

FILE#: G 14898

PERUWE
HUDSON BAY RD
FREEMATER, OR 97862

Application No. G14898

Permit No. G-13777 G-17129

Certificate No. _____

Stream Index, Page No. _____

FEEES PAID

Date	Amount	Receipt No.
1-5-94	925.00	76980
6-17-04	250.00	68035
8/1/14	575.00	112935
Cert. Fee		
FEEES REFUNDED		
Date	Amount	Check No.

Exp. Rec. 1-5-94
Ext. 6-17-04
8/1/14

Suspended until C 2023

By applicant _____

Approval _____

CONSTRUCTION

beginning 2/13/00

completion _____

ended to _____

application of water 10/1/03

ended to 10-1-2014, 10-30-2023

PROSECUTION OF WORK

" filed _____

" filed _____

" filed _____

FINAL PROOF

filed _____

received _____

certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

T-8256 A.P.O.A (Amen) Sp. V. 55 p. 893
T-9763 A.P.O.A V. 51 p. 74
T-10522 V. 74 p. 746
T-11680 A.P.O.A V. 91 p. 855

13717

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 14898 Permit: G- 17129 Permit Amendment? No Yes T- 11680 pending approved

Permit Holder's Name: Shane Deruwe

Permit Holder's Mailing Address: 85021 Hudson Bay Rd, Milton Freewater, OR 97862 email _____

Phone Number: 503-558-3710

POD Location: Township 6N Range 33E Section 13 ¼¼ NWSW; SENW; SWNW; SWSW

Drainage Basin: 7 County: Umatilla Watermaster District: 5 Watermaster: Greg Silbernagel

Date Permit was issued: 2/20/2014 Priority Date: 1/5/1999 Date of PN: 8/12/2014

Source: Five Wells within the Raymond Gulch Basin

Use: IR of 211.3 Ac

"Q": 2.64 CFS

Orig "A" Date: 8/13/2000 Orig "B" Date: 10/1/ Orig "C" Date: 10/1/2003

Extension request rec'd: 8/1/2014 Last Authorized "B" Date: 10/1/ Last Authorized "C" Date: 10/1/2014

Request Number (1, 2, 3...): 2nd Proposed "B" Date: 10/1/ Proposed C Date: ~~10/1/2023~~ 10/30/23

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A- date
<input type="checkbox"/>	<input type="checkbox"/>	Install Meter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	submit water use records
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

*Agent water right solutions
PO BOX 551
Walla Walla WA 99362*

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: \$72,980 Estimated Remaining Cost: \$210,000
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 0.66 cfs gpm af of the total permitted quantity of water on 210 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. Raymond Gulch 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: "/>

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: 2019 2018)

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:

Permit Amendments: T-8756; T-9263; T-10522, T-11680

A superseding permit was issued after T-11680. See example for Appl G-13512 (PFO and FO)

not sure if meters are installed. Water use reports show no water ever used, appl states 0.66 cfs

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

T-11680 2/20/14
 Add well #2E
 Move well 3
 permit superseding
 Issues 2/20/14
 G-17129

Correction
 T-10522 2/18/2003
 Addition
 well #2E
 D+3

T-8756 8/29/2001
 A print of Appropriation 55-893

T-9263 2-18-2003 57-112
 Additional print
 well 3



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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SALEM, OR

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

*Came
 from
 Water Rt Sol*

I, SHANE DERUWE

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

the holder of: Application Number G-14898 Permit Number G-17129 [OAR 690-315-0020(3)(b)]

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

85021 Hudson Bay Road
 MAILING ADDRESS

Milton Freewater, OR 97862
 CITY, STATE, ZIP

(509) 558-3710
 PHONE

 E-MAIL ADDRESS

X 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 10 Day 1 Year 2014, be extended to October 30, Year 2024.

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 10 Day 1 Year 2014, be extended to October 30, Year 2023

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.

Shane K. DeRuwe
 Signature

7-25-14
 Date

Printed Name/Title Shane K. DeRuwe

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

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: May 1, 2000

Describe details of construction: May 2000 was when the first well authorized for use under then Permit No. G-13717 was constructed..

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[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].

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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	5/1/2008	Water has not be put to beneficial use; water system not completed
2	7/1/2003	All wells completed into alluvial aquifer
8	7/1/2003	Those wells completed were constructed by licensed driller to State standards
11	7/1/2014	All work to date in compliance with statewide land use goals
12	7/1/2014	All work to date has been in accordance with specified construction schedule

- 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
7	10/30/2024	Not all wells constructed; system not complete
9	10/30/2014	Construction of irrigation system not yet completed
10	10/30/2024	Water not yet put to beneficial use

[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*
	Date the permit was signed - find date above signature on last page of permit.	
5/31/2000	First well completed. Sustained capacity insufficient	\$14,650.00
8/13/2000	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
7/30/2001	Second well completed. Pumped sand.	\$19,200.00
8/5/2003	Third well completed.	\$12,900
	(Above costs do not include estimates for power service to wells 2 & 3, panels, pumps)	\$0.00
	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		\$46,750.00

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

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*
2003	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
9/28/2008	Well 4 drilled	\$26,230.00
2014	"Extended To" date for complete application of water resulting from the 1 st (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*
Total Cost of Chart-D		\$26,230.00

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

4. [OAR 690-315-0020(3)(f)]
Cost of project to date: \$72,980.00
(The total combined cost from CHART-C and CHART-D)

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[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 = 0 cfs (cubic feet per second)
or

Maximum measured rate used to date = 0 gpm (gallons per minute)
or

Acre-feet stored to date = 0 AF

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					If yes, provide the Permit, Certificate, or Transfer No.
			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?	
A		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	UMAT 53833	41621	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
B		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	UMAT 54343	47070	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	- -
C		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	UMAT 54887	56529	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	- -
D		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	UMAT 56219	82249	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	300 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	- -
Total measured rate from all wells utilized under this permit								

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-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

[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 210 acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # D Acres 210

[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)
	Well # 5 to be completed.	\$110,000.00
	Power to be run to wells 1-3. Electrical panels installed	(\$80,000 -100,000)
	Pumps installed in wells 1-3	
Year:	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)]	\$210,000.00

[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.

The development of the permit has turned out to be much more costly than anticipated. More wells needed to be constructed than originally anticipated, due to insufficient capacity or sand pumping problems.

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Page 7

- 9-B) Did the financial resources needed to develop the project preclude completion of the project within authorized time frames? If yes, describe.

Yes. Originally, it was anticipated that 2 wells would be necessary to complete project. To date, four wells have had to be drilled, and a fifth well is currently under construction. Power still needs to be run to several of the wells, together with installation of pumps and power panels. There have been capacity and sand pumping issues which have necessitated the drilling of additional wells, and the total cost of the project has greatly exceeded that which was originally anticipated.

- 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.

No

- 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.

No

[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.

Additional time is necessary to complete construction of the authorized wells, and to fully develop the infrastructure (power service, panels, pumps, water distribution system) to put the allocated water to full beneficial use. I have already invested close to \$100,000 (permitting & construction costs) in development of the permit, and will need to invest significant additional funds to complete development. I am requesting the additional time to allow for funds to be obtained to complete development. I have pursued full development of this permit with good faith and due diligence; I just request additional time due to unanticipated expense and infrastructure necessary to complete the project.

STATE OF OREGON
COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SHANE DERUWE
85021 HUDSON BAY ROAD
MILTON FREEWATER, OREGON 97862

This superseding permit is issued to describe an amendment for a change in point of appropriation proposed under Permit Amendment Application T-11680 and approved by Special Order Vol. 71, Page 855, entered R.O. 20, 2014, amendments approved by Permit Amendment Application T-10522 approved by Special Order Vol. 74, Page 746, entered April 25, 2008, Permit Amendment Application T-9263, approved by Special Order Vol. 57, Page 112, entered February 18, 2003, Permit Amendment T-8756, approved by Special Order Vol. 55, Page 893, and to describe an extension of time for complete application of water approved July 14, 2005. This permit supersedes Permit G-13717.

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

APPLICATION FILE NUMBER: G-14898

SOURCE OF WATER: FIVE WELLS IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION OF 211.3 ACRES

MAXIMUM RATE: 2.64 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 5, 1999

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POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 N	33 E	WM	13	SW NW	4	WELL A (formerly Well 2) - 880 FEET SOUTH AND 480 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	SW SW		WELL B (formerly Well 1) - 3080 FEET SOUTH AND 620 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	NW SW		WELL C (formerly Well 3) - 2150 FEET SOUTH AND 865 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	SE NW	3	WELL D - 110 FEET SOUTH AND 1948 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	NW SW		WELL E - 1945 FEET SOUTH AND 1080 FEET EAST FROM THE NW CORNER OF SECTION 13

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 N	33 E	WM	13		2	21.0
6 N	33 E	WM	13		4	43.5
6 N	33 E	WM	13		3	49.7
6 N	33 E	WM	13	NE SW		31.1
6 N	33 E	WM	13	NW SW		34.6
6 N	33 E	WM	13	SW SW		14.0
6 N	33 E	WM	13	SE SW		1.1
6 N	33 E	WM	13	NW SE		6.7
6 N	33 E	WM	14		1	7.3
6 N	33 E	WM	14	SE SE		2.3

Permit Amendment T-8756 Conditions:

- ① The quantity of water diverted at the new point of appropriation (Well B) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
- ② Water shall be acquired from the same aquifer as the original point of appropriation (Well 1).

Permit Amendment T-9263 Conditions:

- ③ The quantity of water diverted at the new point of appropriation (Well 3 (Well C)), together with that diverted at Wells B and A (Wells 1 and 2), shall not exceed the maximum rate and duty allowed under the water right permit.
- ④ Water shall be acquired from the same aquifer as the original points of appropriation.

Permit Amendment T-10522 Conditions:

- ⑤ The combined quantity of water diverted at the new points of appropriation (Wells D and E), together with diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
- ⑥ Water shall be acquired from the same aquifer as the original points of appropriation.

Measurement, recording and reporting conditions:

- ⑦ A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

STANDARD CONDITIONS

- ⑧ The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

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

12 Actual construction of the well shall begin by August 13, 2000. Complete application of the water to the use shall be made on or before October 1, 2014. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 20, 2014


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

UMAT 53833

JUN 06 2000

STATE OF OREGON WATER SUPPLY WELL REPORT

WELL I.D. # L 241621

WATER RESOURCES DEPT. START CARD # W121235

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

(1) OWNER: Well Number Name SHANE K. DeRuwe Address 85021 Hudson Bay Rd. City Milton-Freewater State ORE Zip 97862

(2) TYPE OF WORK [X] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

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

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

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 210 ft. Explosives used [] Yes [X] No Type Amount

Table with columns: Diameter, From, To, Material, From, To, Seal. Includes handwritten entries for Bentonite seal at 0-40 ft depth.

How was seal placed: Method [] A [] B [] C [] D [] E [X] Other Poured Backfill placed from ft. to ft. Material Gravel placed from ft. to ft. Size of gravel

Table for casing/liner with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes handwritten entries for 10 inch casing.

Final location of shoe(s) 190

(7) PERFORATIONS/SCREENS: [X] Perforations Method TORCH [] Screens Type Material. Includes handwritten entries for perforations at 90-195 ft depth.

(8) WELL TESTS: Minimum testing time is 1 hour. [X] Pump [] Bailer [] Air [] Flowing Artesian. Includes handwritten test results for yield and drawdown.

(9) LOCATION OF WELL by legal description: County Umatilla Latitude Longitude Township 6 Or S Range 33 or W. WM. Section 13 NW 1/4 NW 1/4 Tax Lot 300 Lot Block Subdivision Street Address of Well (or nearest address) 1/8 mile SW From Beginning of Outer GRADE

(10) STATIC WATER LEVEL: 92 ft. below land surface. Date 5-25-2000 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Includes handwritten data for zones at 60-85 ft and 85-147 ft depths.

(12) WELL LOG: Ground Elevation

Well log table with columns: Material, From, To, SWL. Includes handwritten entries for Topsoil, Sand & Clay, Sand & Gravel, Brown Clay & Gravel, and Blue Clay.

RECEIVED

AUG 07 2000

WATER RESOURCES DEPT. SALEM, OREGON

Date started 4-12-2000 Completed 5-25-2000 (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 water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Date WWC Number

(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 water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Mike Harding Date 6-31-2000 WWC Number 1639

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER RECEIVED BY OWRD

AUG 01 2014

SALEM, OR

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SEP 04 2001

STATE OF OREGON WATER SUPPLY WELL REPORT WATER RESOURCES DEPT. SALEM, OREGON

WELL I.D. # L 47070 START CARD # 138360

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

(1) LAND OWNER Name SHANE K. DeRue Address 85021 Hudson Bay Road City Milton Freewater State ORE Zip 97942

(9) LOCATION OF WELL by legal description: County Umatilla Township 6 Section 13 SW 1/4 SW 1/4 Street Address of Well Butler Grade Road

(2) TYPE OF WORK [X] New Well [] Deepening [] Alteration [] Abandonment

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

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

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 280 ft. Explosives used [] Yes [X] No Type Amount

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, Pounds. Row 1: 16, 0, 49, Bentonite, 0, 49, 57. Row 2: 10, 49, 320.

How was seal placed: Method [] A [] B [] C [] D [] E [X] Other Poured

Backfill placed from 320 ft. to 280 ft. Material Gravel placed from 320 ft. to 280 ft. Size of gravel 1/2 Round

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing: 10, 1 1/2, 280, 250. Liner: 10, 190, 105, 1200.

Drive Shoe used [] Inside [X] Outside [] None Final location of shoe(s) 280

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Casing, Liner. Method TORCH + Mills Knife. Rows: 250-190, 190-105.

(8) WELL TESTS: Minimum testing time is 1 hour. Table with columns: Yield gal/min, Drawdown, Drill stem at, Time. Values: 250, 45, 300, 73, 30 hrs.

Temperature of water 57° Depth Artesian Flow Found Was a water analysis done? [] Yes [] No

(10) STATIC WATER LEVEL: 92 ft. below land surface. Date 7-30-01

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Rows: 110-174, 192-213, 261-273.

(12) WELL LOG: Table with columns: Material, From, To, SWL. Rows: Topsoil, Fine Gravel, Silt, Sandst. Silt, Gravel, Coarse Sand Gravel, Gravel + a little Brown Clay, Gravel, Brown Clay + Gravel, Gravel, Gravel + a little Brown Clay, Brown Clay + Gravel, Gravel, Brown Clay + Gravel, Blue Clay.

Date started 6-14-01 Completed 7-30-01 (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 water supply well construction standards.

(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 water supply well construction standards.

AUG 01 2014

UMAT 54887
umat 54887

WELL C

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

WELL I.D. # L 56529
START CARD # W133847

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

(1) LAND OWNER Well Number 3
Name SHANE DeRuwe
Address 85021 Hudson Bay Road
City Milton Freewater State ORE Zip 97462

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 220 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Seals or pounds
Diameter	From	To	Material	From	To	
16	0	40	3/4" bent	0	40	41
10	40	275				

How was seal placed: Method A B C D E
 Other forced

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: 10"	0	220	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 220

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

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
135	165	4x3	480	10"		<input checked="" type="checkbox"/>	<input type="checkbox"/>
192	215	4x3	368	10"		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Flowing <input type="checkbox"/> Artesian Time
180	88		11 hr.

Temperature of water 58° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 6 or S Range 33 or W. WM.
Section 13 SW 1/4 SW 1/4
Tax Lot 310 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Butler Grade Road

(10) STATIC WATER LEVEL:
92 ft. below land surface. Date 7-15-03
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 92

From	To	Estimated Flow Rate	SWL
130	165	100	92
193	215	100	92

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Silted Soil	0	57	
Small to Med Gravel	57	91	
Sand - Some Gravel	91	130	92
Gravel - Trace Sand - water	130	165	92
Gravel - Brown Clay	165	193	
Gravel - water	193	215	92
BROWN Clay + Gravel	215	275	
Bottom 55' water soaked and swelled sand.			

Date started 5-24-03 Completed 7-15-03

(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 water supply well construction standards. Materials used and information reported above are true to the best of my 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 water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1637
Signed Mike Harding Date 8-5-03

RECEIVED BY ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

AUG 01 2014

SALEM, OR

WELL D

UMAT 56219

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

WELL LABEL # L 82249

START CARD # W194818

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

(1) LAND OWNER Owner Well I.D.
First Name Silvane Last Name DeKawe
Company _____
Address 85201 Hudson Bay Rd, MI
City Millbrook, MI State OR Zip 97862

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (repair/recondition) Abandonment

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

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

(5) BORE HOLE CONSTRUCTION Special Standard: Yes (attach copy)
Depth of Completed Well 206 ft.

BORE HOLE			SEAL			
Dia.	From	To	Material	From	To	Amount (Scks/lbs)
14"	0	130'	Bentonite	0	25'	28
10"	130'	225'				

How was seal placed: Method A B C D E
 Other gravel
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from 130 ft. to 25 ft. Material 1/2" gravel
Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Csng	Liner	Dia.	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		10"	X	2	208'	250	X		X	

Shoe Inside Outside Other Location of shoe(s) 208'
Temporary casing Yes Diameter _____ From _____ To _____

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

Perf	Scrn	Csng	Liner	Screen Dia	From	To	Screen/slot width	Slot length	# of slots	Tele/pipe size
X		X			198	148	3/8"	10"	116	10"

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

Yield gal/min	Drawdown	Drill stem Pump depth	Duration (hr)
320	41'	185'	12 hr

Temperature 62 °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below)

From	To	Description

(9) LOCATION OF WELL (legal description)
County Umatilla Twp 6 or S Range 33 or W W.M.
Sec 13 NW 1/4 of the NW 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 47954 Statelin Road

(10) STATIC WATER LEVEL

Existing Well/Predcpeping	Date	SWL (psi)	+	SWL (ft)
Completed Well	<u>7-28-08</u>			<u>134</u>

Flowing Artesian? Yes Dry Hole? Yes

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>7-28-08</u>	<u>198</u>	<u>148</u>	<u>350 gpm</u>			<u>134</u>

(11) WELL LOG Ground Elevation

Material	From	To
Topsoil	0	6
Clay Brown	6	130
gravel-fine clay Br.	130	145
Clay Brown	145	147
gravel-small clay Br.	147	165
gravel-med	165	198
gravel-fine Black sand	198	205
Sand-fine Black-sand	205	211
gravel-fine clay Brown	211	225
gravel packed Bottom with pea gravel	19	

Date Started 6-12-08 Completed 7-28-08

(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 1589 Date 8-22-08
Signed Harold Handley

(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 1639 Date 8-22-08
Signed Mike Handley
Contact Info. (optional) _____

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SEP 02 2008



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

August 5, 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-14898 (Permit G-17129)**. 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 Steve Parrett at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Application # G-14898 Permit # G 17129

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

◆ **WRIG...**
Money Received on: 8-1-14

◆ **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 8/12/14
 - 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 Steve P

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

INVOICE # _____

RECEIPT # **112935**

RECEIVED FROM: Shane K. De Kowe
 BY: _____

APPLICATION	G-10898
PERMIT	
TRANSFER	

CASH: CHECK: # 492 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

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **112935**

DATED: 8/1/14 BY: [Signature]

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

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 <u>and</u> 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 <u>and</u> 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 <u>and</u> 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 <u>and</u> 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 <u>and</u> 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 <u>and</u> 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 <u>and</u> 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 <u>and</u> 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.

