243 on page 228 and/or as fee/file/instrument/microfilm/reception No. 33-1676 Records of said County.

Witness my hand and seal of County affixed.

Shirley Aben, Clerk
NAME TITLE

By _____, Deputy.

BARGAIN AND SALE DEED

M0331676

KNOW ALL BY THESE PRESENTS that CENTRAL OREGON RANCHES, an Oregon general partnership, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto THOMAS A. MacDONALD AS TO AN UNDIVIDED 87% INTEREST AND BERNIE BURKHOLDER AS TO AN*** hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in LAKE County, State of Oregon, described as follows, to-wit:

***AN UNDIVIDED 13% INTEREST.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

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SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ EXCHANGE OF PROPERTY However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration.① (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 25 day of JANUARY, 1999; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

CENTRAL OREGON RANCHES

BY: THOMAS A. MacDONALD, PARTNER

THIS INSTRUMENT WILL 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 APPROVED USES

State of Mississippi

M0331677

229

County of Harrison

This instrument known as a Bargain and Sale Deed was acknowledged before me on February 5, 1999 by Bernie Burkholder as Partner of Central Oregon Ranches.

Given under my hand and official seal of office on this the 5th day of February, 1999.



Susan Rivenbark

Notary Public

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 16, 2001
BONDED THRU STEGALL NOTARY SERVICE

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MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

27,c

EXHIBIT A M0331678

The following described property in the County of Lake, State of Oregon, to-wit:

Parcel No. 1:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 4: SW¼SW¼.
Section 5: S½NE¼, S½SW¼, NE¼SE¼, S½SE¼, and NW¼SE¼ EXCEPTING THEREFROM: Beginning at the Northwest corner of the SE¼ of Section 5, Township 30 South, Range 17 East of the Willamette Meridian, and running thence East 200 feet; thence South 400 feet; thence West 200 feet; thence North 400 feet to the point of beginning.

Section 8: N½NE¼, That part of the S½NE¼ and NE¼NW¼ lying North and East of the Center of Ana River, EXCEPTING THEREFROM: Beginning at the Southeast corner of the NW¼NW¼ of Section 8, Township 30 South, Range 17 East of the Willamette Meridian, thence East 1000 feet to the True Point of Beginning, thence North 950 feet; thence East 700 feet; thence South 950 feet; thence West 700 feet to the point of beginning.
ALSO, EXCEPTING THEREFROM That portion of the W½SW¼NE¼ of said Section 8, Township 30 South, Range 17 East of the Willamette Meridian, lying North of Ana River.

Section 9: SW¼NE¼, NW¼NW¼, NE¼SW¼, NW¼SE¼, S½SE¼, AND that part of SW¼NW¼ lying North and East of the center of Ana River;
SE¼NW¼.

Parcel No. 2:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 5: SE¼NW¼.

Parcel No. 3:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 5: NE¼SW¼.

Parcel No. 4:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 8: Beginning at the Southeast corner of the NW¼NW¼ of said Section 8, thence East 1000 feet to the TRUE POINT OF BEGINNING, thence North 950 feet; thence East 700 feet; thence South 950 feet; thence West 700 feet to the point of beginning.

AND, that portion of the W½SW¼NE¼ lying North of Ana River.

EXCEPTING THEREFROM, that portion of all of the above property heretofore conveyed to Lake County, a political subdivision of the State of Oregon, for road purposes more fully described in Book 219 Page 280, Record of Deeds.

*
8477
8489
8522
16561
16562

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WATER RESOURCES DEPT.
SALEM, OREGON

October 23, 2002

Dear Mr. Sauter,

At the direction of the Lake County Watermaster I am mailing to your attention the enclosed documents.

There are two permit numbers involved with two different 'name of new owner' listings for each permit.

Feel free to contact me at (541) 943-3192 if you need anything further.

Sincerely,
Ethan Negus

cc: Thomas MacDonald

10/29/2002
CALLED ETHAN NEGUS THIS MORNING, WILL SEND CHECK FOR $58.00 AND HAVE THOMAS MACDONALD SEND A NOTE AUTHORIZING ASSIGNMENT DUE TO PERMIT HOLDER NOT AVAIL. & SIGN NOTE. DEED INCLUDED COVERS LANDS. THIS WILL BE ASSIGNMENT BY DEED.

RECEIVED
OCT 25 2002
WATER RESOURCES DEPT.
SALEM, OREGON

NORTHWEST FARM CREDIT SERVICES

900 Klamath Avenue
P.O. Box 148
Klamath Falls, Oregon 97601
(541) 850-7500 / Fax (541) 850-7505

RECEIVED
MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

March 26, 2003

Water Resources Department
Jerry Sauter
158 12th Street NE
Salem, Oregon 97310-0210

Re: Assignment of water rights to Thomas A. MacDonald and Northwest Farm Credit Services, FLCA and PCA.

Dear Mr. Sauter:

Please find enclosed Requests for Assignments on the following Application/Permit numbers: These Assignments reflect Northwest Farm Credit Services FLCA/PCA's security interest, and requesting all notices and correspondence be sent to Farm Credit Services, P. O. Box 148, Klamath Falls, OR 97601.

- Application # G11640 – Permit # G11024

This permit was in the name of Key Bank of Oregon and a Request for Assignment has been completed by Key Bank of Oregon to Thomas A. MacDonald.

Enclosed is a signed Request for Assignment from Thomas A. MacDonald to Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald.

- Application #S57451 – Permit #S43260

This permit is currently in the name of Carlon Cattle Co. Transfer of this permit is being accomplished by Proof of Ownership as the current permit holder is not available. This assignment is to Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald.

- Application #S61505 – Permit #S46063

This permit is currently in the name of Evan Carlow, DBA as Carlow Cattle Co. (the correct name is Carlon). Transfer of this permit is being accomplished by Proof of Ownership as the current

permit holder is not available. This assignment is to Northwest Farm Credit Services FLCA/PCA and Thomas A. MacDonald.

Key Bank no longer has an interest in the property and is evidenced by the enclosed Request of Assignment from Key Bank of Oregon to Thomas A. MacDonald. Also enclosed is a Satisfaction and Release of Real Estate Mortgage.

Proof of Ownership is evidenced by the following documents:

1. A copy of a final Policy of Title Insurance for Farm Credit Services, dated 11/7/2002, showing Thomas A. MacDonald as the vested owner.
2. Lake County journal records showing the chain of ownership for the property. As one can see, ownership was with Carlon's at one time, and several ownerships have occurred between Carlon's and Central Oregon Ranches.
3. Central Oregon Ranches consisted of Thomas A. MacDonald (87%) and Bernie Burkholder (13%) as evidenced by the enclosed Bargain and Sale Deed –M0331676.
4. Bargain and Sale Deed #M0341622 conveys Burkholders 13% to MacDonald, resulting in 100% ownership for Thomas A. MacDonald.

Hopefully this information will support Key Bank of Oregon no longer has an interest in the property, and provide for the transfer of the above permits into the names of Thomas A. MacDonald and Northwest Farm Credit Services FLCA/PCA.

Please review the enclosed information and send a bill to Farm Credit Services for the amount due in order to file the assignments and for the supporting information.

If you have any questions or need further information, please feel free to contact either myself at 541-850-7500, or Thomas A. MacDonald at 541-943-3104.

Sincerely,

Eldwin Sorensen

Eldwin Sorensen
Senior Credit Officer

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MAR 2 8 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

June 14, 1995

KEY BANK OF OREGON
AGRICULTURAL BANKING CENTER
PO BOX 2246
SALEM OR 97308

REFERENCE: File G-11640

The assignment of Permit G-11024 from Summer Lake Trout Farm to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 125287 covering the recording fee of $10 you submitted.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

Enclosure

cc: Summer Lake Trout Farm
Dennis Glender, Watermaster

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

Oregon

WATER
RESOURCES
DEPARTMENT

March 28, 1994

SUMMER LAKE TROUT FARM
PO BOX 40
SUMMER LAKE OR 97640

REFERENCE: File G-11640

The assignment of Permit G-11024 from Robert F. Olson to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 110169 covering the recording fee of $10 you submitted.

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist

TES:jh

Enclosure

cc: Robert F. Olson

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

Oregon

WATER
RESOURCES
DEPARTMENT

March 9, 1994

ROBERT F OLSON
ROUTE 1 BOX 159
RICHLAND OR 97870

REFERENCE: File G-11640

We have received your notice that complete application of water has been made under Permit G-11024.

At a later date, a representative of this office will make an inspection and survey of your project.

You will then be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector. Any use described in the permit that was not made will not be included in the certificate.

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

If you have any questions, please contact the Water Rights Section at 378-3739.

TES:jh

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

Oregon

WATER
RESOURCES
DEPARTMENT

January 6, 1994

ROBERT F OLSON
PO BOX 40
SUMMER LAKE OR 97640

REFERENCE: File G-11640

According to the terms of your Permit G-11024 complete application of water was to have been made by October 1, 1993.

Complete application of water means use of the water for the beneficial purpose described in the permit to the full extent intended. (In the case of irrigation, it means beneficial irrigation of the lands the permittee intends to cover.) This may be a smaller amount than the permit allowed. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 18, 1993.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit."

You are hereby notified that, unless proof of beneficial use is received within 60 days from the date of this letter, the permit may be canceled with

If you are no longe
permit, we would a
involved has been so
you should assign th
will be furnished up

If additional infor
Rights Section.

TES:jh

CERTIFIED - RETURN R

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ROBERT F OLSON
PO BOX 40
SUMMER LAKE OR 97640

G-11640 jh WR

4a. Article Number
P 56308

4b. Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
1/14/94

5. Signature (Addressee)
Lillie G. Olson

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆U.S. GPO: 1992—323-402 DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Dec 7, 1987

F & W

called today

They are reviewing check with them before approving

[illegible]

WAYNE 4-10-89

LOOKS O.K, MUST GO TO COMMISSION.

W.M & G.W. WANT CONDITIONS,

W.M. WANTS SUMMER LAKE I.D. NOTIFIED

John W

20.30
28.40
1.40
50.10 T

40.00
40.00
40.00
39.10
30.00
40.00
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33.00
11.00
31.00
0.00
2.00
6.00
2.00
0.00
1.00
50
28.00
20.00
16.00
69.60

Add Summer Lake ID permit language see attached

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 378-3066

use water for fish Hatchery - 2 conditions from Lake Summer Lake ID

MEMORANDUM

TO: Water Resources Commission

FROM: Director Wahy

SUBJECT: Agenda Item Q, March 30, 1990, Water Resources Commission Meeting

Consideration for Approval of Application G-11640 to Use Groundwater, Tributary to Summer Lake for Irrigation and Fish Use, Robert F. Olson, Lake County.

Background:

On April 7, 1987, Robert F. Olson submitted Application G-11640 (Attachment 1). Application G-11640 proposes to use up to 17.8 cfs of water from four flowing artesian wells for irrigation and fish culture. Attachment 2 is a map of the basin and Attachment 3 identifies the location of the project. The water will be diverted through a series of fish raceways for raising rainbow trout. Only 7.73 cfs from the wells will be used for irrigation. All water not used for irrigation is discharged into the Ana River which flows into Summer Lake. The raceways are 10 feet wide by 72 feet long and 4 feet deep. Each raceway uses about 750 gallons per minute or 1.67 cfs. The proposed project is located near Summer Lake.

The question before the Commission is whether the issuance of a permit for up to 17.80 cfs would have a significant adverse effect on the public interest. Administrative Rule 690-11-080 (2)(a)(A) specifies that appropriations for greater than five cubic feet per second be referred to the Commission to make a public interest determination under ORS 537.170.

Evaluation:

Robert Olson requests the use of water for irrigation, supplemental irrigation and fish culture. The wells are located in the Summer Lakes subbasin of the Goose and Summer Lakes Basin.

The basin program classified groundwater in Section 8, Township 30 S, Range 17 E for the proposed uses identified in the applications. The applicant plans to raise about 400,000 pounds of rainbow trout per year. He has the necessary ODFW permits for fish culture.

The Summer Lake Wildlife Management Area is aware of the use of water and they do not believe it would affect their operations. The ODFW believes that the use of water would compliment the refuge area.

The Summer Lake Irrigation District and the Groundwater Section expressed concerns about possible shortages resulting from the use of water for irrigation. The applicant would be regulated and his use of water for irrigation would be curtailed if prior rights were short of water. A condition will appear on the permit requiring distribution with surface waters (Attachment 4). The applicant is aware of that possibility.

Notice of this application was provided to the public. The Department did not receive any other comments about the proposed use of water.

Water is available in this area to meet the demand during this time period and the use of water should not pose a problem. The well, however, is a flowing well and shut-off valves are required to control the release of groundwater when beneficial use is not occurring. The permit contains this requirement (Attachment 4).

Staff does not believe that this proposal would impair or have a significant adverse effect on the public interest or have an adverse impact on the water resources in the basin.

Alternatives:

1. Find that the proposed use of water may have a significant adverse effect on the public interest, and schedule a hearing to assist the Commission in making its determination.

2. Find that the proposed use of water would not have a significant adverse effect on the public interest, and authorize the Director to issue the permit with the appropriate conditions.

Summation:

The proposed use of water is from groundwater in the Goose and Summer Lakes Basin. The applicant would use up to 17.8 cfs for irrigation and fish uses. Groundwater is available. This proposed use of water should not have a significant adverse effect on the water resources in the basin.

Director's Recommendation:

The staff recommends Alternative 2, that the Commission find that the use of water would not have a significant adverse effect on the public interest and authorize the Director to issue the permit.

Attachments:

1) Copy of Application G-11640
2) Copy of basin map
3) Copy of project map
4) Copy of Draft Permit

Jake Szramek
378-3066
February 8, 1990

cc: Robert F. Olson, Applicant
ODFW Portland Office
Watermaster, District 12

Application No. 9-11640 Permit No. _____

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant: Robert F. Olson

Mailing address: P.O. Box 40

Summer Lake (City) Oregon (State) 97640 (Zip) 943-3277 (Phone No.)

I hereby make application for a permit to appropriate the following described groundwaters of the State of Oregon:

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

4 Wells

Use of water: ~~Fish Cul Turt~~ Irrigation & Supplemental

Irrigation, ~~etc.~~ Fish Culture ~~17.8~~ 6 CFS
Irrigation 7.73 CFS

Lt. June 14, 1989

Amount of water: 17.8 (cubic feet per second) or _____ (gallons per minute)

Diameter of well: 14" Depth in feet: 300

Type and size of well casing: steel No. of feet: 150+

Estimated depth to water: Flowing (feet)

Type of access port or measuring device: _____

Wells to be drilled by: Floyd Baker

Address: 4155 3-Mile Lane, SO McMinnville, OR 97128 (City, State, Zip)

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

Shut off valves

If development is less than 1/4 mile from a natural stream, give the following:

Distance from development to stream: _____

Elevation difference between streambed and development: _____

Note: *Wells must be constructed according to standards set by the department for the construction and maintenance of water wells.*

200.00
1,100.00 1.0
1120.00 550
1000.00 1 cfs
950.00 17 x 50 =
2370.00

WATER RIGHTS INFORMATION FOR:

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SALEM, OREGON

Date RECEIVED
APR -7 1987
WATER RESOURCES DEPT.
SALEM, OREGON

ATTACHMENT # 1
SUPP. IRRIGATION
Application No. S-11640
Permit No.

RIGHT	PRIORITY	Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				SOURCE	DITCH
					NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
		30S	17E	5			40	40									40	39	36	40		
				8	40	33	11	31														
				4											30							
				9			2			36	32	30	31				05	28	20	16		

REMARKS:

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SALEM, OREGON

2. ***LOCATION*** *(if there is more than one well or source, describe on another sheet):* See ATTACHMENT #2

_____ *feet* _____ (N or S) *and* _____ *feet* _____ (E or W)

from the _____ *corner of* _____ (Public Land Survey Corner)

located within the _____ *1/4 of the* _____ *1/4 of Section* _____,

Township _____, *Range* _____, *WM. Tax Lot* _____,

in Lake *County.*

3. ***PLACE OF USE*** *(attach additional sheets, if necessary):*

Township	*Range*	*Section*	*¼ ¼ Section*	*Tax Lot No.*	*Use*	*Use or acres to be irrigated*
30S	17E	5	SE ¼ NW ¼		~~Primary Irr.~~	20.3
See ATTACHMENT #1			NE ¼ SW ¼ SE ¼ SW ¼		Primary ~~Supp.~~ Irr	28.4 1.4
30S	17E	8	SW ¼ NE ¼		Fish Cultur All water To ru	
			NE ¼ NW ¼		Fish Culture Thru raceway	
			SE ¼ NW ¼		Fish Culture Then To irriga	
30S	17E	8	NE ¼ NW ¼		Fish Culture	

4. ***DESCRIPTION OF WATER-DELIVERY SYSTEM:***

Length and dimensions of supply ditch or pipeline: Various ditches & dikes for flood irrigation.

Concrete fish raceways

Size and type of pump and motor: _____

ATTACHMENT #2 Application No. G-11640
Permit No.

Item 2.

Well #1 530' S. & 160' W.
Well #2 560' S. & 160' W.
Well #3 590' S. & 170' W.
Well #4 500' S. & 150' W.

All from the North 1/4 corner of Section 8, Township 30S, Range 17E. All in the NE 1/4 NW 1/4 Sec. 8.

