

ASSIGNED

FILE#: G 13947

LEROY C FESSLER  
7507 NE QUAALE RD  
MADRAS, OR 97741

Application No. G G13947  
Permit No. G G13138  
Certificate No. \_\_\_\_\_  
Stream Index, Page No. \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
1-23-95	\$ 200.-	121227
5-15-97	120 <sup>00</sup>	12226
11-28-06	25.00	85120
		Cert. Fee

**FEES REFUNDED**

Date	Amount	Check No.
------	--------	-----------

Date filed \_\_\_\_\_  
Priority \_\_\_\_\_  
Action suspended until C-01 / PPD  
Return to applicant \_\_\_\_\_  
Date of approval MAY 28 97

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
<u>11/27/2006</u>	R2 LAND, LLC C/O R.B. PAMPLIN CORPORATION 805 SW BROADWAY Ste. 2400, PORTLAND OR 97205			

**CONSTRUCTION**

Date for beginning MAY 28 98  
Date for completion \_\_\_\_\_  
Extended to \_\_\_\_\_  
Date for application of water 10-1-01  
Extended to \_\_\_\_\_

**REMARKS**

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_  
Form "B" filed \_\_\_\_\_  
Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Date certificate issued \_\_\_\_\_



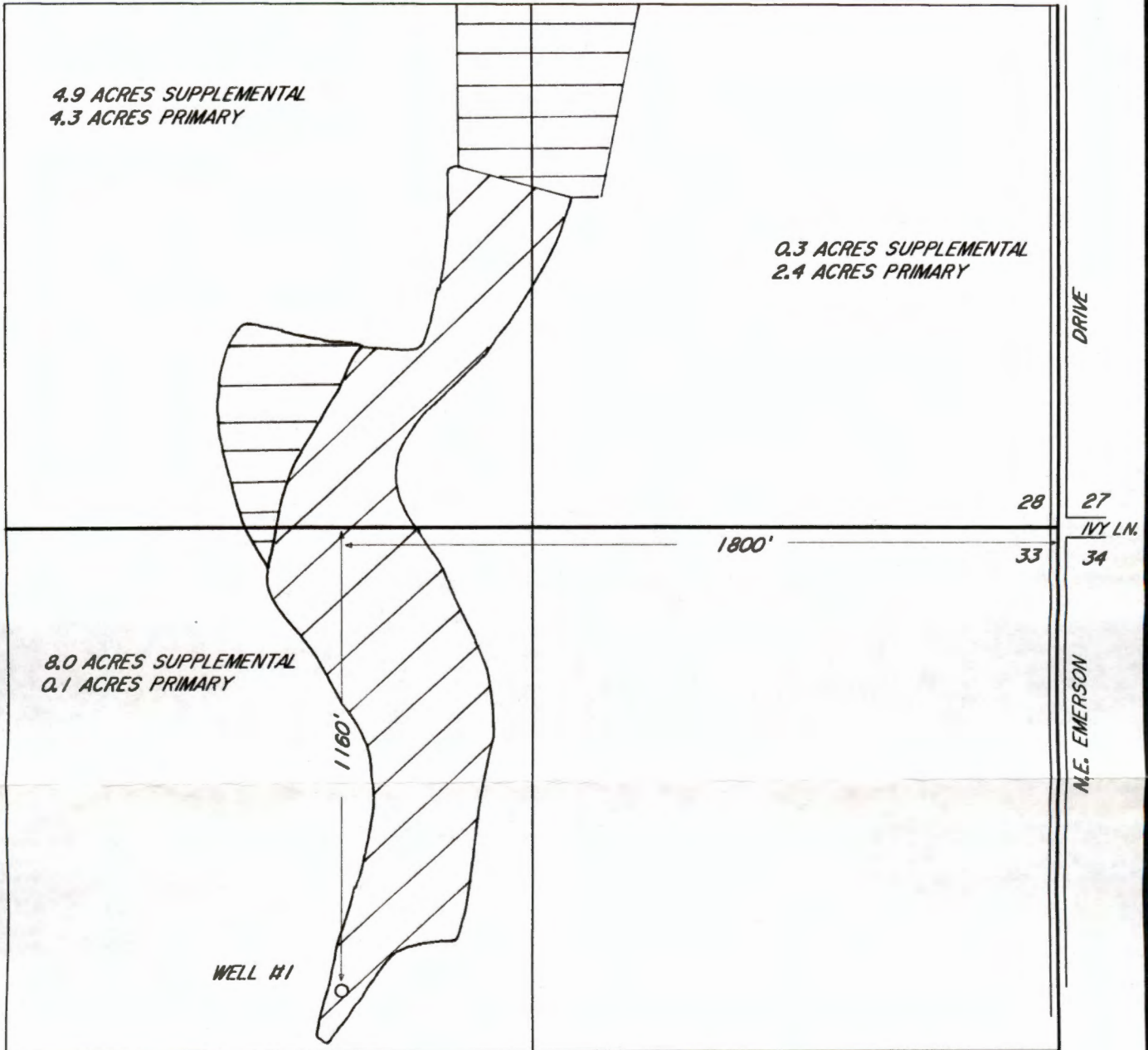


SCALE 1" = 400'

**APPLICATION MAP**  
FOR APPROPRIATION OF WATER  
LOCATED IN THE S 1/2 OF THE SE 1/4  
OF SEC. 28 AND THE  
NW 1/4 OF THE NE 1/4 OF SEC. 33,  
ALL IN T. 9 S., R. 14 E., W.M.,  
JEFFERSON COUNTY, OREGON.

**RECEIVED**

JAN - 7 1997  
WATER RESOURCES DEPT.  
SALEM, OREGON



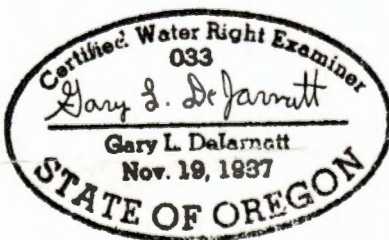
**LEGEND:**



WELL #1 SUPPLEMENTAL TOTAL = 13.2 ACRES; C-51233.



WELL #1 PRIMARY TOTAL = 6.8 ACRES



Application No. G13947

Permit No. G13138

G-13947

PREPARED BY:  
DEJARNATT LAND SURVEYS, INC.