8. Has the \$575 fee been paid? 112935
 *If applicable, has the \$85 fee for the Assignment been paid? _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)

If the fee has NOT been paid, the application cannot be accepted.

****NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks).

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 **Extension Specialist, 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 Parrott Date: 8-1-14

G-14898

G-17129

Last revised: August 19, 2013

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.

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-17129, Water Right Application G-14898, in the name of Shane Deruwe

Permit Information

Application:	G-14898
Permit:	G-17129
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	January 5, 1999
Source of Water:	Five wells in Raymond Gulch Basin
Purpose of Use:	Irrigation use on 211.3 Acres
Maximum Rate:	2.64 cubic feet per second (cfs)

*****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 apply water to full beneficial use from October 1, 2003 2014 to October 30, 2023¹.
- 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.

¹Pursuant 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.

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-13717 was granted by the Department on August 13, 1999. The permit authorizes the use of up to 2.64 cfs of water from two wells in Raymond Gulch Basin for irrigation use on 211.3 acres. The permit specified actual construction of the water system was to begin by August 1, 2000 and complete application of water was to be made on or before October 1, 2003.

2. On August 29, 2001 the Department approved Permit Amendment T-8756 (Special Order Volume 55, Page 893) authorizing a change in the point of appropriation of well 1(A) under Permit G-13717.
3. On February 28, 2003 the Department approved Permit Amendment T-9263 (Special Order Volume 57, Page 112) authorizing an additional point of appropriation well 3 (C) under Permit G-13717.
4. On March 25, 2008 the Department approved Permit Amendment T-10522 (Special Order Volume 74, Page 746) authorizing two additional points of appropriation well D and well E under Permit G-13717 and corrects T-8756 location of well A.
5. On February 20, 2014, superseding Permit G-17129 was issued to approve Permit Amendment T-11680 and to incorporate other changes to the original permit G-13717. The permit authorizes the use of up to 2.64 cfs of water from five wells in Raymond Gulch Basin for irrigation use on 211.3 acres. The permit specified actual construction of the water system was to begin by August 1, 2000 and complete application of water was to be made on or before October 1, 2014.
6. A prior permit extension has been granted for Permit G-17129. The most recent extension request resulted in the completion dates for full application of water being extended from October 1, 2003 to October 1, 2014.
7. The permit holder, Shane Deruwe submitted an "Application for Extension of Time" to the Department on August 1, 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-17129 be extended from October 1, 2014 to October 30, 2023. However, since the permit does not contain a specific deadline for completing construction, the Department needs to only consider an extension of the time to apply water to full beneficial use.
8. Notification of the Application for Extension of Time for Permit G-17129 was published in the Department's Public Notice dated August 12, 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 537.230², 537.248³, 537.630⁴ and/or 539.010(5)⁵.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 537.630 applies to ground water permits only.

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

9. On August 1, 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)]

10. Actual construction of the well began prior to the August 13, 2000 deadline specified in the permit. Construction of well A (UMAT 53833) began April 12, 2000 and was completed May 25, 2000.

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.

11. As of August 1, 2014, the remaining work to be completed consists of drilling well 5 (E), installing power, meters and pumps to well 1-3 (A-C), completing construction of the irrigation system, meeting all permit conditions and applying water to full beneficial use.
12. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 30, 2023, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-17129 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)]

13. 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 August 13, 2000 deadline specified in the permit. Construction of well A (UMAT 53833) began April 12, 2000 and was completed May 25, 2000.

⁵ ORS 539.010(5) applies to surface water and ground water permits.

- b. Work was completed during the original development time frame under Permit G-17129. Construction of well B (UMAT 54343) was completed July 2001, and well C (UMAT 56529) was completed July 2003.
- d. During the most recent extension period, being from October 1, 2003, to October 1, 2014, the following was accomplished:
 - Completed construction of well D (UMAT 82249).

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

14. The following beneficial use of water was made during the permit or previous extension time limits:
- a. Since the issuance of Permit G-17129 on February 20, 2014, no water has been appropriated from the wells for irrigation.
 - b. Delay of full beneficial use of water under Permit G-17129 was due, in part, to insufficient yield of water from the permitted wells. The permit holder needs more time in which to for the construction of the remaining well and obtain the full quantity of water allowed under the permit.

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

15. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that meters or other suitable measuring devices have been installed.

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.

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

16. As of August 1, 2014, the permit holder has invested approximately \$72,980, which is approximately 25 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$210,000 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-17129.

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)].

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-17129; 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-17129, are located within the Raymond Gulch Basin, and are not located within a limited or critical ground water area. Raymond Gulch Basin 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)].

19. 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)].

20. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order 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)]

21. 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)]

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. Full application of water to beneficial use can be accomplished by October 30, 2023, 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 21 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-17129.

PROPOSED ORDER

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

Extend the time to apply water to beneficial use under Permit G-17129 from October 1, 2014 to October 30, 2023.

Subject to the following conditions:


CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**. ***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 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: October 28, 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 **December 12, 2014**, 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 Mabelle 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
Salem, OR 97301-1266
Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: October 28, 2014

Copies Mailed

Application: G-14898

Permit: G-17129

By: BLO
On: 10/28/14

Original mailed to Applicant:

Shane Deruwe
85021 Hudson Bay Road
Milton Freewater, OR 97862

Copies sent to:

1. WRD - App. File G-14898/ Permit G-17129
2. Water Right Solutions
P.O. Box 551
Walla Walla, WA 99362

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 5, Greg Silbernagel

CASEWORKER: MAB

Oregon Water Resources Department

Water Right Services Division

Water Rights Application
Number G-14898

FINAL ORDER

Extension of Time for Permit Number G-17129
Permit Holder: Shane Deruwe

Permit Information

Application:	G-14898
Permit:	G-17129
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	January 5, 1999
Source of Water:	Five wells in Raymond Gulch Basin
Purpose of Use:	Irrigation use on 211.3 Acres
Maximum Rate:	2.64 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

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-13717 was issued by the Department on August 13, 1999. Superseding Permit G-17129 was issued on February 20, 2014. The permit called for complete application of water to beneficial use by October 1, 2003. The most recent extension authorized complete application of water to beneficial use by October 1, 2014. On August 1, 2014, Shane Deruwe submitted to the Department an Application for Extension of Time for Permit G-17129. In accordance with OAR 690-315-0050(2), on October 28, 2014, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 30, 2023. The protest period closed December 12, 2014, 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 October 28, 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 the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**. *A form is enclosed with this 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 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.

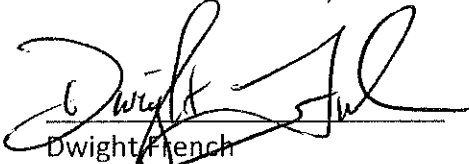
CONCLUSION OF LAW

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-14898, Permit G-17129, therefore, is approved subject to conditions contained herein. 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, 2023.

DATED: December 19, 2014



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
-



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
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Shane Deruwe

Application G-14898

Permit G-17129

Progress Report for 2018

Report Due no later than October 1, 2018

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

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-17129.

FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between August 1, 2014 and October 1, 2018	FINANCIAL INVESTMENT

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date: _____ (NA if not applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, 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.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Public Noticed: _____ <i>For OWRD use only</i>
Reviewed by: _____	Date: _____

Mailing List for Extension FO Copies

FO Date: December 19, 2014

Copies Mailed

Application: G-14898

By: BW

Permit: G-17129

On: 12/19/14

Original mailed to permit holder

Shane Deruwe
85021 Hudson Bay Road
Milton Freewater, OR 97862

Copies sent to:

1. WRD - App. File G-14898/ Permit G-17129
2. Water Right Solutions
P.O. Box 551
Walla Walla, WA 99362

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 5, Greg Silbernagel

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by MAB Date 12-18-14

CASEWORKER: MAB



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

February 26, 2014

SHANE DERUWE
85021 HUDSON BAY RD
MILTON FREEWATER, OR 97862

REFERENCE: Permit Amendment Application T-11680

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 by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@wrd.state.or.us

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Tony G. Justus, Watermaster Dist. # 5 (via email)

Enclosure



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.

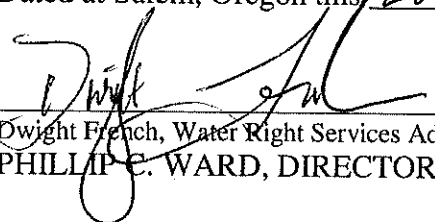
Conclusions of Law

The change in point of appropriation of Well E proposed by Permit Amendment Application T-11680 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation of Well E proposed by Permit Amendment Application T-11680 is approved.
2. Permit G-17129, in the name of SHANE DERUWE, is issued to replace Permit G-13717, and incorporates the amendments approved by this order, the orders approving Permit Amendments T-10522, T-9263, and T-8756. Permit G-13717, in the name of SHANE DERUWE, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation of Well E.
4. Water shall be acquired from the same aquifer as the original point of appropriation, Well E.
5. All other terms and conditions of Permit G-17129 remain the same.

Dated at Salem, Oregon this 20 day of February, 2014.



Dwight French, Water Right Services Administrator, for
PHILLIP E. WARD, DIRECTOR

Mailing Date: FEB 27 2014

STATE OF OREGON
COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SHANE DERUWE
85021 HUDSON BAY ROAD
MILTON FREEWATER, OREGON 97862

This superseding permit is issued to describe an amendment for a change in point of appropriation proposed under Permit Amendment Application T-11680 and approved by Special Order Vol. 91, Page 855, entered Feb. 20, 2014, amendments approved by Permit Amendment Application T-10522 approved by Special Order Vol. 74, Page 746, entered April 25, 2008, Permit Amendment Application T-9263, approved by Special Order Vol. 57, Page 112, entered February 18, 2003, Permit Amendment T-8756, approved by Special Order Vol. 55, Page 893, and to describe an extension of time for complete application of water approved July 14, 2005. This permit supersedes Permit G-13717.

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

APPLICATION FILE NUMBER: G-14898

SOURCE OF WATER: FIVE WELLS IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION OF 211.3 ACRES

MAXIMUM RATE: 2.64 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 5, 1999

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 N	33 E	WM	13	SW NW	4	WELL A (formerly Well 2) - 880 FEET SOUTH AND 480 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	SW SW		WELL B (formerly Well 1) - 3080 FEET SOUTH AND 620 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	NW SW		WELL C (formerly Well 3) - 2150 FEET SOUTH AND 865 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	SE NW	3	WELL D - 110 FEET SOUTH AND 1948 FEET EAST FROM THE NW CORNER OF SECTION 13
6 N	33 E	WM	13	NW SW		WELL E - 1945 FEET SOUTH AND 1080 FEET EAST FROM THE NW CORNER OF SECTION 13

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 N	33 E	WM	13		2	21.0
6 N	33 E	WM	13		4	43.5
6 N	33 E	WM	13		3	49.7
6 N	33 E	WM	13	NE SW		31.1
6 N	33 E	WM	13	NW SW		34.6
6 N	33 E	WM	13	SW SW		14.0
6 N	33 E	WM	13	SE SW		1.1
6 N	33 E	WM	13	NW SE		6.7
6 N	33 E	WM	14		1	7.3
6 N	33 E	WM	14	SE SE		2.3

Permit Amendment T-8756 Conditions:

The quantity of water diverted at the new point of appropriation (Well B) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).

Water shall be acquired from the same aquifer as the original point of appropriation (Well 1).

Permit Amendment T-9263 Conditions:

The quantity of water diverted at the new point of appropriation (Well 3 (Well C)), together with that diverted at Wells B and A (Wells 1 and 2), shall not exceed the maximum rate and duty allowed under the water right permit.

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

Permit Amendment T-10522 Conditions:

The combined quantity of water diverted at the new points of appropriation (Wells D and E), together with diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

STANDARD CONDITIONS

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

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

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

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

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

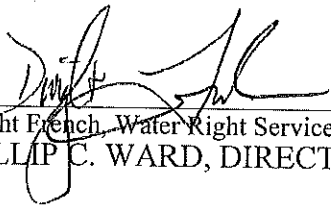
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin by August 13, 2000. Complete application of the water to the use shall be made on or before October 1, 2014. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 20, 2014


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR



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 9, 2011

SHANE DERUWE
85021 HUDSON BAY ROAD
MILTON FREEWATER, OR 97862

REFERENCE: Application G-14898 / Permit G-13717

Dear Mr. Deruwe:

The Water Right Services Division received your written progress report for Permit G-13717. Receipt of the progress report was published on the Department's weekly Public Notice, dated August 2, 2011. 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) 986-0812.

Sincerely,

Jerry Gainey
Extensions
Water Rights Services Division

Enclosure

cc: Application G-14898
Watermaster District 5 – Tony Justus



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
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: SHANE DERUWE

Application G-14898
 Permit G-13717

Report Due no later than October 1, 2010
 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

RECEIVED

JUL 14 2011

Progress Report Form for 2010

WATER RESOURCES DEPT
 SALEM OREGON

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-13717

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2003 and October 1, 2010	FINANCIAL INVESTMENT
2007	Union Bulletin well ad	79. ⁸⁰
2007	OL water Permit	400. ⁰⁰
2007	Fountain head well paper work	1218. ⁷⁵
2008	Harding Drilling	26,227. ⁰⁰
2008	W.W. Electric \$1,929. ⁶⁰ Pacific Power Hook up \$8055. ⁰⁰	\$9984. ⁶⁰
2008	40 Hp pump	7,132. ²¹
	Total	\$45,042. ³⁶

2. Compliance with terms and conditions of the permit and/or previous extension.

I finished well D on #4 in 2008 Fall

Hope To start E on #5 in Fall 2011

3. Total number of acres irrigated to date = 210 (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)

Maximum rate used to date = 300 gpm (gallons per minute)

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 Shane K. Deruwe

Date July 12, 2011

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: 8/2/11

Reviewed by: [Signature]

Date: _____

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 7/14/2011

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: 8/2/11

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 progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 9/9/2011

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

4. Return file to cabinet - Jerry G.

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Shane Deruwe Attn: _____

Application: G- 14898

Permit: G- 13717

County: Umatilla

Source: Five Wells, in the Raymond Gulch Basin

Use: Irrigation of 211.3 acres



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

June 22, 2011

SHANE DERUWE
85021 HUDSON BAY ROAD
MILTON FREEWATER, OR 97862

REFERENCE: Application G-14898 / Permit G-13717

Dear Permit Holder:

On July 14, 2005, the Department issued a Final Order approving an Extension of Time for Permit G-13717. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2010.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2010.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2014. *Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2003. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.*

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece

Extensions

Water Rights Services Division

Enclosure

cc: Application G-14898
Watermaster District 5 – Tony Justus



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 Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: SHANE DERUWE

Application G-14898
 Permit G-13717

Report Due no later than October 1, 2010

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-13717

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2003 and October 1, 2010	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)

Maximum rate used to date = _____ gpm (gallons per minute)

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: _____

6-14898

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)
T-10522, Umatilla 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

Shane DeRuwe
85201 Hudson Bay Road
Milton-Freewater, Oregon 97862

Findings of Fact

1. On January 22, 2008, Shane DeRuwe, filed an application for additional points of appropriation under Permit G-13717. The Department assigned the application number T-10522.

2. The permit to be amended is as follows:

- Permit:** G-13717, in the name of Shane DeRuwe (as previously amended by T-8756, Special Order Vol. 55 Page 893; T-9263, Special Order Vol. 57, Page 112)
- Use:** Irrigation
- Priority Date:** January 5, 1999
- Quantity:** 2.64 cubic feet per second (cfs)
- Rate/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
- Acres:** 211.3
- Source:** Three wells, in the Raymond Gulch Basin.
- Date of Complete Application of Water:** October 1, 2014

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:

Township		Range		Meridian	Sec	¼ ¼		Lot	Location
6	N	33	E	W.M.	13	SW	SW		Well 1 – 3300 feet South and 370 feet West from the NW Corner of Section 13.
6	N	33	E	W.M.	13			4	Well 2 – 880 feet South and 480 feet East from the NW Corner of Section 13.
6	N	33	E	W.M.	13	NW	SW		Well 3 – 2185 feet South and 830 feet East from the NW Corner of Section 13.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
6	N	33	E	W.M.	13			2	21.0
6	N	33	E	W.M.	13			3	49.7
6	N	33	E	W.M.	13			4	43.5
6	N	33	E	W.M.	13	NE	SW		31.1
6	N	33	E	W.M.	13	NW	NW		34.6
6	N	33	E	W.M.	13	SW	SW		14.0
6	N	33	E	W.M.	13	SE	SW		1.1
6	N	33	E	W.M.	13	NW	SE		6.7
6	N	33	E	W.M.	14			1	7.3
6	N	33	E	W.M.	14	SE	SE		2.3

3. A scrivener's error in the location description of Well 1 authorized by Permit Amendment T-8756 occurred. The location description of Well 1 should be 3300 feet South and 370 feet East from the NW Corner of Section 13.
4. The applicant has submitted better survey data that describes the authorized points of appropriation. The new survey data better describes the location of the authorized points of appropriation as:

Township		Range		Meridian	Sec	¼ ¼		Lot	Location
6	N	33	E	W.M.	13			4	Well A (Well 2) – 880 feet South and 480 feet East from the NW Corner of Section 13.
6	N	33	E	W.M.	13	SW	SW		Well B (Well 1) – 3080 feet South and 620 feet East from the NW Corner of Section 13.
6	N	33	E	W.M.	13	NW	SW		Well C (Well 3) – 2150 feet South and 865 feet East from the NW Corner of Section 13.

5. Application T-10522 proposes additional points of appropriation located:

Township		Range		Meridian	Sec	¼ ¼	Lot	Location
6	N	33	E	W.M.	13		3	Well D – 110 feet South and 1948 feet East from the NW Corner of Section 13.
6	N	33	E	W.M.	13	NW SW		Well E – 1773 feet South and 969 feet East from the NW Corner of Section 13.

6. Notice of the application for the permit amendment was published in the Department's weekly notice on February 5, 2008, and in the Walla Walla Daily Bulletin newspaper on March 20, 27 and April 3, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. 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-10522 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 (wells), 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. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

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

4. All other terms and conditions of Permit G-13717 remain the same.
5. Permit G-13717, in the name of Shane DeRuwe, is amended as described herein.

Dated at Salem, Oregon this 25th day of April, 2008.



FM Phillip C. Ward,
Director

Mailing Date: MAY 01 2008

Final Order
Extension of Time for Permit Number G-13717

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

On JUNE 17, 2004, SHANE DERUWE submitted an application to the Department for an extension of time for permit number G-13717. The Department issued permit number G-13717 on AUGUST 13, 1999. The permit called for complete application of water to beneficial use by OCTOBER 1, 2003. In accordance with OAR 690-315-0050(2), on MAY 24, 2005, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to OCTOBER 1, 2014. The protest period closed JULY 8, 2005, 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. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2010.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;

- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

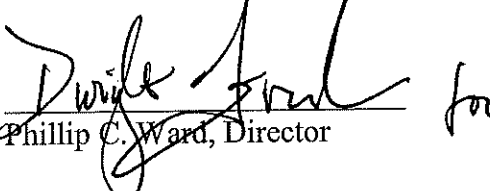
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

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

Order

The extension of time for Application Number G-14898, Permit Number G-13717, therefore, is approved. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2014.