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WATER RESOURCES DEPT.
SALEM, OREGON

Type of irrigation system (check appropriate box): ☒ *Flood* ☐ *Wheel line*

☐ *Hand line* ☐ *Drip* ☐ *Other* _____

Other systems: _____

Proposed date construction will begin: Oct. 1, 1987

Proposed date of completion of system: Oct. 1, 1988

Proposed date water use will be completed: Oct. 1, 1989

Is this groundwater source supplemental to another supply? Yes

If so, identify the supply and the existing water right: A spring APP. 57454, P43260, APP. 61505 & 46063

Comments: All water to run Thru raceways for Aquaculture Then it goes to Irrigation

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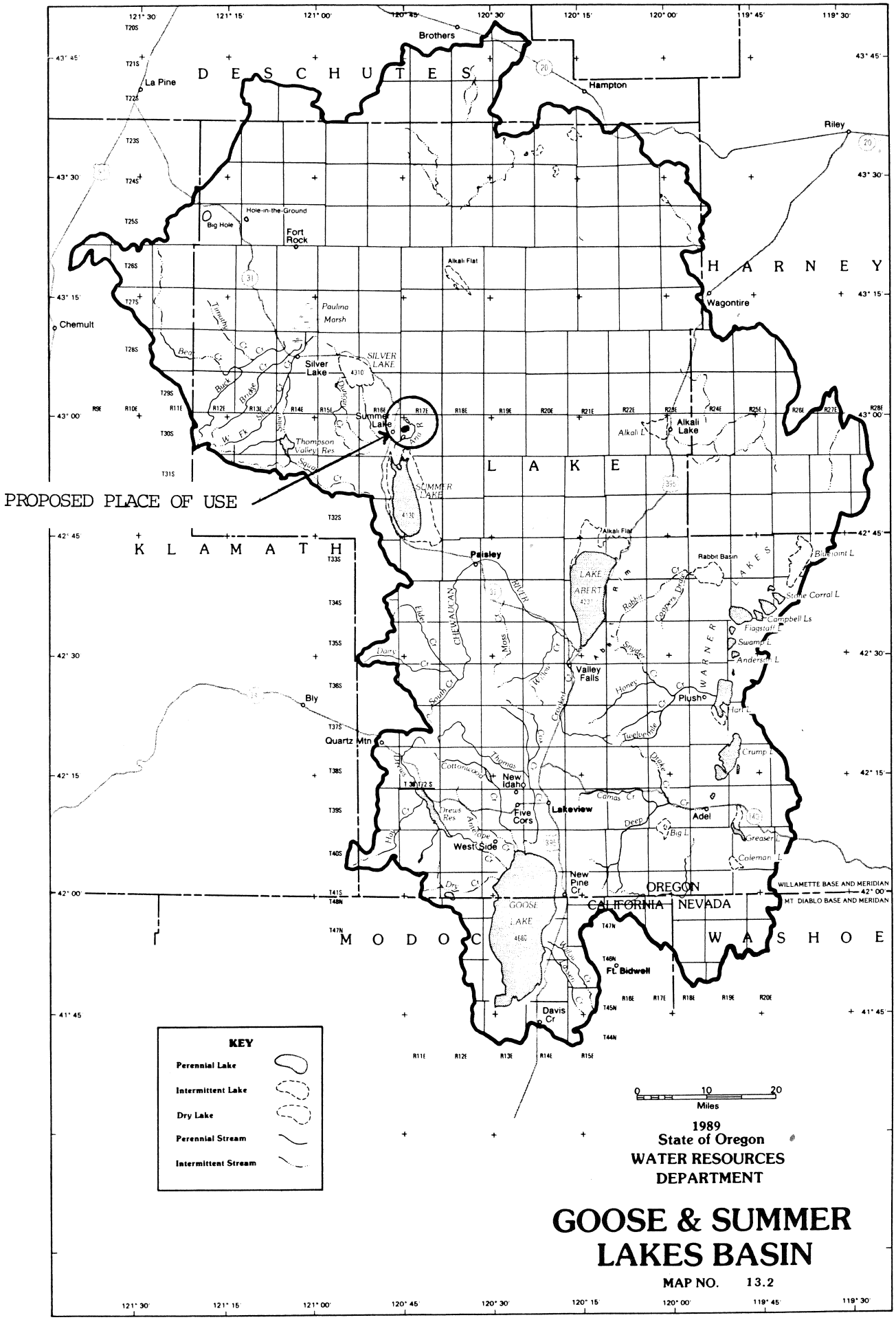
SALEM, OREGON

Robert J. Olsen
Signature of Applicant

NOTE: *This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

Application No. 9-11640 *Permit No.* _____



GOOSE & SUMMER LAKES BASIN

MAP NO. 13.2

Application No. G-11640

Permit No.

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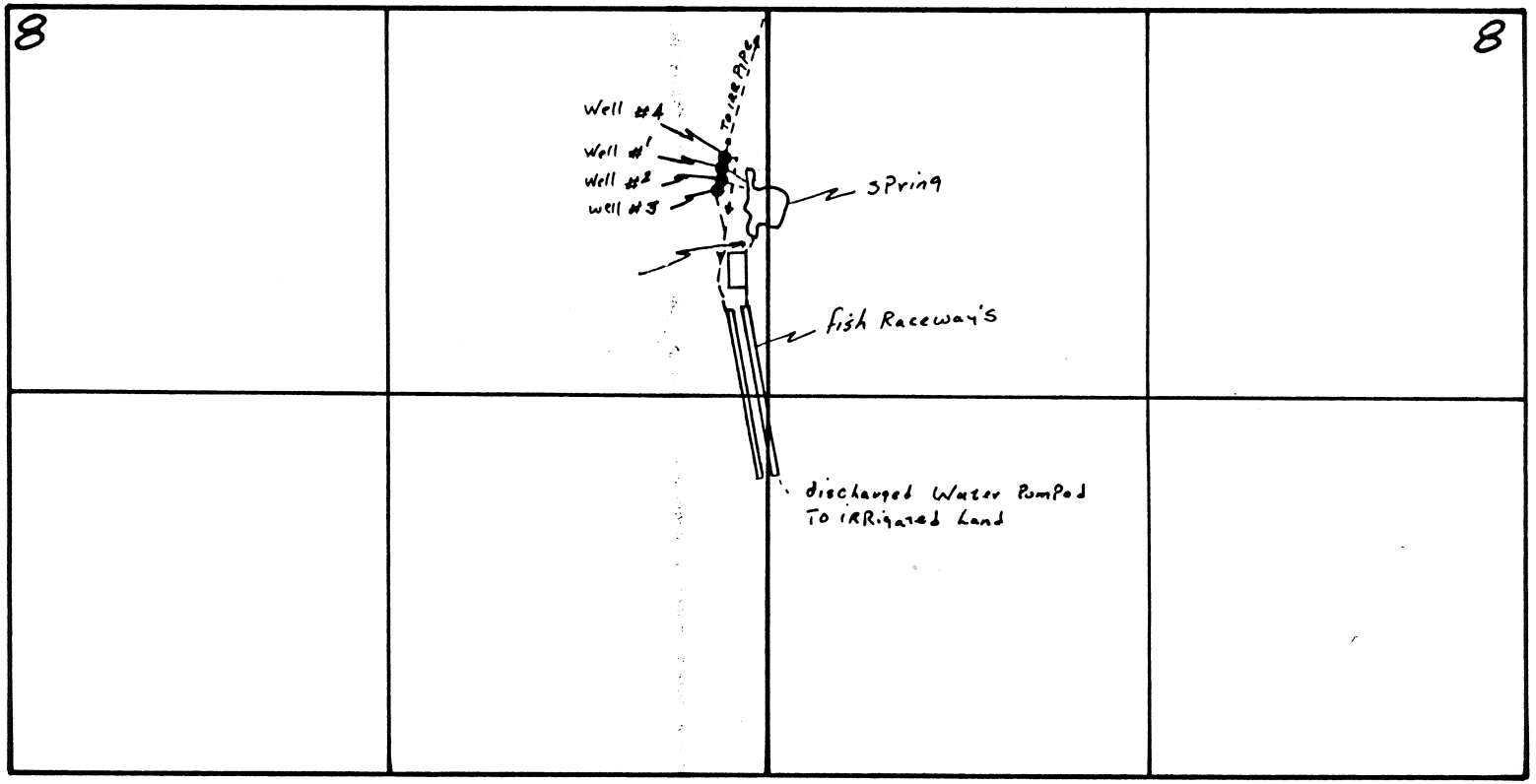
WATER RESOURCES DEPT.
SALEM, OREGON

detail map



scale - 8" = 1 mi

Well #1 530'S & 160'W
Well # 2 560'S & 160'W
well # 3 590'S & 170'W
well # 4 500'S & 150'W
} All From The North 1/4 Corner of Section 8, T30S R 17E

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT
SALEM, OREGON

Attachment 3

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

503-943-3277

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The date of priority is APRIL 7, 1987 for 10.0 CFS for fish culture and 7.73 CFS for irrigation and JUNE 14, 1989 for 7.8 CFS for fish culture. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, being 7.73 CFS for irrigation and 17.8 CFS for fish culture, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. The permit shall be limited to any deficiency in the available supply of any prior permit for the same land and shall not exceed the limitation allowed herein.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
SECTION 4		
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
SECTION 5		
NE 1/4 NE 1/4		40.0 ACRES
NW 1/4 NE 1/4		33.0 ACRES
SW 1/4 NE 1/4		11.0 ACRES & FISH
SE 1/4 NE 1/4		31.0 ACRES
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH
SECTION 8		

SW 1/4 NE 1/4	2.0 ACRES
NW 1/4 NW 1/4	36.0 ACRES
SW 1/4 NW 1/4	32.0 ACRES
SE 1/4 NW 1/4	30.0 ACRES
NE 1/4 SW 1/4	31.0 ACRES
NE 1/4 SE 1/4	0.5 ACRE
NW 1/4 SE 1/4	28.0 ACRES
SW 1/4 SE 1/4	20.0 ACRES
SE 1/4 SE 1/4	16.0 ACRES

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1991. Complete application of the water shall be made on or before October 1, 1992.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, .

Water Resources Department
William H. Young
Director

LYNCH & SIMPSON
ATTORNEYS AT LAW
620 NORTH FIRST STREET
LAKEVIEW, OREGON 97630-0123

POST OFFICE BOX 351
PHONE (503) 947-2196

JAMES C. LYNCH
LANE W. SIMPSON

March 23, 1990

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Attention: Jake Szramek, Applications & Permits Division

Re: Robert F. Olson Application #G-11640

Dear Mr. Szramek:

Based on my understanding that you are the staff person who will be presenting the report to the Water Resources Commission at its meeting on March 30, 1990, in connection with the application filed by Robert F. Olson for irrigation and fish use, this letter is being directed to you on behalf of the Summer Lake Irrigation District to again set forth its concerns about the proposed permit.

I have now had an opportunity to review the Staff Memorandum for Agenda Item Q at the March 30th Commission meeting. I note that in paragraph 3 on page 2 of the Staff Memorandum it states that:

> "A condition will appear on the permit requiring distribution with surface waters (Attachment 4). The applicant is aware of that possibility."

While I'm not sure what "requiring distribution with surface waters" means, I assume it refers to conditions that have been placed in prior permits in the Summer Lake Basin that expressly require the user of ground water to replenish the flow of Ana Springs if the flow is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than that particular permit.

I have also reviewed the proposed permit which is attached to the Staff Memorandum and find only the following language at the end of the proposed permit dealing with the Summer Lake Irrigation District's concerns, which language is as follows:

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

Based on my understanding that the Water Resources Department, the Oregon Department of Fish & Wildlife, and the Summer Lake Irrigation District all have the same concerns and are trying to accomplish the same result, the Summer Lake Irrigation District would request the following express language, or a version similar thereto, be placed in the permit:

> "This permit shall be subject to the following conditions:
> (1) At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.
> (2) The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of condition (1) may be enforced by the proper state officer."

As you know, the concern of the Summer Lake Irrigation District is because if the flow of Ana Springs is reduced (which flow has historically been consistent since first measured over 60 years ago), then the flow diverted from Ana Reservoir to the Summer Lake Irrigation District canal would be decreased unless the flow of Ana River is restricted until the Irrigation District is able to divert sufficient water through its canal to irrigate land with a prior water right. This, in turn, would reduce the amount of flow in Ana River going onto the Summer Lake Refuge property.

Although it has not been a consistent practice, some of those early permits also require the permittee to construct the

necessary pipelines or ditches and install the necessary measuring devices so the provisions of the condition could be enforced by state officials. It is my understanding that Mr. Olson's application already provides for return flow to Ana River of that water used on the fish raceway which is not being used for irrigation purposes. Therefore, no additional burden would be placed on Mr. Olson if a condition to that effect is added to the permit.

Therefore, on behalf of the Summer Lake Irrigation District, we would request that this language be submitted to the State Water Commission as language to be placed in the Olson application now pending before the Commission, as well as any future permit issued in the Summer Lake Basin.

Sincerely yours,

LYNCH & SIMPSON

James C Lynch

By: James C. Lynch

JCL:ag
cc: Summer Lake Irrigation District

June 12, 1989

Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

RECEIVED
JUN 14 1989
WATER RESOURCES DEPT.
SALEM, OREGON

Attention: Wayne J. Overcash

Reference: File G-11640 for Robert F. Olson Desert Springs Trout Farm

1. Yes, I want to file on 17.8cfs for fish culture.
2. The water will go into Anna River, Then into Summer Lake.
3. By measuring the flow in a ditch before and after Development of wells.
4. Water from well will be used in same facitities. The amount requested is in addition ot the amount allowed from the stream.

Robert F. Olson

Robert F. Olson

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

RECEIVED
JUN 14 1989
WATER RESOURCES DEPT.
SALEM, OREGON

April 12, 1989

Robert F. Olson
P.O. Box 40
Summer Lake, OR 97640

REFERENCE: File G-11640

This is to acknowledge your amended Application G-11640 and two attachment sheets along with the four prints of the large supporting map and the smaller map prepared on tracing paper. The Application now describes the proposed use of 17.8 cubic feet per second from four wells, being 10.07 cfs for fish culture and 7.73 cfs for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres.

According to the information noted in Item 3 and in the Comments section of the application, you intend to run all the water through the fish raceways and then use the water for irrigation purposes. If so, it appears that you intend to use all of the 17.8 cubic feet per second for fish culture instead of only the 10.07 presently noted under Item 1 of the application. If you wish to file for the 17.8 cfs for fish culture, rather than return your application, I can amend it for you upon receipt of your written authorization.

(1)

Also, according to information supplied in your application, after the water is run through the raceways, part of the water from the wells (7.73 cfs) will be used for irrigation and supplemental irrigation. It will be necessary for you to advise us of how and where the water not to be used for irrigation or not needed to supplement the prior irrigation right will be disposed of after being discharged from the raceways.

(2)

If the water is to be returned to a natural stream or the river, unless you have already, you will need to contact the State Department of Environmental Quality to determine any requirements, they may have for your development. They may be reached in Portland by telephone at 229-5325.

(3)

We will need a little more information on how you arrived at the amount of water requested. The basis used in determining the amount of water requested is needed.

According to our records, the existing Permit 46063 assigned to First Interstate Bank of Oregon, N.A. provided for the use of 14.26 cfs from an unnamed stream for fish culture in facilities in the vicinity of your development. Will water from the wells be used in the same facilities? If so, is the amount requested from the wells in addition to the amount presently allowed from the stream?

(4)

RECEIVED
JUN 14 1990
WATER RESOURCES DEPT.
SALEM, OREGON

There is concern that the use of water from the wells as proposed by your application will effect the availability of surface water in streams or the Ana River. It may be necessary to place special conditions on a permit that may be issued approving your application. Upon completion of our review of your application, we will advise you of any special conditions that may be included prior to the issuance of a permit.

One of the provisions of a permit issued allowing the use of water from wells requires that the wells shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. Among these requirements, artesian wells must have a valve installed for controlling and\or stopping the flow of water. If you should have any questions regarding the standards for water wells, you may contact this office or Dennis Glender, the Watermaster for your area. Mr. Glender may be reached at his office in Lakeview by telephone at 947-2213.

Recently adopted administrative rules require that holders of a ground water right with a priority date earlier than December 20, 1988, submit the results of a pump test to the Water Resources Department on or before the next 10 year anniversary of the priority date. No tests will be required until January, 1990. The pump test must meet certain specifications as detailed in OAR 690-217. Informational brochures are currently being developed and will be mailed to you with your permit or as they become available.

I apologize for not bringing these matters to your attention in our earlier correspondence. If you should have any questions, please call or write and advise me of a telephone number and time you can be reached. We will continue to hold action on your application for a reasonable length of time pending your reply.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO

cc: Dennis Glender, Watermaster District 12

NEIL GOLDSCHMIDT
GOVERNOR

NOTICE SENT TO: Summer Lake Irrigation District

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 503-378-3066

NOTICE OF FILING APPLICATION FOR A PERMIT TO APPROPRIATE WATER

File No. G-11640

Name: Robert F. Olson

Address: PO Box 40, Summer Lake, OR 97640

Water Source: four wells

Use: fish culture, primary irrigation of 50.1 acres & supplemental irrigation of 569.6 acres

Point of Diversion: NE¼ NW¼ Section 8, Township 30S, Range 17E, W.M., Lake Co.

Amount of Water: 17.8 cubic feet per second

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp	Rng	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
30S	17E	8		FISH			FISH			FISH								
30S	17E	5								20.3	28.4			1.4				
NOTE: THE ABOVE ACREAGES-PRIMARY IRRIGATION & ACREAGES BELOW-SUPPLEMENTAL IRRIGATION																		
30S	17E	4											30.0					
30S	17E	5			40.0	40.0									40.0	39.1	30.0	40.0
30S	17E	8	40.0	33.0	11.0	31.0												
30S	17E	9			2.0			36.0	32.0	30.0	31.0				0.5	28.0	20.0	16.0

The above described application will NOT be considered for approval for at least thirty days from the date of this notice to allow opportunity for any interested person to seek intervention in the processing of the application.

Any person desiring to protest approval of the application shall file a written protest in the office of the Water Resources Department, 3850 Portland Road NE, Salem, Oregon 97310, together with proof of service of a copy of the protest on the applicant and payment of the $25 protest filing fee. Protest and proof of service forms and a copy of the administrative rules pertaining to the filing of a protest will be supplied free upon request.

Dated at Salem, Oregon, this 13th day of April, 19 89.

William H. Young
Director
Water Resources Department

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 378-3066

Applicant Informed of Special Conditions 4-12-1989

April 12, 1989

Robert F. Olson
P.O. Box 40
Summer Lake, OR 97640

REFERENCE: File G-11640

This is to acknowledge your amended Application G-11640 and two attachment sheets along with the four prints of the large supporting map and the smaller map prepared on tracing paper. The Application now describes the proposed use of 17.8 cubic feet per second from four wells, being 10.07 cfs for fish culture and 7.73 cfs for irrigation of 50.1 acres and supplemental irrigation of 569.6 acres.

According to the information noted in Item 3 and in the Comments section of the application, you intend to run all the water through the fish raceways and then use the water for irrigation purposes. If so, it appears that you intend to use all of the 17.8 cubic feet per second for fish culture instead of only the 10.07 presently noted under Item 1 of the application. If you wish to file for the 17.8 cfs for fish culture, rather than return your application, I can amend it for you upon receipt of your written authorization.

Also, according to information supplied in your application, after the water is run through the raceways, part of the water from the wells (7.73 cfs) will be used for irrigation and supplemental irrigation. It will be necessary for you to advise us of how and where the water not to be used for irrigation or not needed to supplement the prior irrigation right will be disposed of after being discharged from the raceways.

If the water is to be returned to a natural stream or the river, unless you have already, you will need to contact the State Department of Environmental Quality to determine any requirements, they may have for your development. They may be reached in Portland by telephone at 229-5325.

We will need a little more information on how you arrived at the amount of water requested. The basis used in determining the amount of water requested is needed.

According to our records, the existing Permit 46063 assigned to First Interstate Bank of Oregon, N.A. provided for the use of 14.26 cfs from an unnamed stream for fish culture in facilities in the vicinity of your development. Will water from the wells be used in the same facilities? If so, is the amount requested from the wells in addition to the amount presently allowed from the stream?

There is concern that the use of water from the wells as proposed by your application will effect the availability of surface water in streams or the Ana River. It may be necessary to place special conditions on a permit that may be issued approving your application. Upon completion of our review of your application, we will advise you of any special conditions that may be included prior to the issuance of a permit.

One of the provisions of a permit issued allowing the use of water from wells requires that the wells shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. Among these requirements, artesian wells must have a valve installed for controlling and\or stopping the flow of water. If you should have any questions regarding the standards for water wells, you may contact this office or Dennis Glender, the Watermaster for your area. Mr. Glender may be reached at his office in Lakeview by telephone at 947-2213.

Recently adopted administrative rules require that holders of a ground water right with a priority date earlier than December 20, 1988, submit the results of a pump test to the Water Resources Department on or before the next 10 year anniversary of the priority date. No tests will be required until January, 1990. The pump test must meet certain specifications as detailed in OAR 690-217. Informational brochures are currently being developed and will be mailed to you with your permit or as they become available.