Renewal Date:  
12-31-97

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

63885 NORTH HWY 97  
BEND, OREGON 97701  
PHONE: 541-382-4192

DATE: DECEMBER 16, 1996  
SHEET 1 OF 1  
JOB # 96089

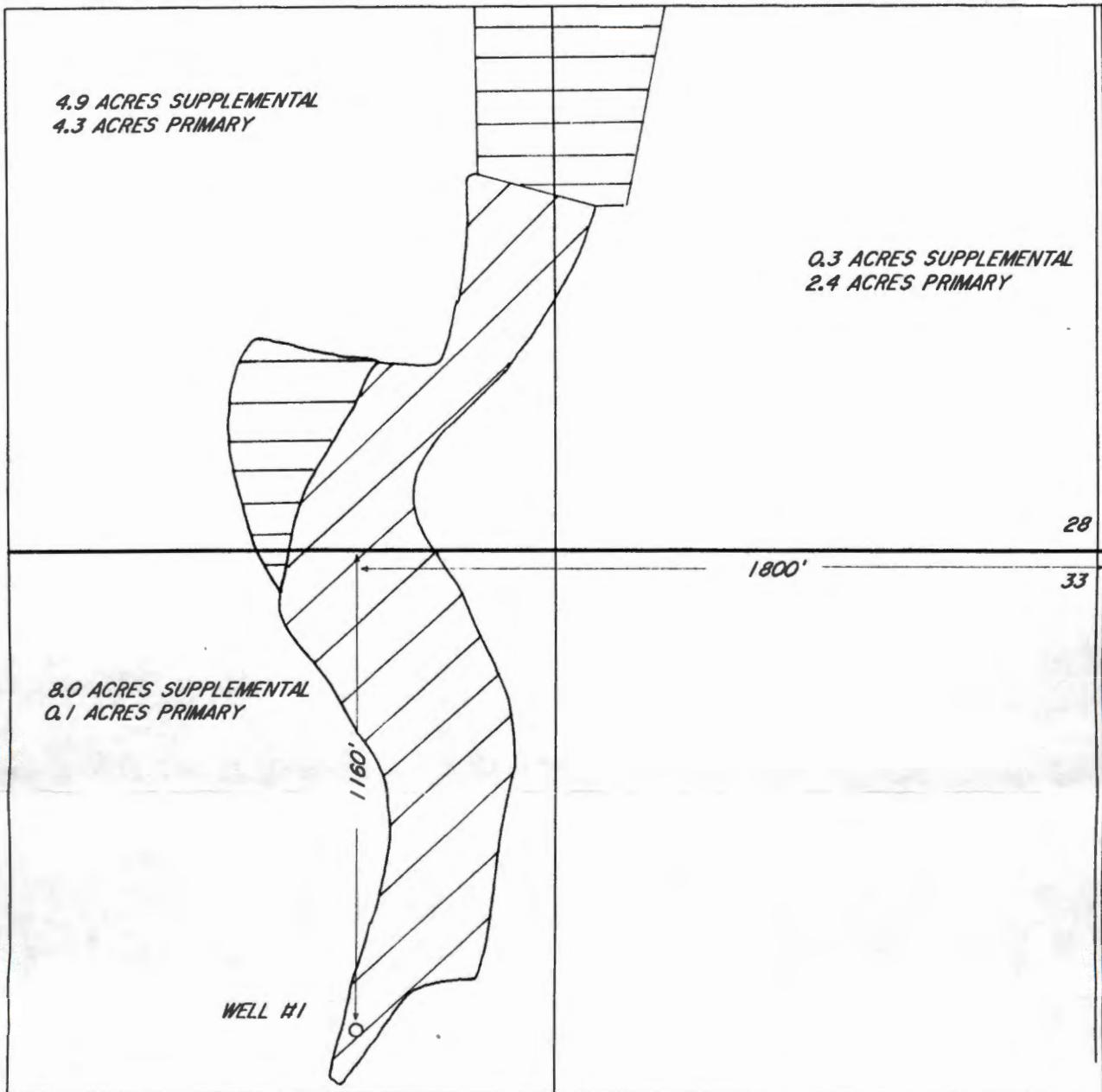


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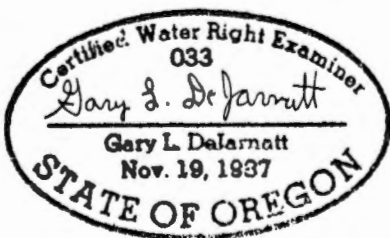
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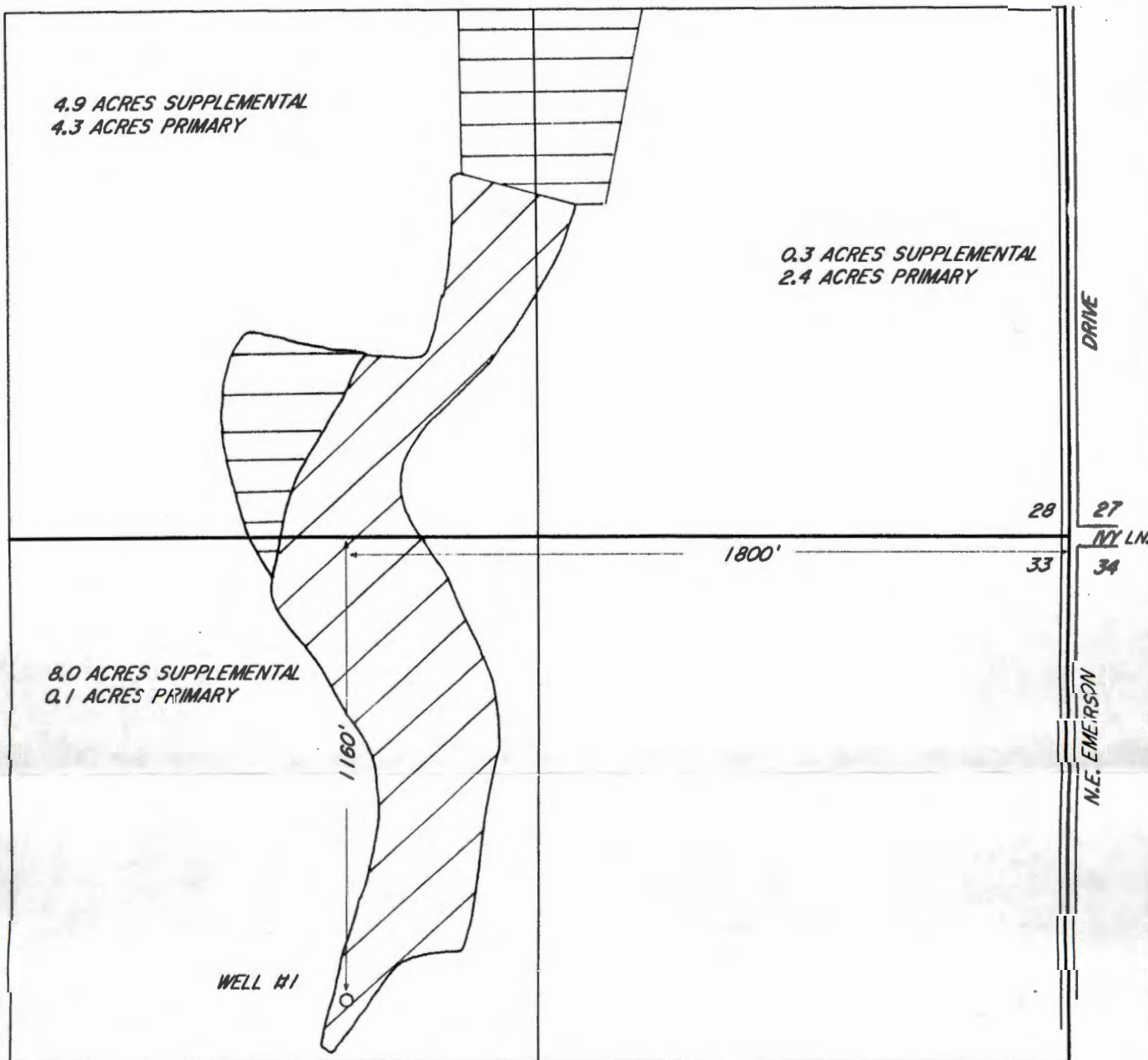


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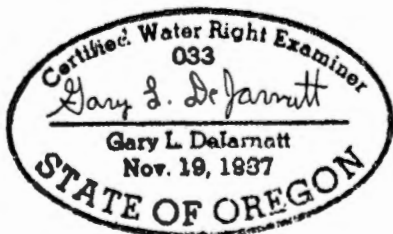
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G-13947

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PREPARED BY:  
DEJARNATT LAND SURVEYS, INC.

63885 NORTH HWY 97  
BEND, OREGON 97701  
PHONE: 541-382-4192

DATE: DECEMBER 16, 1996  
SHEET 1 OF 1  
JOB # 96089





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

# Request for Assignment

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

I, Leroy C. Fessler  
 (Name of Applicant / Permit / Transfer Holder)

7507 NE Quaaale Road                      Madras                      OR                      97741                      (541) 475-2720  
 (Mailing address)                                      (City)                      (State)                      (Zip)                      (Phone #)

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

Application # G-13947 , Permit # G-13138 ; Transfer # \_\_\_\_\_  
 -OR-  
 GR Statement # \_\_\_\_\_ , GR Certificate of Registration # \_\_\_\_\_

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

R2 Land LLC  
 (Name of New Owner)  
 c/o R.B. Pamplin Corporation, 805 SW  
Broadway, Suite 2400                      Portland                      OR                      97205                      (503) 248-1133  
 (Mailing address)                                      (City)                      (State)                      (Zip)                      (Phone #)

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

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

Witness my hand this 22 day of November, 2006.

Applicant/Permit holder Leroy C Fessler  
 Applicant/Permit holder \_\_\_\_\_

**DO NOT WRITE IN THIS BOX**

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.  
 - Fee receipt # 85420  
 - For Director by Jerry Saucedo, Program Analyst in Water Rights Division Jerry Saucedo

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

- \$25 for the first page, and
  - \$5 for each additional page.
- [as required by ORS 536.050(1)(d)]

Last updated: Oct 3, 2006

Request for Assignment/1

**RECEIVED**

**NOV 28 2006**

**WATER RESOURCES DEPT  
 SALEM, OREGON**

WR

OK. ASS/64  
 J.M.S. 11/28/2006



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

November 29, 2006

Miller Nash, LLP  
Attn: Alexander R. Ring  
3400 U.S. Bancorp Tower  
111 SW Fifth Avenue  
Portland, Oregon 97204-3699

Reference: Application G-12627, Permit G-11766  
Application G-13947, Permit G-13138  
Application G-8768, Permit G-8179  
Application G-8539, Permit G-7957  
Application G-9199, Permit G-8568

The assignment from Leroy C. Fessler to R2 Land LLC, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 85420 covering the recording fee of \$125.00 is also enclosed.

The ownership update for Application G-7512, Permit G-6989, Certificate 67060, has been placed in the file.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure: Receipt 85420

cc: Watermaster 11  
Leroy C. Fessler  
R2 Land LLC  
Data Center, OWRD  
Water Availability  
File





STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 900-0904 (fax)

RECEIPT # **85420**

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

RECEIVED FROM: Miller Mash LLP  
 BY: \_\_\_\_\_

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	

CASH:  CHECK:# 201634 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS G-12627-\$25.00 G-9199 \$25.00  
 0407 COPY & TAPE FEES G-13947-25.00 G-8539-\$25.00  
 0410 RESEARCH FEES G-8768-25.00  
 0408 MISC REVENUE: (IDENTIFY) Assignment \$ 125.00  
 TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_  
 0240 EXTENSION OF TIME \_\_\_\_\_  
 WATER RIGHTS:  
 0201 SURFACE WATER EXAM FEE \$ \_\_\_\_\_ 0202 RECORD FEE \$ \_\_\_\_\_  
 0203 GROUND WATER EXAM FEE \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_  
 0205 TRANSFER EXAM FEE \$ \_\_\_\_\_  
 WELL CONSTRUCTION EXAM FEE \$ \_\_\_\_\_  
 0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_  
 LANDOWNER'S PERMIT PCA 46111 0220 LICENSE FEE \$ \_\_\_\_\_  
 OTHER (IDENTIFY) \_\_\_\_\_

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

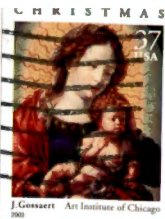
RECEIPT: **85420** DATED: 11-28-06 BY: OBuhnt

# Water Rights Information Query Results

<b>Owner/Contact</b>	<b>Application</b>	<b>Permit</b>	<b>Certificate</b>	<b>Decree</b>	<b>Claim</b>	<b>Transfer</b>	<b>St</b>
<b>LEROY C FESSLER</b> 7507 NE QUAALE RD MADRAS OR 97741 (details)	G7512	G6989	67060				NC
<b>LEROY C FESSLER</b> GATEWAY RT BOX 492 MADRAS OR 97741 (details)	G8539	G7957					NC
<b>LEROY C FESSLER</b> GATEWAY RT BOX 492 MADRAS OR 97741 (details)	G8768	G8179					NC
<b>ENOS R BROWN JANICE R BROWN</b> 8997 NE EMERSON DR MADRAS OR 97741 (details)	G9075	G8467					NC
<b>LEROY C FESSLER</b> GATEWAY RT BOX 492 MADRAS OR 97741 (details)	G9199	G8568					NC
<b>WILLIAM E RODGERS</b> PO BOX 161 MADRAS OR 97741 (details)	G10463	G9399	65354				NC
<b>LEROY C FESSLER</b> 7507 NE QUAALE RD MADRAS OR 97741 (details)	G12627	G11766					NC
<b>GREGORY LECHNER</b> 29095 DRYLAND RD CANBY OR 97013  <b><u>Prior Owner</u></b> <b>JANICE BROWN</b> 8997 NE EMERSON DR MADRAS OR 97741  <b><u>Prior Owner</u></b> <b>ENOS BROWN</b> 8997 NE EMERSON DR MADRAS OR 97741 (details)	G13145	G12509					NC
<b>LEROY C FESSLER</b> 7507 NE QUAALE RD MADRAS OR 97741 (details)	G13947	G13138					NC



LeRoy Fessler  
7507 N.E. Quaale Road  
Madras, OR 97741



G-13947

Water Resources Department  
25 Summer St. N.E. Suite A  
Talent, OR 97301-1271

97301#1252

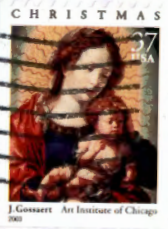
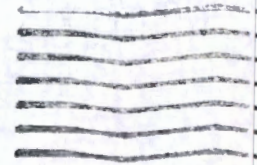


File checked out  
12/4/03 to JS by JD  
-----  
JS  
PSE w/f  
OK TKS  
SCB

File checked out  
12/14/03 to JS by JB  
JS  
PSE w/f  
OK TKS  
SJB

LeRoy Fessler  
7507 N.E. Quale Road  
Madras, OR 97741

2-13947



Water Resources Department  
725 Summer St. N.E. Suite A  
Salem, OR 97301-1271

97301#1252





**ESTES  
SURVEYS<sub>LLC</sub>**

**SURVEYS  
CONSULTING**

**LAND & WATER RIGHTS**

**Bruce A. Estes, PLS, CWRE**

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

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

*May 20*  
**RECEIVED**

**DEC 22 2003**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**CLAIM OF BENEFICIAL USE SITE REPORT**

**Application G-13947, Permit G-13138**

**in the name of LEROY C. FESSLER**

**INFORMATION:** Went over the project with Leroy.

**SOURCE:** A well in the Crooked River Basin that was drilled December 21, 1994.

**DIVERSION POINT:** NW 1/4 NE 1/4 Section 33, T 9 S, R 14 E, W.M.; 970' South & 1770' West from the NE corner of Section 33.