DATED: July 14, 2005


Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

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

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 30, 2006

SHANE K DERUWE,
85021 HUDSON BAY RD
MILTON FREEWATER, OR 97862

REFERENCE: USER_ID 28876

Dear Water User:

We appreciate your continued cooperation with the Water Use Reporting program. We again request that you report your water use online. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2006 monthly quantities form is printed on the reverse.

To report monthly quantities data online, go to our web page at www.wrd.state.or.us and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. Your USER_ID number is both your Username and your Password to log in. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Enter the data for one point of diversion at a time. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter a zero if you did not use a diversion during a month. At present, the system can receive data only for the 2006 water year (October 2005 – September 2006). If you wish to submit data for another year, you will need to submit a hard copy.

Finally, if you use small water right (less than 0.1 CFS or 9.2 AF) and do not measure monthly quantities, you may report the maximum volume allowed under the right. For rates in CFS,

$$\text{AF} = 1.98 * \text{CFS} * (\# \text{ of days in the month})$$

Thank you in advance. The data you provide is valuable for water management in Oregon.

Yours truly,

Gary L. Ball, PE, PLS
Hydrographics/Measurement & Reporting Manager
Voice: 503-986-0831, Fax: 503-986-0902
Gary.L.BALL@wrd.state.or.us

2005

AP-G-14898
 Oregon Water Resources Department
 October 2005 through September 2006
 Annual Water Use - Monthly Quantities Form

USER-ID *28876*

2006



Facility or POD-ID	Well 1	Well 2	Well 3		
October - 2005	<i>No usage</i>	<i>No Usage</i>	<i>No Usage</i>		
November - 2005	<i>" "</i>	<i>" "</i>	<i>" "</i>		
December - 2005					
January - 2006					
February - 2006					
March - 2006	<i>" "</i>	<i>" "</i>	<i>" "</i>		
April - 2006					
May - 2006					
June - 2006					
July - 2006	<i>" "</i>	<i>" "</i>	<i>" "</i>		
August - 2006					
September - 2006					
TOTAL *					

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ If use is irrigation, total number acres irrigated _____
 I certify this information is true and accurate to the best of my knowledge.

Shane K. DeRue
 Signature

Owner
 Title

Reporting Entity

11-6-06
 Date

Shane K. DeRue
 Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting **RECEIVED**
 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

NOV 13 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

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

Mailing List for Extension FO Copies

Application #G-14898
Permit #G-13717

FO Date: July 14, 2005

Original mailed to:

Shane DeRuwe
85021 Hudson Bay Road
Milton-Freewater, OR 97862

Copies Mailed	
By:	<u>GIS</u> (SUPPORT STAFF)
on:	<u>7/15/05</u> (DATE)

For Extension FO's - Copies sent to:

2. WRD - Appl. File #G-14898 / Permit #G-13717
3. WRD - Watermaster District: #5 - Tony Justus
4. WRD - Regional Manager: NCR - Mike Ladd, Pendleton
5. WRD - Support Staff, Salem...*Permit record update*

Other interested parties:

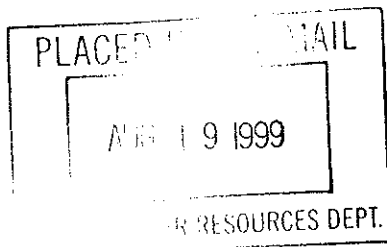
NONE

CASEWORKER: LJJ

S:\groups\wr\extensions\F O\Work_FO\g14898.wpd

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14898



Final Order

Application History

On January 5, 1999, SHANE DERUWE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 1, 1999. The protest period closed July 16, 1999, and no protest was filed.

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

Order

Application G-14898 therefore is approved as proposed by the Proposed Final Order, and Permit G-13717 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED August 13, 1999


Martha O. Pagel, Director

Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SHANE DERUWE
85021 HUDSON BAY ROAD
MILTON FREEWATER, OREGON 97862

(541) 558-3710

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

APPLICATION FILE NUMBER: G-14898

SOURCE OF WATER: TWO WELLS IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION OF 211.3 ACRES

MAXIMUM RATE: 2.64 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 5, 1999

POINT OF DIVERSION LOCATION: LOT 3, AND LOT 4, SECTION 13, T6N, R33E, W.M.; WELL 1 - 80 FEET SOUTH & 2250 FEET EAST; WELL 2 - 880 FEET SOUTH & 480 FEET EAST BOTH FROM NW CORNER, SECTION 13

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

LOT 2	21.0 ACRES
LOT 3	49.7 ACRES
LOT 4	43.5 ACRES
NE 1/4 SW 1/4	31.1 ACRES
NW 1/4 SW 1/4	34.6 ACRES
SW 1/4 SW 1/4	14.0 ACRES

SE 1/4 SW 1/4 1.1 ACRES
NW 1/4 SE 1/4 6.7 ACRES
SECTION 13

LOT 1 7.3 ACRES
SE 1/4 SE 1/4 2.3 ACRES
SECTION 14

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

STANDARD CONDITIONS

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

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

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

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

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

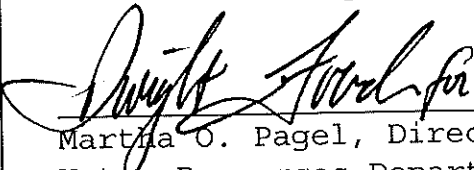
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued August 13, 1999


Martha O. Pagel, Director
Water Resources Department

Application G-14898
Basin 7
RWK

Water Resources Department
Volume 2 PINE CR MISC
MGMT.CODE 7BG 7BR

PERMIT G-13717
District 5

Mailing List for FO Copies

Application# G-14898

Mailing List Printed July 27, 1999

Original mailed to(when permit issued, include copy of permit map):

Applicant: SHANE DERUWE, 85021 HUDSON BAY ROAD, MILTON FREEWATER, OREGON
97862

For FO w/Permit - Copies sent to:

1. WRD - File # G-14898
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)

Copies Mailed By: <u>JF</u> (SUPPORT STAFF) on: <u>8/18/99</u> (DATE)

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

5. WRD - Watermaster District #: 5
6. WRD - Regional Manager: NCR

COPIES TO Other Interested Persons

7. Dennis Gaylord (CWRE)

CASEWORKER: RWK

Extension "Final Order" Checklist

Application # G-14898 / Permit # G-13717

Permit Holder's Name Shane DeRuwe
85021 Hudson Bay Rd, Milton-Freewater, OR 97862

This Final Order is processed under: **Div. 315 Rules** -or- **Div. 320 Rules**

✓ 1. Date Extension Request submitted: 6-17-2004

✓ 2. Date permit was issued: 8-13-99

✓ 3. Original "B" Date from permit: N/A
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-2003
(Date for complete application of water)

✓ 5. Extension PFO Date: 5-24-2005

✓ 6. WRD recommends extending "B" Date to: N/A
and extending the "C" Date to: 10-1-2014

✓ 7. Any conditions from PFO: Yes - Progress Report in 2010

✓ 8. Protest Deadline Date from PFO: 7-8-2005

✓ 9. Any written Protests or written Comments received within the Protest period?
Yes / **No**

Reviewer's Name: [Signature]

Date: 7-13-05

Mailing List for Extension PFO Copies

Application #G-14898
Permit #G-13717

PFO Date: May 24, 2005

Original mailed to:

Applicant: Shane DeRuwe
85021 Hudson Bay Rd
Milton-Freewater, OR 97862

Copies Mailed
By: <u>[Signature]</u> (SUPPORT STAFF)
on: <u>5/24/05</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-14898 / Permit #G-13717
2. WRD - Watermaster District: #5 - Tony Justus, Pendleton

Other interested parties:

NONE

CASEWORKER: LJJ/JJU

**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-13717, Water Right) **PROPOSED FINAL ORDER**
Application #G-14898)
(Shane DeRuwe))

Permit Information	
<u>Application File #G-14898 / Permit #G-13717</u>	
Basin: #07 - Umatilla Basin / Watermaster District: #5	
Date of Priority: January 5, 1999	
<u>Authorized Use of Water</u>	
Source of Water:	Two Wells in the Raymond Gulch Basin
Purpose or Use:	Irrigation of 211.3 acres
Maximum Rate:	2.64 cubic feet per second (cfs)

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

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit #G-13717, water right Application #G-14898. A copy of Permit #G-13717 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2003, to October 1, 2014; and
- make the extension subject to certain conditions set forth below.

AUTHORITY

ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, 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.

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) allows 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-13717 was granted by the Water Resources Department on August 13, 1999. The permit authorizes the use of up to 2.64 cfs of water from two wells, within the Raymond Gulch Basin, for Irrigation of 211.3 acres. The permit specified that complete application of water was to be made on or before October 1, 2003.
2. The permit holder submitted an "Application for Extension of Time" to the Department on June 17, 2004, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13717 be extended from October 1, 2003, to October 1, 2014. This is the first permit extension requested for Permit #G-13717.

3. Notification of the permit holder's extension of time request for Permit #G-13717 was published on the Department's Public Notice dated June 22, 2004. No public comment on the extension application was received.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction and/or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Other Governmental Requirements [OAR 690-315-0040(2)(a)]

4. Delay in the development of this project was not caused by any other governmental requirements.

Start of Construction [OAR 690-315-0040(1)(b)]

5. Construction of the wells and water system began within the time specified in the permit, being August 13, 2000.

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

6. As of June 17, 2004, the permit holder had invested a total of \$63,000 into the project, consisting of the drilling of three testing wells and trial pumping of two of those wells. An additional \$79,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0040(3)]

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [OAR 690-315-0040(3)].

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 permits only.

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

7. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the wells and water system began within the time specified in the permit, being August 13, 2000.

Beneficial Use of Water

8. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit #G-13717 on August 13, 1999, none of the water allowed under the permit has been put to beneficial use.
 - b. Delay of full beneficial use of water under Permit #G-13717 was due to a failure of the wells' ability to yield sufficient quantities of water. The first well sucked dry shortly after pumping commenced. The pump installed in the second well burned up due to the dense sand that forms the character of the ground in which the well was drilled. The third well proved not to be cost effective due to a lack of sufficient water supply.

Compliance with Conditions

9. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The record does not raise concerns about the permit holder's compliance with conditions.

Financial Investments

10. Financial investments made toward developing the beneficial water use.
 - a. As of June 17, 2004, the permit holder had invested approximately 44 percent of the total projected cost for complete development of this project. A total of \$63,000 has been invested into the project, consisting of the drilling of three testing wells and trial pumping of two of those wells. An additional \$79,000 investment is anticipated for the completion of this project.

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

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - a. The Department determined on January 22, 1999, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13717 in order to avoid injury to existing rights or to the ground water resource.
 - b. The permitted points of appropriation, authorized under Permit #G-13717, are not located within the boundaries of any designated ground water limited area.
 - c. The permitted points of appropriation, authorized under Permit G-13717, are not located within or above the designated boundaries of any state scenic waterway.

12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
 - a. The permitted points of appropriation, authorized under Permit #G-13717, are located within the Raymond Gulch Basin which has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish. Additionally, the Raymond Gulch has not been designated by the Oregon Department of Environmental Quality as a water quality limited stream. The Department determined on January 22, 1999, however, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13717 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
 - b. The permitted points of appropriation, authorized under Permit #G-13717, are not located within a designated segment of a federal wild and scenic river.

13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
 - a. The permitted wells are located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified on the Division 33 map furnished by the Oregon Department of Fish and Wildlife. The Department determined on January 22, 1999, however, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13717 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
14. Economic investment in the project to date.
 - a. As of June 17, 2004, the permit holder had invested approximately 44 percent of the total projected cost for complete development of this project. A total of \$63,000 has been invested into the project, consisting of the drilling of three testing wells and trial pumping of two of those wells. An additional \$79,000 investment is anticipated for the completion of this project.
15. Other economic interests dependent on completion of the project.
 - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

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

17. Use and income from the permitted water development will result in reasonable returns upon the investment made to date.

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

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

18. As of June 17, 2004, the remaining work to be completed consists of the complete application of water to beneficial use.
19. Delay of full beneficial use of water under Permit #G-13717 was due to a failure of the wells' ability to yield sufficient quantities of water. The first well sucked dry shortly after pumping commenced. The pump installed in the second well burned up due to the dense sand that forms the character of the ground in which the well was drilled. The third well proved not to be cost effective due to a lack of sufficient water supply.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2014, to complete the application of water to beneficial use under the terms of Permit #G-13717 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Full application of water to beneficial use can be completed by October 1, 2014⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

⁵ 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.

6. In order to ensure future diligence is exercised in the development and perfection of Permit #G-13717, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

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 application of water to beneficial use under Permit #G-13717 from October 1, 2003, to October 1, 2014.

Subject to the following conditions:

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2010.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

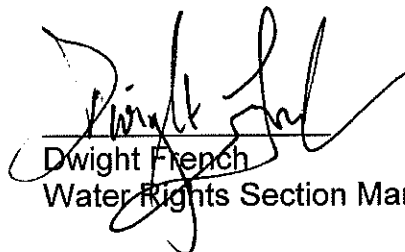
If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

DATED: May 24, 2005


Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may 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 **Friday, July 8, 2005**, 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 final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submitted a timely request for a contested case hearing.

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds. His telephone number is (503)986-0820.

If you have other 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 Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901**

Application # G-14898 / Permit # G-13717

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: \$250.⁰⁰ on 6-17-04

◆ **Lisa Juul...**

Extension Completeness: OK - [scribble]

(If **NOT** complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$250 fee submitted, route to...

◆ **Jonnine Fuss...**

Publish on Public Notice (initial 30-day comment): [Signature] 6/22/04

Update "cdatewext.DB" 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.

At the close of the Initial 30-day Comment Period...

◆ **Lisa Juul...**

Pull files for Ext PFO review: _____

Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

◆ **Jonnine Fuss...**

Prepare Ext PFO for mailing to applicant: _____

Mail to those who commented *and* paid copy fee: _____

Include Ext PFO on weekly Public Notice: _____

EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-14898 / Permit #: G-13717

Permittee's Name: Shane DeRuwe

Permittee's Mailing Address: 85021 Hudson Bay Rd, Milton-Freewater, OR 97862

POD Location: Township 6-N Range 33-E Section 13 $\frac{1}{4}$ $\frac{1}{4}$ Lot 3 Lot 4

Drainage Basin: 7-Umatilla County: Umatilla Watermaster District #: 5

- ✓ 1. Has the applicant submitted the appropriate fees? Yes / No \$250.00 paid
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
***NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???
- ✓ 2. Has the applicant completely filled out the Extension Application form? Yes / No
***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
- ✓ 3. Date Permit was issued: 8-13-99 Priority Date: 1-5-99
- ✓ 4. Source: Two Wells, in Raymond Gulch Basin
- ✓ 5. Use: Irrigation of 211.3 AC
- ✓ 6. "Q": 2.64 cfs
- ✓ 7. Orig "A" Date: 8-13-2000 Orig "B" Date: N/A Orig "C" Date: 10-1-2003
- ✓ 8. Conditions of Permit: Before use begins → shall install meter or other suitable meas. device. Shall keep monthly record of water use & report annually to WRD.
- ✓ 9. Extension request received: 6-17-04 Request Number (...1st, 2nd, 3rd): 1st
- ✓ 10. Last Authorized "B" Date: N/A Last Authorized "C" Date: 10-1-2003
- ✓ 11. Proposed "B" Date: _____ Proposed C Date: 10-1-2014
- ✓ 12. Amount Invested to date: \$63,000.00 Estimated Total Cost: \$143,000.00
(***)Estimated Remaining Cost: \$79,000.00

✓ 13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?

• "A" Date met
• No water use has begun

✓ 14. Work on the water development project completed to date includes: _____

• Three wells drilled, all of which supplying insufficient yield (wells one & two didn't produce, well three low yielding, therefore not cost effective)

✓ 15. The work remaining to be completed consists of: _____

• ~~complete construction of the water system~~
• accomplish beneficial use of water to full extent

✓ 16. Progress in perfecting the permit is being held up by: _____

• None of the wells have been successful in producing
• Character of the ground (sand, etc...) has ~~inhibited~~ inhibited water yield

✓ 17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes / No**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]
a. The amount of construction completed within the time allowed in the permit or previous extension;
b. The amount of beneficial use made of the water during the permit or previous extension time limits;
c. Water right permit holder conformance with the permit or previous extension conditions; and
d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 15 % of the construction.
- Permit holder has beneficially used 0 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? **Yes / No**
—If No, reasons why not? _____
- Permit holder has invested approximately 44 % of the total estimated cost to complete the project.
- Other: _____

✓ 18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:
a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
d. Economic investment in the project to date;
e. Other economic interests dependent on completion of the project; and
f. Other factors relevant to the determination of the market and the present demand for water or power.

- Is the POD/POA located.....
- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? No
 - within or above a state scenic waterway? No
 - within a ground water limited/critical area? No
 - within a segment that has been identified as a federal wild and scenic river? No
 - within an area that ODFW has identified as an ST&E Area? Yes
 - within an area that ODFW has identified as a Low Needs Ranking Area for streamflow restoration for fish?
 - within an area that DEQ has identified as being water quality limited? No
 - Other: _____

19. 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

20. 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 *October 1, 2010*
- Other: _____

21. 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:

Extension "PFO" Dates

Checklist Last Revised: 3/4/2004

Mailing / Issuance Date: _____

CASEWORKER: *[Signature]*
WRD Project Manager: _____

Protest Deadline Date: _____

Date: _____

RECEIVED
JUN 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]? Yes.
2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

~~No~~ ~~No~~ Yes.

- A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

All previous permit conditions have been complied except the 5 year completion time frame.

- B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

Please see attached letter.

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

- A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

Three wells have been drilled unsuccessfully over the time frame due to one dry hole, one sand hole, and one lack of sufficient water supply.

- B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

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Wells one, two, and three were all drilled in that 5 year time frame.

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

NA

B) Number of Acres Irrigated (if an irrigation permit):

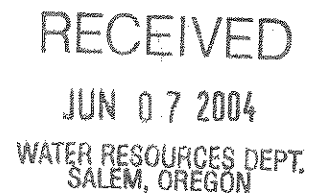
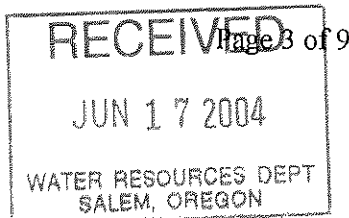
NA

5. Cost of project to date ~~79,000~~ ^{63,000}. Estimated remaining cost to complete the project

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

The original intent was to accomplish a successful well for the property on said permit



- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

Wells one and two were financed but wells didn't produce. Well number three has proven to be low yielding and therefore not cost effective at this time.