I apologize for not bringing these matters to your attention in our earlier correspondence. If you should have any questions, please call or write and advise me of a telephone number and time you can be reached. We will continue to hold action on your application for a reasonable length of time pending your reply.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO

cc: Dennis Glender, Watermaster District 12

STATE OF OREGON

INTEROFFICE MEMO

TO: File G-11640

DATE: 4/10/89

FROM: Doun Miller

SUBJECT: Comments for Application Processing

I spoke to Dennis Glendon, WM Dist 12, about this application. We recommend:

1) Alerting Summer Lake I.D. of application
2) using special permit conditions as found in a similar permit in the area (see Permit G-1388 & order V10, p.125 special conditions)
3) Alerting / requiring the applicant to install shut off values.

These wells are strongly flowing

81-125-1379

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE
378-3066

December 30, 1988

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

Robert F. Olson
P.O. Box 40
Summer Lake, OR.
97640

Dear Mr. Olson:

Your amended application G-11640 for a permit to appropriate 17.8 cubic feet per second from one well for 48.7 acres primary and 569.8 acres supplemental irrigation, aquaculture, and commercial use has been reviewed.

Before the application can be considered for approval, some changes will need to be made both to the application and the supporting map.

I have listed the needed changes by number, with further explanation following in the text. Each proposed correction is numbered. A detailed explanation also numbered with the same number follows on the next page.

correction made yes	no		
yes	----	1.	Item #1, under use of water, will need aquaculture use changed to fish culture use. Item #3 will also need to be changed to fish culture use.
yes	----	2.	Item #1, under amount of water, must state the quantity of water requested for each use stated in item #1.
yes	----	3.	Item #1, if the wells are not on one common transmission system then the quantity of water requested for each use from each well will need to be stated.
yes	----	4.	Please be advised that the maximum quantity of water allowed for the irrigation of 618.3 acres is 7.73 cubic feet per second.
yes	----	5.	The 0.9 acres shown as primary in the NW1/4 SE1/4, of Section 5, will need to be removed from the map.

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

1. The underlying primary right is for fish culture. It appears your new usage will be for the same purpose and should be stated as fish culture instead of aquaculture.

2. A quantity of water needs to be stated for each use. An example might be:

USE	QUANTITY REQUESTED
irrigation	7.73 cfs
fish culture	10.07 cfs

3. It appears that well #1 is to be used exclusively for the bottling of water as indicated on your detail map. A quantity of water for each use from each well not connected into the common system will be needed.

4. The maximum quantity of water allowed for irrigation from a well is 1/80 cubic foot per second per acre. The calculation becomes 1/80 X 618.3 = 7.73 cubic feet per second.

5. This acreage is covered by an existing right and in a previous letter we asked your intention regarding it. Since you have deleted this acreage in item #3 of the application we assume that you plan on making proof under permit 43260 for this land. In this case the land will need to be removed from the map so that the map and the application will be in agreement.

I am returning your original application with supporting maps, for correction and completion. The application has been endorsed so that in order to retain its original date of priority it must be received in this office no later than March 30, 1989.

If I can be of further assistance please don't hesitate to contact me.

Sincerely,

John R. Woodroof

John R. Woodroof
Water Rights Specialist

Enclosures

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE
378-3066

December 30, 1988

Robert F. Olson
P.O. Box 40
Summer Lake, OR.
97640

Dear Mr. Olson:

Your amended application G-11640 for a permit to appropriate 17.8 cubic feet per second from one well for 48.7 acres primary and 569.8 acres supplemental irrigation, aquaculture, and commercial use has been reviewed.

Before the application can be considered for approval, some changes will need to be made both to the application and the supporting map.

I have listed the needed changes by number, with further explanation following in the text. Each proposed correction is numbered. A detailed explanation also numbered with the same number follows on the next page.

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----	----	2.	Item #1, under amount of water, must state the quantity of water requested for each use stated in item #1.
----	----	3.	Item #1, if the wells are not on one common transmission system then the quantity of water requested for each use from each well will need to be stated.
----	----	4.	Please be advised that the maximum quantity of water allowed for the irrigation of 618.3 acres is 7.73 cubic feet per second.
----	----	5.	The 0.9 acres shown as primary in the NW1/4 SE1/4, of Section 5, will need to be removed from the map.

1. The underlying primary right is for fish culture. It appears your new usage will be for the same purpose and should be stated as fish culture instead of aquaculture.

2. A quantity of water needs to be stated for each use. An example might be:

USE	QUANTITY REQUESTED
irrigation	7.73 cfs
fish culture	10.05 cfs
commercial	.02 cfs

3. It appears that well #1 is to be used exclusively for the bottling of water as indicated on your detail map. A quantity of water for each use from each well not connected into the common system will be needed.

4. The maximum quantity of water allowed for irrigation from a well is 1/80 cubic foot per second per acre. The calculation becomes 1/80 X 618.3 = 7.73 cubic feet per second.

5. This acreage is covered by an existing right and in a previous letter we asked your intention regarding it. Since you have deleted this acreage in item #3 of the application we assume that you plan on making proof under permit 43260 for this land. In this case the land will need to be removed from the map so that the map and the application will be in agreement.

I am returning your original application with supporting maps, for correction and completion. The application has been endorsed so that in order to retain its original date of priority it must be received in this office no later than March 30, 1989.

If I can be of further assistance please don't hesitate to contact me.

Sincerely,

John R. Woodroof

John R. Woodroof
Water Rights Specialist

Enclosures

378-3066

April 29, 1987

Robert F. Olson
PO Box 40
Summer Lake, OR 97640

Dear Mr. Olson:

REFERENCE: File G-11640

Your Application G-11640, describing the proposed use of 17.8 cubic feet of water per second from four wells for aquaculture, commercial (bottled water), irrigation of 49.6 acres and supplemental irrigation of 571.0 acres; together with the two attachment sheets for Items 2 and 3 of the application, the detail map prepared on tracing paper, and the print of the larger map; has been reviewed.

It will be necessary for you to make certain amendments to the Application and submit additional maps, fees, and a legal description of the property.

The legal description is needed to verify the place of use of water and may be copied from your deed, title insurance policy, or sales contract.

You will need to delete the "etc." from the Use of Water Section on the first page of the application. Each use you intend to make of the water needs to be specifically stated. You will need to further complete the Use of Water Section by separately stating the amount of water you wish to establish a right on for each of the three uses listed, being an amount for the aquaculture use, an amount for the commercial use, and an amount for the irrigation use.

Please review the acreage listing in Item 3 of the application. According to the supporting map, the 1.4 acre tract will receive a primary supply of water instead of the supplemental supply presently noted and the 0.9 tract would be within the NW 1/4, SE 1/4 of Section 5. Incidentally, the 0.9 acre tract is presently covered by the right to the use of water from a spring as allowed under the terms of Permit 43260. If you do not intend to make proof or use of water under the terms of the earlier Permit 43260 for the irrigation of the 0.9 acre area, we will need a statement to this effect. This statement may be included in the Comments Section on the third page of the Application.

We will need additional information on the proposed aquaculture and commercial uses of water. The approximate maximum number or pounds and type of aquaculture involved and the maximum gallons of water that may be used per day in the commercial use needs to be noted. This information may be supplied in the Comments Section or on a separate sheet.

A little more information on the facilities to utilize the water needs to be noted. If you have proposed drawings of the fish raceways and water bottling facilities, these drawings may be submitted to support your application. We will need this information in order to justify the amount of water that may be allowed.

You will need to submit four complete prints of the large map.

You will be advised of any additional permit recording fees needed upon receipt of the Application in complete form.

I am returning Application G-11640, along with the two attachment sheets and two maps for correction and completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before June 29, 1987.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

Enclosures

cc: Dennis Glender, Watermaster District #12

9828D

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 378-3066

April 15, 1987

Robert F. Olson
PO Box 40
Summer Lake, OR 97640

REFERENCE: File G-11640

We have received your application for use of water for aquaculture, commercial (bottled water), irrigation and supplemental irrigation along with supporting data and fees. Our Receipt 51832 is enclosed. Your application has been filed and assigned number G-11640.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will receive a permit shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the permit authorizing the project described in the application would be subject to prior rights and require that the well be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The permit would also require that a weir, meter, or other suitable measuring device be installed, if required by the Watermaster, and a log be kept recording the amount of ground water withdrawals. If you have any questions regarding these provisions or the Well Standards, please contact this office.

Sincerely,

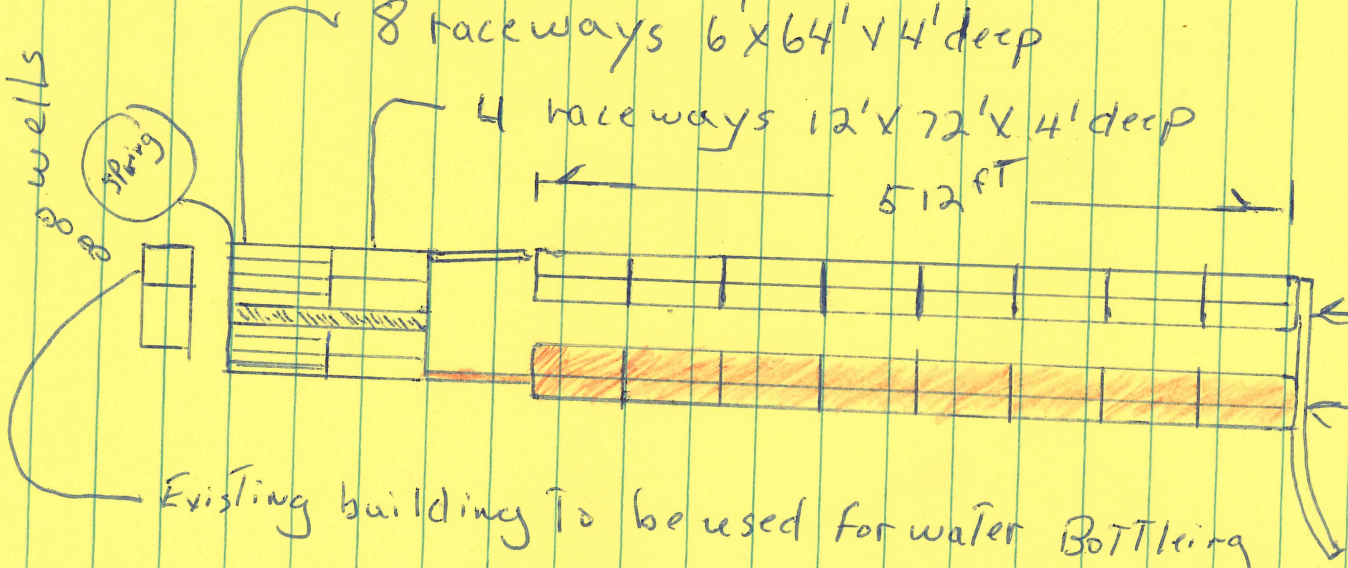
RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wpc

enclosure
0003/X
9647D

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

All raceways in blue ink are Existing
Raceways in Red ink are proposed



1. Bottled water 10,000 gal a day

2. Aquaculture involved - Raising Rainbow Trout
Now producing 250,000 lb when new Raceways done 400,000 lb of Trout a year

87-116

Application No. G-11640
Permit No.

The following described property in the County of Lake, State of Oregon, to-wit:

Parcel No. 1:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 4: SW¼SW¼.
Section 5: S½NE¼, S½SW¼, NE¼SE¼, S½SE¼, and NW¼SE¼ EXCEPTING THEREFROM: Beginning at the Northwest corner of the SE¼ of Section 5, Townsip 30 South, Range 17 East of the Willamette Meridian, and running thence East 200 feet; thence South 400 feet; thence West 200 feet; thence North 400 feet to the point of beginning.
Section 8: N½NE¼, That part of the S½NE¼ and NE¼NW¼ lying North and East of the Center of Ana River, EXCEPTING THEREFROM: Beginning at the Southeast corner of the NW¼NW¼ of Section 8, Township 30 South, Range 17 East of the Willamette Meridian, thence East 1000 feet **to the True Point of Beginning**, thence North 950 feet; thence East 700 feet; thence South 950 feet; thence West 700 feet to the point of beginning.
ALSO, EXCEPTING THEREFROM That portion of the W½SW¼NE¼ of said Section 8, Township 30 South, Range 17 East of the Willamette Meridian, lying North of Ana River.
Section 9: SW¼NE¼, NW¼NW¼, NE¼SW¼, NW¼SE¼, S½SE¼, AND that part of SW¼NW¼ lying North and East of the center of Ana River; SE¼NW¼.

Parcel No. 2:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 5: SE¼NW¼.

Parcel No. 3:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 5: NE¼SW¼.

Parcel No. 4:
Township 30 South, Range 17 East of the Willamette Meridian,
Section 8: Beginning at the Southeast corner of the NW¼NW¼ of said Section 8, thence East 1000 feet to the TRUE POINT OF BEGINNING, thence North 950 feet; thence East 700 feet; thence South 950 feet; thence West 700 feet to the point of beginning.

AND, that portion of the W½SW¼NE¼ lying North of Ana River.

EXHIBIT A

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

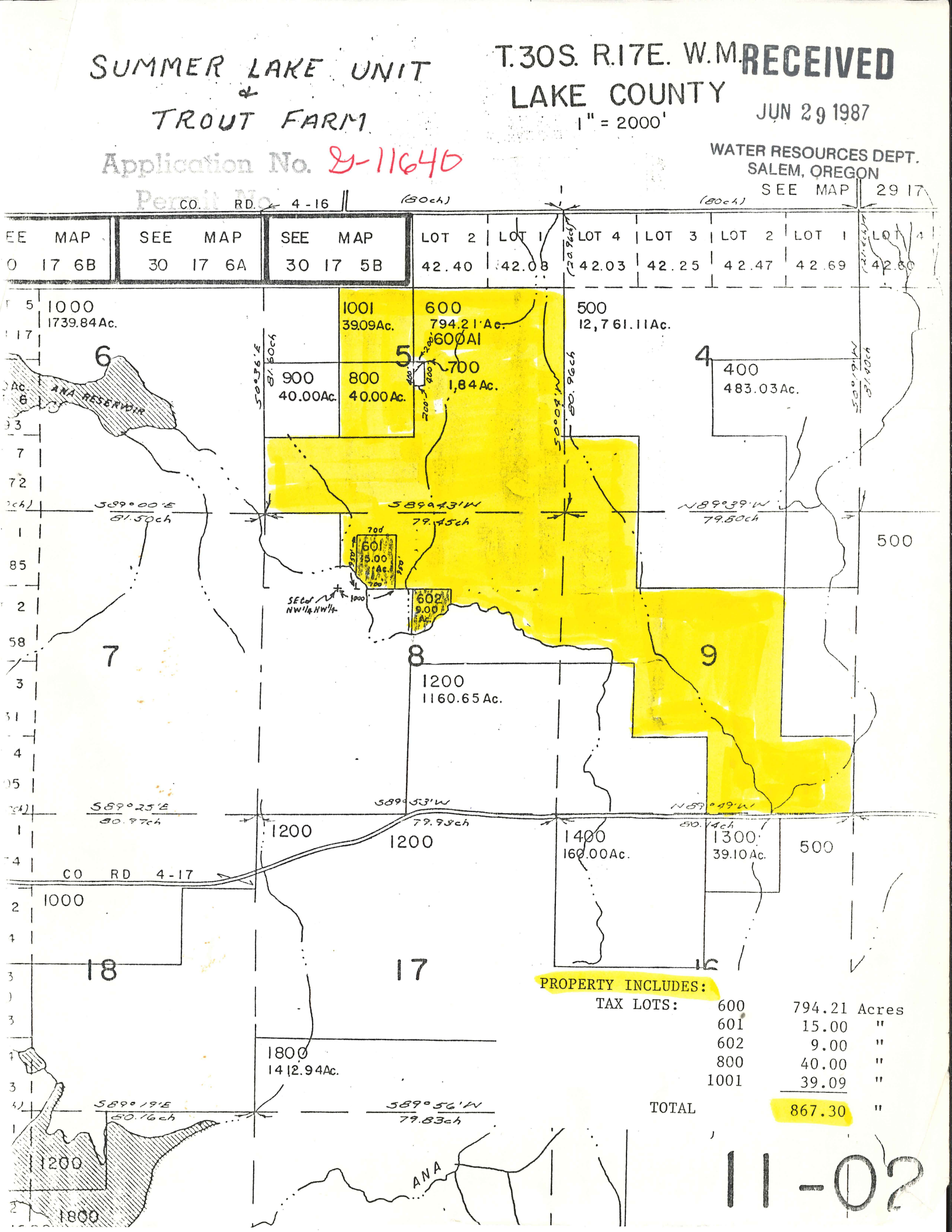
SUMMER LAKE UNIT & TROUT FARM

Application No. S-11640

Permit No.

T. 30 S. R. 17 E. W.M.
LAKE COUNTY
1" = 2000'

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON



PROPERTY INCLUDES:

TAX LOTS:		
	600	794.21 Acres
	601	15.00 "
	602	9.00 "
	800	40.00 "
	1001	39.09 "
TOTAL		867.30 "

11-02

WATER RIGHTS INFORMATION FOR:

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

Date RECEIVED
APR -7 1987
WATER RESOURCES DEPT.
SALEM, OREGON

ATTACHMENT # 1
SUPP. IRRIGATION

Application No. S-11640
Permit No.