**USE:** Irrigation of 6.8 acres and supplemental irrigation of 13.2 acres of pasture. cattle in the field during the survey).

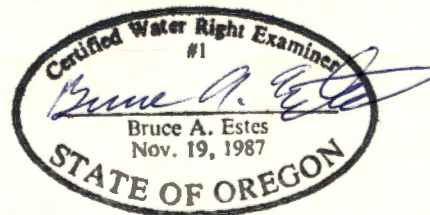
**CAPACITY:** The well has a 7.5 HP submersible pump with a 4" Aquamaster 900 serial # 23100 which reads in gallons. It pumps open discharge through a 4" alum the delivery ditch so with a static level of 15' and a drawdown of 47' it should be c  $7.04 \times 7.5 / 15 + 47 + 4 = 0.80$  cfs (359 GPM). The flow meter indicated 260 GPM dur test. The ditch had ample capacity to handle the flow during the test. There are a acres found so the permit limit of  $20/80 = 0.25$  cfs (112 GPM) has to be the limit.

*7-3-2006  
We believe this well is JEFF 928 but it would be useful to confirm prior to certification.  
Karl Wozniak*

**TIE:** The map was tied to the property fences.

**REMARKS:** The well was drilled prior to the application and use was made beginning in 1997.

An inspection of the land under the terms of permit G-13138 was made by me May 23, 2003, and the facts contained in this report and accompanying map are correct to the best of my knowledge.



I, Leroy C. Fessler, agree with Mr. Estes' findings and submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of permit G-13138 and hereby request a water right certificate be issued.

*Leroy C Fessler*





SURVEYS CONSULTING

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

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

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

RECEIVED <sup>Map?</sup>

DEC 22 2003

WATER RESOURCES DEPT  
SALEM, OREGON

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Application G-13947, Permit G-13138

in the name of LEROY C. FESSLER

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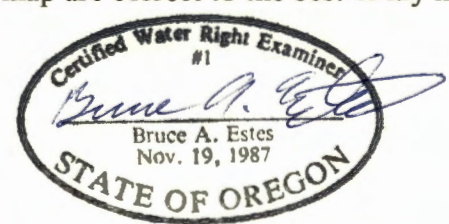
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Leroy C Fessler



WALLY AND I STARTED OUR OWN COMPANY. WE'RE SELLING THE PRODUCT THAT YOU SAID NOBODY WANTS.

SOON WE WILL BE RICH.

WE DO OUR VICTORY JIG IN YOUR FACE.

BA-BUM

WHEN HE SHOWED YOU YOUR EMPLOYMENT AGREEMENT - WHERE YOU GAVE ALL PATENT RIGHTS TO THIS COMPANY - WHAT PART OF THE JIG WERE YOU DOING?

TURBO MOONING.

Sag

© 1996 United Feature Syndicate, Inc.(NYC)

Saturday

MARCH  
20

**DILBERT®**  
BY SCOTT ADAMS

G-13947

LENOY FESSLER

541-475-2720

~~CALL HIM 4/3/2003~~

CALL HIM AGEN - 4/02/2003, SPEAK TO HIS  
WIFE.

CALL HIM IN MORNING 4/3/2003 ✓ done J.M.S.



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-13947

**Final Order**

*Application History*

On January 23, 1995, LEROY C FESSLER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 26, 1996. The protest period closed January 10, 1997, and no protest was filed.


The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the well location according to the applicant's revised map dated December 16, 1996.

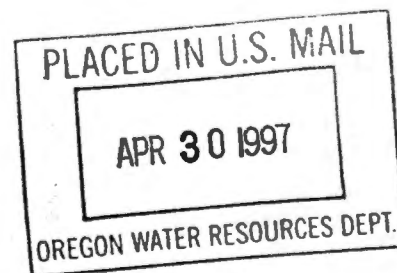
**Order**

Upon payment of outstanding permit recording fees, Application G-13947 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 120.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-13947.

DATED April 16, 1997

*for*   
Martha O. Pagel  
Director



*Hearing and Appeal Rights*

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF JEFFERSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

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

APPLICATION FILE NUMBER: G-13947

SOURCE OF WATER: A WELL IN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES

MAXIMUM RATE: 0.25 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: JANUARY 23, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 33, T9S, R14E, W.M.;  
1160 FEET SOUTH AND 1800 FEET WEST FROM THE NE CORNER OF SECTION 33

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	4.3 ACRES	4.9 ACRES
SE 1/4 SE 1/4	2.4 ACRES	0.3 ACRE
	SECTION 28	
NW 1/4 NE 1/4	0.1 ACRE	8.0 ACRES
	SECTION 33	
	TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

#### STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued \_\_\_\_\_, 199\_

**DRAFT - THIS IS NOT A PERMIT**

Water Resources Department  
Director



STATE OF OREGON  
COUNTY OF JEFFERSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

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

APPLICATION FILE NUMBER: G-13947

SOURCE OF WATER: A WELL IN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES

MAXIMUM RATE: 0.25 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: JANUARY 23, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 33, T9S, R14E, W.M.; 1160 FEET SOUTH AND 1800 FEET WEST FROM THE NE CORNER OF SECTION 33

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	4.3 ACRES	4.9 ACRES
SE 1/4 SE 1/4	2.4 ACRES	0.3 ACRE
	SECTION 28	
NW 1/4 NE 1/4	0.1 ACRE	8.0 ACRES
	SECTION 33	
	TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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



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

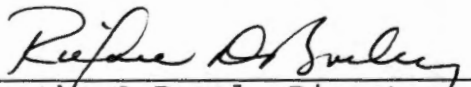
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued May 28, 1997



for Martha O Pagel, Director  
Water Resources Department



**ESTES  
SURVEYS<sub>LLC</sub>**

**SURVEYS  
CONSULTING**

**LAND & WATER RIGHTS**

**Bruce A. Estes, PLS, CWRE**

May 26, 2003

**RECEIVED**

**MAY 29 2003**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

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

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

**Jerry Sauter, Senior Water Right Specialist  
Water Resources Department  
158 12th Street NE  
Salem, OR 97301-4172**

Dear Jerry:

Re: G-13947

Leroy Fessler called me few weeks ago about the Claim of Beneficial Use for his permit G-13138. I surveyed it May 23, but have not had time to finish it. I need to go to Fields, Oregon to finish a land survey so I will not be able to complete the claim prior to May 30. I will draft it the first week of June. Please place a hold on it to allow me some time to complete it.

Thanks for your consideration.

Sincerely,



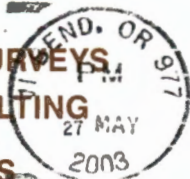
Bruce A. Estes, PLS, CWRE

cc Leroy Fessler

**ESTES  
SURVEYS**

**WATER RIGHT SURVEYS**

**LAND SURVEYS  
CONSULTING**



6293 Sunnyview Rd. NE  
Salem, OR 97305



97301#4172





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

**Well Owner:**

Name Le Roy Fessler  
 Address 7507 NE Quale Rd  
 County Jefferson County  
 City, State, Zip Madras, OR 97741  
 Original owner (from well log): \_\_\_\_\_

**Well Location:**

Twnshp 9 (~~N~~ or S), Range 14 (E or ~~W~~)  
 Section 33  $\frac{1}{4}$ ,  $\frac{1}{4}$ ,  $\frac{1}{4}$  SE NW NE  
 Well depth \_\_\_\_\_ Date drilled \_\_\_\_\_  
 Owners well no. (if any) \_\_\_\_\_  
 Pod\_ID: \_\_\_\_\_

**Water Right Information:**

Application G-13947 Permit G-13138 Certificate NA  
 Is this well listed on more than one water right? N (Y/N) If yes, list additional water rights below:  
 Application \_\_\_\_\_ Permit \_\_\_\_\_ Certificate \_\_\_\_\_  
 Application \_\_\_\_\_ Permit \_\_\_\_\_ Certificate \_\_\_\_\_

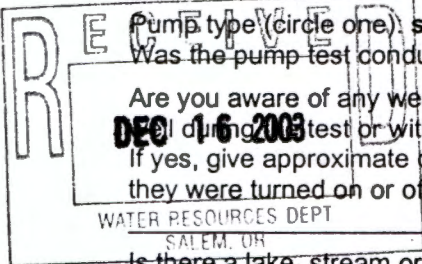
**Pump Test:**

Test Conducted by: Bruce A. Estes Well Owner? N (Y/N)  
 Company Estes Surveys, LLC  
 Address 60382 Arnold Mkt. Rd. Date of Test May 23, 2003  
 City State, Zip Bend, OR 97702  
 Daytime phone (541) 382-7391

Method of discharge measurement (see our brochure for acceptable methods): Aquamaster flow meter  
 Method of water-level measurement (circle one) electric tape pressure transducer / air line /  
 acoustic sounder / steel tape / other (specify) \_\_\_\_\_  
 Length of air line (if used) NA

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

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N)  
 If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: \_\_\_\_\_



Is there a lake, stream or other surface water body within  $\frac{1}{4}$  mile of the tested well? (Y/N) If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: NA ft  
 Approx. elevation difference: NA ft  
 Well elevation is at / above / below (circle one) surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) pipe plug in top of casing  
 Measuring point distance above / below (circle one) land surface 16" feet

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

Time	Depth to water below meas. point	Depth to water below land surface
<u>1050</u>	<u>16' 6"</u>	<u>15' 2"</u>
<u>1110</u>	<u>16' 5 1/2"</u>	<u>15' 1 1/2"</u>
<u>1130</u>	<u>16' 5"</u>	<u>15' 1"</u>

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

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>1140</u>	<u>260</u>	<u>GPM</u>
<u>1200</u>	<u>255</u>	<u>GPM</u>
<u>1300</u>	<u>250</u>	<u>GPM</u>
<u>1400</u>	<u>248</u>	<u>GPM</u>
<u>1500</u>	<u>246</u>	<u>GPM</u>

Time pump turned on: Date 23 May 03 Time 1132  
 Time pump turned off: Date 23 May 03 Time 1532  
 Total pumping time: 4 hours 0 minutes

Note: Well must be idle for at least 16 hours prior to the test. several days  
 Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>



**PUMP TEST DATA SHEET**

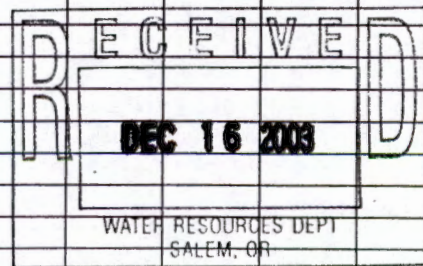
Application: G-13947 Permit: G-13138 Certificate: NA Pod Id: \_\_\_\_\_