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

All wells were drilled one at a time in compliance with permit. Because none have been successfully producing wells, completion has been delayed.

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

As stated in the included letter, a dry hole, a sand hole, ~~and~~ and a very low producing hole have completely dried ponds and delayed development of a useful water system.

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

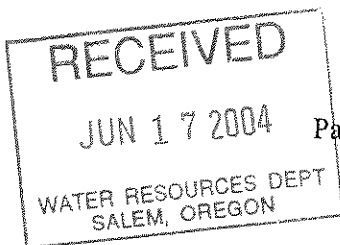
Shane N. DeRoux
Signature

5-24-04
Date

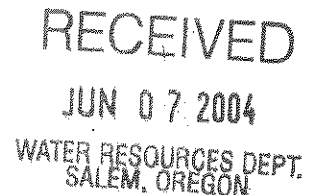
MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

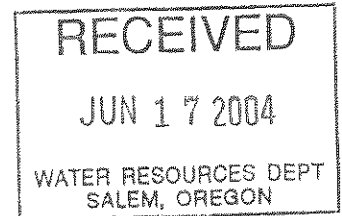
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
158 12th STREET NE
SALEM, OREGON 97301-4172

revised: September 18, 2002



Page 4 of 9





WATER RESOURCES DIRECTOR OF OREGON

DEAR SIR:

I AM WRITING IN REGARDS TO EXTENDING MY WELL DRILLING AND PROVING UP OF WATER APPLICATION. THE ORIGINAL FIVE YEAR PERMIT NEEDS TO BE EXTENDED DUE TO THE CIRCUMSTANCES EXPLAINED IN THE FOLLOWING PARAGRAPHS.

I STARTED DRILLING MY FIRST WELL IN THE SPRING OF 2000, AND FINISHED IT MAY 31, 2000. THE WELL IS 193 FEET DEEP WITH AN ESTIMATED 600 GALLONS PER MINUTE. I BOUGHT A 60 HP PUMP FOR \$12,000 AND PAID THE \$5,000 FOR POWER. I RAN THE WELL BETWEEN 24-48 HOURS AND THE WELL SUCKED DRY.

WELL NUMBER 2 WAS DRILLED JULY 30, 2001, WITH A DEPTH OF 273 FEET AND AN ESTIMATE OF 300 GALLONS OF CLEAN WATER. ANYTHING OVER 300 FEET WAS SANDY. I RENTED A GENERATOR AND DROPPED A 60 HP PUMP IN THIS HOLE. WITHIN 48 HOURS, THE PUMP BURNED UP BECAUSE OF SAND.

WELL NUMBER THREE WAS DRILLED JULY 15, 2003, WITH A DEPTH OF 275 FEET AND AN ESTIMATE OF 180 GALLONS OF WATER. THIS WELL IS NOT COST-EFFECTIVE DUE TO THE AMOUNT OF MONEY NEEDED TO BUY YET ANOTHER PUMP AND THEN RUN POWER OUT TO THE WELL. I HAVE A COPY OF THE WELL REPORTS, AND THE COST OF EACH WELL IS ENCLOSED. THE ESTIMATED COST OF \$19,000.00 TO GET POWER TO WELLS NUMBER 2 AND 3 DOES NOT INCLUDE PUMPS AND PANELS. DUE TO THE AMOUNT OF WATER GENERATED AND THE COST TO START UP THE WELLS, THE OPTION I AM LEFT WITH IS TO DRILL ANOTHER WELL UPON RECEIPT OF AN EXTENSION.

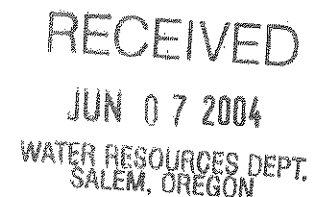
THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

SINCERELY,

Shane K. Deruwe

SHANE DERUWE

3 June 2004



Well #1

STATEMENT
HARDING DRILLING COMPANY

WELL DRILLING CONTRACTORS

2590 South Third Street

Walla Walla, WA 99362

(509) 529-5666 OR (509) 529-8208

TO Shane
Tom DeRuwe DATE Feb 23 2000

ADDRESS _____

CITY Milton Freewater, Oregon

Estimate on 10" Well

Description	Amount
<u>Drilling 10" Well Approximately 250 ft deep including 10" casing @ \$46.55 per ft.</u>	<u>11,587.50</u>
<u>Perforating Casing Approximately 8 hrs @ \$79.00 per hr</u>	<u>632.00</u>
<u>Surging Perforations Approximately 10 hrs @ \$68.00 per hr</u>	<u>680.00</u>
<u>10" Main Shoe</u>	<u>325.00</u>
<u>Ecology Seal</u>	<u>395.00</u>
<u>Install Test Pump for 600 gal per min</u>	<u>695.00</u>
<u>Running Test Pump Minimum of 4 hrs @ \$65.00 per hr</u>	<u>260.00</u>
<u>Begining of Construction Permit</u>	<u>75.00</u>
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>RECEIVED</p> <p>JUN 17 2004</p> <p>WATER RESOURCES DEPT SALEM, OREGON</p> </div>	<u>\$ 14,649.50</u>
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>RECEIVED</p> <p>JUN 07 2004</p> <p>WATER RESOURCES DEPT SALEM, OREGON</p> </div>	

Statements Not Paid In 30 Days Are Subject To 1% Interest Per Month.

STATEMENT
HARDING DRILLING COMPANY

WELL DRILLING CONTRACTORS
 2590 South Third Street
 Walla Walla, WA 99362
 (509) 529-8208 OR (509) 529-5666
 Cellular 520-2330

well # 2

TO Shane DeRue DATE Sept 18, 2001
 ADDRESS 85031 Hutson Bay Road
 CITY Milton Freewater, Oregon

Description	Amount
280 ft of 10" Drilling including 280 ft. of 10" Casing @ \$46.35 per ft.	12,928.00
40 ft of 40" Drilling @ \$36.00 per ft.	1,440.00
Perforating 10" Casing with Torch	325.00
Perforating Casing with Mills Knife 6 1/2 hrs @ 73.00 per hr	474.50
Surging Well 11 hrs @ 73.00 per hr	803.00
Install & Remove Test Pump	625.00
Run Test Pump 25 hrs @ \$65.00 per hr	1,625.00
1- 10" Drive Shoe	325.00
Ecology Seal	325.00
Oregon Beginning of Construction Card	25.00
	19,184.50

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STATEMENT
HARDING DRILLING COMPANY

WELL DRILLING CONTRACTORS
 2608 ~~2608~~ South Third Street
 Walla Walla, WA 99362
 (509) 529-8208 OR (509) 529-5666
 Cellular 520-2330

Well #3

TO SHANE DeRuwe DATE 8-5-03
 ADDRESS 85021 Hudson Bay Rd
 CITY Milton Freeewater, ORE 97862

Description	Amount
275' of 10" Drilling with 222' of 10" casing - NO CHARGE FROM 220 TO 275 @ 30 ⁰⁰ PER FT @ 1650 ⁰⁰	
220 ft of 10" drilling with casing @ 46 ³⁵ PER FT	10,197 00
PERFORATE casing @ 79 ⁰⁰ per hr 5 hrs	395 00
SURGE PERFORATIONS @ 68 ⁰⁰ per hr 6 hrs	408 00
10" Drive shoe	325 00
Ecology Seal	395 00
Install + Remove Test Pump	695 00
Run Test Pump 11 hrs - CHARGE FOR 6 hrs @ 65 ⁰⁰ per hr	390 00
Beginning Const. Permit	75 00
TOTAL	12,880 00

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SHANE DERUWE
85021 HUDSON BAY ROAD
MILTON FREEWATER, OREGON 97862

(541) 558-3710

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

APPLICATION FILE NUMBER: G-14898

SOURCE OF WATER: TWO WELLS IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION OF 211.3 ACRES

MAXIMUM RATE: 2.64 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 5, 1999

POINT OF DIVERSION LOCATION: LOT 3, AND LOT 4, SECTION 13, T6N, R33E, W.M.; WELL 1 - 80 FEET SOUTH & 2250 FEET EAST; WELL 2 - 880 FEET SOUTH & 480 FEET EAST BOTH FROM NW CORNER, SECTION 13 *Amended V.55 P.893 Permit Amendment T-8756*

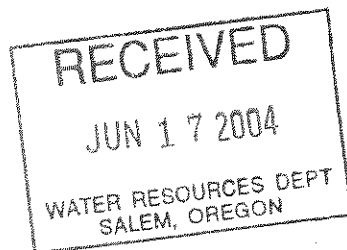
The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season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

*Amended V.57 P.112
Permit Amendment
T-9263
APOA*

THE PLACE OF USE IS LOCATED AS FOLLOWS:

RECEIVED JUN 17 2004 WATER RESOURCES DEPT SALEM, OREGON	LOT 2	21.0 ACRES
	LOT 3	49.7 ACRES
	LOT 4	43.5 ACRES
	NE 1/4 SW 1/4	31.1 ACRES
	NW 1/4 SW 1/4	34.6 ACRES
	SW 1/4 SW 1/4	14.0 ACRES

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SE 1/4 SW 1/4 1.1 ACRES
 NW 1/4 SE 1/4 6.7 ACRES
 SECTION 13

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LOT 1 7.3 ACRES
 SE 1/4 SE 1/4 2.3 ACRES
 SECTION 14

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

STANDARD CONDITIONS

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

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

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

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

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

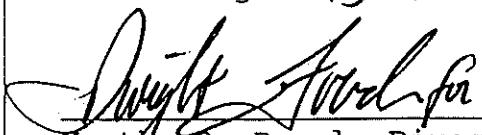
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued August 13, 1999


Martha O. Pagel, Director
Water Resources Department

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Application G-14898 Water Resources Department
Basin 7 Volume 2 PINE CR MISC
RWK MGMT.CODE 7BG 7BR

PERMIT G-13717
District 5

Year 2000 Well # 1

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

WELL I.D. # L 41621
START CARD # 4121235

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

(1) OWNER: Well Number _____
Name SHANE K. DeRusse

Address 85021 Hudson Bay Rd.
City Milton-Freewater State ORE Zip 97167

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 210 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
16	0	40	Bentonite	0	40	39
16	40	210				

How was seal placed: Method A B C D E
 Other Poured
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: 16	±1	190	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 190

(7) PERFORATIONS/SCREENS:

Perforations Method TORCH
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
90	185	3/8"	200	10"		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
400	16		1 hr.
450	26		3
475	34		4

Temperature of water 58° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 6 N or S Range 33 E or _____
Section 13 NW 1/4 NW 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 1/4 mile S From Beginning of B-Line GRADE

(10) STATIC WATER LEVEL:
92 ft. below land surface. Date 5-25-2000
Artesian pressure _____ lb. per square inch. Date _____

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

From	To	Estimated Flow Rate	SWL
60	85	10 gpm	60
85	147	600 gpm	92

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Topsoil	0	25	
Sand & Clay	25	85	60
Sand & Gravel	85	147	92
Brown Clay & Gravel	147	193	
Blue Clay	193	210	

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SALEM, OREGON

Date started 4-17-2000 Completed 5-25-2000

(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 water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed _____ WWC Number _____ 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 water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Mike Handley WWC Number 1639 Date 6-31-2000

Year 2001 Second well #2

STATE OF OREGON
WATER SUPPLY WELL REPORT

WELL I.D. # L 47070
START CARD # 138360

(as required by ORS 537.765)
Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number _____
Name SHANE K. DeRube
Address 85021 Hudson Bay Road
City Millon Forester State ORE Zip 97962

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 280
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Sacks or pounds	
Diameter	From To	Material	From To		
10	0/1/4	Backfill	0/1/4	49	57
10	49/320	Gravel	49/320		9802

How was seal placed: Method A B C D E
 Other Poured
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 320 ft. to 280 ft. Size of gravel 1/2 Round

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	1 1/2	280	1250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 280

(7) PERFORATIONS/SCREENS:

Perforations Method TORCH + M.M.S. Knife
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
290	190	3/16 x 10"	180	10"		<input checked="" type="checkbox"/>	<input type="checkbox"/>
190	105	3/16 x 25"	1200	10"		<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Flowing	Time
250	4.25	0 49	<input type="checkbox"/> Artesian	1 Hr. 7
300	7.5			30 hrs

Temperature of water 57 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 6 Nor S Range 30 E or W. WM.
Section 13 SW 1/4 SW 1/4
Tax Lot 310 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Butler Grade Road

(10) STATIC WATER LEVEL:
92 ft. below land surface. Date 7-30-01
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
110	178	300	92
192	213	100	92
261	273	200	92

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Topsoil	0	8	
Fine Gravel	8	9	
Silt	9	20	
Sand + Silt	20	49	
Gravel	49	114	110
Coarse Sand + Gravel	114	153	92
Gravel + a little Brown Clay	153	174	
Gravel	174	178	
Brown Clay + Gravel	178	192	
Gravel	192	213	
Gravel + a little Brown Clay	213	228	
Brown Clay + Gravel	228	261	
Gravel	261	273	92
Brown Clay + Gravel	273	294	
Blue Clay	294	320	

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Date started 6-27-01 Completed 7-30-01
SALEM, OREGON

(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 water supply well construction standards. Materials used and information reported above are true to the best of my 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 water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1639
Signed Mike Harding Date 8-29-01

STATE OF OREGON
 WATER WELL REPORT
 (as required by ORS 637.785)

DRILLED IN OCT 1962 (START CARD) # _____

(1) OWNER: Well Number: 2
 Name BURLINGAME
 Address STATELINE
 City MILTON FREEWATER State ORIE Zip _____

(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 _____

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 235 ft.
 Explosives used Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	

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: 4"

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: <u>12"</u>	<u>0</u>	<u>114</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>8"</u>	<u>LINER</u>	<u>53'</u>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner: _____				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

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

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
 Yield gal/min 300 GAL Drawdown PER MIN Drill stem at 130 FT Time 1 hr.

Temperature of water 56 Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County UMATILLA Latitude _____ Longitude _____
 Township 6N N or S, Range 33 E or W, WM.
 Section 13 1/4 _____ 1/4 _____
 Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) _____

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

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

From	To	Estimated Flow Rate	SWL

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
TOPSOIL	0	25	
CLAY	25	87	
CLAY WITH SAND	87	130	
SANDY CLAY GRAVEL	130	135	
ROCK + GRAVEL	135	144	
GRAVEL	144	145	
GRAVEL	145	165	
GRAVEL	165	175	
GRAVEL	175	200	
GRAVEL SOME CLAY	200	232	
CLAY	232	238	

RECEIVED

JUN 17 2004

WATER RESOURCES DEPT
SALEM, OREGON

Date started OCT 8, 1962 Completed NOV 26 1962

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

TO: Water Rights Section Jan 22, 1999
 FROM: Groundwater/Hydrology Section Michael Zwart
 Reviewer's Name
 SUBJECT: Application G- 14898

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7 B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7 B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

868H-9

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

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

_____, 199____.
(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14898

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: GN/33E-13

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: File Date: January 22, 1999

From: Michael J. Zwart

Subject: Application Review: G-14898, Shane DeRuwe

This application proposes to use about 2.64 cfs from one (possibly two*) well (#2?, not yet constructed) for supplemental irrigation of 211.3 acres. The well is proposed to be constructed similar to an existing well (#1?, UMAT xxxx, not located in GRID) which is completed to a depth of 235 feet and penetrates a confined to semiconfined aquifer developed in sand and gravel below a depth of 135 feet.

The proposed well is about 100 feet from South Ditch. The aquifer penetrated is not in hydraulic connection with the nearby reach of the surface water source, based on the likely aquifer penetrated and the likely head relationship. There may be hydraulic connection at a distance greater than one-quarter mile downstream. There is no potential for substantial interference, based on the likely confined aquifer penetrated.

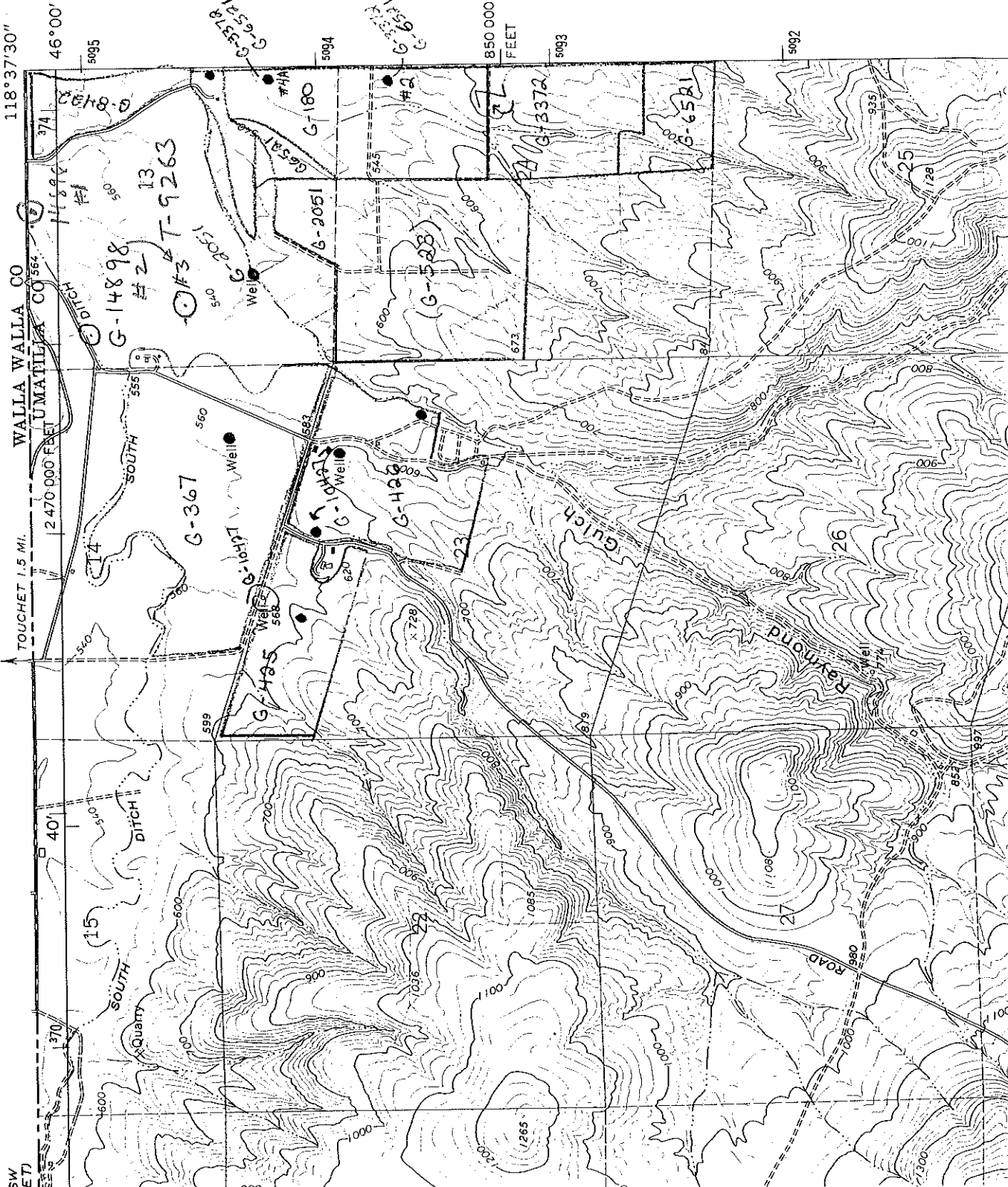
I recommend permit condition 7B.