RIGHT	PRIORITY	Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				SOURCE	DITCH
					NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
		30S	17E	5			40	40									40	39	30	40		
				8	40	33	11	31														
				4											30							
				9			2			36	32	30	31				0.5	28	20	16		

REMARKS:

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40 503-943-3277
SUMMER LAKE, OREGON 97640

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The date of priority is APRIL 7, 1987 for 10.0 CFS for fish culture and 7.73 CFS for irrigation and JUNE 14, 1989 for 7.8 CFS for fish culture. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, being 7.73 CFS for irrigation and 17.8 CFS for fish culture, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. The permit shall be limited to any deficiency in the available supply of any prior permit for the same land and shall not exceed the limitation allowed herein.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of the condition above may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
SECTION 4		
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
SECTION 5		

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH
SECTION 8		
SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	
SECTION 9		

TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1991. Complete application of the water shall be made on or before October 1, 1992.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

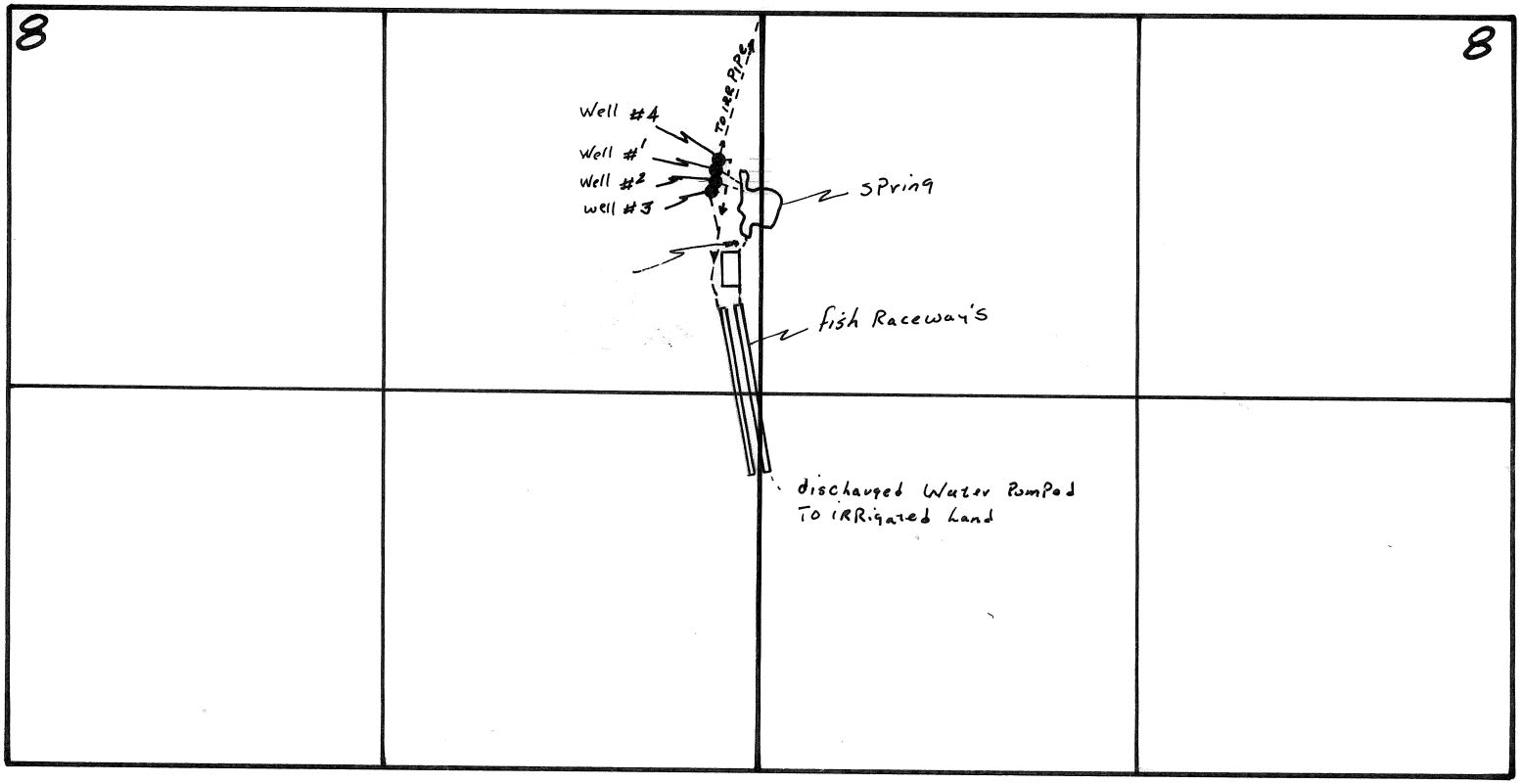
Issued this date, .

Water Resources Department
William H. Young
Director

Application No. G-11640
Permit No. G11024

RECEIVED
APR - 7 1987
WATER RESOURCES DEPT.
SALEM, OREGON

detail map



scale - 8" = 1 mi

Well #1 530' S & 160' W
Well # 2 560' S & 160' W
Well # 3 590' S & 170' W
well # 4 500' S & 150' W

All From The North 1/4 Corner of Section 8, T 30 S R 17 E

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 30 S. RANGE 17 E. W. M. SECTION 4

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Acreage in lot or legal subdivision as shown on government plat, if other than 40 acres																		
												40	30		10	G56	G117	3
										30						57451	43260	+ Primary
										30						-Suppl- 6-11640		

TOWNSHIP 30 S. RANGE 17 E. W. M. SECTION 5

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
Lot 1	Lot 2	Lot	Lot	Lot 3	Lot 4	Lot	Lot	Lot	Lot	Lot	Lot	Lot	Lot	Lot	Lot			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Acreage in lot or legal subdivision as shown on government plat if other than 40 acres																		
42.08	42.40			42.72	43.04													
				42.72	43.04	40	40									14427	10447	
		40.0	40.0									40.0	40.0	30.0	40.0	57451	43260	4 Primary
		40.0	40.0							1	4	40.0	39.1	30.0	40.0	-Suppl- 6-11640		
		9 0				20.3	28.4									6-11640		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 30S. RANGE 17E. W. M. SECTION 8

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
						40	40	40	40	40	40	40	40	40	40	14427	10447		
										40						~~U-188~~	~~U-174~~		
40	33	11	31													57451	43260		Primary
	Fish Cult.	Fish Cult			Fish Cult.											61505	46063		Possible conflict in use.
										Wildlife						G-10414 -Suppl- G-11640	G 16433		
40	33	11	31																
		Aqua Culture			Aqua Culture											G-11640			

TOWNSHIP 30S. RANGE 17E. W. M. SECTION 9

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
Acreage in lot or legal subdivision as shown on government plat. If other than 40 acres																			
		2			36	32	30	31				05	28	20	16	57451	43260	4	Primary
		2			36	32	30	31				05	28	20	16	-Suppl- G-11640			

SP*35621-690

OREGON
Fish & Wildlife
P.O. Box 59
Portland, OR
97207

OREGON DEPARTMENT OF FISH & WILDLIFE

FAX transmittal
cover sheet
~~OFFICE OF PUBLIC AFFAIRS~~
Portland, OR
(503) 229-6134 FAX

DATE: MAR 16, 90

TO: WATER RESOURCES DEPARTMENT : ATTN JAKE SZAMEK

FROM: GREG ROBERTS, ODFW

OFFICE PHONE # 229-5900 ext 463 / WRD 378-8130

SUBJECT: WR 69769/69770 - S.W. REGIONAL HABITAT BIOLOGIST MEMO OF MARCH 9, 1990.

PAGES TO FOLLOW: 1

COMMENTS OR INSTRUCTIONS: JAKE, IT IS VERY IMPORTANT THAT A CONDITION BE ADDED TO THIS PERMIT TO PROVIDE FOR FISH PASSAGE IN ACCORDANCE WITH OREGON DEPARTMENT OF FISH AND WILDLIFE SPECIFICATIONS. LETER TO FOLLOW.

MEMORANDUM

OREGON DEPARTMENT OF FISH AND WILDLIFE

DATE: March 9, 1990

TO: Greg Robart

FROM: Bill Mullarkey

SUBJ: Conditions of Permit/Stan Kurzet WR R 69769/69770

During the course of developing criteria to negate resource losses as a result of Mr. Stan Kurzet's pre-permit reservoir development project, several persons have made recommendations. Some of these recommendations need reconsideration. I will give a little background to the subject.

Mr. Kurzet excavated a 2.5 acre reservoir in the upper end of Big Creek in portions of Section 22, T26S, R14W. In the process of excavating the reservoir, the original stream channel was obliterated. The current plan is to have a bypass channel constructed around the reservoir to maintain stream flow in the creek at all times. Our original instream flow request was 12 cfs which was derived from the South Coast Basin Report. Mr. Kurzet asked us to consider reducing this amount since he is withdrawing water near the headwater of the drainage. We agree with this logic and recommend reducing the minimum stream flow to 2 cfs passed the entrance to the reservoir. A bypass channel will be constructed around the reservoir with a capacity to carry more than 2 cfs to allow for natural fluctuations in flow to attract anadromous fish species to pass the reservoir and progress to the headwaters to spawn. The size of the bypass channel can be decided at our meeting on March 21. The bypass channel shall be constructed at least 12 feet from the toe of the slope of the adjacent bank to minimize material sloughing into the channel. Earlier plans for mitigation called for constructing gravel riffle for spawning fish in the bypass channel, but with the evidence of slope instability this winter, I believe it would be better to construct the spawning areas downstream from the reservoir in the existing channel. A recommendation was also made early on, to provide fish rearing in the reservoir. Along with this idea came the recommendation to maintain 2 acre feet of residual water by excavating an area about 13,500 sq. ft. to a depth averaging 7 feet deep. My concern with this is that with an unknown inflow or no inflow, that water quality may not be adequate to sustain fish life. Avian predation may be extensive also. Because of these concerns I recommend that the intake to the reservoir be screened to prevent naturally produced fish from entering the reservoir. From the fishery value standpoint, the extra depth is not needed, however there may be wildlife value in maintaining the water. We have not considered wildlife in this project.

We have made earlier recommendations for mitigation and procedures in construction of the reservoir outlet, inlet, control structure etc. These should remain unless we reach consensus on March 21 to make modifications.

c - Fessler
Reimers
Sigfried

4/4/89 Placed in file by Donn Miller

G-11640

30S/18E-8aa 17

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

JUL - 1 1988

Well Number: OWRD #1

(1) OWNER:

Name ROBERT OLSON

Address P/O BOX 40

City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable

☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 296 ft.

Explosives used Yes ☐ No ☒ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	60'	CEMENT GROUT	0	60	160 SACKS
12"	60	296				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from ____ ft. to ____ ft. Material ____

Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	+1.5	60	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:

☐ Perforations Method ____

☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 241

Was a water analysis done? ☐ Yes By whom ____

Did any strata contain water not suitable for intended use? ☒ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other ____

Depth of strata: 3'

(9) LOCATION OF WELL by legal description:

County LAKE Latitude ____ Longitude ____

Township 30 N of (S) Range 18 (E) or W, WM.

Section 8 NE ¼ NE ¼

Tax Lot ____ Lot ____ Block ____ Subdivision ____

Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:

____ ft. below land surface. Date ____

Artesian pressure 17 lb. per square inch. Date 6-30-85

(11) WATER BEARING ZONES:

Depth at which water was first found 3 FT.

From	To	Estimated Flow Rate	SWL
241	296	2100	+1.5

(12) WELL LOG:

Ground elevation ____

Material	From	To	SWL
SOIL - SANDY	0	3	3
CLAY - GREEN	3	45	3
SAND - FINE BLACK	45	46	3
CLAY - TAN	46	241	+1.5
CINDERS - SAND, RED	241	243	+1.5
LAVA BOULDERS	243	295	+1.5
CINDERS - SAND, RED	295	296	+1.5

Date started 4-15-85 Completed 6-30-85

(unbonded) Water Well Constructor Certification:

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

WWC Number ____

Signed ____ Date ____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1356

Signed Floyd Baker Date 6-24-88

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 9809C 10/86

Olson #2 (?)

4/4/89 Placed in file by Donn Miller

G-11640

30S/17E-8bb

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

RECEIVED
FEB 2 1988
WATER RESOURCES DEPT
SALEM, OREGON

PLEASE TYPE or PRINT IN INK Per Wm. T, R4S. 7

(for official use only)

(1) OWNER:
Name ROBERT OLSON
Address SUMMER LAKE
City State OR.

(2) TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air [ ] Driven [ ]
Rotary Mud [ ] Dug [ ]
Cable [X] Bored [ ]

(4) PROPOSED USE (check):
Domestic [ ] Industrial [ ] Municipal [X]
Irrigation [ ] Thermal: Withdrawal [ ] Reinjection [ ]
Other: Piezometric [ ] Grounding [ ] Test [ ]

(5) CASING INSTALLED:
Steel [ ] Plastic [ ]
Threaded [ ] Welded [ ]
12 " Diam. from +1 ft. to 60 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:
Steel [ ] Plastic [ ]
Threaded [ ] Welded [ ]
" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:
Perforated? [ ] Yes [X] No
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? [ ] Yes [X] No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? [ ] Yes [X] No If yes, by whom?
gal./min. with ft. drawdown after hrs.
" " "
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow 1960 g.p.m.
Temperature of water 60° Depth artesian flow encountered 241 ft.

(9) CONSTRUCTION:
Special standards: Yes [ ] No [X]
Well seal—Material used CEMENT GROUT
Well sealed from land surface to 55 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Amount of sealing material 118 sacks [X] pounds [ ]
How was cement grout placed? PUMPED

Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft.
Did any strata contain unusable water? [ ] Yes [X] No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? [ ] Yes [X] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL by legal description:
County LAKE ¼ ¼ of Section of
Township (Township is North or South) Range (Range is East or West) WM.
Tax Lot Lot Block Subdivision
MAILING ADDRESS OF WELL (or nearest address) SUMMER LAKE

(11) WATER LEVEL of COMPLETED WELL:
Depth at which water was first found 55 ft.
Static level ft. below land surface. Date
Artesian pressure 5 lbs. per square inch. Date 6-30-8

(12) WELL LOG:
Diameter of well below casing 12"
Depth drilled 296 ft. Depth of completed well 296 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SANDY SOIL	0	3	
TAN CLAY	3	55	2'
SAND, FINE	55	56	
CLAY, GREEN	56	241	+1
BOULDERS, RED, POUROUS	241	296	

Date work started 4-15-85 /completed 6-30-85
Date well drilling machine moved off of well 7-15- 1985

(unbonded) Water Well Constructor Certification (if applicable):
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Date , 19

(bonded) Water Well Constructor Certification:
Bond SB 41670 (number) Issued by: O.A.I.C. (Surety Company Name)
On behalf of FLOYD BAKER (type or print name of Water Well Constructor)

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief:
(Signed) Floyd Baker (Water Well Constructor)
(Dated) 2-20-86

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*46866-690

4/4/89
Placed in file by Donn Miller

6-11640
30s/~~16~~ 17E-8aa

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

JUL - 1 1988
WATER RESOURCES DEPT.

(1) OWNER:
Well Number: OLSON #3

Name ROBERT OLSON
Address P/O BOX 40
City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☒ No ☐ Depth of Completed Well 262 ft.
Explosives used Yes ☐ No ☒ Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16	0	120	GROUT	0	120	165
12"	120	262				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
☐ Perforations Method
☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245
Was a water analysis done? ☐ Yes By whom
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other
Depth of strata: ONE FOOT

(9) LOCATION OF WELL by legal description:
County LAKE Latitude ' " Longitude ' "
Township 30 N or S Range ~~16~~ 17 E or W, WM.
Section 8 NE ¼ NE ¼
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:
ft. below land surface. Date
Artesian pressure 17 lb. per square inch. Date

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

From	To	Estimated Flow Rate	SWL
1'	7'		1'
245	262	2100	+2'

(12) WELL LOG:
Ground elevation

Material	From	To	SWL
SOIL, SANDY BROWN	0	7	1'
CLAY, GREEN	7	63	1'
CLAY - TAN	63	245	+2'
CINDERS-SAND, RED	245	246	+2
BOULDERS, LAVA, LARGE	246	261	+2
CINDERS-SAND, RED	261	262	+2

Date started 5-15-87 Completed 10-20-87

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1362
Signed Floyd A Baker Date 6-24-88

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 9809C 10/86

4/4/89
Placed in file by Donn Miller

G-11640

30S/16E-8aa 17

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

JUL - 1 1988

WATER RESOURCES DEPT
SALEM, OREGON

(1) OWNER:

Well Number: OLSON #4

Name ROBERT OLSON

Address P/O BOX 40

City SUMMER LAKE State OR Zip 97640

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable

☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other FISH HATCHERY

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☒ No ☐ Depth of Completed Well 310 ft.

Explosives used Yes ☐ No ☒ Type _____ Amount _____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	120	CEMENT GROUT	0	120	210 SACK
12"	120	245				
8"	245	310				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	0	160	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____

☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☐ Air ☒ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2100			1 hr.

Temperature of water 60 Depth Artesian Flow Found 245

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☒ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: 7'

(9) LOCATION OF WELL by legal description:

County LAKE Latitude _____ ' " Longitude _____ ' "

Township 30 N or S Range 16 E or W, WM.

Section 8 NE ¼ NE ¼

Tax Lot _____ Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) SUMMER LAKE

(10) STATIC WATER LEVEL:

_____ ft. below land surface. Date _____

Artesian pressure 17 lb. per square inch. Date 4-15-88

(11) WATER BEARING ZONES:

Depth at which water was first found 7 FT

From	To	Estimated Flow Rate	SWL
7'	8'		3'
245	310	2100	+2

(12) WELL LOG:

Ground elevation _____

Material	From	To	SWL
SOIL, BROWN SANDY	0	7	7'
CLAY - GREEN	7	53	7'
CLAY - TAN	53	245	+2
CINDERS - SAND, RED	245	246	+2
LAVA BOULDERS, LARGE	246	308	+2
CINDERS, RED	308	310	+2

Date started 11-10-87 Completed 4-15-88

(unbonded) Water Well Constructor Certification:

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

WWC Number _____

Signed _____ Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1362

Signed Floyd Bates Date 6-24-88

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 9809C 10/86

ATTACHMENT #2 Application No. G-11640
Permit No.

Item 2.

Well #1 530' S. & 160' W.
Well #2 560' S. & 160' W.
Well #3 590' S. & 170' W.
Well #4 500' S. & 150' W.

All from the North 1/4 corner of Section 8, Township 30S, Range 17E. All in the NE 1/4 NW 1/4 Sec. 8.

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SALEM, OREGON

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. G-11640 Permit No.

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 17 80 BEING 7 73 CFS FOR IRRIGATION AND 17 8 C.F.S. FOR FISH CULTURE *cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from* FOUR WELLS

The use to which this water is to be applied is IRRIGATION OF 50 1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569 ACRES AND FISH CULTURE

If for irrigation, this appropriation shall be limited to ..... of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed ..... acre feet per acre for each acre irrigated during the irrigation season of each year; 1/80 - 3

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is APRIL 7, 1987

Actual construction work shall begin on or before ..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

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

.....
Water Resources Director

Application No. G-11640 Permit No. _____

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant: Robert F. Olson

Mailing address: P.O. Box 40

Summer Lake (City) Oregon (State) 97640 (Zip) 943-3277 (Phone No.)

I hereby make application for a permit to appropriate the following described groundwaters of the State of Oregon:

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

4 Wells

Use of water: ~~Fish Cul Ture~~, Irrigation & Supplemental

Irrigation, ~~etc.~~ Fish Culture ~~10.07~~ 17.8 CFS
Irrigation 7.73 CFS

Lt. June 14, 1989 ML

Amount of water: 17.8 (cubic feet per second) or _____ (gallons per minute)

Diameter of well: 14" Depth in feet: 300

Type and size of well casing: steel No. of feet: 150+

Estimated depth to water: Flowing (feet)

Type of access port or measuring device: _____

Wells to be drilled by: Floyd Baker

Address: 4155 3-Mile Lane, (City) SO McMinnville, (State) OR 97128 (Zip)

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

Shut off valves

If development is less than 1/4 mile from a natural stream, give the following:

Distance from development to stream: _____

Elevation difference between streambed and development: _____

Note: *Wells must be constructed according to standards set by the department for the construction and maintenance of water wells.*

200.00
400.00 10
1120.00 560
100.00 1 cfs
350.00 17 x 50 =
2370.00

2. ***LOCATION*** *(if there is more than one well or source, describe on another sheet):* See ATTACHMENT #2

_____ *feet* _____ (N or S) *and* _____ *feet* _____ (E or W)

from the _____ *corner of* _____ (Public Land Survey Corner)

located within the _____ *1/4 of the* _____ *1/4 of Section* _____,

Township _____, *Range* _____, *WM. Tax Lot* _____,

in Lake *County.*

3. ***PLACE OF USE*** *(attach additional sheets, if necessary):*

Township	*Range*	*Section*	*¼ ¼ Section*	*Tax Lot No.*	*Use*	*Use or acres to be irrigated*
30S	17E	5	SE ¼ NW ¼		~~Primary Irr.~~	20.3
See ATTACHMENT #1			NE ¼ SW ¼ SE ¼ SW ¼		Primary Supp. Irr	28.4 1.4
30S	17E	8	SW ¼ NE ¼		Fish Cultur	All water To run
			NE ¼ NW ¼		Fish Cultur	Thru raceways
			SE ¼ NW ¼		Fish Cultur	Then To Irrigation
30S	17E	8	NE ¼ NW ¼		Fish Cultur	

4. ***DESCRIPTION OF WATER-DELIVERY SYSTEM:***

Length and dimensions of supply ditch or pipeline: Various ditches & dikes for flood irrigation.