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

**Drawdown Data**

**Recovery Data**

Date	Time	Time Since Pump Started (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments	Date	Time	Time Since Pump Stopped (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments
23 May 03	1132	0	16' 5"	15' 1"		23 May 03	1532	0	62' 0"	60' 8"	
	1134 1/2	2 1/2	46' 7 1/2"	45' 3 1/2"			1534	2	34' 0"	32' 8"	
	1136	4	48' 7 1/2"	47' 3 1/2"			1536	4	32' 6"	31' 2"	
	1138	6	49' 9"	48' 5"			1538	6	31' 6"	30' 2"	
	1140	8	50' 2"	48' 10"			1540	8	30' 11"	29' 7"	
	1142	10	50' 11 1/2"	49' 7 1/2"			1542	10	30' 3"	28' 11"	
	1147	15	51' 9 1/2"	50' 5 1/2"			1547	15	29' 0"	27' 8"	
	1152	20	52' 7 1/2"	51' 3 1/2"			1552	20	28' 2 1/2"	26' 10 1/2"	
	1157	25	53' 8"	52' 4"			1557	25	27' 6"	26' 2"	
	1202	30	54' 4 1/2"	53' 0 1/2"			1602	30	27' 0"	25' 8"	
	1217	45	54' 8 1/2"	53' 4 1/2"			1617	45	25' 5"	24' 1"	
	1232	60	55' 11"	54' 7"			1632	60	24' 4"	23' 0"	
	1247	75	56' 6 1/2"	55' 2 1/2"			1647	75	23' 7 1/2"	22' 2 1/2"	
	1302	90	57' 11"	56' 7"			1702	90	22' 10 1/2"	21' 6 1/2"	
	1317	105	58' 5"	57' 1"			1717	105	22' 3 1/2"	20' 11 1/2"	
	1332	120	58' 9"	57' 5"			1732	120	21' 8"	20' 4"	
	1347	135	59' 8"	58' 4"			1747	135	21' 1"	19' 9"	
	1402	150	60' 0"	58' 8"							
	1417	165	60' 5"	59' 1"							
	1432	180	60' 9"	59' 5"							
	1447	195	61' 1"	59' 9"							
	1502	210	61' 6 1/2"	60' 2 1/2"							
	1517	225	61' 4"	60' 0"							
	1532	240	62' 0"	60' 8"							







# Oregon

Theodore R. Kulongoski, Governor

JS.  
App# G-13947  
Water Resources Department

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

February 7, 2003

G 13138  
LEROY C, FESSLER  
7507 NE QUAALE RD  
MADRAS, OR 97741

RE: Deschutes Ground Water Mitigation Rules, Division 505  
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>

The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While **only** those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.



Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at [Laura.K.Snedaker@wrld.state.or.us](mailto:Laura.K.Snedaker@wrld.state.or.us).

Sincerely,

A handwritten signature in black ink that reads "Paul R. Cleary". The signature is written in a cursive, flowing style.

Paul R. Cleary  
Director

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



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

G13947JS1105 2189

LEROY C FESSLER  
7507 NE QUAALE RD  
MADRAS OR 97741

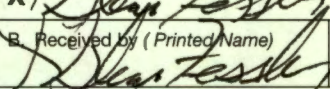
**2. Article Number***(Transfer from service label)*

7001 2510 0005 1105 2189

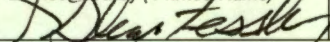
**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X


 Agent Addressee

B. Received by (Printed Name)



C. Date of Delivery

3/4/2

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No**3. Service Type** Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.**4. Restricted Delivery? (Extra Fee)** Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPT  
ATTN: J. SAUTER  
158 - 12<sup>TH</sup> STREET NE  
SALEM OR 97301-4172

**RECEIVED**  
APR 04 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

March 31, 2003

Certified mail number 1105 2189  
Return receipt requested

LEROY C FESSLER  
7507 NE QUAALE RD  
MADRAS OR 97741

Reference: Application G13947, Permit G13138

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2001.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use, to include a final proof survey map of the development. The map and claim of beneficial use was to have been submitted to our Department within one year of October 1, 2001. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time of your permit within 60 days of the date of this letter (May 30, 2003) the Department may cancel your permit without further notice.**

Please give me a call if you have questions. My phone number is 503-378-8455 extension 274.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster District 11  
File G13947

4/1/2003  
541-425-2720 - LEROY FESSLER CALLS.  
WILL CONTACT CHAIRMAN (NAME) TALKING ABOUT OF.  
J.R.S.



PERMIT STATUS REVIEW BY jd DATE 3/5/03 FILE # 6-13947

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if : note on JS list  
no Permit is for municipal or quasi-municipal use or in Bonanza study area \_\_\_\_\_  
(per DF, when in doubt about MU/QM, change database code)

no Extension pending \_\_\_\_\_ final \_\_\_\_\_

no Assignment is pending \_\_\_\_\_

no Cancellation is requested \_\_\_\_\_ final \_\_\_\_\_

no Dept. has already sent a certified "Form 100" letter (date \_\_\_\_\_, # \_\_\_\_\_)  
Was 60 days notice allowed? \_\_\_\_\_  
Was mail deliverable as addressed? \_\_\_\_\_ date \_\_\_\_\_  
Send cancellation letter \_\_\_\_\_

no Claim of beneficial use and final proof map (COBU) have been received by Department  
Date information received \_\_\_\_\_

2. IF NONE OF THE ABOVE APPLY

Send certified "C" date notice packet to permit holder.  
"C" DATE 10/1/2001  
WATERMASTER DISTR # 11 WATERMASTER NAME \_\_\_\_\_  
CWRE or AGENT de Jarmatt, Gary - no current listing

11-2-96  
1/2/98

Application G-13947

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

✓ CC: FILE # G-13947

✓ KEN STAHR

✓ WATERMASTER # 11

✓ REGIONAL MANAGER: BOB MAIN

✓ ODF&W - Jefferson County: JEFFERSON COUNTY

CWRE (if agent):

DEQ

✓ OTHER STATE AGENCY IF NECESSARY: *State Parks*

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASEWORKER : LKS

STATE OF OREGON

COUNTY OF JEFFERSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

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

APPLICATION FILE NUMBER: G-13947

SOURCE OF WATER: A WELL IN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES

MAXIMUM RATE: 0.25 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: JANUARY 23, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 33, T9S, R14E, W.M.; 1160 FEET SOUTH AND 1800 FEET WEST FROM THE NE CORNER OF SECTION 33

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	4.3 ACRES	4.9 ACRES
SE 1/4 SE 1/4	2.4 ACRES	0.3 ACRE
	SECTION 28	
NW 1/4 NE 1/4	0.1 ACRE	8.0 ACRES
	SECTION 33	
TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

#### STANDARD CONDITIONS

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

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

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

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



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

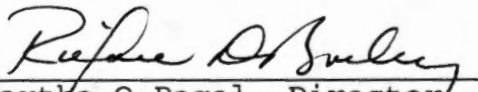
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued May 28, 1997



for Martha O Pagel, Director  
Water Resources Department



STATE OF OREGON  
COUNTY OF JEFFERSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

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

APPLICATION FILE NUMBER: G-13947

SOURCE OF WATER: A WELL IN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES

MAXIMUM RATE: 0.25 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: JANUARY 23, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 33, T9S, R14E, W.M.; 1160 FEET SOUTH AND 1800 FEET WEST FROM THE NE CORNER OF SECTION 33

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	4.3 ACRES	4.9 ACRES
SE 1/4 SE 1/4	2.4 ACRES	0.3 ACRE
	SECTION 28	
NW 1/4 NE 1/4	0.1 ACRE	8.0 ACRES
	SECTION 33	
	TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

#### STANDARD CONDITIONS

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

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

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

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



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

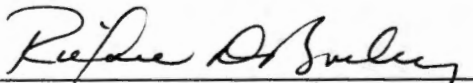
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued May 28, 1997



for Martha O Pagel, Director  
Water Resources Department



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-13947

**Final Order**

*Application History*

On January 23, 1995, LEROY C FESSLER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 26, 1996. The protest period closed January 10, 1997, and no protest was filed.

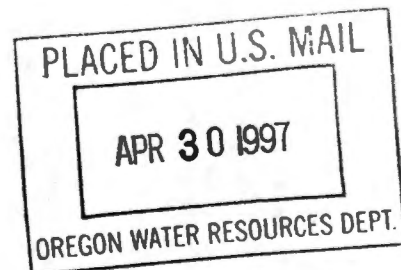
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the well location according to the applicant's revised map dated December 16, 1996.


**Order**

Upon payment of outstanding permit recording fees, Application G-13947 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 120.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-13947.

DATED April 16, 1997



*for*   
Martha O. Pagel  
Director

*Hearing and Appeal Rights*

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF JEFFERSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

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

APPLICATION FILE NUMBER: G-13947

SOURCE OF WATER: A WELL IN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES

MAXIMUM RATE: 0.25 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: JANUARY 23, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 33, T9S, R14E, W.M.; 1160 FEET SOUTH AND 1800 FEET WEST FROM THE NE CORNER OF SECTION 33

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	4.3 ACRES	4.9 ACRES
SE 1/4 SE 1/4	2.4 ACRES	0.3 ACRE
	SECTION 28	
NW 1/4 NE 1/4	0.1 ACRE	8.0 ACRES
	SECTION 33	
	TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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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.

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued \_\_\_\_\_, 199\_

**DRAFT - THIS IS NOT A PERMIT**

Water Resources Department  
Director



STATE OF OREGON

COUNTY OF JEFFERSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

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APPLICATION FILE NUMBER: G-13947

SOURCE OF WATER: A WELL IN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES

MAXIMUM RATE: 0.25 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: JANUARY 23, 1995

*1900* POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 33, T9S, R14E, W.M.;  
~~500 FEET WEST AND 130 FEET NORTH FROM SE CORNER, NW 1/4 NE 1/4, SECTION 33~~  
*1160 south NE*

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:

	<u>PRIMARY</u>	
SW 1/4 SE 1/4	4.3 ACRES	
SE 1/4 SE 1/4	2.4 ACRES	
	SECTION 28	
NW 1/4 NE 1/4	0.1 ACRE	
	SECTION 33	
	TOWNSHIP 9 SOUTH, RANGE 14	

*Well coordinates differ from map. Map 1160's & 1800' w from NE Cor sec 33. US 2nd ed.*

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.

STATE OF OREGON  
COUNTY OF JEFFERSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

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

APPLICATION FILE NUMBER: G-13947

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~~500 FEET WEST AND 130 FEET NORTH FROM SE CORNER, NW 1/4 NE 1/4, SECTION~~  
33 *1160 south NE*

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

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-13947

**Proposed Final Order**

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

*Additional Information Required:* A revised application map needs to be submitted to the Department before a permit may be issued. The application map needs to identify the number of acres in each quarter section of primary irrigation and of supplemental irrigation. The map must also show the coordinates, from a recognized public land survey corner, to the point of diversion (well location).

*Application History*

On January 23, 1995, LEROY C. FESSLER submitted an application to the Department for the following water use permit:

- Amount of Water: 0.5 CUBIC FOOT PER SECOND (CFS)
- Use of Water: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES AND LIVESTOCK USE
- Source of Water: A WELL IN THE CROOKED RIVER BASIN
- Area of Proposed Use: Jefferson County within SECTION 28 AND SECTION 33, TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.