* The application is not very clear as to whether the existing well, log enclosed, is also intended to be part of the filing or only the proposed well. The findings above would not change with two wells.

TOUCHET 1.5 MI.
SW (HET)
2976 11 SE
(COMDEN)

SMELTZ QUADRANGLE OREGON

7.5 MINUTE SERIES (TOPOGRAPHIC)



6N/33E

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14898

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	8422	G 7826	6.00N34.00E18NENW IC	1.1000	C
2	U	570	U 586	6.00N34.00E18SESW IR	0.4400	C
3	G	17	G 10247	6.00N34.00E18SWSE IR	0.7400	C
4	G	3372	G 3107	6.00N34.00E18SESW IR	4.8500	C
4	G	6521	G 6366	6.00N34.00E18SESW IR	0.8100	C
4	U	579	U 568	6.00N34.00E18SESW IR	1.7800	C
5	G	523	G 406	6.00N34.00E19NWNW IR	0.9700	C
5	G	3372	G 3107	6.00N34.00E19NWNW IR	4.8500	C
5	G	6521	G 6366	6.00N34.00E19NWNW IR	0.8100	C
6	G	8422	G 7826	6.00N33.00E13NENE IC	1.3000	C
7	G	8422	G 7826	6.00N33.00E13SENE IC	1.6400	C
8	G	523	G 406	6.00N33.00E13SESE IR	0.8900	C
8	G	3372	G 3107	6.00N33.00E13SESE IR	4.8500	C
8	G	6521	G 6366	6.00N33.00E13SESE IR	0.8700	C
9	G	2051	G 1897	6.00N33.00E13SESW IR	2.5900	C
10	G	367	G 302	6.00N33.00E14SESE IR	2.2300	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14898

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	13784	G 12069	6.00N34.00E22NESW 7BG
1	G	13784	G 12069	6.00N34.00E22NESW 7BR

APPLICATION G 14898 FALLS WITHIN THESE QUAD(S)

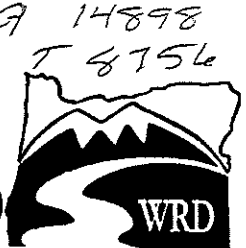
SMELTZ

2002

Oregon Water Resources Department
 October 2002 through September 2003
 Annual Water Use - Monthly Quantities Form

USER-ID 28876

2003



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>					
October - 2002	Well #1	is a dry hole			
November - 2002	Well #2	is a sand hole.			
December - 2002	Well #3	hasnt had any pumps put into hole to find out whats there			
January - 2003					
February - 2003					
March - 2003					
April - 2003					
May - 2003					
June - 2003					
July - 2003					
August - 2003					
September - 2003					
TOTAL *					

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 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ . If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Shane K. DeRue
 Signature

 Title

 Reporting Entity

1-7-04
 Date

Shane K. DeRue
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE, Suite A; Salem, OR 97301-1271



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Grainey




SHANE DERUWE
85021 HUDSON BAY RD
MILTON FREEWATER OR 97862

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 28876
Password: 28876

48456 WELL #1	0 G 13717 G 14898	1/5/1999 IR L	6 N 33 E 13 NENW	2.64 C P WELL 1	RAYMOND G
48456 WELL #1	0 G 13717 T 8756	1/5/1999 IR L	6 N 33 E 13 NENW	2.64 C P WELL 1	RAYMOND G
48457 WELL #2	0 G 13717 G 14898	1/5/1999 IR L	6 N 33 E 13 NWNW	2.64 C A WELL 2	RAYMOND G
48457 WELL #2	0 G 13717 T 8756	1/5/1999 IR L	6 N 33 E 13 NWNW	2.64 C A WELL 2	RAYMOND G

Permit Extension Ground Water Review

Date: June 25, 2004
To: Doug Woodcock, Ground Water Section Manager
From: Lisa Juul, Permit Extension Review 
Subject: Ground Water Review Needed for File #G-14898 / Permit #G-13717

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

NOTE: Original Division 9 review completed by: Mike Zwart

- No Division 9 Ground Water Review Done.... **please see below**
- Located within a **Critical** Ground Water Area
- Located within a Ground Water **Limited** Area
- Located within a Ground Water **Study** Area
- 5-Year Limited Permit

Other: Please see Ques. Below

	For Ground Water / Hydrology Staff Use: <u>7/14/04</u> <u>MJZ</u>	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.
*Please answer the following questions. If necessary, attach an additional sheet.		
1.	Should any additional conditions be added to this permit?	<u>No</u>
2.	Should the extension of time request be further conditioned or DENIED due to ground water supply concerns?	<u>No</u>
3.	Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements?	<u>N/A</u>
4.	Other issues or concerns?	<u>No</u>

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # G-14898

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: GN/33E-13

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

TO: Water Rights Section Jan 22, 1999
FROM: Groundwater/Hydrology Section Michael Zwart
SUBJECT: Application G- 14898
Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7 B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7 B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4. a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
- b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
- c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____

6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____

7. THE WELL construction deficiency is described as follows: _____
- _____

8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199__

(Signature)

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

_____, 199__

(Signature)



Oregon

Theodore R. Kulongoski, Governor

File # G-14898

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 8, 2004

Shane DeRuwe
85021 Hudson Bay Road
Milton-Freewater, OR 97862

REFERENCE: Application #G-14898 (Permit #G-13717)

Dear Mr. DeRuwe:

On June 7, 2004, the Department received your application for an extension of time for Permit #G-13717 and your check in the amount of \$100. Unfortunately, this amount is no longer sufficient.

Effective October 1, 2003, the statutory fee for an extension of time application increased to \$250, in accordance with House Bill 2268 approved by the 2003 Oregon Legislature. Any application for an extension of time received by the Department on October 1, 2003, or later must be accompanied by the \$250 statutory fee.

Due to insufficient fees, therefore, I am returning your check in the amount of \$100 and your extension of time application for Permit #G-13717.

In addition, your extension application does not specify a date to which you would like to extend the time in which to accomplish beneficial use of water to the full extent under the terms of the permit. I have highlighted this section of the application for your review.

If you have any questions or concerns, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,

Lisa J. Juul
Water Rights Specialist
Water Rights Section

enclosure(s)

cc: Appl #G-14898 (Permit #G-13717)
Tony Justus, Watermaster Dist. #05
Fiscal



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Grainey

SHANE DERUWE USER-ID 28876

85021 HUDSON BAY RD
MILTON FREEWATER OR 97862

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO						
48456	WELL #1	0	G	13717	G	14898	1/5/1999	IR	L	6	N	33	E	13	NENW	2.64	C	P	WELL 1	RAYMOND G
48457	WELL #2	0	G	13717	G	14898	1/5/1999	IR	L	6	N	33	E	13	NWNW	2.64	C	A	WELL 2	RAYMOND G



2001

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form

USER-ID 28876

2002



Facility  POD-ID 	48456 Well 1	48457 Well 2			
October - 2001					
November - 2001					
December - 2001	No	No			
January - 2002					
February - 2002	Usage	Usage			
March - 2002					
April - 2002					
May - 2002					
June - 2002		Small			
July - 2002		hole			
August - 2002					
September - 2002					
TOTAL *	Dry Hole				

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 OCT 23 2002
 WATER RESOURCES DEPT.
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ If use is irrigation, total number acres irrigated 210

I certify this information is true and accurate to the best of my knowledge.

Shane K. DeRuwe
 Signature

 Title

 Reporting Entity

10-21-02
 Date

Shane K. DeRuwe
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210

10-21-02

RECEIVED
OCT 23 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Applications for two wells.
have been sent to Water Resources
Dept for new point of Diversion
to drill two new wells.

Shane H. DeLave

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8756 submitted by

SHANE DeRUWE
85021 HUDSON BAY ROAD
MILTON-FREEWATER, OREGON 97862.

The permit to be modified is Permit G-13717 with a date of priority of JANUARY 5, 1999. The permit allows the use of TWO WELLS, in the RAYMOND GULCH BASIN, for IRRIGATION OF 211.3 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 2.64 cubic feet per second, if available at the original wells; LOT 3 AND LOT 4, SECTION 13, T 6 N, R 33 E, W.M.; WELL 1 - 80 FEET SOUTH AND 2250 FEET EAST; WELL 2 - 880 FEET SOUTH AND 480 FEET EAST; BOTH FROM THE NW CORNER OF SECTION 13, or its equivalent in case of rotation, measured at the well.

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

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized location of Well 1 is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T 6 N, R 33 E, W.M.; 3300 FEET SOUTH AND 370 FEET WEST FROM THE NW CORNER OF SECTION 13.

The authorized place of use is as follows:

LOT 2 21.0 ACRES
LOT 3 49.7 ACRES
LOT 4 43.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.1 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34.6 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 14.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.7 ACRES
SECTION 13

LOT 1 7.3 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.3 ACRES
SECTION 14

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

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

The applicant proposes an additional point of appropriation located:

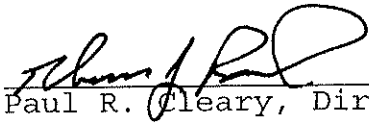
WELL 3 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T 6 N, R 33 E, W.M.; 2185 FEET SOUTH AND 830 FEET EAST FROM THE NW CORNER OF SECTION 13.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (Well 3), together with that diverted at Wells 1 and 2, shall not exceed the maximum rate and duty allowed under the water right permit.
2. Water shall be acquired from the same aquifer as the original points of appropriation.
3. All other terms and conditions of the permit remain the same.

Permit G-13717, in the name of SHANE DeRUWE is amended as described herein.

WITNESS the signature of the Water Resources
Director, affixed FEB 18 2003.

For 
Paul R. Cleary, Director



G14898

USER-ID 28876

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



Facility POD-ID	Well #1 48456	Well #2 48457				
October - 2000						
November - 2000	D R S W E L L					
December - 2000						
January - 2001						
February - 2001						
March - 2001						
April - 2001						
May - 2001						
June - 2001						
July - 2001						
August - 2001			has not been			
September - 2001			pumped.			
TOTAL *		-0-	-0-			

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FEB 04 2002
WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot)

Describe method of measuring the water used: -0-. If use is irrigation, total number acres irrigated 0

I certify this information is true and accurate to the best of my knowledge.

Shane K. DeRuse
Signature

Shane K. DeRuse
Title

Reporting Entity

1-31-02
Date

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8756 submitted by

SHANE DeRUWE
85021 HUDSON BAY ROAD
MILTON-FREEWATER, OREGON 97862.

The permit to be modified is Permit G-13717 with a date of priority of JANUARY 5, 1999. The permit allows the use of TWO WELLS, in the RAYMOND GULCH BASIN, for IRRIGATION OF 211.3 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 2.64 cubic feet per second, if available at the original wells; LOT 3 AND LOT 4, SECTION 13, T 6 N, R 33 E, W.M.; WELL 1 - 80 FEET SOUTH AND 2250 FEET EAST; WELL 2 - 880 FEET SOUTH AND 480 FEET EAST; BOTH FROM THE NW CORNER OF SECTION 13, or its equivalent in case of rotation, measured at the well.

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

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

LOT 2 21.0 ACRES
LOT 3 49.7 ACRES
LOT 4 43.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.1 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34.6 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 14.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.7 ACRES
SECTION 13

LOT 1 7.3 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.3 ACRES
SECTION 14

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

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

The applicant proposes to change the point of appropriation of WELL 1 to:

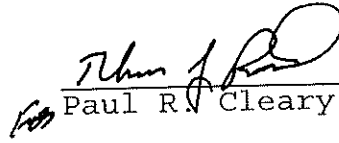
SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T 6 N, R 33 E, W.M.; 3300 FEET SOUTH AND 370 FEET WEST FROM THE NW CORNER OF SECTION 13.

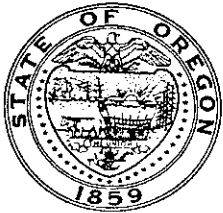
THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water shall be acquired from the same aquifer as the original point of appropriation.
3. All other terms and conditions of the permit remain the same.

Permit G-13717, in the name of SHANE DeRUWE is amended as described herein.

WITNESS the signature of the Water Resources Director, affixed AUG 29 2001.


Paul R. Cleary, Director



App: G14898
 Oregon Water Resources Department
 October 1999 through September 2000
 Annual Water Use - Monthly Quantities Form

28576
 USER-ID 57350



Facility <input type="checkbox"/>	48456 IR	48457 IR			
POD-ID <input type="checkbox"/>	well # 1	well # 2			
October - 1999					
November - 1999		Not			
December - 1999					
January - 2000		Yet			
February - 2000					
March - 2000					
April - 2000		Drilled			
May - 2000					
June - 2000					
July - 2000	5,403 acre feet				
August - 2000					
September - 2000					
TOTAL *	5,403 acre feet				

RECEIVED
 DEC 26 2000
 WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Acre-feet. If use is irrigation, total number acres irrigated 10

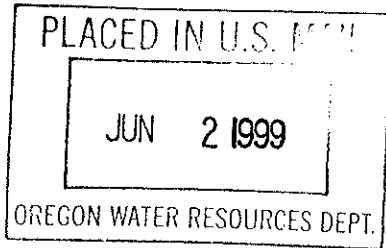
I certify this information is true and accurate to the best of my knowledge.

Shane K. DeRue Signature Owner Title _____ Reporting Entity 23 Dec 00 Date

Shane K DeRue
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14898

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On January 5, 1999, SHANE DERUWE submitted an application to the Department for the following water use permit:

- Amount of Water: 1185.0 GALLONS PER MINUTE (2.64 CFS)
- Use of Water: IRRIGATION OF 211.3 ACRES
- Source of Water: TWO WELLS IN RAYMOND GULCH BASIN
- Area of Proposed Use: UMATILLA County within SECTION 13, SECTION 14, TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

On 2/26/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 2.64 CUBIC FEET PER SECOND (1185.0 GALLONS PER MINUTE) from TWO WELLS IN RAYMOND GULCH BASIN for IRRIGATION OF 211.3 ACRES is allowable from May 1 through October 31 of each year, contingent upon resolution of the conflicting water rights." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 3/16/99, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Umatilla Basin Program allows the following uses: IRRIGATION.

TWO WELLS IN RAYMOND GULCH BASIN are not within or above a State Scenic Waterway.

Upon further review the Department has determined that the proposed use does not conflict with existing certificate 28725. The application map indicates that only the area covered by single cross hachuring is proposed for use under application G-14898. The area double cross hachured will be requested under a transfer application for certificate 28725 for an additional point of appropriation.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation May 1 through October 31, the season of use requested.

The Department finds that the amount of water requested, 2.64 CFS, is allowable.

The proposed use is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there **is NOT** a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Umatilla Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest. . . or in a finding of the department that shows:

- (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
- (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

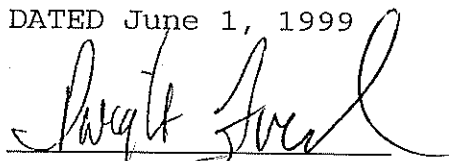
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED June 1, 1999



Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this

proposed final order would impair or be detrimental to your interest;

- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;

- Any citation of legal authority to support your protest, if known; and

- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.

- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.

- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than July 16, 1999.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310
Fax: (503)378-2496 .

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SHANE DERUWE
85021 HUDSON BAY ROAD
MILTON FREEWATER, OREGON 97862

(541)558-3710

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

APPLICATION FILE NUMBER: G-14898

SOURCE OF WATER: TWO WELLS IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION OF 211.3 ACRES

MAXIMUM RATE: 2.64 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 5, 1999

POINT OF DIVERSION LOCATION: LOT 3, AND LOT 4, SECTION 13, T6N, R33E,
W.M.; WELL 1 - 80 FEET SOUTH & 2250 FEET EAST; 880 FEET SOUTH & 480 FEET
EAST BOTH FROM NW CORNER, SECTION 13
WELL 2

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

LOT 2	21.0 ACRES
LOT 3	49.7 ACRES
LOT 4	43.5 ACRES
NE 1/4 SW 1/4	31.1 ACRES
NW 1/4 SW 1/4	34.6 ACRES
SW 1/4 SW 1/4	14.0 ACRES

SE 1/4 SW 1/4 1.1 ACRES
 NW 1/4 SE 1/4 6.7 ACRES
 SECTION 13

LOT 1 7.3 ACRES
 SE 1/4 SE 1/4 2.3 ACRES
 SECTION 14

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

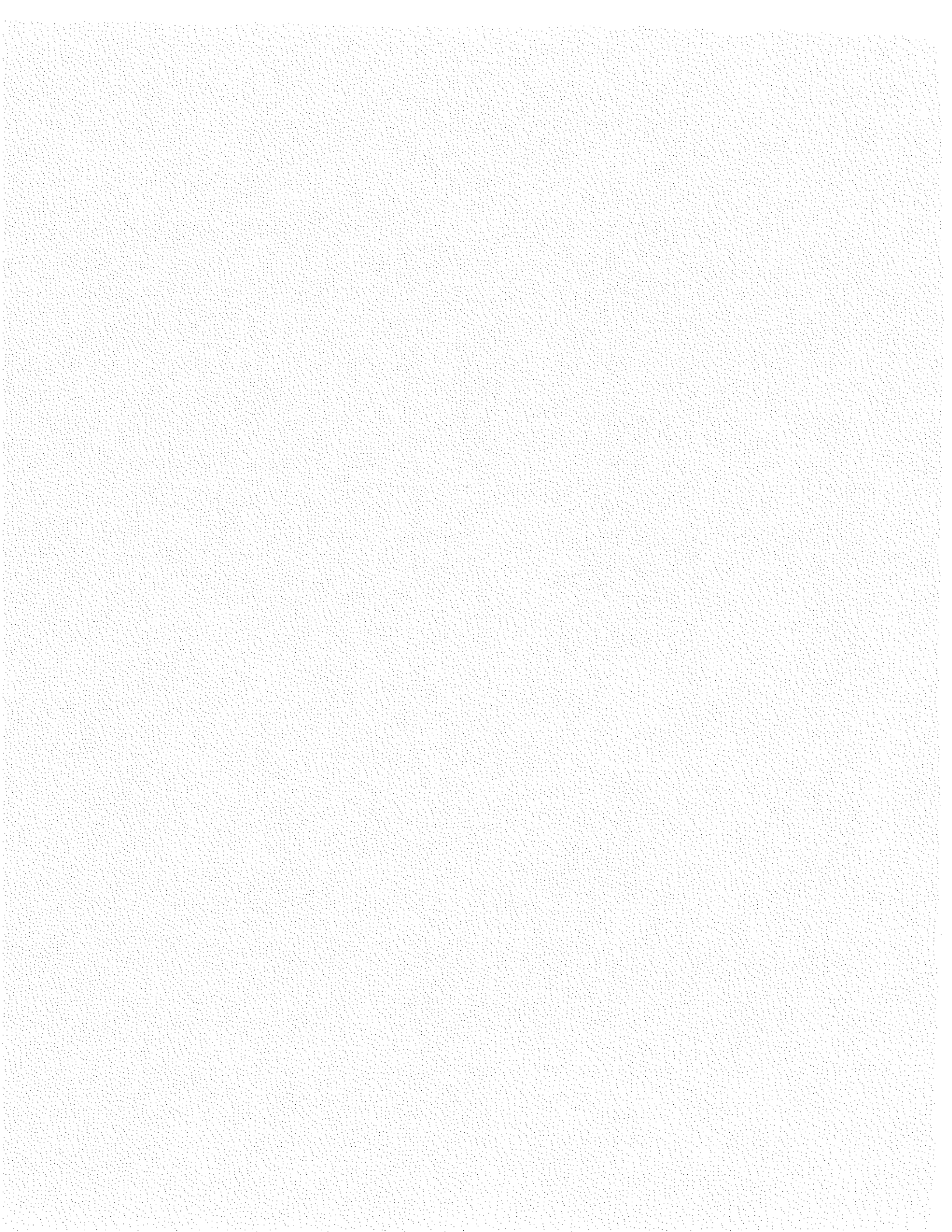
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department



Mailing List for PFO Copies

Application #G-14898

PFO Date June 1, 1999

Original mailed to:

Applicant: SHANE DERUWE, 85021 HUDSON BAY RD, MILTON FREEWATER, OREGON 97862

Copies sent to:

1. WRD - File # G-14898

Copies Mailed
By: <u>JF</u>
(SUPPORT STAFF)
on: <u>6-1-99</u>
(DATE)

PFO, Map, and Fact Sheet Copies sent to:

2. WRD - Watermaster # District 5
3. WRD - Regional Manager: NCR

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

4. Dennis Gaylord (CWRE)

CASEWORKER: RWK- WEEK 201

FO CHECKLIST

FILE # C-14898
 PFO WEEK # 201

PFO TO FO CONVERSION

REVIEW DATE: 7/27/99
 INITIALS: RMK

In preparing to create the FO, you should check the following:

1. Y / N Were **comments or protests** received? If so, from whom and when?

2. Y / N / NA Have affected owners, commentors, & those who paid \$10 been **notified** at the proper address?

3. Y / N / NA Has ODFW asked for **self certification** of screening? (If so, write "ODFW CERT" in the permit block on the file.)