Concrete fish raceways

Size and type of pump and motor: _____

Type of irrigation system (check appropriate box): ☒ *Flood* ☐ *Wheel line*

☐ *Hand line* ☐ *Drip* ☐ *Other* _____

Other systems: _____

Proposed date construction will begin: Oct. 1, 1987

Proposed date of completion of system: Oct. 1, 1988

Proposed date water use will be completed: Oct. 1, 1989

Is this groundwater source supplemental to another supply? Yes

If so, identify the supply and the existing water right: A spring APP. 57454, P43260, APP. 61505 & 46063

Comments: All water to run Thru raceways for Aquaculture Then it goes to Irrigation

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SALEM, OREGON

Robert J. Olson
Signature of Applicant

NOTE: *This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

Application No. G-11640 *Permit No.* _____

(DO NOT WRITE IN THIS SPACE)

Dear Applicant:

I certify that I have examined the foregoing application, together with any accompanying information. I am returning it to you for the following reason(s): correction and completion

In order to retain your priority, you must return this application with the requested corrections or additions on or before ~~June 29~~ 3/30, 19~~87~~ 89.

Date: ~~April 29~~ 12/30, 19~~87~~ 88

WATER RESOURCES DEPARTMENT

By: Wayne J. Overcash

WAYNE J. OVERCASH

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MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED at Oregon Water Resources Department on: 4-7, 19 87

at 8 *o'clock AM/PM.*

Application No. 51-11640 *Permit No.* _____

1401D

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 378-3066

MEMORANDUM

TO: Water Resources Commission

FROM: Director

SUBJECT: Agenda Item Q, March 30, 1990, Water Resources Commission Meeting

Consideration for Approval of Application G-11640 to Use Groundwater, Tributary to Summer Lake for Irrigation and Fish Use, Robert F. Olson, Lake County.

Background:

On April 7, 1987, Robert F. Olson submitted Application G-11640 (Attachment 1). Application G-11640 proposes to use up to 17.8 cfs of water from four flowing artesian wells for irrigation and fish culture. Attachment 2 is a map of the basin and Attachment 3 identifies the location of the project. The water will be diverted through a series of fish raceways for raising rainbow trout. Only 7.73 cfs from the wells will be used for irrigation. All water not used for irrigation is discharged into the Ana River which flows into Summer Lake. The raceways are 10 feet wide by 72 feet long and 4 feet deep. Each raceway uses about 750 gallons per minute or 1.67 cfs. The proposed project is located near Summer Lake.

The question before the Commission is whether the issuance of a permit for up to 17.80 cfs would have a significant adverse effect on the public interest. Administrative Rule 690-11-080 (2)(a)(A) specifies that appropriations for greater than five cubic feet per second be referred to the Commission to make a public interest determination under ORS 537.170.

Evaluation:

Robert Olson requests the use of water for irrigation, supplemental irrigation and fish culture. The wells are located in the Summer Lakes subbasin of the Goose and Summer Lakes Basin.

The basin program classified groundwater in Section 8, Township 30 S, Range 17 E for the proposed uses identified in the applications. The applicant plans to raise about 400,000 pounds of rainbow trout per year. He has the necessary ODFW permits for fish culture.

The Summer Lake Wildlife Management Area is aware of the use of water and they do not believe it would affect their operations. The ODFW believes that the use of water would compliment the refuge area.

The Summer Lake Irrigation District and the Groundwater Section expressed concerns about possible shortages resulting from the use of water for irrigation. The applicant would be regulated and his use of water for irrigation would be curtailed if prior rights were short of water. A condition will appear on the permit requiring distribution with surface waters (Attachment 4). The applicant is aware of that possibility.

Notice of this application was provided to the public. The Department did not receive any other comments about the proposed use of water.

Water is available in this area to meet the demand during this time period and the use of water should not pose a problem. The well, however, is a flowing well and shut-off valves are required to control the release of groundwater when beneficial use is not occurring. The permit contains this requirement (Attachment 4).

Staff does not believe that this proposal would impair or have a significant adverse effect on the public interest or have an adverse impact on the water resources in the basin.

Alternatives:

1. Find that the proposed use of water may have a significant adverse effect on the public interest, and schedule a hearing to assist the Commission in making its determination.

2. Find that the proposed use of water would not have a significant adverse effect on the public interest, and authorize the Director to issue the permit with the appropriate conditions.

Summation:

The proposed use of water is from groundwater in the Goose and Summer Lakes Basin. The applicant would use up to 17.8 cfs for irrigation and fish uses. Groundwater is available. This proposed use of water should not have a significant adverse effect on the water resources in the basin.

Director's Recommendation:

The staff recommends Alternative 2, that the Commission find that the use of water would not have a significant adverse effect on the public interest and authorize the Director to issue the permit.

Attachments:

1) Copy of Application G-11640
2) Copy of basin map
3) Copy of project map
4) Copy of Draft Permit

Jake Szramek
378-3066
February 8, 1990

cc: Robert F. Olson, Applicant
ODFW Portland Office
Watermaster, District 12

Application No. 9-11640 Permit No. _____

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STATE OF OREGON
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant: Robert F. Olson

Mailing address: P.O. Box 40

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I hereby make application for a permit to appropriate the following described groundwaters of the State of Oregon:

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

4 Wells

Use of water: Fish Cultur. Irrigation & Supplemental

Irrigation, ~~etc.~~ Fish Cultur 17.8 ~~10.7~~ 6 CFS
Irrigation 7.73 CFS

Lt. June 14, 1989 M

Amount of water: 17.8 (cubic feet per second) or _____ (gallons per minute)

Diameter of well: 14" Depth in feet: 300

Type and size of well casing: steel No. of feet: 150+

Estimated depth to water: Flowing (feet)

Type of access port or measuring device: _____

Wells to be drilled by: Floyd Baker

Address: 4155 3-Mile Lane, SO McMinnville, OR 97128 (City, State, Zip)

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

Shut off valves

If development is less than 1/4 mile from a natural stream, give the following:

Distance from development to stream: _____

Elevation difference between streambed and development: _____

Note: *Wells must be constructed according to standards set by the department for the construction and maintenance of water wells.*

200.00
400.00 10
1120.00 500
100.00 1cfs
350.00 17 x 50 =
2370.00

WATER RIGHTS INFORMATION FOR:

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Date RECEIVED
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SALEM, OREGON

ATTACHMENT # 1
SUPP. IRRIGATION
Application No. S-11640
Permit No.

RIGHT	PRIORITY	Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				SOURCE	DITCH
					NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
		30S	17E	5			40	40									40	39	30	40		
				8	40	33	11	31														
				4											30							
				9			2			36	32	30	31				05	28	20	16		

REMARKS:

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WATER RESOURCES DEPT.
SALEM, OREGON

2. *LOCATION (if there is more than one well or source, describe on another sheet):* See ATTACHMENT #2

_____ *feet* _____ (N or S) *and* _____ *feet* _____ (E or W)

from the _____ *corner of* _____ (Public Land Survey Corner)

located within the _____ *1/4 of the* _____ *1/4 of Section* _____,

Township _____, *Range* _____, *WM. Tax Lot* _____,

in Lake *County.*

3. ***PLACE OF USE*** *(attach additional sheets, if necessary):*

Township	*Range*	*Section*	*¼ ¼ Section*	*Tax Lot No.*	*Use*	*Use or acres to be irrigated*
30S	17E	5	SE ¼ NW ¼		~~Primary Irr.~~	20.3
			NE ¼ SW ¼			28.4
See ATTACHMENT #1			SE ¼ SW ¼		Primary/~~Supp.~~ Irr	1.4
30S	17E	8	SW ¼ NE ¼		Fish Culture All water To ra	
			NE ¼ NW ¼		Fish Culture Thru raceway	
			SE ¼ NW ¼		Fish Culture Then To irriga	
30S	17E	8	NE ¼ NW ¼		Fish Culture	

4. ***DESCRIPTION OF WATER-DELIVERY SYSTEM:***

Length and dimensions of supply ditch or pipeline: Various ditches & dikes for flood irrigation.

Concrete fish raceways

Size and type of pump and motor: _____

ATTACHMENT #2 Application No. G-11640
Permit No.

Item 2.

Well #1 530' S. & 160' W.
Well #2 560' S. & 160' W.
Well #3 590' S. & 170' W.
Well #4 500' S. & 150' W.

All from the North 1/4 corner of Section 8, Township 30S, Range 17E. All in the NE 1/4 NW 1/4 Sec. 8.

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Type of irrigation system (check appropriate box): ☒ *Flood* ☐ *Wheel line*

☐ *Hand line* ☐ *Drip* ☐ *Other* _____

Other systems: _____

Proposed date construction will begin: Oct. 1, 1987

Proposed date of completion of system: Oct. 1, 1988

Proposed date water use will be completed: Oct. 1, 1989

Is this groundwater source supplemental to another supply? Yes

If so, identify the supply and the existing water right: A spring APP. 57454, P43260, APP. 61505 & 46063

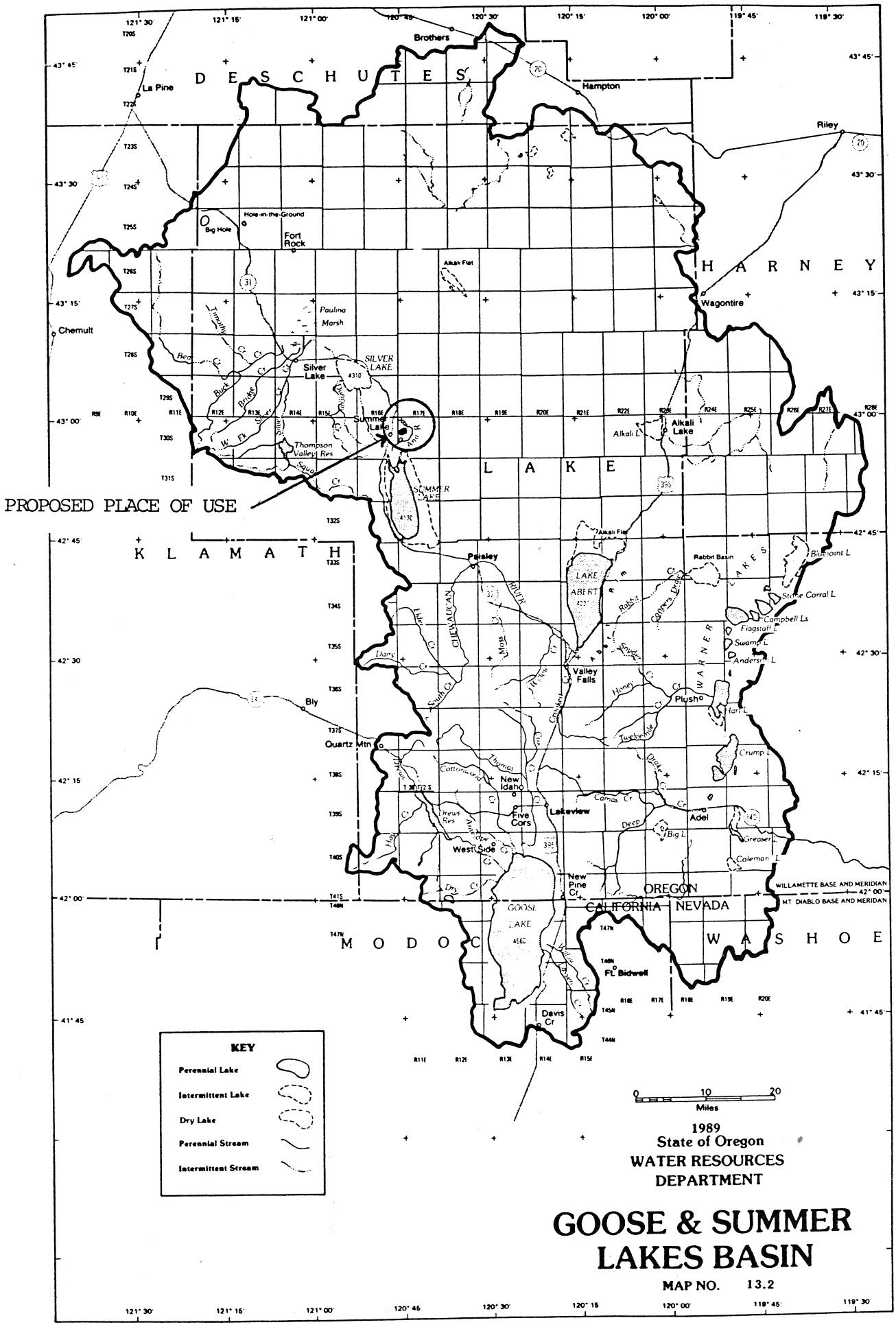
Comments: All water to run Thru raceways for Aquaculture Then it goes to Irrigation

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

Robert J. Olsen
Signature of Applicant

NOTE: *This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

Application No. G-11640 *Permit No.* _____



GOOSE & SUMMER LAKES BASIN

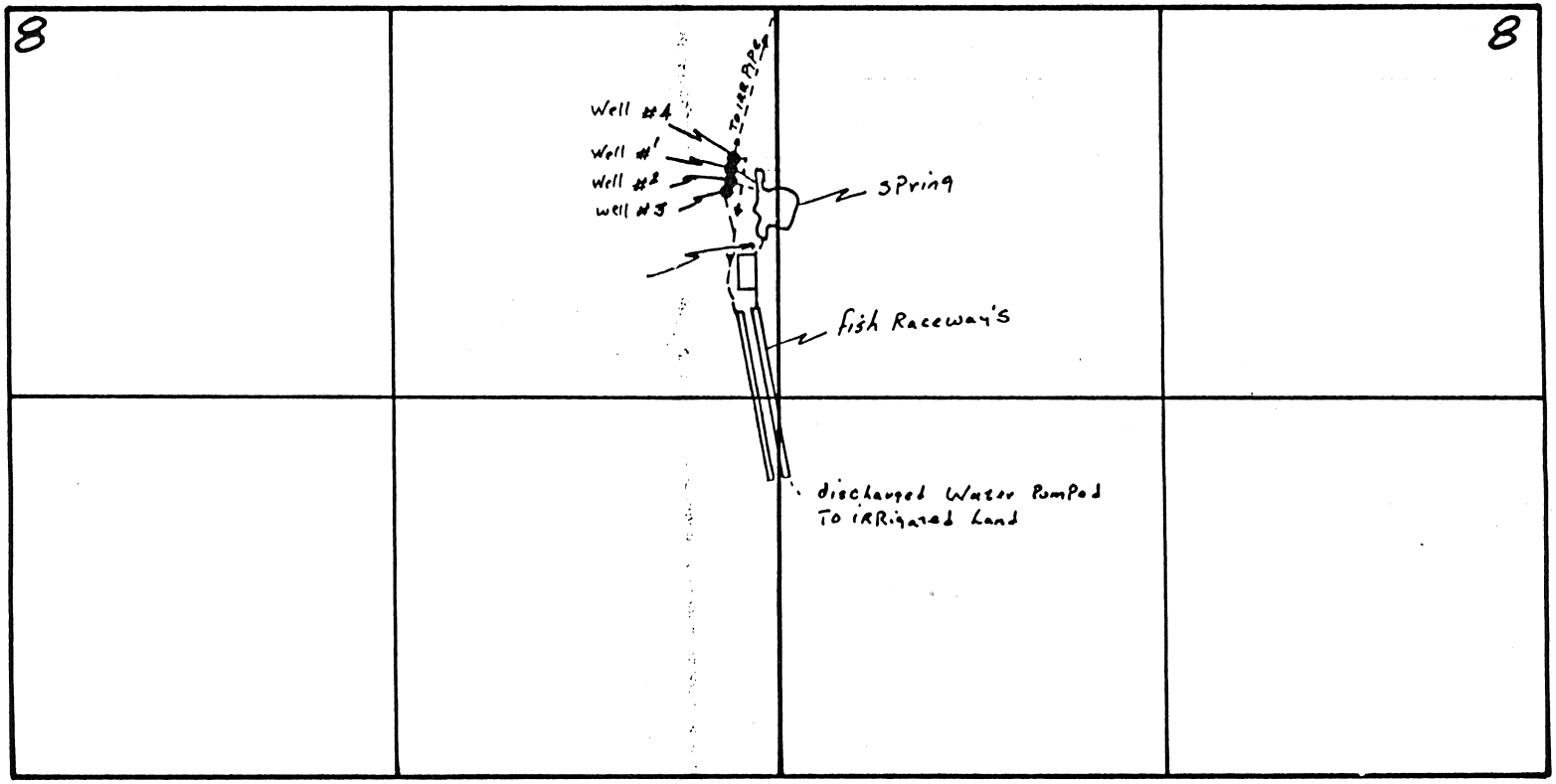
MAP NO. 13.2

Application ID. G-11640

Permit No.

WATER RESOURCES DEPT.
SALEM, OREGON

detail map



scale - 8" = 1 mi

Well #1 530' S & 160' W
Well # 2 560' S & 160' W
Well # 3 590' S & 170' W
well # 4 500' S & 150' W

} All From The North 1/4 Corner of Section 8, T 30S R 17E

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SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

Attachment 3

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

503-943-3277

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The date of priority is APRIL 7, 1987 for 10.0 CFS for fish culture and 7.73 CFS for irrigation and JUNE 14, 1989 for 7.8 CFS for fish culture. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, being 7.73 CFS for irrigation and 17.8 CFS for fish culture, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. The permit shall be limited to any deficiency in the available supply of any prior permit for the same land and shall not exceed the limitation allowed herein.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
SECTION 4		
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
SECTION 5		
NE 1/4 NE 1/4		40.0 ACRES
NW 1/4 NE 1/4		33.0 ACRES
SW 1/4 NE 1/4		11.0 ACRES & FISH
SE 1/4 NE 1/4		31.0 ACRES
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH
SECTION 8		

SW 1/4 NE 1/4	2.0 ACRES
NW 1/4 NW 1/4	36.0 ACRES
SW 1/4 NW 1/4	32.0 ACRES
SE 1/4 NW 1/4	30.0 ACRES
NE 1/4 SW 1/4	31.0 ACRES
NE 1/4 SE 1/4	0.5 ACRE
NW 1/4 SE 1/4	28.0 ACRES
SW 1/4 SE 1/4	20.0 ACRES
SE 1/4 SE 1/4	16.0 ACRES

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1991. Complete application of the water shall be made on or before October 1, 1992.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, .