On OCTOBER 1, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.05 CFS of water from a well for Irrigation of 6.8 acres and Supplemental Irrigation of 13.2 acres may be allowed from March 1 through August 31 of each year. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On OCTOBER 15, 1996, 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 Deschutes Basin Program allows the following uses: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES. The use of groundwater for Livestock Use is exempt from permitting requirements. A permit will not be issued including this use.

Senior water rights do not exist on A WELL IN THE DESCHUTES RIVER BASIN.

A WELL IN THE DESCHUTES RIVER BASIN is above a State Scenic Waterway.

The period of allowed use was incorrectly identified in the Initial Review. Water is available for further appropriation for the period FEBRUARY 1 TO DECEMBER 1.

The rate of use identified in the Initial Review requires modification. The Department finds that no more than 0.25 CFS would be necessary for the proposed use. The amount of water requested, 0.5 CFS, shall be restricted to 0.25 CFS.

The described water source is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Indian Ford and Glaze Meadow.

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 Deschutes 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 rules of the Water Resources Commission.

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.

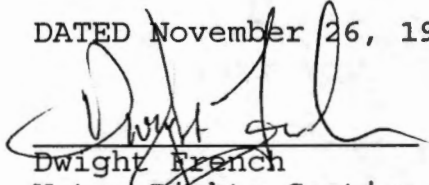
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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 November 26, 1996

  
Dwight French  
Water Rights Section Manager

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against 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 that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **January 10, 1997**.

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.

LKS



DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF JEFFERSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

PHONE: N/A

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

APPLICATION FILE NUMBER: G-13947

SOURCE OF WATER: A WELL IN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 6.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.2 ACRES

MAXIMUM RATE: 0.25 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: JANUARY 23, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 33, T9S, R14E, W.M.; 500 FEET WEST AND 130 FEET NORTH FROM SE CORNER, NW 1/4 NE 1/4, SECTION 33

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	ACRES	4.9 ACRES
SE 1/4 SE 1/4	ACRES	0.3 ACRE
	SECTION 28	
NW 1/4 NE 1/4	ACRES	8.0 ACRES
	SECTION 33	
TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.		

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

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Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

**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.

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

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

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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department  
Director

Application G-13947  
Basin 05  
LKS

Water Resources Department  
Volume 3 Trout Creek & Misc.  
MGMT.CODE

PERMIT DRAFT  
District 11

IS YOUR RETURN ADDRESS COMPLETED ON THE REVERSE SIDE?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LEROY C. FESSLER  
7507 NE QUAALE RD  
MADRAS OR 97741

4a. Article Number

4b. Service Type

- Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

11-29-96

5. Received By: (Print Name)

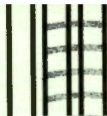
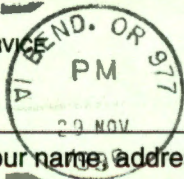
8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *James G. Fessler*



UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

OWRD  
ATTN: Laura Snedaker  
158 12TH ST NE  
SALEM OR 97310



**CERTIFIED MAIL**  
**Return Receipt Requested**

WATER  
RESOURCES  
DEPARTMENT

NOVEMBER 26, 1996

LEROY C. FESSLER  
7507 NE QUAALE RD.  
MADRAS, OREGON 97741

RE: Application File # G-13947

Dear MR. FESSLER:

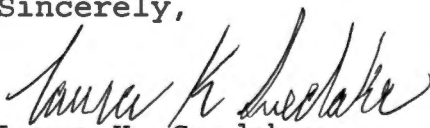
On **NOVEMBER 26, 1996**, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. This item must be received:

- ▶ A revised application map needs to be submitted to the Department. The revised map must show the number of acres in each quarter quarter section to receive primary and supplemental irrigation. Please use different hatchuring or shading to differentiate between primary and supplemental irrigation. The map must also identify the coordinates, from a recognized public land survey corner, to the proposed point of diversion (well location).

Please submit these items by **JANUARY 10, 1997**. If we do not receive the items requested above by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 331.

Sincerely,

  
Laura K. Snedaker  
Senior Water Rights Examiner

Enclosures: Department's Map Requirements  
Copy of Applicant's Map

cc: Kyle Gorman, Watermaster District 11



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



**MAP REQUIREMENTS**  
**OAR 690-310-050**

690-310-050(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 an 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 of 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 the 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.

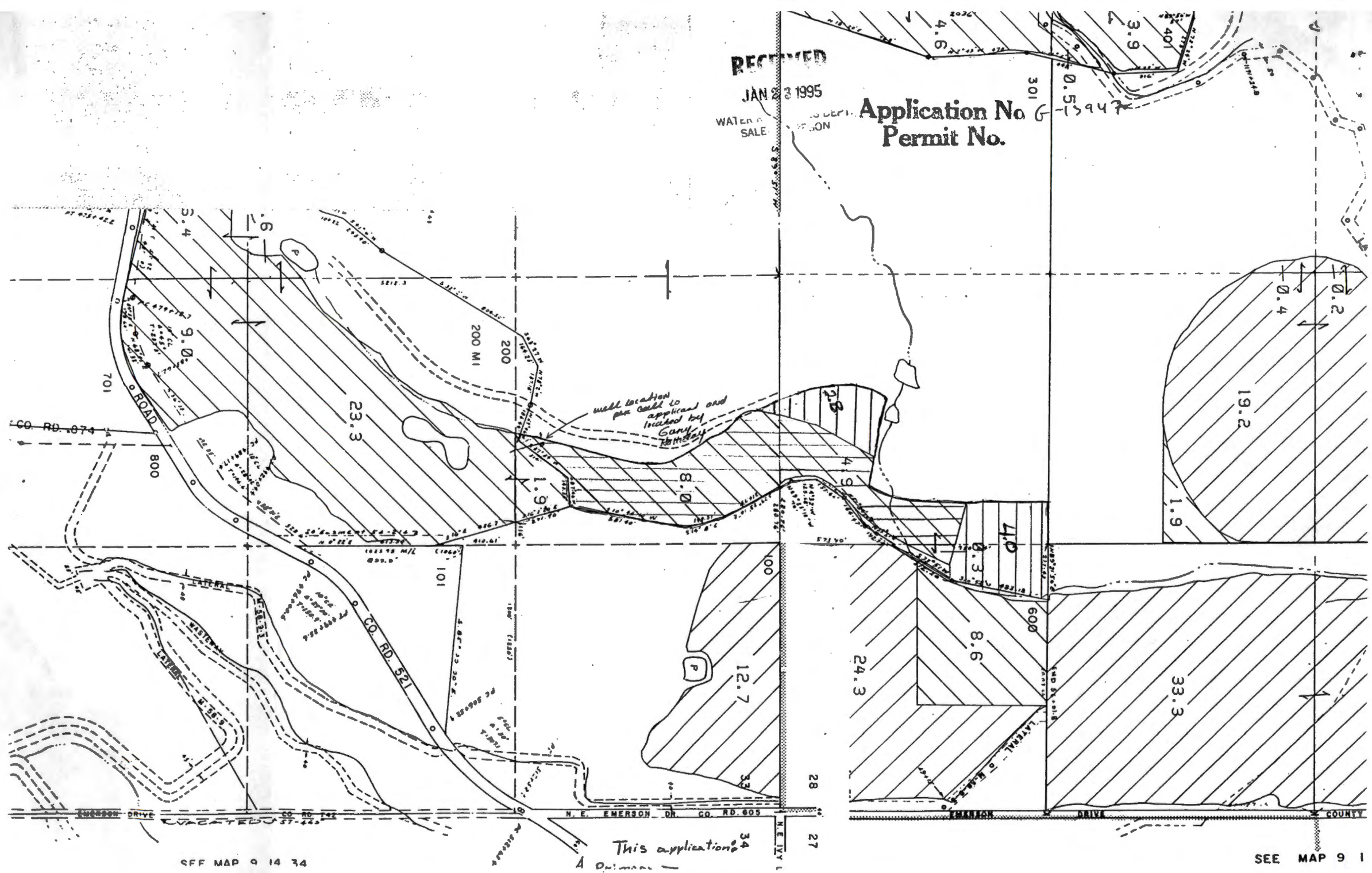
(c) The location of the place where water is to be used identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the proposed place of use, if appropriate. The Department also shall accept any locational coordinate information that the 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 hatchuring and the number of acres in each quarter-quarter section, donation land claim, government lot or other recognized public land survey lines indicated.

RECEIVED

JAN 23 1995

WATER SALES DIVISION

Application No. G-15947  
Permit No.



well location per call to applicant and located by Gary R. Hines

This application is a primary

SFF MAP 9 14 34

SEE MAP 9 1



# FO CHECKLIST

FILE # 6-13947  
WEEK # 70 <sup>N-26</sup> <sub>1-10</sub>

REVIEW DATE: 4 / 9 / 97

PFO TO FO CONVERSION

INITIALS: DB

In preparing the FO, you should check the following:

1. Y  N Were comments or protests received? If so, from whom and when?
2.  On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and those who paid the \$10 fee.
3.  N Have affected landowners been notified?
4. Y  N Is the file lacking a signed oath of accuracy for the application?
5. ~~Y/N~~ Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y  N Is water use prohibited for one or more months of the normal use period?
7. ~~Y/N~~ If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. \$ 120 Verify payment of recording fees (*circle the appropriate option*)
  - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
  - (2) Issue FO w/o permit if fees are lacking
9.  N Is further processing possible? If not state reason: \_\_\_\_\_
10. NA Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11.  Assign permit numbers to files with oath, fees, and no protests or other issues

6.8  
13.2  
20.0

200  
100  
20 x 10  
320

Route to: (circle one)  
DENIAL FO w/o PERMIT

FO & PERMIT

Respond to COMMENTS

3B 7J 7B

Fomed

Modify FO as needed to:

Initials DB

12.  Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13.  Include or exclude permit conditions and management codes
14.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)  
*Reverse*

Once FO document is completed:

15.  Save WordPerfect document in M:\T\FO\WEEK82 & delete duplicates
16.  Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed

OCTOBER 1, 1996

LEROY C FESSLER  
7507 NE QUAALE RD  
MADRAS, OREGON 97741

Reference: File G-13947

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Irrigation and Livestock use is allowed under OAR 505, the Deschutes Basin Program.
4. The use of 0.5 cubic foot per second for Irrigation of 6.8 acres and Supplemental Irrigation of 13.2 acres is available March 1 through August 31.
5. The use of groundwater for Livestock use is exempt from the groundwater process and no permit is required for Livestock consumption.

Summary of Initial Determinations

The use of 0.05 cfs from a Well for Irrigation of 6.8 acres and Supplemental Irrigation of 13.2 acres may be allowed from March 1 through August 31 of each year.

Because of these favorable determinations to your application 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.





G-13947  
October 1, 1996  
Page 2

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.

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 **OCTOBER 15, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
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. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
4. The priority date for this application is January 23, 1995.