4. Y / N **Fees due?**

<p>owe</p> <div style="border: 1px solid black; width: 100px; height: 30px; margin: 0 auto;"></div>	$ \begin{array}{r} 250 \text{ BASE} \\ 150 \text{ 1 CFS} \\ 150 \text{ 2 CFS} \\ \hline 175 \text{ REC} \\ 725 \\ 925 \text{ PD} \\ \hline 200 \end{array} $	<p>refund</p> <div style="border: 1px solid black; width: 100px; height: 30px; display: flex; align-items: center; justify-content: center;"> 200 </div>
---	--	--

5. Y / N Is **further processing** possible? If not state reason: _____

6. Y / N Is **additional information required**, fees, secondary, etc., prior to permit? (Send certified letter prior to FO)

7. Y / N Assign **permit numbers** C13717

8. Y / N Do the PFO conclusions require **modification**? Why? _____

FO Type: FOMOD	DENIAL	FO w/o PERMIT	FO & PERMIT
			MGMT CODES <u>7B</u>

Once created, modify FO as needed to:

9. Y / N Correct PFO **errors** (such as POD or POU location [verify from map] or Permit format)

10. **Save** WordPerfect document in M:\GROUPS\WR\FOWEEK 201 & delete duplicates.

PFO CHECKLIST

Application #: E 14898

County UMOSILLA Basin: UMOSILLA 7
Township 6N Range 3SE Section 13 1/4 1/4 NE NW
NW NW

- 1. Complete by Minimum Requirements Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N Should process continue Y / N
- 3. Groundwater Review **A B C D** River/Stream Name _____
 - a. Groundwater Availability **A B C**
 - b. Is second groundwater review complete Y / N necessary? (comments) Y / N
 - c. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N within area
- 4. Is use from **BOR** / Doug Co. project? Y / N Contract in file? Y / N Contract # _____

- 5. Is the use allowed by the **Basin Program**? Y / N Limited? Y / N _____
- 6. Water Availability Data **OK / REDONE / NA** (80% live flow & 50% storage) _____
- 7. Is the source **withdrawn** or limited by statute or Department order? Y / N _____
- 8. Is the Proposed Use located in or above a **SWW**? Y / N _____

- 9. Division 33: Y / N / NA Above Bonn (after July 17, 1992) Y / N
 Below Bonn (after April 8, 1994; June 3, 1994) Y / N
 Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N

- 10. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N
THE MAP INDICATES THAT THE DOUBLE CROSS HATCHED AREA ON THE
- 11. Have **conflicts** been addressed? Y / N / NA *MAP IS NOT REVOK. REQUESTED UNDER THIS CW APPLICATION BUT IS TO HAVE A POD TRANSFER. SEE KEY @ RIGHT OF MAP*

- 12. Duty 1/30, 3 Irrigation Season 3 - 10/31
- 13. Period of Allowed Use REQ 5 - 10/31

- 14. Allowed Rate 211.3 X .0125 = 2.64 REQ 2.64 (1185 GPM)

summary:

- 15. **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF) condition **71** and **municipal** use ≤ 0.1 cfs require the **Large** condition
- 16. **Conditions** 7B
 New River Basin? Y / N / NA (see M:\groups\wr\pfo\findings & other lang)

- 17. IR Date 2/26/99 Public Notice Date 3/16/99 Comment Rec'd _____

- 18. CWRE, representatives or Property owners to notify? Y / N DEANIS CARLOO (CWRE)

Initials: EMK Date: 5/6/98

A series of 25 horizontal lines for writing.

IR CHECKLIST

Application # G14898 Priority Date: 1/5/99

Well 1 SE NW
Well 2 SW NW

Basin: _____ County: _____

Township 6N Range 33E Section 13, 1/4 1/4

WAB: _____ POU WAB: _____

1. Complete by Minimum Requirements checklist Y N Items still required: _____

2. Groundwater Review A B C D River/Stream Name not in M/F gravels
Conditions 7B Water Availability A B C D not in 5/mi Radius

3. Is the well located in a groundwater limited area? Y N Name _____

4. Is the well located in T1N R3E SEC 20, 21, 28, 29 Y N

5. Within or above a Scenic Waterway Y N Conditions/Restrictions Y N

6. Basin Maps have been checked Y N Walla-Walla

7. Allowed under Basin Program Y N Limitations Y N 690-507-030 (3)(a)(A)

8. Withdrawn Y N Season Allowed 3/1-10/31

9. Water Availability 80% _____ 50% _____ N/A

10. Use IRR Period of allowed use 3/1-10/31

11. Season requested by applicant 5/1-10/31

12. For Irrigation: Rate 1/80 Duty 3 Season 3/1-10/31

13. For Nursery or Cranberry: Rate _____ Duty _____ Season _____

14. Allowable rate of use: 21.3/80 = 2.64 cfs

Requested Rate: 1185 gpm 2.64 cfs - ok

15. BOR project Y N Contract # _____

16. Subject to Division 33: Y N N/A Above Bonneville _____ TES Y N

Below Bonneville _____ TES Y N TES only Y N

17. Conflict Y N - primary right indicated by applicant is out of

18. Conditions? (BOR, GW, other) Y N Wash. state - not Oregon

19. Measuring condition Small _____ Medium _____ Large

20. Within Dept. Of Agriculture Water Quality Management Area Y N N/A

TUALATIN _____ BEAR CREEK (ROGUE) _____

21. On DEQ 303d list Y N N/A

C-28725
no transfer on
file @ this time.

22. Land use approval OK'd Needs Approval County Notified N/A

23. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5 NCR) (6 8 9 10 ER)

(11 12 17 SCR) (13 14 15 19 SWR)

24. ODFW Biologist John Gorman

24. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

Name: [Signature] Date: 2/17/99

(D) Encourage and promote control of nonpoint and point sources of water pollution.

(f) Watershed management: in addressing the issue of watershed management, it shall be the Commission's policy to:

(A) Encourage and promote improvements in water quality, quantity and related resources through agency-public cooperation and education about the benefits of watershed management.

(B) Encourage public and private landowners and managers to employ best management practices to benefit water quality and quantity.

(C) Encourage and support the retirement of highly erodible cropland as a means to enhance water quality and improve runoff patterns.

(D) Encourage and support riparian and stream channel enhancement as a means of improving flow distribution, water quality and related resource values.

Walla Walla River Subbasin

690-507-030

City of Athena has comp plan

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Walla Walla subbasin, the Commission has the following objectives:

(a) Develop interstate cooperation with Washington in the management of surface and ground water and related resources.

(b) Protect instream values in selected streams by closing them to future appropriations or limiting new appropriations to selected nonirrigation uses.

(c) Preserve the opportunity for future upstream storage for all beneficial uses.

(d) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses.

(e) Protect municipal ground water supplies.

(f) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: appropriation and use of surface water in the Walla Walla River subbasin shall comply with the following provisions:

(a) The unappropriated waters of the Walla Walla River and tributaries from and including the Little Walla Walla Diversion to the state border are withdrawn from further appropriation. This withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. Frost protection between March 1 and May 15, up to a cumulative total of 35 cfs of permits and rights with priority dates after December 2, 1985, is also exempt from this withdrawal. This withdrawal was established by the Commission on January 17, 1986.

(b) The waters of Dugger Creek and tributaries, being entirely appropriated, are withdrawn from further appropriation. The purpose of the withdrawal is to avoid conflict between new uses and existing rights and administrative problems in the distribution of water resulting from new appropriations. The withdrawal was ordered by the State Engineer on August 12, 1933.

(c) Classification: permits to use surface water may be issued only for the following classified uses:

(A) The surface waters of the Walla Walla River subbasin generally, are classified for domestic, livestock, irrigation, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51), mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses only;

(B) The surface waters of the Walla Walla River and tributaries upstream from the Little Walla Walla diversion are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge and public instream uses only;

(C) Subject to the rights and priorities existing on June 24, 1988, and established minimum perennial streamflows, 40,000 acre-feet of the annual yield of the Walla Walla River upstream from the Little Walla Walla diversion is further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on the Walla Walla River and its tributaries upstream from the Little Walla Walla diversion after June 24, 1988, shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(D) The surface waters of Mill Creek and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge and public instream uses only; and

(E) The surface waters of Couse and Pine Creeks and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, fish life, wildlife, pollution abatement, artificial ground water recharge and public instream uses only.

(d) Storage: surface waters legally stored and legally released may be used for any beneficial purpose.

(e) Artificial ground water recharge: use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 3.375 acre feet per acre to be irrigated;

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program; and

(D) Water shall be recharged only between December 1 and May 15.

(f) Minimum perennial streamflows: minimum streamflows may be established to support aquatic life, minimize pollution or maintain recreation values:

(A) To support aquatic life in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the Walla Walla River and tributaries when flows are below the levels specified in Table 1. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and

(B) To support aquatic life, no appropriations of water except for domestic and livestock uses or waters legally stored or released from storage shall be made or granted by any state agency or public corporation of the state when flows are below the specified levels for the streams listed in Table 1 with priority dates of 3-31-88.

(3) Ground Water: appropriation and use of ground water in the Walla Walla River subbasin shall comply with the following provisions:

(a) Classification: permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Walla Walla River subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(B) Ground water from the basalt reservoir in a five-mile radius around any municipal well of the cities of Athena, Helix, Milton-Freewater, and Weston is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

*Athena has completed
5/22/88*

(b) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Wildhorse Creek Subbasin

690-507-040

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. C. BURLINGAME, JR.

of Touchet, State of Washington, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Walla Walla River for the purpose of irrigation of 194.3 acres

under Permit No. G-302 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 14, 1956

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.23 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 14, T. 6 N., R. 33 E., W.M.

Well is 21 chs. N. & 15.75 chs. W., from S.E. corner, Section 14. The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-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 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

1.4 acres Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
2.2 acres Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
4.4 acres Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
3.1 acres Lot 12 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
37.4 acres Lot 11 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
36.4 acres Lot 8 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
33.8 acres Lot 7 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
38.9 acres Lot 10 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
33.7 acres Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 14
3.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13
T. 6 N., R. 33 E., W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

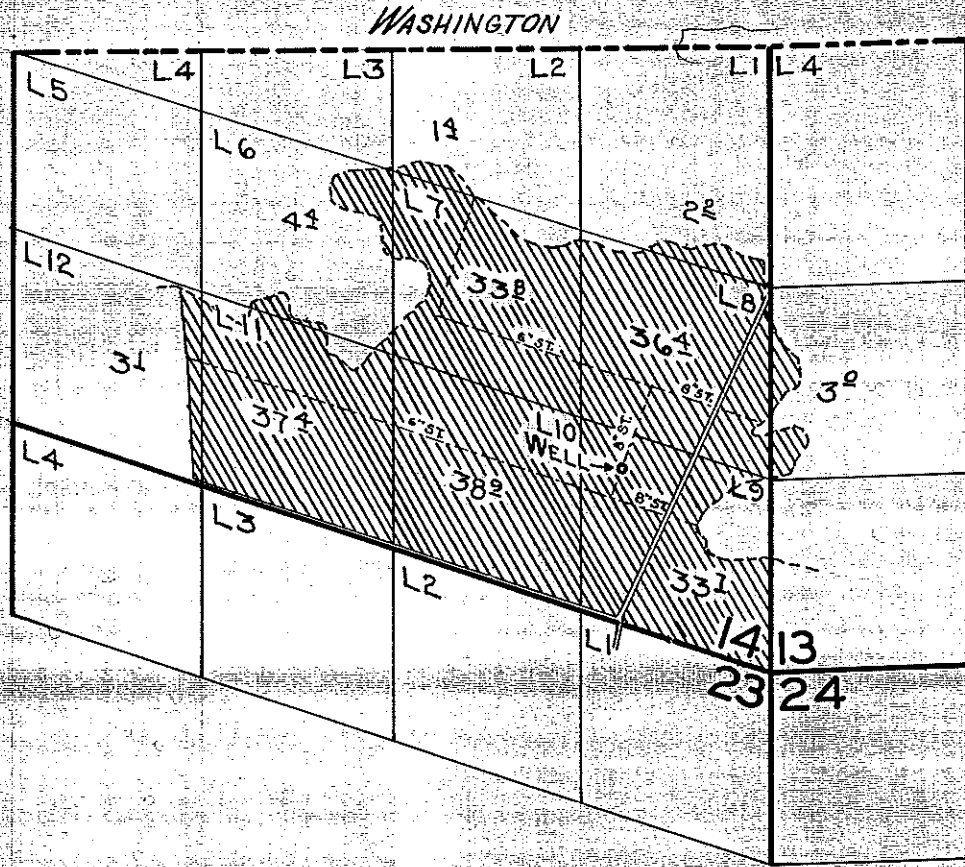
WITNESS the signature of the State Engineer, affixed

this date. JUNE 9 1961

LEWIS A. STANLEY

State Engineer

T.6N.R.33E.W.M.



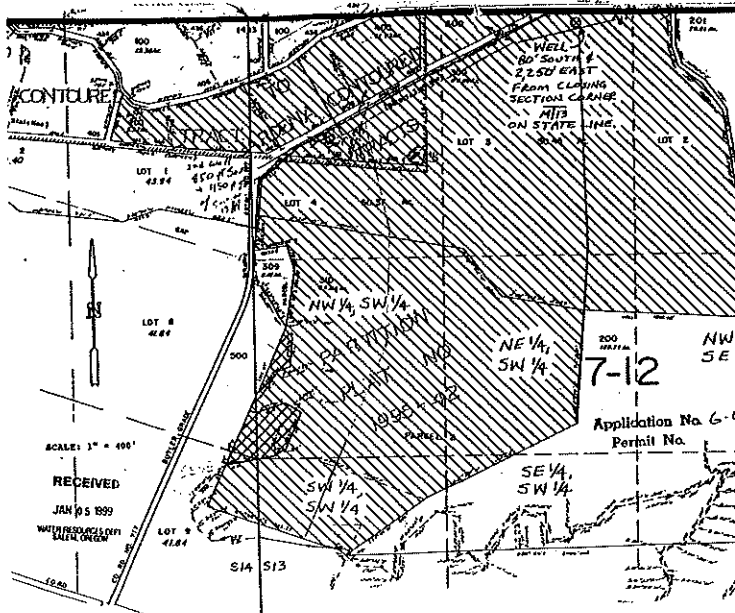
FINAL PROOF SURVEY
UNDER

Application No. G.367... Permit No. G.302...
IN NAME OF

E. C. BURLINGAME JR.

Surveyed *JULY 20, 1960*, by *M. BISH*.....

1960-D
NZ:5F114



MAY - 4 1998
 MAP TO ACCOMPANY APPLICATION FOR
 GROUDED WATER PERMIT
 AND
 TRANSFER OF GROUDED WATER
 T. 4 N., R. 35 E. RECEIVED
 Sections 13 and 14
 Umatilla County, Oregon
 SHEET 1 OF 1
 DEPT. OF WATER RESOURCES
 SALEM, OREGON
 LOT 1 42.84
 LOT 2 40.63 Ac.
 LOT 3 40.63 Ac.
 LOT 4 40.63 Ac.
 LOT 5 40.63 Ac.
 LOT 6 40.63 Ac.
 LOT 7 40.63 Ac.
 LOT 8 41.61
 LOT 9 41.64
 S14 S13

DEWID L. GAYLORD, PLS
 71414 S.W. LAKE DRIVE
 REDFLETON, OR 97801
 541-374-8260

7-12
 Application No. G-14898
 Permit No.



SCALE: 1" = 400'
 RECEIVED
 JAN 15 1999
 WATER RESOURCES
 SALEM, OREGON

THIS MAP IS PREPARED FOR
 THE EXPRESS PURPOSE TO
 SHOW WATER APPROPRIATION
 AND USE. IT IS NOT
 INTENDED TO SHOW PROPERTY
 OWNERSHIP LINES.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

February 26, 1999

SHANE DERUWE
85021 HUDSON BAY RD
MILTON FREEWATER, OREGON 97862

Reference: File G-14898

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from TWO WELLS IN RAYMOND GULCH BASIN for IRRIGATION OF 211.3 ACRES is **allowable** under OAR 690-507-030(3)(a)(A), the Umatilla Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 2.64 CUBIC FEET PER SECOND (1185.0 GALLONS PER MINUTE) for IRRIGATION OF 211.3 ACRES, if properly conditioned, will not injure existing rights or the groundwater resource.
5. The irrigation season is March 1 through October 31. The season of use requested by the applicant, May 1 through October 31, is allowed.

6. According to Department records there is an existing water right, Certificate 28725 for irrigation on a portion of the land requested under this application. Please indicate what will be done with Certificate 28725. The findings of this Initial Review are contingent upon transfer or cancellation of the existing water rights. Please refer to the Conflict Resolution section below.