Water Resources Department
William H. Young
Director

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40 503-943-3277
SUMMER LAKE, OREGON 97640

to use the waters of FOUR WELLS in the ANA RIVER BASIN for FISH CULTURE, IRRIGATION OF 50.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 569.6 ACRES.

This Permit is issued approving Application G-11640. The date of priority ~~is~~ APRIL 7, 1987 for 10.0 CFS for fish culture and 7.73 Cfs for irrigation and ~~j~~June 14, 1989 for 7.8 Cfs for fish culture. The use is limited to not more than 17.80 CUBIC FEET PER SECOND, BEING 7.73 CFS FOR IRRIGATION AND 17.8 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 8, T 30 S, R 17 E, W.M.; WELL 1 - 530 FEET SOUTH AND 160 FEET WEST; WELL 2 - 560 FEET SOUTH AND 160 FEET WEST; WELL 3 - 590 FEET SOUTH AND 170 FEET WEST; WELL 4 - 500 FEET SOUTH AND 150 FEET WEST, ALL FROM N 1/4 CORNER, SECTION 8.

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-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 per acre for each acre irrigated during the irrigation season of each year. The ~~permit~~ shall be limited to any deficiency in the available supply of any prior ~~permit~~ for the same land and shall not exceed the limitation allowed herein.

At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.

The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of ~~the condition above~~ may be enforced by the proper state officer.

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

A description of the proposed place of use under the permit is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4		30.0 ACRES
SECTION 4		
SW 1/4 NE 1/4		40.0 ACRES
SE 1/4 NE 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.3 ACRES	
NE 1/4 SW 1/4	28.4 ACRES	
SE 1/4 SW 1/4	1.4 ACRES	
NE 1/4 SE 1/4		40.0 ACRES
NW 1/4 SE 1/4		39.1 ACRES
SW 1/4 SE 1/4		30.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
SECTION 5		

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	33.0 ACRES	
SW 1/4 NE 1/4	11.0 ACRES	& FISH
SE 1/4 NE 1/4	31.0 ACRES	
NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH
SECTION 8		
SW 1/4 NE 1/4	2.0 ACRES	
NW 1/4 NW 1/4	36.0 ACRES	
SW 1/4 NW 1/4	32.0 ACRES	
SE 1/4 NW 1/4	30.0 ACRES	
NE 1/4 SW 1/4	31.0 ACRES	
NE 1/4 SE 1/4	0.5 ACRE	
NW 1/4 SE 1/4	28.0 ACRES	
SW 1/4 SE 1/4	20.0 ACRES	
SE 1/4 SE 1/4	16.0 ACRES	
SECTION 9		

TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. Artesian wells must have control valves installed to regulate the flow of water.

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.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, APRIL 30, 1990.

_____

Water Resources Department
William H. Young
Director

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 378-3066

June 14, 1990

Robert F. Olson
PO Box 40
Summer Lake, OR 97640

REFERENCE: File G-11640

Please find enclosed our refund check 2238 in the amount of $202 refunding the unearned Permit Recording fees you submitted.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO:tcb

Enclosure

69000 WATER RESOURCES

COPY 2

STATE WARRANT NO. INDICATES CLAIM ALLOWED BY EXECUTIVE DEPARTMENT

002238 AGENCY VOUCHER NO.

06-11-90 DATE

A69000 VENDOR NUMBER

PAYEE AND ADDRESS

OLSON, ROBERT F.

AGENCY VOUCHER NO. 002238

AUDITED BY

WATER RESOURCES
3850 PORTLAND RD NE
SALEM OR 97310

ACTION CODE		
B	03-00-0	202.00
	TOTAL	$202.00

PAYMENT OF: INVOICE 0000000000 REFERENCE 051832 202.00
NET PAID $202.00

MESSAGE: REV REF: G-11640

ACCOUNT CODING: AGY 69000 BCH G36 INV 0000000000 TC 40 TD 900611 REF 051832

DESCRIPTION	PCD	PROJECT	FUND	BI	COST CENTER	ACCOUNT	AMOUNT
OLSON, ROBERT F.		032300	421	1	03 23 00 01	899900	202.00

ck mailed
6-14-90
JCB

VENDOR COPY

NOTICE TO VENDOR

REMITTANCE ADVICE

Enclosed is warrant in full payment of claim listed above. Please refer to Voucher Number indicated if you have any question regarding this payment.

FOR STATE AGENCY USE ONLY

This certifies that the materials, services, cash advanced, or expenses covered by this claim have been furnished, rendered or expended on behalf of the State of Oregon. The provision for payment is made by law and appropriation, the obligation or expenditure is authorized by law and the claim otherwise satisfies the requirements as provided by ORS 293.295. This claim has been approved for payment in the above amount.

By

By

STATE OF OREGON

INTEROFFICE MEMO

TO: ROSEANNE SHRULL, FISCAL

DATE: 5/23/90

FROM: Wayne J. Overcash
Authorized Examiner

SUBJECT: Request for Refund Check

Please refund $ 202.00 to Robert F. Olson
file no. S-11640, receipt no. 51832. These funds are refunded due to:

_____	Application rejected
_____	Application withdrawn
X	Excess fees collected for application
_____	File closed
_____	Other: _____
_____	Protest Filing Fees

0102C

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 378-3066

MEMORANDUM

TO: Water Resources Commission

FROM: Director *why*

SUBJECT: Agenda Item Q, March 30, 1990, Water Resources Commission Meeting

Consideration for Approval of Application G-11640 to Use Groundwater, Tributary to Summer Lake for Irrigation and Fish Use, Robert F. Olson, Lake County.

Background:

On April 7, 1987, Robert F. Olson submitted Application G-11640 (Attachment 1). Application G-11640 proposes to use up to 17.8 cfs of water from four flowing artesian wells for irrigation and fish culture. Attachment 2 is a map of the basin and Attachment 3 identifies the location of the project. The water will be diverted through a series of fish raceways for raising rainbow trout. Only 7.73 cfs from the wells will be used for irrigation. All water not used for irrigation is discharged into the Ana River which flows into Summer Lake. The raceways are 10 feet wide by 72 feet long and 4 feet deep. Each raceway uses about 750 gallons per minute or 1.67 cfs. The proposed project is located near Summer Lake.

The question before the Commission is whether the issuance of a permit for up to 17.80 cfs would have a significant adverse effect on the public interest. Administrative Rule 690-11-080 (2)(a)(A) specifies that appropriations for greater than five cubic feet per second be referred to the Commission to make a public interest determination under ORS 537.170.

Evaluation:

Robert Olson requests the use of water for irrigation, supplemental irrigation and fish culture. The wells are located in the Summer Lakes subbasin of the Goose and Summer Lakes Basin.

The basin program classified groundwater in Section 8, Township 30 S, Range 17 E for the proposed uses identified in the applications. The applicant plans to raise about 400,000 pounds of rainbow trout per year. He has the necessary ODFW permits for fish culture.

The Summer Lake Wildlife Management Area is aware of the use of water and they do not believe it would affect their operations. The ODFW believes that the use of water would compliment the refuge area.

The Summer Lake Irrigation District and the Groundwater Section expressed concerns about possible shortages resulting from the use of water for irrigation. The applicant would be regulated and his use of water for irrigation would be curtailed if prior rights were short of water. A condition will appear on the permit requiring distribution with surface waters (Attachment 4). The applicant is aware of that possibility.

Notice of this application was provided to the public. The Department did not receive any other comments about the proposed use of water.

Water is available in this area to meet the demand during this time period and the use of water should not pose a problem. The well, however, is a flowing well and shut-off valves are required to control the release of groundwater when beneficial use is not occurring. The permit contains this requirement (Attachment 4).

Staff does not believe that this proposal would impair or have a significant adverse effect on the public interest or have an adverse impact on the water resources in the basin.

Alternatives:

1. Find that the proposed use of water may have a significant adverse effect on the public interest, and schedule a hearing to assist the Commission in making its determination.

2. Find that the proposed use of water would not have a significant adverse effect on the public interest, and authorize the Director to issue the permit with the appropriate conditions.

Summation:

The proposed use of water is from groundwater in the Goose and Summer Lakes Basin. The applicant would use up to 17.8 cfs for irrigation and fish uses. Groundwater is available. This proposed use of water should not have a significant adverse effect on the water resources in the basin.

Director's Recommendation:

The staff recommends Alternative 2, that the Commission find that the use of water would not have a significant adverse effect on the public interest and authorize the Director to issue the permit.

Attachments:

1) Copy of Application G-11640
2) Copy of basin map
3) Copy of project map
4) Copy of Draft Permit

Jake Szramek
378-3066
February 8, 1990

cc: Robert F. Olson, Applicant
ODFW Portland Office
Watermaster, District 12

Attachment 1 page 1

Application No. 9-11640 *Permit No.*

RECEIVED
APR - 7 1987
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant: Robert F. Olson

Mailing address: P.O. Box 40

Summer Lake (City) Oregon (State) 97640 (Zip) 943-3277 (Phone No.)

I hereby make application for a permit to appropriate the following described groundwaters of the State of Oregon:

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

4 Wells

Use of water: Fish Culture, Irrigation & Supplemental Irrigation, ~~etc.~~ Fish Culture ~~10.07~~ 17.8 CFS Irrigation 7.73 CFS

Lt. June 14, 1989 [illegible]

Amount of water: 17.8 (cubic feet per second) *or* (gallons per minute)

Diameter of well: 14" *Depth in feet:* 300

Type and size of well casing: steel *No. of feet:* 150+

Estimated depth to water: Flowing (feet)

Type of access port or measuring device:

Wells to be drilled by: Floyd Baker

Address: 4155 3-Mile Lane, SO McMinnville, OR 97128 (City, State, Zip)

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

Shut off valves

If development is less than 1/4 mile from a natural stream, give the following:

Distance from development to stream:

Elevation difference between streambed and development:

Note: *Wells must be constructed according to standards set by the department for the construction and maintenance of water wells.*

200.00
100.00
1120.00
100.00
350.00
2370.00

10
500
1cfs
17 x 50=

ATER RIGHTS INFORMATION FOR:

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JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

Date RECEIVED
APR -7 1987
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SALEM, OREGON

ATTACHMENT # 1
SUPP. IRRIGATION
Application No. G-11640
Permit No.

RIGHT	PRIORITY	Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				SOURCE	DITCH
					NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
		30S	17E	5			40	40									40	39	30	40		
				8	40	33	11	31														
				4											30							
				9			2			36	32	30	31				05	28	20	16		

REMARKS:

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MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

2. ***LOCATION*** *(if there is more than one well or source, describe on another sheet):* See ATTACHMENT #2

_____ *feet* _____ (N or S) *and* _____ *feet* _____ (E or W)

from the _____ *corner of* _____ (Public Land Survey Corner)

located within the _____ *1/4 of the* _____ *1/4 of Section* _____,

Township _____, *Range* _____, *WM. Tax Lot* _____,

in Lake *County.*

3. ***PLACE OF USE*** *(attach additional sheets, if necessary):*

Township	*Range*	*Section*	*¼ ¼ Section*	*Tax Lot No.*	*Use*	*Use or acres to be irrigated*
30S	17E	5	SE ¼ NW ¼		~~Primary Irr.~~	20.3
See ATTACHMENT #1			NE ¼ SW ¼ SE ¼ SW ¼		Primary ~~Supp.~~ Irr	28.4 1.4
30S	17E	8	SW ¼ NE ¼		Fish Cultur All water To ru	
			NE ¼ NW ¼		Fish Cultur Thru raceway	
			SE ¼ NW ¼		Fish Cultur Then To irriga	
30S	17E	8	NE ¼ NW ¼		Fish Cultur	

4. ***DESCRIPTION OF WATER-DELIVERY SYSTEM:***

Length and dimensions of supply ditch or pipeline: Various ditches & dikes for flood irrigation.

Concrete fish raceways

Size and type of pump and motor: _____

ATTACHMENT #2 Application No. G-11640
Permit No.

Item 2.

Well #1 530' S. & 160' W.
Well #2 560' S. & 160' W.
Well #3 590' S. & 170' W.
Well #4 500' S. & 150' W.

All from the North 1/4 corner of Section 8, Township 30S, Range 17E. All in the NE 1/4 NW 1/4 Sec. 8.

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WATER RESOURCES DEPT.
SALEM, OREGON

Type of irrigation system (check appropriate box): ☒ *Flood* ☐ *Wheel line*

☐ *Hand line* ☐ *Drip* ☐ *Other* _____

Other systems: _____

Proposed date construction will begin: Oct. 1, 1987

Proposed date of completion of system: Oct. 1, 1988

Proposed date water use will be completed: Oct. 1, 1989

Is this groundwater source supplemental to another supply? Yes

If so, identify the supply and the existing water right: A spring APP. 57454, P43260, APP. 61505 & 46063

Comments: All water to run Thru raceways for Aquaculture Then it goes to Irrigation

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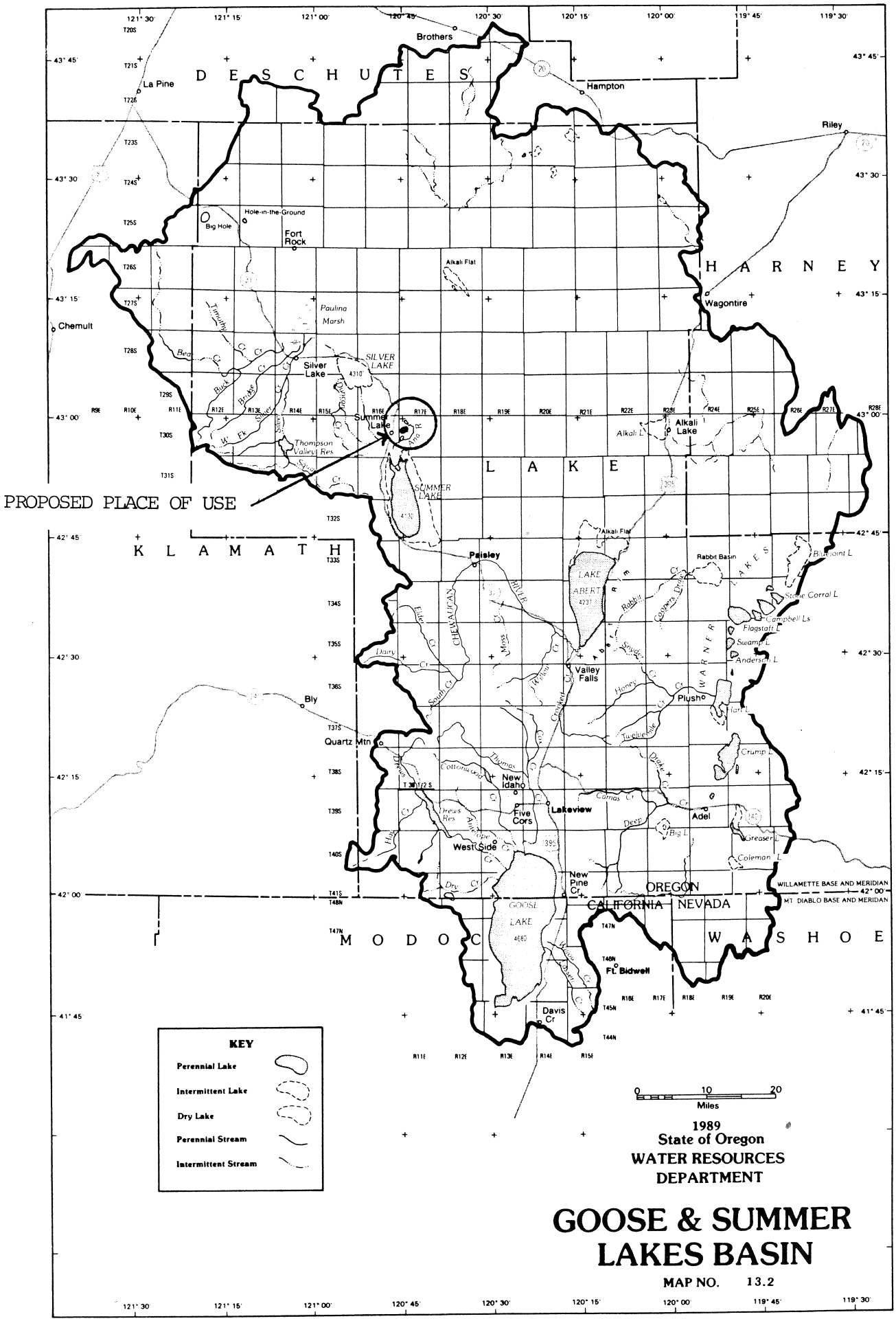
WATER RESOURCES DEPT.
SALEM, OREGON

Robert J. Olson
Signature of Applicant

NOTE: *This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

Application No. G-11640 *Permit No.* _____


PROPOSED PLACE OF USE
DESCHUTES
HARNEY
LAKE
KLAMATH
MODOC
WASHOE
OREGON
CALIFORNIA
NEVADA
Brothers
La Pine
Hampton
Riley
Hole-in-the-Ground
Big Hole
Fort Rock
Alkali Flat
Wagontire
Chemult
Paulina Marsh
Silver Lake
SILVER LAKE
Summer Lake
SUMMER LAKE
Alkali Lake
Thompson Valley Res.
Paisley
LAKE ABERT
Rabbit Basin
Valley Falls
Plush
Bly
Quartz Mtn
New Idaho
Five Corns
Lakeview
Adel
West Side
New Pine Cr.
GOOSE LAKE
Ft. Bidwell
Davis Cr
WILLAMETTE BASE AND MERIDIAN
MT. DIABLO BASE AND MERIDIAN
KEY
Perennial Lake
Intermittent Lake
Dry Lake
Perennial Stream
Intermittent Stream
0 10 20
Miles
1989
State of Oregon
WATER RESOURCES
DEPARTMENT
GOOSE & SUMMER
LAKES BASIN
MAP NO. 13.2

Application No. G-11640
Permit No.