G-13947  
October 1, 1996  
Page 3

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday  
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability  
Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form



RECEIVED

JAN 23 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. G13947

State of Oregon  
WATER RESOURCES DEPARTMENT

**Application for a Permit to Appropriate Groundwater**

Applicant(s) LeRoy C. Fessler  
(Please print or type - use dark ink)

Mailing Address: 7507 N.E. Quaaale Road  
Madras, Oregon 97741  
City State Zip Daytime Phone No.

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

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.):  
One well

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: N/A

Elevation difference between streambed and development: \_\_\_\_\_

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 12" Depth in feet: 150'

Type and size of well casing: steel 12" No. of feet: 45'

Estimated depth to water: 75' 75'

Type of access port or measuring device: 3/4" plug

Wells to be drilled by: Fox Well Drilling & Pump Service

Address: 1110 Laughlin Prinville, OR 97754

If the water well is flowing artesian, describe your water control and conservation works: N/A

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1/2 cubic feet per second, OR 250 gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: \_\_\_\_\_

3. **INTENDED USE(s) OF WATER:** Stock water & irrigation

If for more than one use, give the quantity of water from each source for each use; \_\_\_\_\_

If for **DOMESTIC** use, state the number of households to be supplied; \_\_\_\_\_

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation 18 acres

Other (describe) \_\_\_\_\_

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

From manifold into 5" mainline into supply ditch for flood.

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

Proposed date construction work will begin 12-21-94

Proposed date construction work will be completed 4-1-95

Proposed date water use will be completed 4-1-95

**NOTE:** A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.



6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant       CWRE       Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant       CWRE       Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: A map prepared by a CWRE will follow. This preliminary map is submitted to speed the processing. We are applying for Primary 6.8 acres and also Secondary to supplement our Crooked River water of 13.2 acres we have with NUID.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

LeRoy C Fessler      1-20-95  
Signature      Date

\_\_\_\_\_  
Signature      Date

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

LeRoy C Fessler      1-20-95  
Signature of Applicant      Date

\_\_\_\_\_  
Signature of Co-Applicant, if any      Date

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

-----  
-----  
In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 23 day of January, 19 95, at 8:00 o'clock, A M.

APPLICATION NO: G-13447

# Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13947

ROUTED TO: Harilyn Lawrie Norton

TOWNSHIP/

RANGE-SECTION: 9S/14E-33

APPLICATION ACCEPTED?  yes  no

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

---

---

---

Reviewer: Gates







TO: Water Rights Section

3/21, 1996

FROM: Groundwater/Hydrology Section Gates

Reviewer's Name

SUBJECT: Application G- 13947

**GROUNDWATER/SURFACE WATER CONSIDERATIONS**

1. *N/A* 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 Slane Meadow/Indian Ford
  - c. \_\_\_ will if properly conditioned, adequately protect the surface water from interference:
    - i. \_\_\_ The permit should contain condition #(s) \_\_\_\_\_;
    - ii. \_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface from substantial interference.

**GROUNDWATER AVAILABILITY CONSIDERATIONS**

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. \_\_\_ will, or \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights
  - b. \_\_\_ will not \_\_\_\_\_ and/or within the capacity of the resource; or
  - c.  will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - i.  The permit should contain condition #(s) 7J, 7B;
    - 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)



TO: Water Rights Section 3/21, 1996  
FROM: Groundwater/Hydrology Section Gates  
SUBJECT: Application G-13947 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) \_\_\_\_\_;  
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) \_\_\_\_\_;  
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)

13947



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)





13947

**Water Right Conditions  
Tracking Slip**

*Groundwater/Hydrology Section*

FILE ## 6-13947

ROUTED TO: Marilyn

TOWNSHIP/

RANGE-SECTION: \_\_\_\_\_

APPLICATION ACCEPTED?  yes  no

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewer: Gates



### REVIEW CHECKLIST

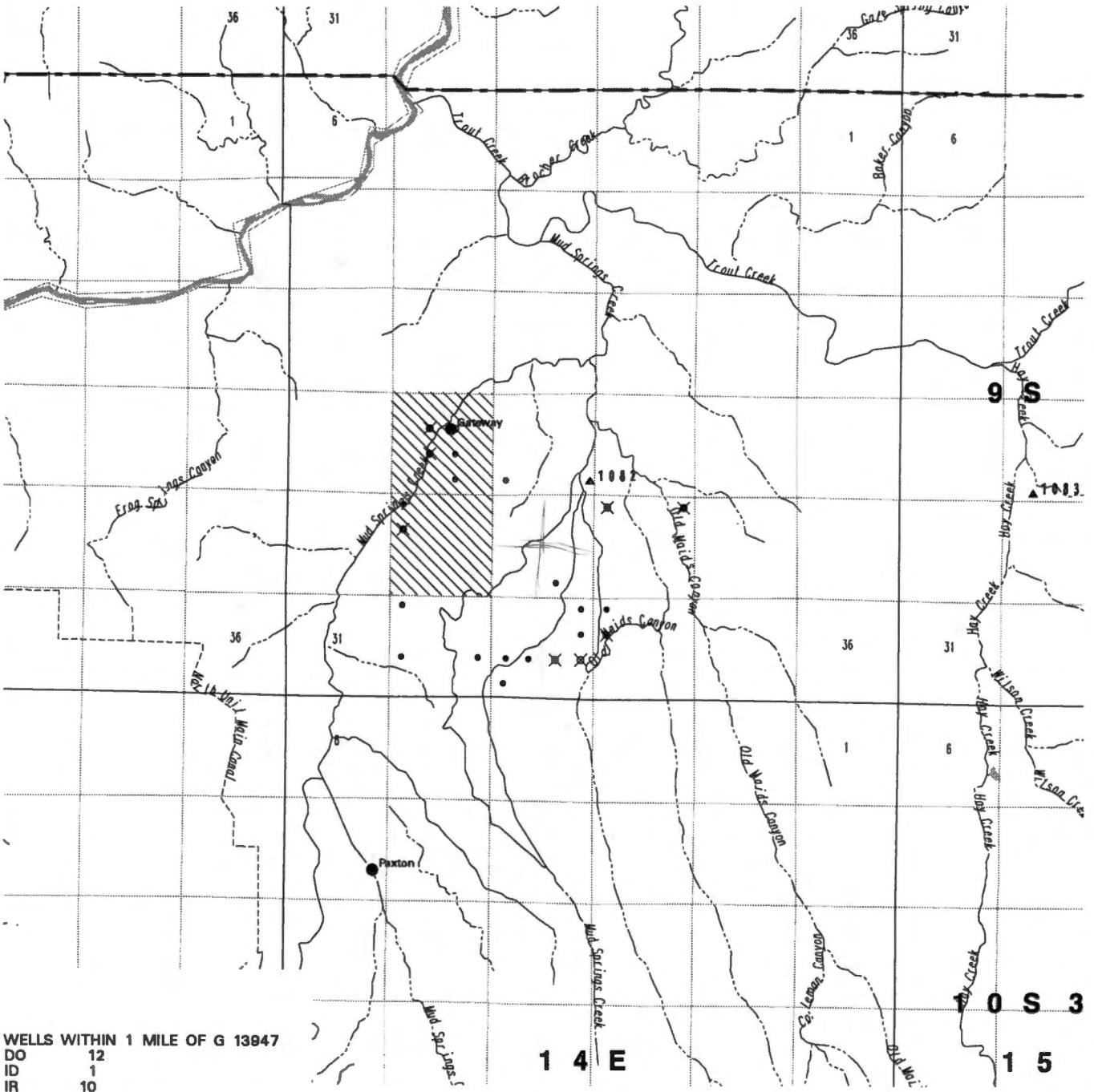
FOR G- 13947

- Appropriate parts of the stream index
- Estimated number of wells within one-mile radius & identified types.
- Verify that the well log is in application. If not, provide one. *I found a WL but I'm not sure if it's the right one*
- State observation wells within five-mile radius.
- List groundwater permits within a five-mile radius with extraordinary conditions.

APPLICATIONS WITH PERMIT CONDITIONS: 95, 14E, 28  
G13145

# Wells in the vicinity of application G 13947

- Application well(s) in this 1/4-1/4 section
- ◻ Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)



WELLS WITHIN 1 MILE OF G 13947

DO	12
ID	1
IR	10
LV	1
MO	2
UN	1



PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 13947

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 7813	9.00S14.00E20SE	IM	0.4500	C
G 7813	9.00S14.00E20SE	IS	2.1200	C
G 5898	9.00S14.00E20SW	IR	0.2700	C
G 8112	9.00S14.00E20NES	IR	0.1800	C
G 8467	9.00S14.00E27NWN	IR	0.6300	C
G 11583	9.00S14.00E27NWN	IS	1.6300	C
G 9399	9.00S14.00E27NEN	IR	0.0400	C
G 7384	9.00S14.00E29SWN	IC	0.2300	C
G 7960	9.00S14.00E29SWN	IS	0.2300	C
G 11766	9.00S14.00E34SWN	IC	0.8800	C
G 6989	9.00S14.00E33NWSE	IR	0.0800	C
G 7957	9.00S14.00E33NESE	IR	0.6800	C
G 8179	9.00S14.00E33NESE	IR	0.8300	C
G 8568	9.00S14.00E33NESE	IR	700.0000	G

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

*Handwritten:* 928

**RECEIVED** 7/3/14E/28dc  
JAN - 9 1995  
(START CARD) # 73936

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

WATER RESOURCES DEPT.

(1) OWNER: Well Number 1  
Name LEROY FESSLER  
Address 7507 NE QUAIL RD  
City MADRAS State OR Zip 97741

(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 150' ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
16"	0	45	BENTONITE	0	45	32 SACKS
12"	45	150				

How was seal placed: Method  A  B  C  D  E  
 Other GRANULAR BEAD POURED DRY  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Casing/Liner	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
Casing:	12"	+2	46	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) 46'

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Material		
					Type	Tele/pipe size	Casing/Liner
					<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	Drawdown	Drill stem at	Time
500 +	0	148'	1 hr.