Summary of Initial Determinations

The use of 2.64 CUBIC FEET PER SECOND (1185.0 GALLONS PER MINUTE) from TWO WELLS IN RAYMOND GULCH BASIN for IRRIGATION OF 211.3 ACRES is allowable from May 1 through October 31 of each year, contingent upon resolution of the conflicting water rights.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Conflict Resolution Information:

There is an existing right, certificate 28725, covering a portion of land proposed under this application. Prior to proceeding with application G14898, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application. **If one of the items requested above is not submitted prior to issuance of the Final Order and permit, if one is issued, the land in question will be made supplemental to the existing right, which will limit and/or jeopardize that portion of the right as follows:**

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.

- ◆ You may only use the supplemental right after the primary right becomes unavailable. The primary right must be exhausted first.
- ◆ The season of use for the supplemental irrigation will be limited to that of the primary right.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, March 12, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. The priority date for this application is January 5, 1999.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Anita M. Huffman
Water Rights Specialist

cc: Regional Manager, Watermaster District 5, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-14898
wab 07-
pou 07-
gw c

Mailing List for IR Copies

Application #G-14898

IR Date: February 26, 1999

Original mailed to:

Applicant: SHANE DERUWE , 85021 HUDSON BAY RD, MILTON FREEWATER, OREGON 97862

Copies sent to:

1. WRD - File # G-14898
2. WRD - Water Availability: Ken Stahr

Copies Mailed
By: <u>HW</u>
(SUPPORT STAFF)
on: <u>2/26/99</u>
(DATE)

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 5
4. WRD - Regional Manager (not Bob Main):NCR
5. ODFW District Biologist: (UMATILLA County)John Germond

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. CWRE Dennis Gaylord _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-14898

Applicant: SHANE DERUWE

County: UMATILLA

Watermaster: District 5

Priority Date: January 5, 1999

Source: TWO WELLS IN RAYMOND GULCH BASIN

Use: IRRIGATION OF 211.3 ACRES

Quantity: 1185.0 GALLONS PER MINUTE

Basin Name & Number: Umatilla, #07

Stream Index Reference: Volume 2 PINE CR MISC

Point of Diversion Location: NENW, SECTION 13, T 6N, R33E, W.M.; 80 FEET SOUTH & 2250 FEET EAST FROM NW CORNER, SECTION 13 NWNW, SECTION 13, T 6N, R33E, W.M.; 880 FEET SOUTH & 480 FEET EAST FROM NW CORNER, SECTION 13

Place of Use: 21.0 ACRES 49.7 ACRES 43.5 ACRES NESW 31.1 ACRES NWSW 34.6 ACRES SWSW 14.0 ACRES SESW 1.0 ACRES NWSE 6.7 ACRES, SECTION 13 2.3 ACRES 7.3 ACRES, SECTION 14, TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 12, 1999

PUBLIC NOTICE DATE: Tuesday, March 16, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, April 15, 1999



Oregon Water Resources Department

RECEIVED

MAR 31 1998

WATER RESOURCES DEPT. SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: ~~241.3~~ Acres

Secondary: 211.3 Acres

List the permit or certificate number of the primary water right:

No. 570

Washington Water Point of Diversion From Walla Walla River

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Alfalfa Hay [] Full season [x] Partial season (from: 1 May to Oct 31)
2. Canola [] Full season [x] Partial season (from: 1 Sept to Oct 31)
3. New seed Alfalfa [] Full season [x] Partial season (from: 1 May to Oct 31)
4. Buck wheat [] Full season [x] Partial season (from: 1 July to Oct 31)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

~~633.9~~ 2.64 cfs acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- [] Daily during daytime hours [] Daily during nighttime hours
[] Two or three times weekly during daytime [] Two or three times weekly during nighttime
[] Weekly, during daytime hours [] Weekly, during nighttime hours

[x] Other, explain: 1d - 24 hours a day most all summer.

Application No. 6-14898

Permit No.

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

DRILLED IN OCT, 1962

(START CARD) # _____

(1) **OWNER:** Well Number: 2
 Name BURLINGAME
 Address STATE LINE
 City MILTON FREEWATER State ORE Zip _____

(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 _____

(5) **BORE HOLE CONSTRUCTION:**
 Special Construction approval Yes No Depth of Completed Well 235 ft.
 Yes No
 Explosives used Type _____ Amount _____

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	

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:** 4"

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
<u>12"</u>	<u>0</u>	<u>14'</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>8"</u>	<u>LINER</u>	<u>53'</u>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) **WELL TESTS: Minimum testing time is 1 hour**
 Pump Bailer Air Flowing Artesian
 Yield gal/min 300 GAL PER MIN Drawdown 160 FT Drill stem at 130 FT Time 1 hr.

Temperature of water 56 Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) **LOCATION OF WELL by legal description:**
 County UMATILLA Latitude _____ Longitude _____
 Township 6N N or S, Range 33 E or W, WM.
 Section 13 1/4 _____ 1/4 _____
 Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) _____

(10) **STATIC WATER LEVEL:**
78 ft. below land surface. Date _____
 Artesian pressure _____ lb. per square inch. Date _____

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

From	To	Estimated Flow Rate	SWL

(12) **WELL LOG:** Ground elevation _____

Material	From	To	SWL
<u>TOPSOIL</u>	<u>0</u>	<u>25</u>	
<u>CLAY</u>	<u>25</u>	<u>87</u>	
<u>CLAY WITH SAND</u>	<u>87</u>	<u>130</u>	
<u>SANDY CLAY GRAVEL</u>	<u>130</u>	<u>135</u>	
<u>ROCK + GRAVEL</u>	<u>135</u>	<u>144</u>	
<u>GRAVEL</u>	<u>144</u>	<u>145</u>	
<u>GRAVEL</u>	<u>145</u>	<u>165</u>	
<u>GRAVEL</u>	<u>165</u>	<u>175</u>	
<u>GRAVEL</u>	<u>175</u>	<u>200</u>	
<u>GRAVEL SOME CLAY</u>	<u>200</u>	<u>232</u>	
<u>CLAY</u>	<u>232</u>	<u>235</u>	

RECEIVED

JAN 05 1962

WATER RESOURCES DEPT
 SALEM, OREGON

Date started OCT 8, 1962 Completed NOV 26 1962

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

RECEIVED

TRACT I:

JAN 05 1999

Lots 413 & 414, Third Addition to Gardena Contoured Tracts, located in Sections
13 & 14, Township 6 North, Range 33, East of the Willamette Meridian, Umatilla
County, Oregon.

WATER RESOURCES DEPT.
SALEM, OREGON

TRACT II:

Lots 408 & 409, Third Addition to Gardena Contoured Tracts, located in Sections
13 & 14, Township 6 North, Range 33, East of the Willamette Meridian, Umatilla
County, Oregon.

RECEIVED

JAN 05 1999

TRACT III:

WATER RESOURCES DEPT.
SALEM, OREGON

A tract of land located in Section 13, Township 6 North, Range 33, described as beginning at a point on Oregon-Washington State line, which point is 1044 feet West of a rock on said State line, which is 1320 feet West of Northeast corner of Lot 1, said Section 13; thence West 873.6 feet; thence South 62° 05' West 900 feet; thence South 62° 38' West 982 feet; thence South 58° 30' West 407 feet; thence south 4° 30' West 264.6 feet more or less to a point of beginning of Partition Plat 1995-42; thence along North line of said Partition Plat South 79° 51' East a distance of 1445.1 feet more or less to a rock; thence South 38° 42' East a distance of 420.1 feet to a rock; thence South 80° 09' East 570.7 feet to a rock; thence East 1087.48 feet; thence North 838.22 feet to most Northerly point of that tract of land conveyed to Burlingame Land & Livestock, Inc., by Deed recorded in Microfilm R-19, Page 1701, Deed Records, Umatilla County, Oregon; thence leaving Burlingame Tract North 9° 48' West 560 feet; thence North 34° 28' West 240 feet; thence North 54° 20' West 195 feet; thence North 18° 55' West 145 feet; thence due North 250 feet, more or less, TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM a strip 20 feet wide along and immediately South of first named course in this description which comprises the road along State line:

ALSO EXCEPTING THEREFROM a strip 15 feet wide along and immediately Westerly of the five last named courses in this description which comprises a public road;

ALSO EXCEPTING THEREFROM a triangle tract described as beginning at a point 20 feet South and 15 feet West of the above described POINT OF BEGINNING; thence due South 50 feet; thence North 11° 19' West 51 feet; thence due East 10 feet TO THE POINT OF BEGINNING, which comprises a part of the public road.

ALSO INCLUDING that portion of Lots 3 and 4, in said Section 13, lying Easterly of Third Addition to Gardena Contoured Tracts and Northerly of Centerline of County road that extends from East line of said Third Addition to Gardena Contoured Tracts, Northeasterly to County Road No. 309 along State line;

Subject to any and all water rights of way, roads and highways;

ALL BEING EAST of the Willamette Meridian, County of Umatilla, State of Oregon.

TRACT IV:

Parcel 2, Partition Plat No. 1995-42, filed December 28, 1995, in Book 1995, Page 42, Partition Plat Records, Umatilla County, Oregon located in Sections 13 and 14, Township 6 North, Range 33, East of the Willamette Meridian, County of Umatilla, State of Oregon.

Subject to any and all water rights of way and roads.

EXHIBIT A
Page 2 of 3

JAN 05 1999

SUBJECT TO THE FOLLOWING:

WATER RESOURCES DEPT.
SALEM, OREGON

1. It is understood and agreed that the property herein has been zoned or classified for farm use. At any time that said property is disqualified for such use liability for additional taxes under the provisions of ORS. 308.345 et seq. shall be the responsibility of the purchaser herein.
2. Subject to any and all road rights of way.
3. Right of way easement, including the terms and provisions thereof, granted by H. Maurice Ahlquist, et ux, et al, to Pacific Power & Light Company, a corporation, recorded March 11, 1946, in Book 170, Page 529, Deed Records, Umatilla County, Oregon. Tract III.
4. Right of way easement, including the terms and provisions thereof granted by Jesse F. Southerland, et ux, to Pacific Power & Light Company, recorded March 19, 1946, in Book 170, Page 529, Deed Records, Umatilla County, Oregon. Tract IV.
5. Reservations and covenants, including the terms and provisions thereof, contained in Deed from Walla Walla Irrigation Company, to E.C. Burlingame, recorded October 8, 1928, in Book 135, Page 477, Deed Records, Umatilla County, Oregon. All Tracts.
6. Restrictive easement for well, contained in Partition Plat 1995-42, filed December 28, 1995, in Book 1995, Page 42, Partition Plat Records, Umatilla County, Oregon. Tract IV.
7. A 10 foot Irrigation easement over a portion of parcel 2, Partition Plat 1995-42, as shown on said partition Plat, filed December 28, 1995, in Book 1995, Page 42, Partition Plat Records, Umatilla County, Oregon.

RECEIVED

Planning Official Initials

BT

MAY - 4 1998

DESCRIPTION OF WATER USE

WATER RESOURCES DEPT.

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

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

RECEIVED

Applicant Name: SHANE DE RUWE
Address: 85021 HUDSON BAY ROAD
MILTON-FREEWATER, OR
97862
Phone: 541-558-3710

JAN 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

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

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

Indicate sources for the proposed water use below:
Surface water
Name sources:
Reservoir or pond
Groundwater

Indicate the estimated quantity of water the use will require.
Cubic feet per second
1,185 Gallons per minute
Acre-Feet

JAN 05 1999

SPECIAL WARRANTY DEED

WATER RESOURCES DEPT.
SALEM, OREGON

RONALD LEINBACH and MAYBELLE LEINBACH, Grantors, convey and specially warrant to SHANE K. DeRUWE, Grantee, the following described real property free of encumbrances created or suffered by the Grantors except as specifically set forth herein:

See Exhibit "A" which is hereby referred to and made a part hereof.

The true consideration for this conveyance is \$280,000.

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 and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Until a change is requested all Tax Statements should be sent to: Shane K. DeRuwe, Rt. 2 Box 117, Milton-Freewater OR 97862.

After recording deliver to: Shane K. DeRuwe, Rt. 2 Box 117, Milton-Freewater OR 97862.

DATED this 25th day of November, 1996.

Ronald Leinbach

RONALD LEINBACH, Grantor

Maybelle Leinbach

MAYBELLE LEINBACH, Grantor

STATE OF OREGON,)
) ss.
County of Umatilla.)

Nov. 25, 1996.

Personally appeared the above named RONALD LEINBACH and acknowledged the foregoing instrument to be his voluntary act and deed. Before me.

Shane K. DeRuwe

NOTARY PUBLIC FOR OREGON

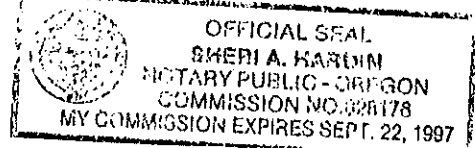
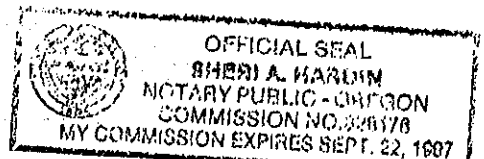
STATE OF OREGON,)
) ss.
County of Umatilla.)

Nov. 25, 1996.

Personally appeared the above named MAYBELLE LEINBACH and acknowledged the foregoing instrument to be her voluntary act and deed. Before me.

Shane K. DeRuwe

NOTARY PUBLIC FOR OREGON



RECEIVED

Planning Official Initials BAT MAY - 4 1998

DESCRIPTION OF WATER USE

WATER RESOURCES DEPT.
SALEM, OREGON

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

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

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MAR 31 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant Name: SHANE DE RUIVE
Address: 85021 HUDSON BAY ROAD
MILTON-FREEWATER, OR
97862
Phone: 541-558-3710

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

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Irrigation (crop type, golf course, nursery or greenhouse):

JAN 05 1999

Livestock (type of livestock, feedlot, slaughterhouse):

WATER RESOURCES DEPT.
SALEM, OREGON

Residential (# of units, single or multi-family, # of lots if partition or subdivision):

Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.):

Industrial (i.e., factory, pulp mill, research and development, processing, etc.):

Institutional (i.e., school, library, etc.):

Mining (aggregate, metal, open pit, placer, etc.):

Recreation (park, campsite, pond, etc.):

Fish and Wildlife (pond, hatchery, etc.):

Hydropower (dam, reservoir, power generating or transmitting facilities):

Other (Name and list key characteristics):

Indicate sources for the proposed water use below:

Surface water
Name sources:

Reservoir or pond

Groundwater

Indicate the estimated quantity of water the use will require.

_____ Cubic feet per second

1,185 Gallons per minute

_____ Acre-Feet

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed Land Use Information Form or the signed and dated receipt stub detached from the bottom of the Land Use Information Form.

Please complete this form and *return it to the applicant for inclusion in their application*. You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Department. If you have questions concerning the form, please contact WRD at 378-3739.



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



Oregon Water Resources Department Land Use Information Form

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MAR 31 1998

WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.**

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MAY - 4 1998

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

WATER RESOURCES DEPT.
SALEM, OREGON

A. Applicant

RECEIVED

Name: SHANE DERUIE

Address: 85021 HUDSON BAY ROAD

JAN 05 1999

City: MILTON-FREEWATER State: OR Zip: 97862 Day Phone: 541-558

WATER RESOURCES DEPT.
SALEM, OREGON

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Map
Map

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
Map 6N3313 TL 300	EFU-Exclusive Farm Use	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
Map 6N400 TL 310	EFU-"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
Map 6N3314 TL 200	EFU "	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Umatilla County

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Signature: _____
 Date: _____
 Staff contact: _____
 Phone: _____
 City or County: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

Name of water right applicant: SHANE DERUIE

Receipt for Request for Land Use Information

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 152.056. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Beth Thiel Date: 1-16-98
 Title: Zoning Aide Phone: 278-6252
 Signature: Beth Thiel

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

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JAN 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

May 12, 1998

Shane Deruwe
85021 Hudson Bay Rd.
Milton-Freewater, OR 97862

The Water Resources Department has received your application to use or store water. At this time we are unable to accept your application because it does not meet minimum filing requirements.

Please provide the following information checked below:

- Complete the enclosed application form.
- A completed land-use information form signed by the local planning department officials.
- A metes and bounds legal description of the property where you plan to use the water. *You may use a copy of your deed, land sales contract or title insurance policy. DO NOT USE A COPY OF YOUR TAX BILL*
- Complete the enclosed form ____.
- The name and mailing address of the owner of any lands that are not owned by the applicant and that is crossed by the proposed ditch, canal or other works of the applicant.
- Examination fees of \$____. If the application is for an Expedited Review reservoir, the fees are \$10 per acre foot or fraction thereof.
- Complete the well information or submit a well log for the well(s) indicated on the application. You may wish to consult with a well constructor for assistance with completing this information if the well has not been constructed yet. *Well log was not included.*
- Other: *Is the primary water right from Oregon or Washington? Please identify its source.*
The water comes out of Washington, through the Gardena Irrigation District. The Walla Walla River is the source of water.
- Please provide the following information with regard to your map:

- The map is larger than 11"X 17". Four copies must be submitted, or it must be drawn on tracing linen, tracing velum or Mylar.
- The scale of the map must be a standard, even scale of not less than 4 inches to a mile and North directional symbol must be indicated on the map.
- The location of each diversion point, well or dam must be referenced to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (EX: "400 feet south and 350 feet west of the Northeast corner of section 27").
- The location of main canals, ditches, pipelines or flumes.
- The location of the place where water is to be used identified by **tax lot, township, range, section and nearest quarter-quarter section.**
- The area to be irrigated in each quarter-quarter section shall be indicated by shading or hatchuring and **the number of acres in each quarter-quarter section**, donation land claim, government lot or other recognized public land survey lines must be indicated.

Your application and supporting data are being returned. We can begin processing your application when the information noted above is received.

If you have any questions about the application procedure, you may call the Water Rights Information Group at (503)378-8455 extension 499 or toll-free in Oregon at 1-800-624-3199 ext. 499.

cc: WM DIST 5
GEN CORR
FISCAL

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JAN 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

AMM

March 31, 1998

Shane Deruwe
85021 Hudson Bay Rd.
Milton-Freewater, OR 97862

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MAY - 4 1998

WATER RESOURCES DEPT.
SALEM, OREGON

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JAN 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

The Water Resources Department has received your application to use or store water. At this time we are unable to accept your application because it does not meet minimum filing requirements.