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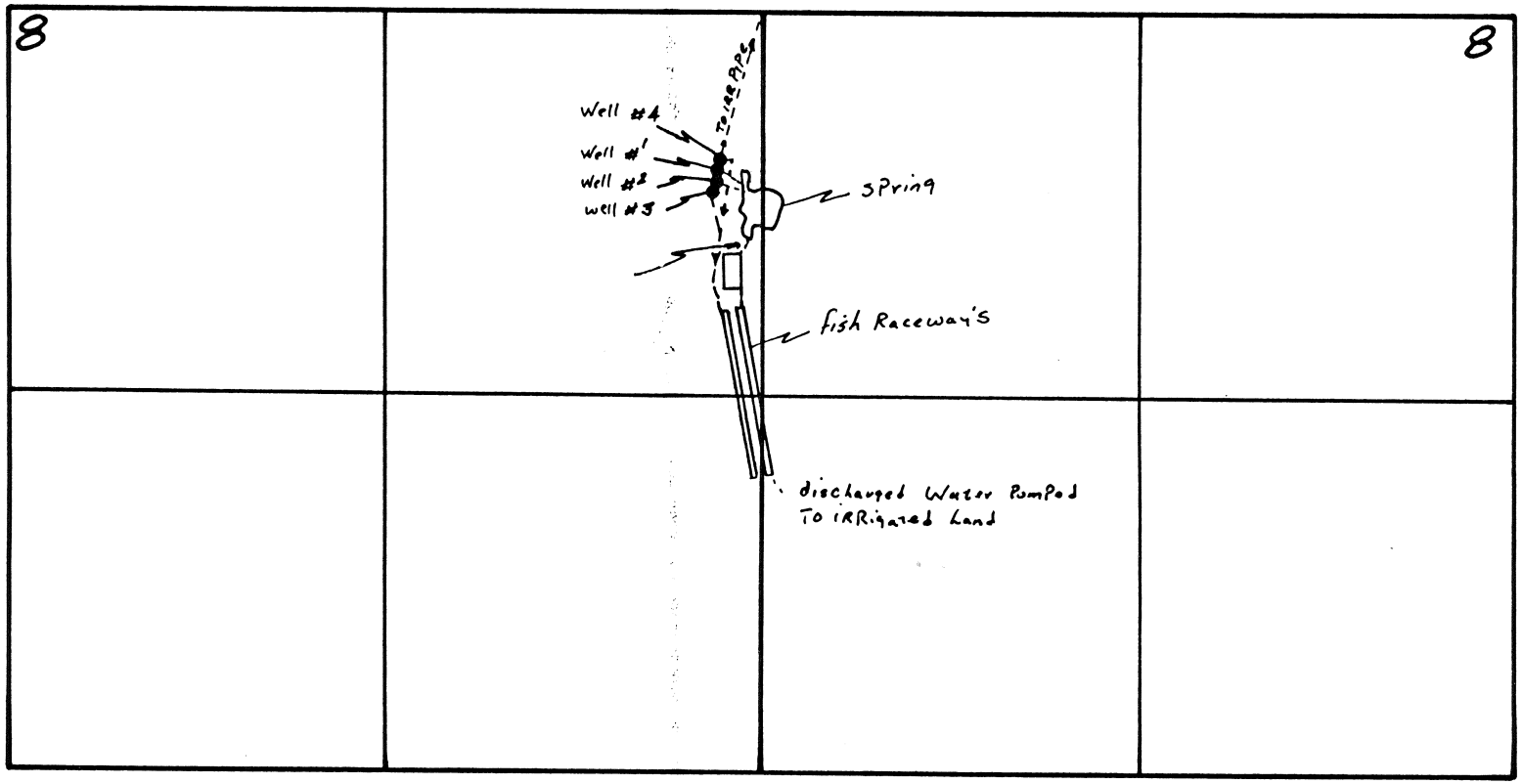
SALEM, OREGON

detail map



scale - 8" = 1 mi

Well #1 530'S & 160'W
Well #2 560'S & 160'W
Well #3 590'S & 170'W
Well #4 500'S & 150'W
} All From The North 1/4 Corner of Section 8, T30S R 17E

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MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
JUN 29 1987
WATER RESOURCES DEPT.
SALEM, OREGON

Attachment 3

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT F. OLSON
PO BOX 40
SUMMER LAKE, OREGON 97640

503-943-3277

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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-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 per acre for each acre irrigated during the irrigation season of each year. The permit shall be limited to any deficiency in the available supply of any prior permit for the same land and shall not exceed the limitation allowed herein.

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

A description of the proposed place of use under the permit is as follows:

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SW 1/4 SW 1/4		30.0 ACRES
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NE 1/4 NW 1/4		FISH
SE 1/4 NW 1/4		FISH
SECTION 8		

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TOWNSHIP 30 SOUTH, RANGE 17 EAST, W.M.

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

Issued this date, .

Water Resources Department
William H. Young
Director

JAMES C. LYNCH
LANE W. SIMPSON

LYNCH & SIMPSON
ATTORNEYS AT LAW
620 NORTH FIRST STREET
LAKEVIEW, OREGON 97630-0123

POST OFFICE BOX 351
PHONE (503) 947-2196

RECEIVED
MAR 26 1990
WATER RESOURCES DEPT.
SALEM, OREGON

March 23, 1990

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Attention: Jake Szramek, Applications & Permits Division

Re: Robert F. Olson Application #G-11640

Dear Mr. Szramek:

Based on my understanding that you are the staff person who will be presenting the report to the Water Resources Commission at its meeting on March 30, 1990, in connection with the application filed by Robert F. Olson for irrigation and fish use, this letter is being directed to you on behalf of the Summer Lake Irrigation District to again set forth its concerns about the proposed permit.

I have now had an opportunity to review the Staff Memorandum for Agenda Item Q at the March 30th Commission meeting. I note that in paragraph 3 on page 2 of the Staff Memorandum it states that:

> "A condition will appear on the permit requiring distribution with surface waters (Attachment 4). The applicant is aware of that possibility."

While I'm not sure what "requiring distribution with surface waters" means, I assume it refers to conditions that have been placed in prior permits in the Summer Lake Basin that expressly require the user of ground water to replenish the flow of Ana Springs if the flow is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than that particular permit.

I have also reviewed the proposed permit which is attached to the Staff Memorandum and find only the following language at the end of the proposed permit dealing with the Summer Lake Irrigation District's concerns, which language is as follows:

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

Based on my understanding that the Water Resources Department, the Oregon Department of Fish & Wildlife, and the Summer Lake Irrigation District all have the same concerns and are trying to accomplish the same result, the Summer Lake Irrigation District would request the following express language, or a version similar thereto, be placed in the permit:

> "This permit shall be subject to the following conditions:
> (1) At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.
> (2) The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of condition (1) may be enforced by the proper state officer."

As you know, the concern of the Summer Lake Irrigation District is because if the flow of Ana Springs is reduced (which flow has historically been consistent since first measured over 60 years ago), then the flow diverted from Ana Reservoir to the Summer Lake Irrigation District canal would be decreased unless the flow of Ana River is restricted until the Irrigation District is able to divert sufficient water through its canal to irrigate land with a prior water right. This, in turn, would reduce the amount of flow in Ana River going onto the Summer Lake Refuge property.

Although it has not been a consistent practice, some of those early permits also require the permittee to construct the

necessary pipelines or ditches and install the necessary measuring devices so the provisions of the condition could be enforced by state officials. It is my understanding that Mr. Olson's application already provides for return flow to Ana River of that water used on the fish raceway which is not being used for irrigation purposes. Therefore, no additional burden would be placed on Mr. Olson if a condition to that effect is added to the permit.

Therefore, on behalf of the Summer Lake Irrigation District, we would request that this language be submitted to the State Water Commission as language to be placed in the Olson application now pending before the Commission, as well as any future permit issued in the Summer Lake Basin.

Sincerely yours,

LYNCH & SIMPSON

James C Lynch

By: James C. Lynch

JCL:ag
cc: Summer Lake Irrigation District

FROM: LAKE COUNTY CIRCUIT COURT
513 CENTER STREET
LAKEVIEW, OR 97630

TELEPHONE: (503-947-6051)

MULTIFAX: (503-947-3724)

DATE: 3-23-1990 ORIGINATOR: Dennis Glendon - WATERMASTER
OFFICE TO BE BILLED: No Billing

FACSIMILE TO:
NAME: JAKE SZRAMEK
3850 Portland Rd
Salem, OR 97630

TELECOPIER NUMBER: 378-8130

PLEASE ADVISE IF NOT RECEIVED CLEARLY OR IF ANY PAGES MISSING.

NUMBER OF PAGES: FACE + 3

DOCUMENTATION DESCRIPTION: Letter RE: Robert Olson APP. G-11640

SUBJECT: Water Rights

CLIENT NAME/FILE NUMBER

LYNCH & SIMPSON
ATTORNEYS AT LAW
620 NORTH FIRST STREET
LAKEVIEW, OREGON 97630-0123

POST OFFICE BOX 351
PHONE (503) 947-2196

JAMES C. LYNCH
LANE W. SIMPSON

March 23, 1990

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Attention: Jake Szramek, Applications & Permits Division

Re: Robert F. Olson Application #G-11640

Dear Mr. Szramek:

Based on my understanding that you are the staff person who will be presenting the report to the Water Resources Commission at its meeting on March 30, 1990, in connection with the application filed by Robert F. Olson for irrigation and fish use, this letter is being directed to you on behalf of the Summer Lake Irrigation District to again set forth its concerns about the proposed permit.

I have now had an opportunity to review the Staff Memorandum for Agenda Item Q at the March 30th Commission meeting. I note that in paragraph 3 on page 2 of the Staff Memorandum it states that:

> "A condition will appear on the permit requiring distribution with surface waters (Attachment 4). The applicant is aware of that possibility."

While I'm not sure what "requiring distribution with surface waters" means, I assume it refers to conditions that have been placed in prior permits in the Summer Lake Basin that expressly require the user of ground water to replenish the flow of Ana Springs if the flow is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than that particular permit.

I have also reviewed the proposed permit which is attached to the Staff Memorandum and find only the following language at the end of the proposed permit dealing with the Summer Lake Irrigation District's concerns, which language is as follows:

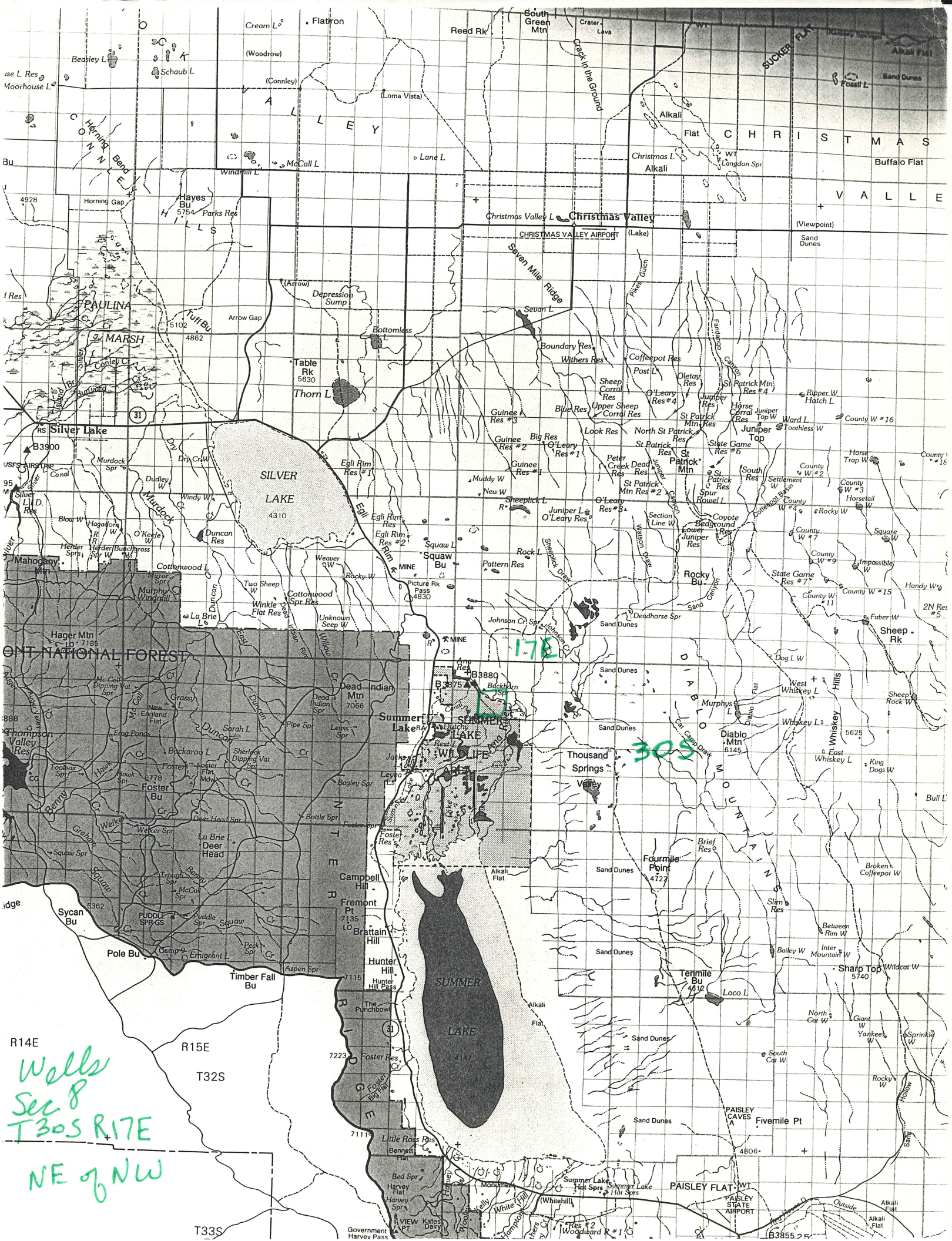
> "The use of water shall be limited when it interferes with any prior surface or ground water rights."

Based on my understanding that the Water Resources Department, the Oregon Department of Fish & Wildlife, and the Summer Lake Irrigation District all have the same concerns and are trying to accomplish the same result, the Summer Lake Irrigation District would request the following express language, or a version similar thereto, be placed in the permit:

> "This permit shall be subject to the following conditions:
> (1) At any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than this permit, all ground water derived under this permit shall be delivered by the permittee into Ana River to the extent necessary to restore Ana River to its historic flow.
> (2) The permittee shall construct and maintain the necessary pipelines or ditches and install and maintain the necessary measuring devices so the provisions of condition (1) may be enforced by the proper state officer."

As you know, the concern of the Summer Lake Irrigation District is because if the flow of Ana Springs is reduced (which flow has historically been consistent since first measured over 60 years ago), then the flow diverted from Ana Reservoir to the Summer Lake Irrigation District canal would be decreased unless the flow of Ana River is restricted until the Irrigation District is able to divert sufficient water through its canal to irrigate land with a prior water right. This, in turn, would reduce the amount of flow in Ana River going onto the Summer Lake Refuge property.

Although it has not been a consistent practice, some of those early permits also require the permittee to construct the


SILVER LAKE
4310
SUMMER LAKE
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SUMMER LAKE
4147
CHRISTMAS VALLEY AIRPORT
CHRISTMAS VALLEY
PAISLEY FLAT
PAISLEY STATE AIRPORT
PAISLEY CAVES
Fivemile Pt
Fourmile Point
4722
Thousand Springs Valley
Diablo Mtn
6145
Rocky Bu
Deadhorse Spr
Sand Dunes
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Christmas Valley
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Buffalo Flat
Seven Mile Ridge
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Coffeepot Res
Post L
Oletay Res
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Ripper W
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Horse Corral Res
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Ward L
Toothless W
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Upper Sheep Corral Res
St Patrick Mtn Res
Juniper Top
Guinee Res #3
Look Res
North St Patrick Res
Guinee Res #2
Big Res
O'Leary Res #1
St Patrick Res
State Game Res #6
St Patrick Mtn
Peter Creek Dead Res
Guinee Res #1
Muddy W
New W
Sheeplick L
Juniper L
O'Leary Res #3
St Patrick Mtn Res #2
South Res
Settlement W
County W #2
County W #3
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Horse Trap W
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Pattern Res
Sheeplick Draw
Watson Draw
Section Line W
Coyote Bedground Res
Lower Juniper Res
Spur Bowel L
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Square W
County W #9
Impossible W
State Game Res #7
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Handy W
County W #11
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Cottonwood Spr Res
Unknown Seep W
Weaver W
Cottonwood L
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Buckhorn Spr
Murphys L
West Whitney L
Whitney L
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East Whitney L
Sheep Rock W
King Dogs W
Bull L
Brief Res
Broken Coffeepot W
Slim Res
Between Rim W
Bailey W
Inter Mountain W
Sharp Top
5740
Wildcat W
Terrmile Bu
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North Cat W
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Yankee W
Sprinkle W
South Cat W
Rocky W
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Sand
Campbell Hill
Fremont Pt
7135
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Hunter Hill
Hunter Hill Pass
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Foster Res
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Little Ross Res
Bennett Flat
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Bagley Spr
Leyba L
Leyba Spr
Jack L
Rest L
Summer L
Duncan Spr
Duncan Cr
Sarah L
Frog Ponds
Pipe Spr
Lewis Spr
Buckaroo L
Sherlock Dipping Vat Spr
Toolbox Spr
Hawk Spr
Hawk Cr
Grassy L
New England Flat
Mc Call Dipping Vat Spr
Mc Call Cr
Thompson Valley Res
Thompson Valley
Willow Cr
Easy Cr
Indian Ford
Duncan Cr
Duncan Res
La Brie L
Dudley W
Murdock Cr
Murdock Spr
Dry Cr W
Dry Cr
Windy W
Blow W
Hagadorn W
O'Keefe W
Herder Spr
Herder/Buckaroo Spr W
Silver L I.D. Res
Silver L
Canal
USFS AIRSTRIP
B3900
Silver Lake
RS
Island Br
Buttrick
Conley Cr
Silvies
MARSH
PAULINA
5102
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Tuff Bu
Arrow Gap
(Arrow)
Depression Sump
Table Rk
5630
Thorn L
Bottomless L
Sevan L
Pikes Gulch
Fandango Canyon
Ward Canyon
Sand Canyon
Juniper Canyon
Cat Camp Draw
Diablo Flat
Diablo Mountains
Whitney Hills
Alkali Flat
Flat
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Loma Vista
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(Connley)
(Woodrow)
Beasley L
Schaub L
Moorhouse L
Horning Gap
Parks Res
Hayes Bu
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Horning Bend
Winandill L
McCall L
Cream L
Flatiron
Reed Rk
South Green Mtn
Crater Lava
Crack in the Ground
Alkali Flat
Fossil L
Sand Dunes
Langdon Spr
(Viewpoint)
(Lake)
Sand Dunes
Fikes Gulch
Ripper W
Hatch L
Toothless W
Horse Trap W
Rocky W
Square W
Impossible W
Handy W
Faber W
Sheep Rk
Dog L W
Sheep Rock W
Broken Coffeepot W
Bull L
Between Rim W
Bailey W
Inter Mountain W
Wildcat W
Sharp Top
5740
Sprinkle W
Yankee W
Giant W
North Cat W
South Cat W
Rocky W
Hollow
Sand
Fivemile Pt
PAISLEY CAVES
4806
PAISLEY FLAT
PAISLEY STATE AIRPORT
Outside
Alkali Flat
Red Hoven D
B3855
B3880
B3875
Buckhorn Spr
Summer Lake
Rest L
Jack L
Leyba L
Leyba Spr
Bagley Spr
Foster Res
Foster Spr
Foster Big Flat
Foster Flat
Foster Flat Mdw
Foster Bu
6778
Deer Head Spr
La Brie L
Deer Head
Bottle Spr
Squaw Spr
Trough Spr
McCall Spr
Puddle Spr
PUDDLE SPRINGS
Peck Spr
Camp 9
Emigrant L
Aspen Spr
Timber Fall Bu
Pole Bu
Sycan Bu
6362
Hunter Hill
Hunter Hill Pass
7115
The Punchbowl
Campbell Hill
Fremont Pt
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Brattain Hill
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Little Ross Res
Bennett Flat
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Harvey Flat
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Monument
Summer Lake Hot Spr
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Whitehill
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Kates Dairy
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Terrmile Bu
4812
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Sand Dunes
Alkali Flat
SUMMER LAKE
4147
Summer Lake Hot Spr
Summer Lake Hot Spr
PAISLEY FLAT
PAISLEY STATE AIRPORT
PAISLEY CAVES
Fivemile Pt
4806
Sand Dunes

STATE OF OREGON

INTEROFFICE MEMO

TO: File G-11640

DATE: 2/16/90

Donn Miller DM

FROM:

SUBJECT: Possible Permit Conditions

My memo of 4/10/89 to the file suggests the use of conditions similar to those elsewhere in the area (Permit G-1388 & Order v. 10, p.125 of special order book). Those conditions speak to a 1/4 Q delivery by the permittee to the Summer Lake Irrigation District in the event of deficiency at Ana Reservoir. That serves as a replacement to mitigate interference effects. In addition, the permittee is required to construct diversion works to supply that replacement water prior to withdrawal of any water.