Temperature of water 63° 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:  
SALEM, OREGON  
County JEFFERSON Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 9 N or S Range 14 E or W. WM.  
Section 28 SW 1/4 SE 1/4  
Tax Lot 301 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) EMERSON DR  
MADRAS, OR

(10) STATIC WATER LEVEL:  
25 ft. below land surface. Date 12/20/94  
Artesian pressure 0 lb. per square inch. Date 12/21/94

(11) WATER BEARING ZONES:

Depth at which water was first found 72'

From	To	Estimated Flow Rate	SWL
72	135	500 +	25

(12) WELL LOG:

Ground Elevation \_\_\_\_\_

Material	From	To	SWL
TOP SOIL + SAND	0	8'	
BROWN CLAY + BOULDERS	8'	26'	
BROWN SANDSTONE	26	105	25'
BLACK VESICULAR BASALT + CLAYSTONE	105	150	

Date started 12/20/94 Completed 12/21/94  
(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 1555  
Signed [Signature] Date 1/3/95



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-13947  
FROM: SARAH M. GATES  
SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

DATE: 3/21/96

The applicant seeks 250 gpm from a well for stock water and irrigation

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ County \_\_\_\_\_

Per Division 9

The well is located \_\_\_\_\_ from \_\_\_\_\_  
Elevation of well \_\_\_\_\_ river \_\_\_\_\_ difference \_\_\_\_\_

LOG # \_\_\_\_\_  
Depth of well \_\_\_\_\_ Applicant Leroy C. Fessler  
Casing to \_\_\_\_\_ 7507 NE Quaalie Rd  
Lined to \_\_\_\_\_ Madras, OR 97741  
Sealed to \_\_\_\_\_  
SWL \_\_\_\_\_ on \_\_\_\_\_  
Depth water first found \_\_\_\_\_

Perforations/screens \_\_\_\_\_ units \_\_\_\_\_  
\_\_\_\_\_ units \_\_\_\_\_  
\_\_\_\_\_ units \_\_\_\_\_  
\_\_\_\_\_ units \_\_\_\_\_

Well Tests (P/A/B/FA) \_\_\_\_\_

Information sources \_\_\_\_\_  
Observation wells? \_\_\_\_\_

Conceptual model \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Confined, semi-confined, or unconfined ?  
DIRECT hydraulic connection? YES NO  
Potential to cause substantial interference? YES NO  
Objections? \_\_\_\_\_

CONDITIONS: 6-13145  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



TO: Water Rights Section

3/21 1996

FROM: Groundwater/Hydrology Section Gates

Reviewer's Name

SUBJECT: Application G- 13947

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.

N/A

- 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 Slane Meadow/Indian Pond
  - c. \_\_\_ will if properly conditioned, adequately protect the surface water from interference:
    - i. \_\_\_ The permit should contain condition #(s) \_\_\_\_\_;
    - ii. \_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. \_\_\_ will, or \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights
  - b. \_\_\_ will not \_\_\_\_\_ and/or within the capacity of the resource; or
  - c.  will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - i.  The permit should contain condition #(s) 7J, 7B;
    - 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)

13947







STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-13947  
FROM: SARAH M. GATES  
SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

DATE: 5/13/96 (incomplete)  
9/26/96

The applicant seeks 250 gpm from a well for Stock Water + Irrigation

Township 9S Range 14E Section 33 County Jefferson Co

Per Division 9 1160' S ; 1800' W from NE corner, Sec 33

The well is located 1200 feet from Blaze Meadow / Indian Ford Creek  
Elevation of well 3630 river 3370 difference 260 feet

LOG # \_\_\_\_\_  
Depth of well 150  
Casing to 45  
Lined to \_\_\_\_\_  
Sealed to \_\_\_\_\_  
SWL \_\_\_\_\_ on \_\_\_\_\_  
Depth water first found 75'

NO LOG Available

Applicant Lenoy C. Fessler  
7507 NE Quaal Rd  
Madras, OR 97741

Perforations/screens \_\_\_\_\_ units  
\_\_\_\_\_ units  
\_\_\_\_\_ units  
\_\_\_\_\_ units

Well Tests (P/A/B/FA) \_\_\_\_\_

Information sources Madras East  
Blaze Meadow (Quaal), Des. Basin SW study located wells  
Observation wells? \_\_\_\_\_

Conceptual model recharge occurs every year from Cascades.  
Well develops water from probable  
glacial deposits. The well sits in the outwash  
plain of the High Cascades. Flow direction is  
towards the Blaze Meadow Drainage area and  
well would probably be intercepting water en route.  
12 domestic wells, 1 industrial, 10 irrigation and 2 Municipal  
wells w/in 1 mile radius  
Water Table ~ 85 feet @ depth in section 34BCC

*wrong location*

*No direct interference, however*

Confined, semi-confined, or unconfined?  
DIRECT hydraulic connection? YES NO  
Potential to cause substantial interference? YES NO  
Objections? NO

CONDITIONS: Scenic Waterway Condition  
Interference Condition

*Fessler Wells*  
3100078  
→ 3100247 - gravel dep. to 148' deep - Basalt 148-250 WBZ btw 3696'. SWL = 120'  
→ 3100249 - ss and gravel down to 198' feet WBZ - not called out SWL = 120'  
→ 3100243 - alluvium down to 162' - basalt below to 200' - SWL = 18'  
3100241



County: Jeff

Quad name & #: Black  
Crater  
20

### REVIEW CHECKLIST

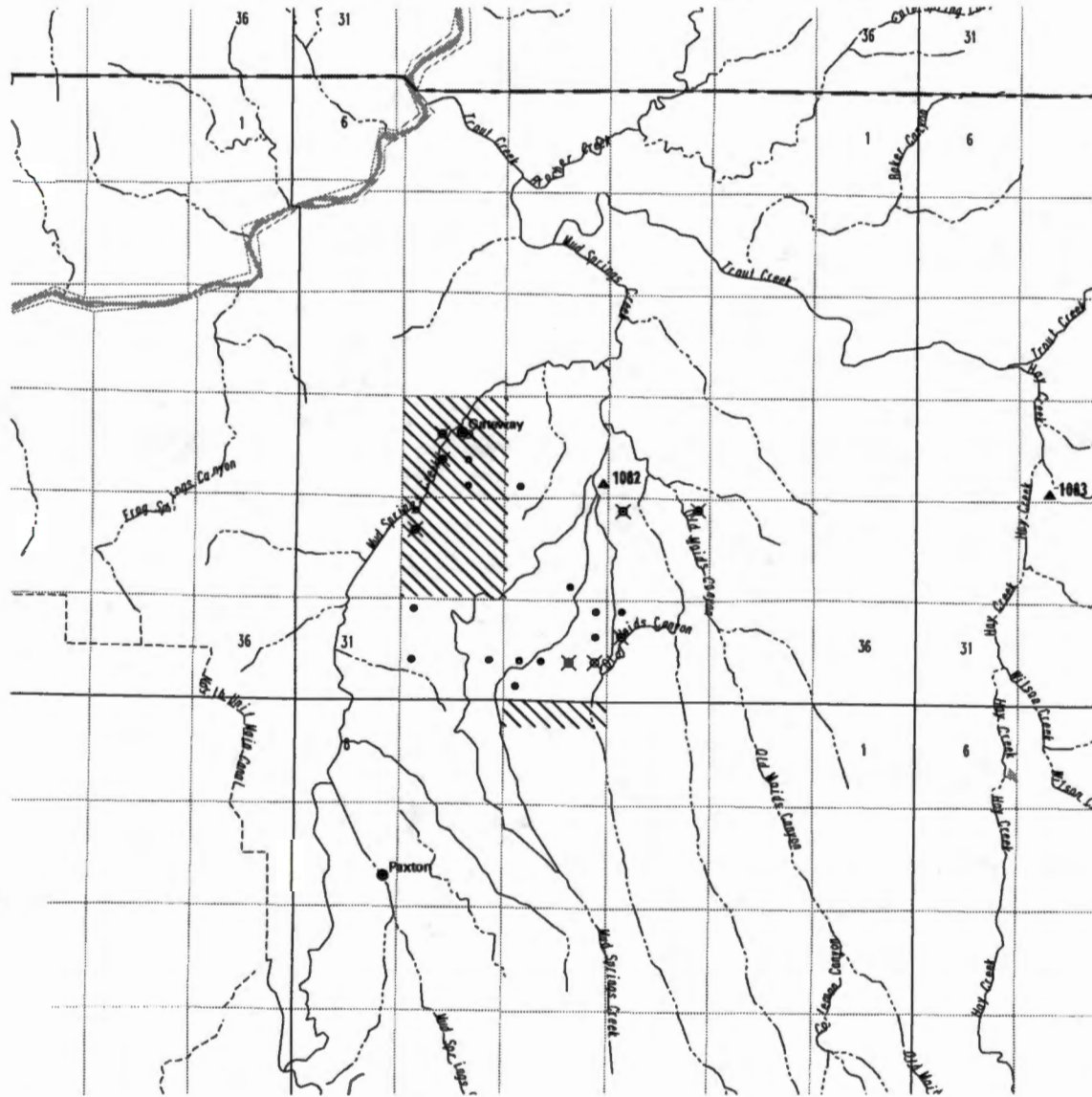
FOR G- 13947

- Appropriate parts of the stream index
- Estimated number of wells within one-mile radius & identified types.
- None*  Verify that the well log is in application. If not, provide one.
- State observation wells within five-mile radius.
- List groundwater permits within a five-mile radius with extraordinary conditions.

APPLICATIONS WITH PERMIT CONDITIONS: *POD 9/14E/28*  
*G13145*

# Wells in the vicinity of application G 13947

- Application well(s) in this 1/4-1/4 section
- ◻ Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



## WELLS WITHIN 1 MILE OF G 13947

DO	12
ID	1
IR	10
LV	1
MO	2



PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 13947

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 7813	9.00S14.00E20SE	IM	0.4500	C
G 7813	9.00S14.00E20SE	IS	2.1200	C
G 5898	9.00S14.00E20SW	IR	0.2700	C
G 8112	9.00S14.00E20NE	IR	0.1800	C
G 9399	9.00S14.00E27NE	IR	0.0400	C
G 8467	9.00S14.00E27NW	IR	0.6300	C
G 11583	9.00S14.00E27NW	IS	1.6300	C
G 7384	9.00S14.00E29SW	IC	0.2300	C
G 7960	9.00S14.00E29SW	IS	0.2300	C
G 11766	9.00S14.00E34SW	IC	0.8800	C
G 6989	9.00S14.00E33NW	IR	0.0800	C
G 7957	9.00S14.00E33NE	IR	0.6800	C
G 8179	9.00S14.00E33NE	IR	0.8300	C
G 8568	9.00S14.00E33NE	IR	1.5625	C

PFO CHECKLIST

Approx ROD Loc. = 500 ft W from  
130 ft N from  
SE corner,  
NW1/4 NE1/4 Sec  
P.N. = 10-15-96 33

Application #: 6 13947  
Basin: Deschutes WAB: \_\_\_\_\_  
Township 9S Range 14E Section 28+33 1/4 1/4 \_\_\_\_\_

A1. Public Interest Screen Criteria

- 1. Is the file complete by the Completeness Checklist? Yes
- 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) Fees
- 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) None
- 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary) will not have - Indian Ford + Meadow
  - a. Is second groundwater review necessary? (objection) No
  - b. Is HB 1033 review complete? Yes
- 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No Troun Creek + Misc. V. 3
- 6. Is the Proposed Use located in or above a Scenic Waterway? Yes
- 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) N/A
- 8. Is the use allowed or limited by the Basin Program? Allowed
- 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) No
- 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992) N/A
- 11. Rate 1/80 Duty 3.0 Irrigation Season Feb 1 to Dec 1
- 12. Period of Allowed Use Feb 1 to Dec 1 (crooked R Irrigation Season by Decree)
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file? N/A
- 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) N/A
- 15. Have conflicts been identified, verified and/or addressed? none identified by I.R.
- 16. Is the use Small (<0.1cfs, <9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) or Large (>1.5 cfs, >100 AF)? 0.25 cfs
- 17. Check TR/IR request for permit conditions not included in the Draft Permit attached to the PFO request 250 gpm = 0.557 cfs
- 18. Fill out Accuracy Checklist 33, 75, 73 20 ac \* 1/80 = 0.25 cfs
- 19. Spell Check
- 20. Documents used in determination are attached and highlighted Also see I.R. info
- 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
  - a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) Yes
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laura Sweedeker Date: 11-18-96