Please provide the following information checked below:

- Complete the enclosed application form.
- A completed land-use information form signed by the local planning department officials.
- A metes and bounds legal description of the property where you plan to use the water. *You may use a copy of your deed, land sales contract or title insurance policy.*
- Complete the enclosed form _____.
- The name and mailing address of the owner of any lands that are not owned by the applicant and that is crossed by the proposed ditch, canal or other works of the applicant.
- Examination fees of \$____. If the application is for an Expedited Review reservoir, the fees are \$10 per acre foot or fraction thereof.
- Complete the well information or submit a well log for the well(s) indicated on the application. You may wish to consult with a well constructor for assistance with completing this information if the well has not been constructed yet.
- Other: _____

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WATER RESOURCES DEPT.
SALEM, OREGON

Please provide the following information with regard to your map:

- The map is larger than 11"X 17". Four copies must be submitted, or it must be drawn on tracing linen, tracing velum or Mylar.
- The scale of the map must be a standard, even scale of not less than 4 inches to a mile and North directional symbol must be indicated on the map.
- The location of each diversion point, well or dam must be referenced to recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (EX: "400 feet south and 350 feet west of the Northeast corner of section 27").
- The location of main canals, ditches, pipelines or flumes.
- The location of the place where water is to be used identified by **tax lot, township, range, section and nearest quarter-quarter section.**
- The area to be irrigated in each quarter-quarter section shall be indicated by shading or hatchuring and **the number of acres in each quarter-quarter section**, donation land claim, government lot or other recognized public land survey lines must be indicated.

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JAN 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Your application and supporting data are being returned. We can begin processing your application when the information noted above is received.

If you have any questions about the application procedure, you may call the Water Rights Information Group at (503)378-8455 extension 499 or toll-free in Oregon at 1-800-624-3199 ext. 499.

cc: WM DIST 5
GEN CORR
FISCAL

AMM

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MAP REQUIREMENTS FOR NEW APPLICATIONS
OAR 690-310-050

MAY - 4 1998

WATER RESOURCES DEPT.
SALEM, OREGON

(1) Each application shall be accompanied by a map or drawing which shall be considered a part of the application.

(2) Maps submitted with water use applications shall meet the following criteria:

(a) The application map, which is made part of the record, shall be of permanent quality and drawn in ink or otherwise printed in a indelible form with sufficient clarity so as to be easily reproduced.

(b) Maps shall be drawn on good quality paper. If the map is larger than 11 inches by 17 inches, four copies must be submitted or the map must be drawn on tracing linen, tracing vellum or mylar.

(c) All maps shall be drawn to a standard, even scale of not less than 4 inches = 1 mile. All maps must include a scale to which the map is drawn and a north directional symbol.

(3) A platted and recorded subdivision map, deed description survey map or county assessor map may be submitted as the application map if all of the required information is clearly shown.

(4) Each copy of the map shall show clearly each of the following requirements that apply to the proposed appropriation:

(a) The location of each diversion point, well, or dam by reference to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

(b) The location of main canals, ditches, pipelines or flumes.

(c) The location of the place where water is to be used identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the proposed place of use, if appropriate. The Department shall also accept any locational coordinate information that the applicant may wish to provide, including latitude and longitude as established by a global positioning system. If for irrigation, the area to be irrigated in each quarter-quarter of a section shall be indicated by shading or hatching and the number of acres in each quarter-quarter section, donation land claim, government lot or other recognized public land survey lines indicated.

Stat. Auth.: ORS 536.027

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WATER RESOURCES DEPT.
SALEM, OREGON

WATER RIGHT FEE CALCULATION
Groundwater, Surface Water, Standard Reservoir

Fee is figured adding \$250 Base Fee *plus* the following calculations:

Groundwater or Surface Water Live Flow Calculation	Storage or to use Stored Water Rate Calculation
$2.64 = 3$ 1 st CFS* or fraction \$ 150 <i>Plus</i> Additional CFS or fraction $1.64(2) \times \$75$ \$ 150 Total \$ 300	\$10 for 1 st AF or fraction up to 10AF _____ X \$10 <i>Plus</i> \$1 each add'l AF (11AF-1000AF) _____ X \$1 <i>Plus</i> .25 each add'l AF (1001 +) _____ X .25 Total \$ _____
LIVE FLOW EXAMINATION FEE TOTAL \$250 + \$ 300 = \$ 550 -	STORED EXAMINATION FEE TOTAL \$250 + \$ _____ = \$ _____

If an application is to appropriate both stored water *and* live flow, use the following calculation:

Base Fee	\$250	(Note: use only one base fee)
<i>plus</i>		
Live flow calculation (above)	_____	
<i>Plus</i>		
Storage calculation(above)	_____	
 Total Exam Fee	 _____	

Recording fees for all applications (due at permit):\$175

ALL EXAMINATION FEES MUST BE PAID BEFORE AN APPLICATION CAN BE ACCEPTED FOR FILING. RECORDING FEES DO NOT HAVE TO BE PAID AT APPLICATION FILING.

*1 CFS equals 448.83 gallons per minute.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 6, 1999

Shane Deruwe
85021 Hudson Bay Rd
Milton-Freewater, OR 97862

Dear Mr. Deruwe:

The Department has received your application for a permit to use groundwater and has assigned it the file number G-14898. Please refer to that number when contacting the Department.

Enclosed is your check number 1431 in the amount of \$925. Your application was received with two checks, each one for \$925. Your fees for the application are \$550 for the exam fee and \$175 for the recording fee, totaling \$725. I applied one of the checks to the application, and am returning the second check to you. If a permit is issued for your proposed use, the excess fees collected will be refunded at that time.

If you have any questions, please give me a call at 1-800-624-3199 extension 229.

Sincerely,

Anita Huffman
Water Rights Examiner


cc: FISCAL
FILE

1-800-238-9222

1431

DATE 29 Dec 1998 98-748/1233

Dept | \$ 925⁰⁰/₁₀₀

Per and rec DOLLARS  Security features included. Details on back.

Shane K Deruwe MP

1431



Oregon Water Resources Department

Application for a Permit to Use Ground Water

RECEIVED

MAR 31 1998

WATER RESOURCES DEPT. SALEM, OREGON

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

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MAY - 4 1998

1. Applicant Information

WATER RESOURCES DEPT.

SALEM, OREGON

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

RECEIVED

Name: DE RUWE, SHANE

Last

First

MI

JAN 05 1999

Mailing address: 85021 HUDSON BAY ROAD

WATER RESOURCES DEPT. SALEM, OREGON

MILTON - FREEWATER, OR 97862

City

State

Zip

Phone: 541-558-3710

Home

Work

Other

*Fax: *E-Mail address:

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization:

Name and title of person applying:

Mailing address of organization:

City

State

Zip

Phone:

Day

Evening

*Fax: *E-Mail address:

*Optional information

For Department Use

App. No. G4998 Permit No. Date 1-5-99

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? UMATILLA

In what county is the appropriation point proposed? UMATILLA

B. River Basin

(See instruction booklet pg.3 for list):

UMATILLA

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: ONE B. Name of nearest surface water body SOUTH DITCH, 100 FEET N.W.

C. Distance from well(s) to nearest stream or lake: 1) SOUTH DITCH, 100 FEET.
2) RAYMOND GULCH 2,700 FEET. 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) LESS THAN 20 FEET
2) 35 FEET 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: Driller will be hired when permit is finalized.

Address: _____

Completion date: _____

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
SEE ATTACHED WELL LOG. A NEW WELL									
WILL BE CONSTRUCTED ADJACANT TO THIS									
WELL, WHICH IS PLUGGED.									

F. Artesian Flows

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

N/A

4. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

IRRIGATION

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1		IRRIGATION	<i>combination</i>	1,185 gpm
2		Irrigation		(TOTAL)

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

1 May thru Oct 31.

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

211.3 ACRES

5. Water Management

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) ^{20 hp to 2} 100 hp Turbin pump 2 ft water's available
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
Diameter(s) 8" PVC Length 1/2 mile
- Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- Flood High-pressure sprinkler Low pressure sprinkler
 Drip Water cannons Center pivot system
 Hand lines Wheel lines
 Siphon tubes or gated pipe with furrows
 Other, describe _____

Distribution method

- In-line storage (tank or pond) Direct pipe from source Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

This Ranch is presently set up with hand line and
main lines are currently in place.

6. Project Schedule

Proposed date construction will begin Oct 1998

Proposed date construction will be completed May 1, 1999

Proposed date beneficial water use will begin May 1, 1999

7. Remarks

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Construction of the new well depends on approval
of well and permits issued.

Signature

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use is compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:

Shane K. DeRuwe 2-19-98
Signature of Applicant Date

Signature of Co-applicant Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

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MAY - 4 1998

WATER RESOURCES DEPT.
SALEM, OREGON

GROUND WATER APPLICATION

T.6 N, R. 33 E, W.M.

Umatilla County, Oregon

RECEIVED

JAN 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Section 13

Lot 2: ✓	21.0 Acres ✓
Lot 3: ✓	49.7 Acres ✓
Lot 4: ✓	43.5 Acres ✓
NW 1/4, SE 1/4: ✓	6.7 Acres ✓
NE 1/4, SW 1/4: ✓	31.1 Acres ✓
NW 1/4, SW 1/4: ✓	34.6 Acres ✓
SW 1/4, SW 1/4: ✓	14.0 Acres ✓
SE 1/4, SW 1/4: ✓	<u>1.1 Acres</u>
	201.7 Acres in section 13.

Section 14

Lot 1: ✓	7.3 Acres ✓
Lot 9: ✓	<u>2.3 Acres</u> ✓
	9.6 Acres in section 14.

Total area this application: 211.3 Acres

Application No. G-14898
Permit No.

RECEIVED

MAY - 4 1998

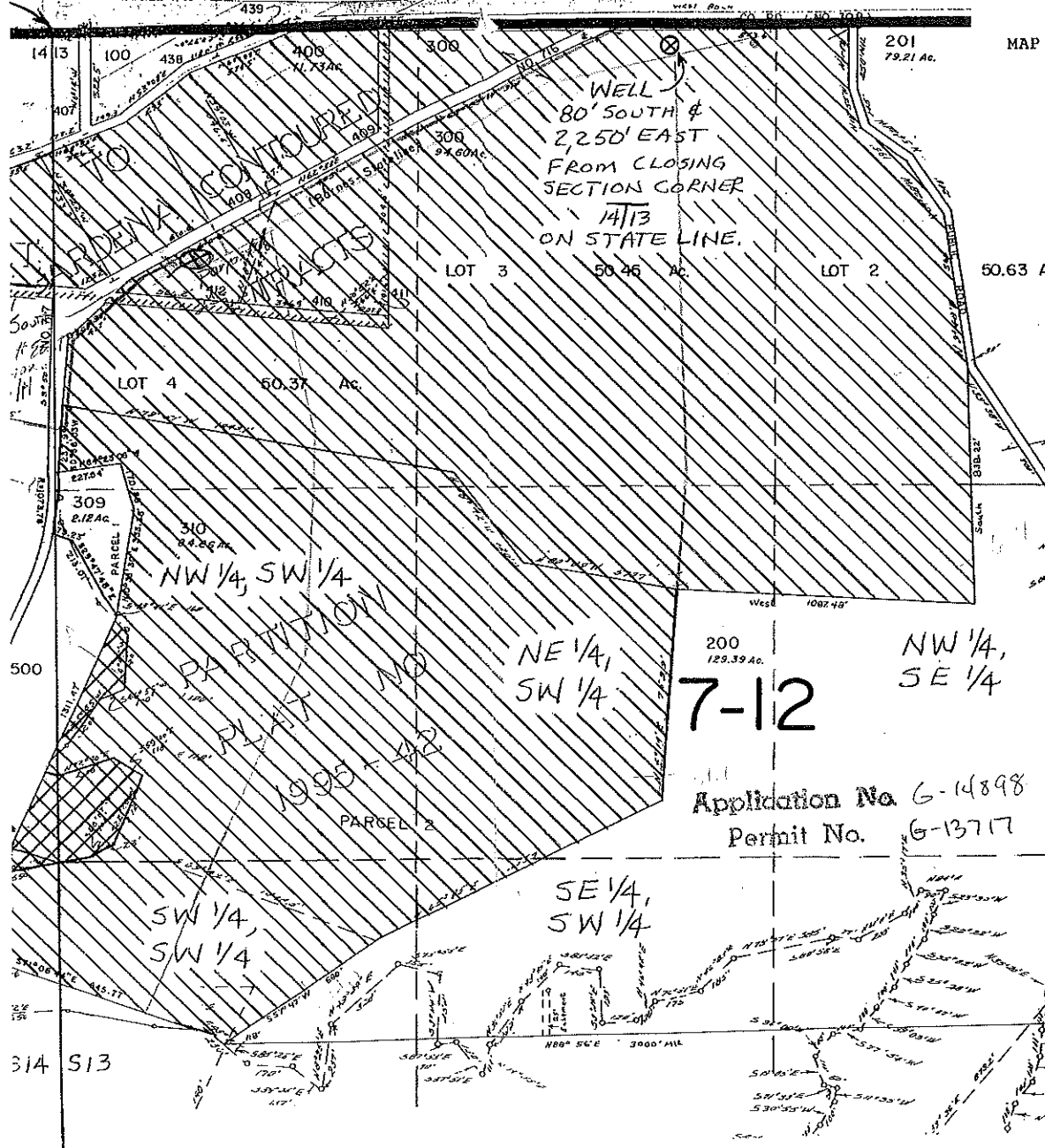
MAP TO ACCOMPANY APPLICATION FOR
GROUND WATER RESOURCES DEPT
and
TRANSFER OF GROUND WATER
SALEM, OREGON

T. 6 N., R. 33 E., W.M.
Sections 13 and 14
Umatilla County, Oregon

RECEIVED

MAR 31 1993

SHEET 1 OF WATER RESOURCES DE
SALEM, OREGON.



LOT 1 50.81 Ac. Gardena Irrigation Canal

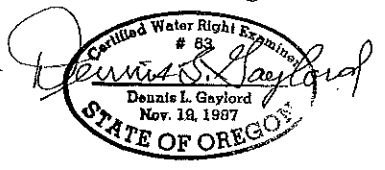
LEGEND

- = PLACE OF USE, GROUND WATER APPLICATION.
- = PLACE OF USE, TRANSFER OF GROUND WATER NEW POINT OF APPROPRIATION. PERMIT G-302, CERTIFICATE 28725.

DENNIS L. GAYLORD, PLS
71614 S.W. LAKE DRIVE
PENDLETON, OR 97801
541-276-6260

7-12

Application No. G-14898
Permit No. G-13717



RENEWS 6/30/99

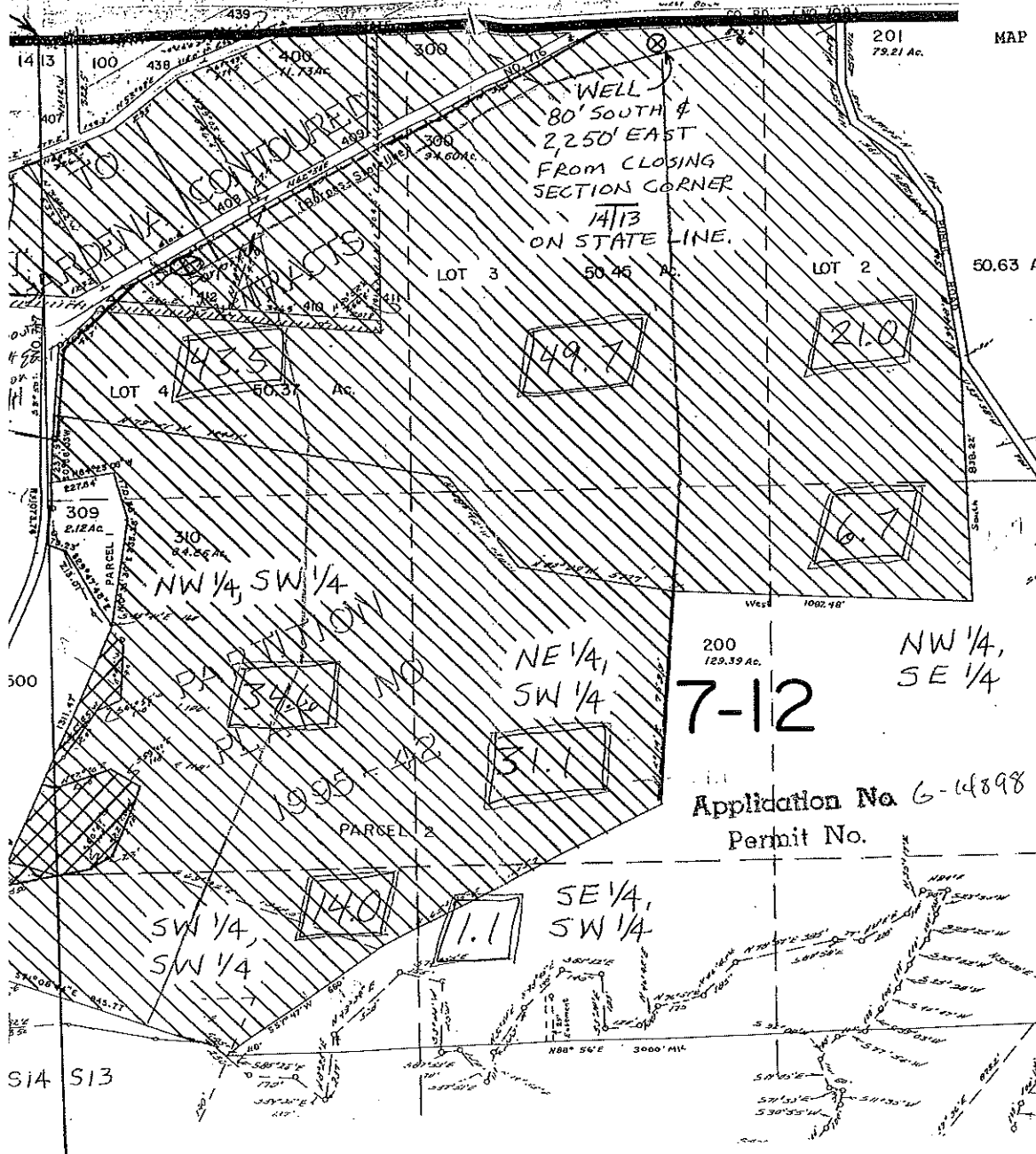
THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW PROPERTY OWNERSHIP LINES.

MAY - 4 1998

MAP TO ACCOMPANY APPLICATION FOR
GROUND WATER RESOURCES DEPT.
and SALEM, OREGON
TRANSFER OF GROUND WATER

T. 6 N., R. 33 E. RECEIVED
Sections 13 and 14
Umatilla County, Oregon
MAR 31 1998

SHEET 1 OF WATER RESOURCES DEPT
SALEM, OREGON.



50.81 Ac
Gardena Irrigation Canal

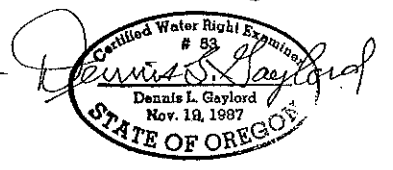
THIS APPLICATION

LEGEND

- ⊗ = PLACE OF USE, GROUND WATER APPLICATION.
- ⊗ = PLACE OF USE, TRANSFER OF GROUND WATER NEW POINT OF APPROPRIATION. PERMIT G-302, CERTIFICATE 28725.

LANDS TO BE TRANSFERRED I.E. NOT UNDER THIS APPLICATION

DENNIS L. GAYLORD, PLS
71614 S.W. LAKE DRIVE
PENDLETON, OR 97801
541-276-6260



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