In the earlier permits, the special diversion works were more practical than for this application. They were closer to the Reservoir and slightly uphill. This application seeks water from wells which are approximately one mile from the Reservoir. The costs associated with such a pipeline might be prohibitive. Perhaps, this application may call for a different condition.

I propose that water be distributed as if it were from Ana Reservoir itself. In the event of shortage at Ana Reservoir, the permittee's use of the wells would be regulated and/or stopped. This condition would allow swift regulation and avoid the impractical diversion works for replacement water. If the permittee wished to construct the works at the time of need that would appear to be a reasonable option too.

Here is some possible condition language:

If at any time in the Director's judgement, the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than the priority of the permit herein authorized, use and/or flow from the wells shall cease. Alternatively, the permittee shall operate the wells and construct works to deliver one-fourth of the total water withdrawn into the Ana Springs Reservoir or into the main canal of the Summer Lake Irrigation District. The quantity of water so delivered shall not be charged against the water allowed for the uses authorized from these wells.

In my view, some interference with the current supply at Ana Reservoir appears certain from the proposed use.

copy of last 2 pages of 5p. OR. Vol 10 Page 125

fourth of the withdrawal from each well shall be returned to the reservoir or to the Summer Lake Irrigation District Canal when necessary to deliver to the holders of prior rights the quantities to which they are entitled. The quantity of water so delivered should not be charged against appropriations from the wells of the quantities herein allowed for irrigation.

There can be no finding, on the basis of evidence presented at the hearing on August 30, 1955 or the subsequent investigation and tests made by the United States Geological Survey, that the withdrawal of water from the wells described in Applications Nos. G-68 and G-72 will result in depletion of the flow of Ana River downstream from the reservoir except for that caused by the reduction of the flow of Ana Springs. Therefore, if one-fourth the withdrawal from these wells is returned to the Summer Lake Irrigation District Canal or to Ana Reservoir, the operation of these wells cannot interfere with the rights of Protestant William Kittredge or Protestant Oregon State Game Commission.

ORDER

It is ORDERED that Application No. G-68 in the name of F. R. Williams be approved to authorize appropriation of not to exceed 2.16 cubic feet per second of ground water for irrigation of 173 acres, the rate of flow not to exceed 1/80 of one cubic foot per second for each acre irrigated and the total withdrawal during any irrigation season not to exceed 3 acre-feet per acre for each acre irrigated during that season, and subject to all conditions of this order.

It is FURTHER ORDERED that Application No. G-72 in the name of Vancil A. Withers be approved to authorize appropriation of not to exceed 1.87 cubic feet per second of ground water for irrigation of 150 acres the rate of flow not to exceed 1/80 of one cubic foot per second for each acre irrigated and the total withdrawal from both wells during any irrigation season not to exceed 3 acre-feet for each acre irrigated during that season, and subject to all conditions of this order.

It is FURTHER ORDERED that at any time when the flow of Ana Springs is insufficient to furnish the amount of water required to satisfy existing rights with priority earlier than the priority of the permits herein authorized, each of the wells shall be so operated that one-fourth of the total water withdrawn shall be delivered by the permittee or permittees into Ana Springs Reservoir or into the main canal of the Summer Lake Irrigation District. The quantity of water so delivered shall not be charged against the water allowed for the lands to be irrigated from these wells.

It is FURTHER ORDERED that before any water is withdrawn from the wells of F. R. Williams and Vancil A. Withers under authority of the permits herein ordered, the permittees shall each construct the necessary pipe lines or ditches and install the necessary measuring devices so that the provisions of this order may be enforced by the watermaster.

Dated at Salem, Oregon this 3rd day of July 1959.

Lewis A. Stanley
State Engineer

See Donn's Memo 4/10/89

Recom-GW 2-16-1990 SP.OR Vol. 10 page 125

necessary pipelines or ditches and install the necessary measuring devices so the provisions of the condition could be enforced by state officials. It is my understanding that Mr. Olson's application already provides for return flow to Ana River of that water used on the fish raceway which is not being used for irrigation purposes. Therefore, no additional burden would be placed on Mr. Olson if a condition to that effect is added to the permit.

Therefore, on behalf of the Summer Lake Irrigation District, we would request that this language be submitted to the State Water Commission as language to be placed in the Olson application now pending before the Commission, as well as any future permit issued in the Summer Lake Basin.

Sincerely yours,

LYNCH & SIMPSON

By: James C. Lynch

JCL:ag
cc: Summer Lake Irrigation District

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9891477396

Date 2989

RECIPIENT'S COPY

1 From (Your Name) Please Print: Robert F. Olson — Your Phone Number (Very Important): ( )

Company: Desert Springs Trout Farm — Department/Floor No.:

Street Address: PO Box HO

City: Summer Lake — State: Or — ZIP Required: 97640

2 To (Recipient's Name) Please Print: Water Resources Dept — Recipient's Phone Number (Very Important): ( )

Company: att John R. Woodroot — Department/Floor No.:

Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. ® Zip Codes.): 3850 Portland Rd ~~NE~~ Sa

City: NE Salem — State: Or — ZIP Required: 97310

3 YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE.)

H IF HOLD FOR PICK-UP, Print FEDEX Address Here
Street Address
City — State — ZIP Required

PAYMENT ☐ Bill Sender ☐ Bill Recipient's FedEx Acct. No. ☐ Bill 3rd Party FedEx Acct. No. ☐ Bill Credit Card ☒ Cash

4 SERVICES

1 ☐ PRIORITY 1 Overnight Delivery
2 ☐ COURIER-PAK OVERNIGHT ENVELOPE*
3 ☐ OVERNIGHT BOX
4 ☐ OVERNIGHT TUBE
5 ☐ STANDARD AIR Delivery not later than second business day
6 ☐ OVERNIGHT LETTER*
7 ☐
8 ☐
9 ☐
10 ☐

*Declared Value Limit $100.

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1 ☐ HOLD FOR PICK-UP (Fill in Box H)
2 ☐ DELIVER WEEKDAY
3 ☐ DELIVER SATURDAY (Extra charge)
4 ☐ DANGEROUS GOODS (Extra charge)
5 ☐ CONSTANT SURVEILLANCE SERVICE (CSS) (Extra charge) (Release Signature Not Applicable)
6 ☐ DRY ICE _____ Lbs.
7 ☐ OTHER SPECIAL SERVICE _____
8 ☐
9 ☐ SATURDAY PICK-UP (Extra charge)
10 ☐
11 ☐
12 ☐ HOLIDAY DELIVERY (If offered) (Extra charge)

	PACKAGES	WEIGHT	YOUR DECLARED VALUE	OVER SIZE
		LBS		
		LBS		
		LBS		
		LBS		
	Total	Total	Total	

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1 ☐ Regular Stop 2 ☐ On-Call Stop 3 ☐ Drop Box 4 ☐ B.S.C. 5 ☐ Station

FEDEX Corp. Employee No.

Date/Time for FEDEX Use

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Emp. No. — Date

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☐ Third Party ☑ Chg. To Del. ☐ Chg. To Hold

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City — State — Zip

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Declared Value Charge
Other 1
Other 2
Total Charges

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REVISION DATE 7/88
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OR. Water Resources Dept.
725 Summer St. NE
Suite A
Salem, OR 97301

97301$1266

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 122118

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

INVOICE # _____

RECEIVED FROM: Summer Lake Trout Farm, Inc.

BY: _____

APPLICATION	G-11640
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 1441 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 46111

0407	COPY & TAPE FEES	$
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: 122118 DATED: 12/14/16 BY: H. Gilmore

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

2-28-17
Phone
note
with
Bruce
Estes.
gp

		Max
well	4	1.07 -
	1	2.56 -
	2	1.61 -
	3	2.04 -

~~pond 3.91~~

old well 5 replaced
saline well

Approx 200.00 ac

well logs represent rate
fairly accurately (artisian).

POSTAL SERVICE
Restricted Data
Permit No. Gro
ADJ & WR
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301
ADDRESS SERVICE REQUESTED
RECEIVED
JAN 22 2009
SOURCES DEPT
G-11640
NORTHWEST FARM CREDIT SERVICES, FLCA
PO BOX 1490
ROSEBURG OR 97470
PRESORTED
FIRST CLASS
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STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 107008

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

INVOICE # _____

RECEIVED FROM: Desert Springs Trout Farms
BY: _____

APPLICATION	G11640
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 10302 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 500.00

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 46111

MISCELLANEOUS

0407	COPY & TAPE FEES	$
0410	RESEARCH FEES	$
0408	MISC REVENUE: (IDENTIFY) _____	$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	$
0240	EXTENSION OF TIME	$ 500.00

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: 107008 DATED: 10-1-12 BY: _____

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Application # G-11640 Permit # G-11024

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

- **WRIG...**
  Money Receipted on: 10-1-2012
- **Extension Specialist ...**
  ☑ Added to tracking spreadsheet

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

Application # G-11640 **Permit #** G 11024

Public Notice Route Slip ... New Application Extension of Time

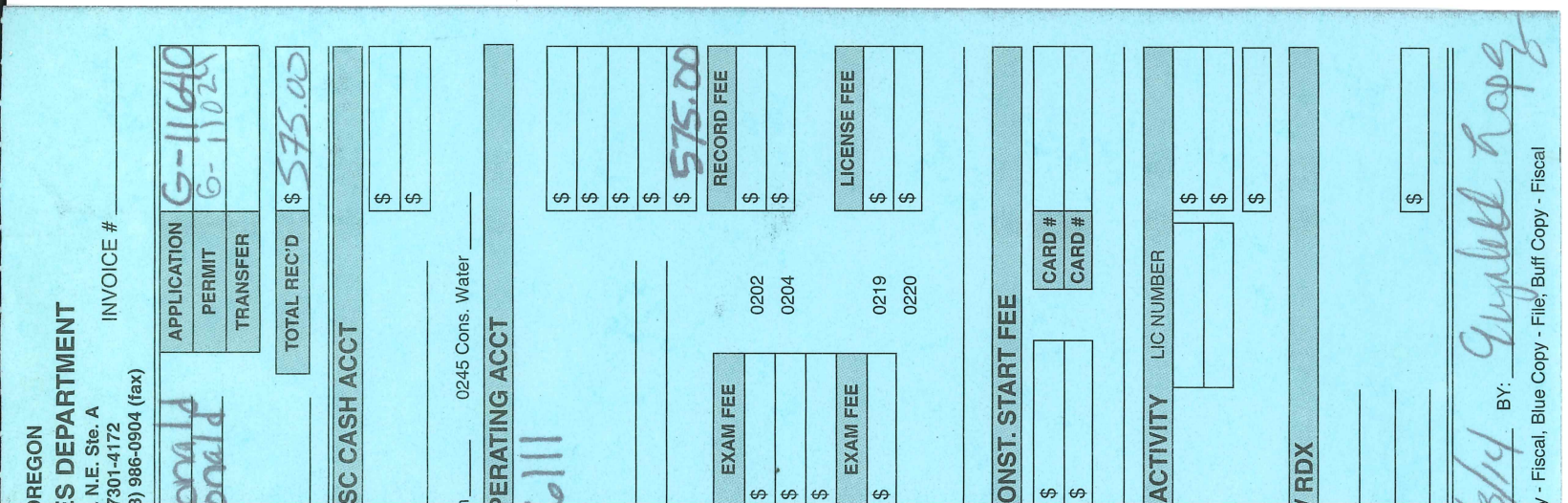
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

- **WRIG...**
  Money Receipted on: 10-6-14
- **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 10-14-14
  - ☒ 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** Machelle



Application # G-11640 Permit # G-11024

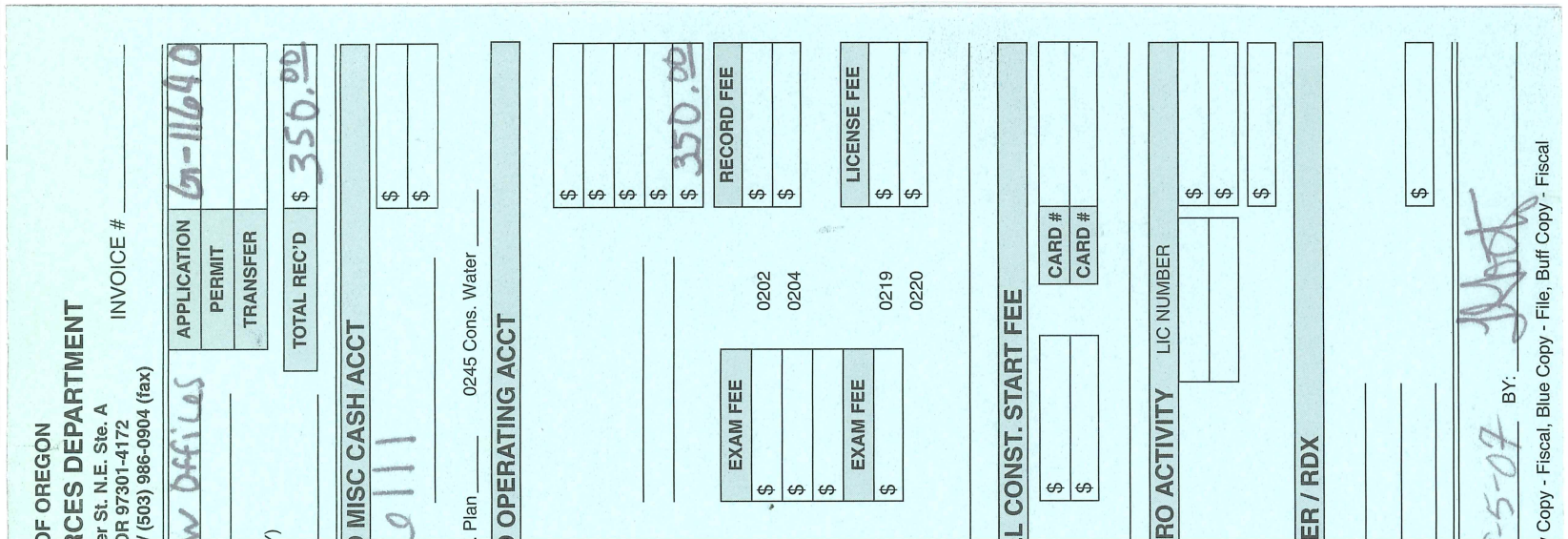
Public Notice Route Slip ... New Application Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

- **WRIG...**
  Money Receipted on: 9-5-07
- **Kim French...**
  - ☑ 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 9/11/07 JS
  - ☐ 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.



STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 101308

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

INVOICE # _____

RECEIVED FROM: Desert Springs Trout Farm

BY: _____

APPLICATION	G 11640
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 9467 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 500.00

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	$ 500.00

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: 101308 DATED: 10-1-10 BY: JR

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

Application # G-11640 Permit # G-11024

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

- WRJG...
- Money Receipted on: 10/1/10
- Extension Specialist...
- ☑ Added to tracking spreadsheet -

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

E OF OREGON
URCES DEPARTMENT
12TH ST. N.E.
M, OR 97310-0210
5 / 378-8130 (FAX)

INVOICE #_____

APPLICATION	below
PERMIT	
TRANSFER	

TOTAL REC'D $ 55.00

57451 – $27.50
G1505 – $27.50

CASH ACCT.
VOUCHER #

Assign

$ 55.00

EXAM FEE		RECORD FEE
$	0202	$
$	0204	$
$	0206	$
EXAM FEE		LICENSE FEE
$	0219	$
	0220	$

CARD #
CARD #

LIC NUMBER

31/02 BY: Connie Vance

Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

101069

INVOICE # _____

RECEIVED FROM: Farm Credit Services
BY:

CASH: ☐ CHECK:# $ 41004 89 OTHER: (IDENTIFY)

APPLICATION	G-11640
PERMIT	
TRANSFER	

TOTAL REC'D $ 75.00

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) ASSIGNMENT $ 75.00
TC162 DEPOSIT LIAB. (IDENTIFY) ~~Limited Liability~~
0240 EXTENSION OF TIME $
$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE $
0210 MONITORING WELLS $

CARD # 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: 101069 DATED: 9-10-10 BY: _____

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

TE OF OREGON
URCES DEPARTMENT
ORTLAND ROAD NE
LEM, OR 97310
55 / 378-8130 (FAX)

a Trout Farm

APPLICATION	G-11640
PERMIT	
TRANSFER	

FY)

TOTAL REC'D $10.00

CT

$
$
$
$

CASH ACCT.
VOUCHER # $

CT

$
$
Assignment $10.00
$

EXAM FEE		RECORD FEE
$	842.002	$
$	842.004	$
$	842.006	$
EXAM FEE		LICENSE FEE
$	842.023	$
	842.024	$

EE

$
$
CARD #
CARD #

$

LIC NUMBER

$
$

$

1/4/94 BY: Copy Fiscal

w Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # 125287 INVOICE # G

RECEIVED FROM: Key Bank
BY:

APPLICATION	11640
PERMIT	11024
TRANSFER	

CASH: ☐ CHECK: # ☒ 24-201 OTHER: (IDENTIFY) ☐

TOTAL REC'D $ 10.-

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.
COST CENTER AND OBJECT CLASS VOUCHER # $

03-00-0 WRD OPERATING ACCT

	MISCELLANEOUS			
840.001	COPY FEES			$
850.200	RESEARCH FEES			$
880.109	MISC REVENUE: (IDENTIFY)	assignment		$ 10.-
520.000	OTHER (P-6) (IDENTIFY)			$
	WATER RIGHTS:	EXAM FEE		RECORD FEE
842.001	SURFACE WATER	$	842.002	$
842.003	GROUND WATER	$	842.004	$
842.005	TRANSFER	$	842-006	$
	WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	$	842.023	$
	LANDOWNER'S PERMIT		842.024	$
	OTHER (IDENTIFY)			

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	$	CARD #	
	MONITORING WELLS	$	CARD #	
	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	$

07-00-0 HYDRO ACTIVITY

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

RECEIPT # 125287 DATED: 6-12-95 BY: D. Bushnell

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

RECEIVED
APR -7 1987
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
~~JUN 29 1987~~
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
MAR 30 1989
WATER RESOURCES DEPT.
SALEM, OREGON

T. 30 S., R. 17 E., W.M.

- Primary Irrigation
- Supp Irrigation
- Supp ~~Flood~~ Irrigation

Map traced from aerial photos:
28K-7, 28K-9, 28K-136
Scale - 8" = 1 mi

Map approved by: _____
Applicant

Application No. S-11640
Permit No. G11024