IRRIGATION SEASON AS ESTABLISHED BY VARIOUS DECREES FOR STREAMS ADJUDICATED, EAST OF THE CASCADE RIDGE

<u>Name</u>	<u>Irrigation Season</u>	<u>Duty</u> <u>CFS/Acre</u>	<u>Limitation</u> <u>Ac. Ft./Acre</u>
Anna Creek	April 1 to Nov. 1	Varies 1/60 to 1/80	3 to 4
Bridge Creek (Wheeler County)	March 1 to Oct. 1	1/40 to 6-15 thereafter 1/80	
Bridge Creek (Lake County)	April 1 to Sept. 30	1/80	3
Buck Creek	March 1 to Oct. 1	1/40 to 6-15 thereafter 1/80	3
Burnt River	April 1 to Oct. 1	1/20 (10 acres or less) 1/40	3
Butter Creek	Jan. 1 to Sept. 1		4
Chenowith Creek	March 1 to Oct. 1	1/60	3
Cherry Creek (Jefferson County)	"... when necessary for beneficial use in connection with the irrigation of their respective lands ...."	1/40 to 7-1 thereafter 1/80	3
Cherry Creek (Klamath County)	May 1 to Oct. 1	1/80	3
Chewaucan River	Variable Jan. 1 to Sept. 30	1/25	3.9 to 4.8
Cochran Creek	Variable Apr. 1 to Oct. 1	1/50	
Cottonwood Creek	Variable Mar. 15 to Sept. 1		3
Cow Creek (Harney County)	"... when necessary for beneficial use in connection with the irrigation of their respective lands ...."	1/40 to 4-20 thereafter 1/60	3
Crane & Kelley Creeks	March 15 to Sept. 15	1/40	2½
Crooked River	Feb. 1 to Dec. 1	1/80	4
Deschutes River	April 1 to Nov. 1	Varies 1/40 to 1/80	2 to 5
Donner und Blitzen	March 15 to Oct. 1	1/40 to 6-15 thereafter 1/80	3
Dugger	May 1 to Sept. 1	1/80	3
East Branch Mud	Variable Mar. 1 to Nov. 15		
Fifteenmile Creek	"... when necessary for beneficial use in connection with the irrigation of their respective lands ...."	1/80 to 7-1 thereafter 1/40	3
Goodman Spring Branch	Variable June 1 to Sept. 7		
Goose Lake Streams	April 1 to Sept. 30	1/40	2½
Grande Ronde River	"... when necessary for beneficial use in connection with the irrigation of their respective lands ...."	1/40	3



**FOR OFFICE USE ONLY**

*Do not send out*

**Application File Number: G-13947**

**Applicant: LEROY C FESSLER**

**County: Jefferson**

**Priority Date :January 23, 1995**

**Source: A WELL IN DESCHUTES RIVER BASIN**

**Use: IRRIGATION OF 18.0 ACRES AND LIVESTOCK**

**Quantity: 0.5 CUBIC FOOT PER SECOND**

**Basin Name & Number: Deschutes, #05**

**Point of Diversion Location: , SECTION 28, T 9S, R14E, W.M.;**

**Place of Use: %% %%SWSE 2.8 ACRES %%SWSE 4.9 ACRES %%SESE 4.0 ACRES**

**@@SECTION 28 %%NWNE 8.0 ACRES @@SECTION 33 \*\*TOWNSHIP 9 SOUTH,**

**RANGE 14 EAST, W.M. \$#\$**

**FOR OFFICE USE ONLY**

IR CHECKLIST

Application #: 6 13947 Vol      Subbasin     

Basin: 5 WAB:      POU-WAB     

Township 95 Range 14E Section 28+33 1/4 1/4     

- 1. Completeness checklist verified. Y/N or No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y/N
- 3. Groundwater review A B C D
  - a. Is the well located in a groundwater limited area? Y/N
- 4. SWW Y/N restrictions Y/N
- 5. Basin Program limitations? Y/N
- 6. Withdrawn? Y/N season allowed
- 7. Basin Maps have been checked Y/N The River Mile is
- 8. Water Availability (50% < July 17, 1992 \*\* 80% [50% storage] > July 17, 1992) NA
- 9. Rate/Duty/Season 180 3
- 10. Use Livestock & Irrig Period of Allowed Use
- 11. Priority Date(s) Jan 23, 1995
- 12. B.O.R. project Y/N contract #
- 13. TMDL Basin? Y/N (Tualatin, Yamhill, Pudding) DIVISION 33 Y/N (Abv Bonn > July 17,92 //// Blw Bonn > April 18,94 or June 3,94)
- 14. Conflicts Y/N
- 15. Land use approval OK'd needs approval      county notified NA
- 16. Conditions? (BOR, GW, other) Y/N 75, 7B
- 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11) 12 17 - SCR (14 15 19 - SWR)
- 18. Letter will be Good Limited Bad Bad w/IRshort because

Name: J. A.

Date: 9-27-96

(E) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife and fish life uses.

(b) Applications for the use of the waters of the Middle Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage (priority date - May 24, 1962).

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Lower Deschutes River Basin

690-505-003

*Treat Cr. + tribs are withdrawn  
except for H.C. + Livestock  
from May 1 - Oct. 31*

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:



(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) The waters of Boulder Lake in Hood River and Wasco Counties are classified only for domestic and livestock uses; power development not to exceed 7-1/2 theoretical horsepower; recreation, wildlife and fish life uses; and irrigation not to exceed 100 acre-feet annually from water stored in the lake.

(C) The maximum economic development of this state, the attainment of the highest and best use of the waters of the other natural lakes of the Lower Deschutes River Basin, and the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7-1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of the natural lakes of the Lower Deschutes River Basin are hereby so classified.

(b) Applications for the use of the waters of the Lower Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

## (2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of the White River or its tributaries above the confluence of White River with the Deschutes River for flows of the White River below the specified flows in Table 2, except that this limitation shall not apply to waters legally stored or legally released from storage.

## (3) Water Quality

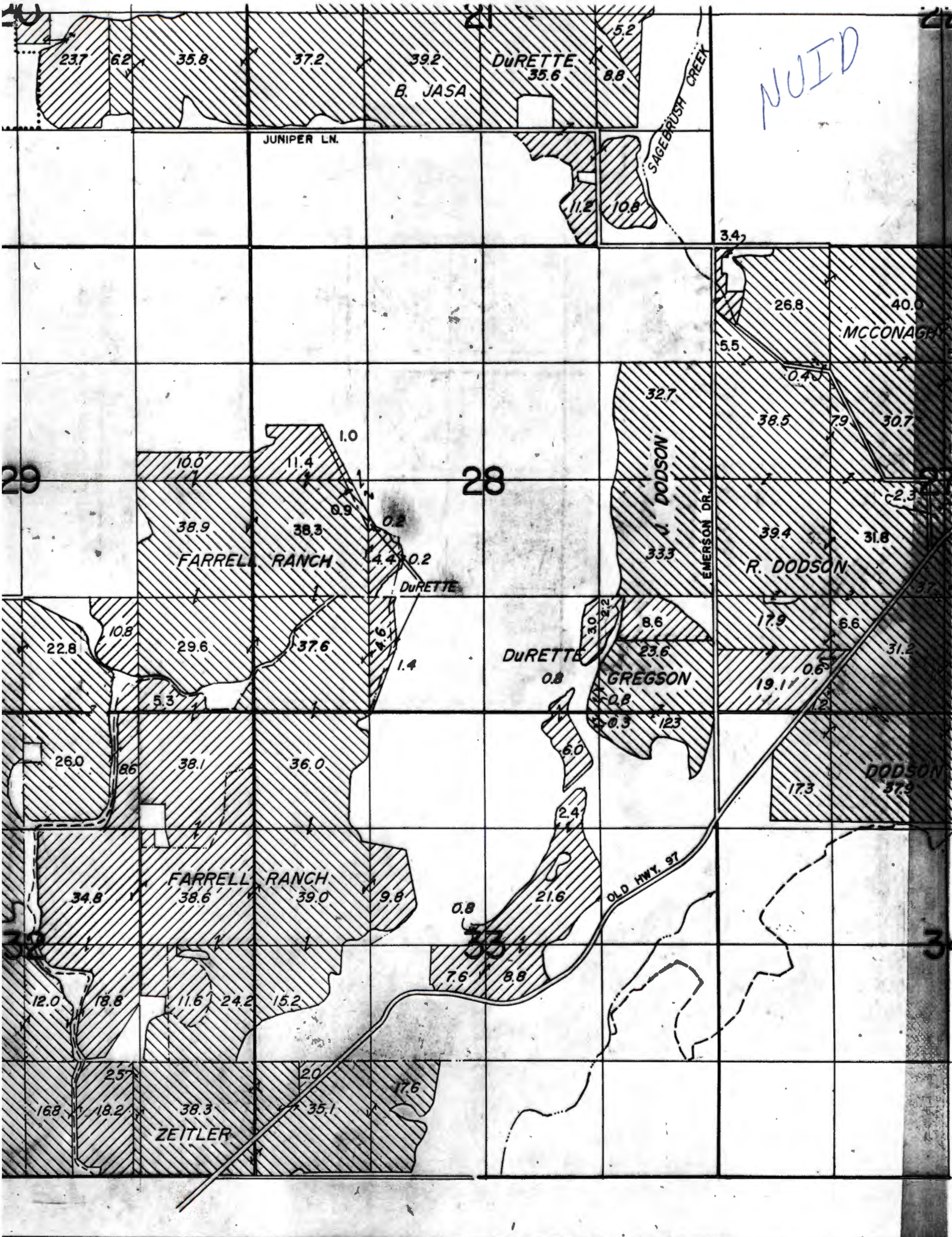
Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

## Upper Crooked River Basin

690-505-004

### (1) Classifications







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JAN 23 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

WATER  
RESOURCES  
DEPARTMENT

## NOTE TO LOCAL GOVERNMENTS

Application No. G-13947  
Permit No.

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 form or the signed, dated receipt stub detached from the bottom of the land use information form.

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 both the applicant and WRD. 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



### Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: LeRoy C. Fessler  
 Address: 7507 N.E. Quail Road  
Madras, OR 97741  
 Phone: 503-475-2730

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): Hay
- Livestock (type of livestock, feedlot, slaughterhouse): Cattle
- Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- Institutional (i.e., school, library, etc.): \_\_\_\_\_
- Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources _____ _____ _____	_____ Cubic feet per second. _____ Gallons per minute. <u>.50</u> Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	



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

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: Le Roy C. Fessler  
 Address: 7507 N.E. Quaalie Road  
 City: Madras State: OR Zip: 97741 Day Phone: 503-475-2720

Please provide information as requested below for **all tax lots** on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
301				

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

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.

=====

**For Local Government Use Only**

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.  
Cite applicable ordinance section(s); \_\_\_\_\_ . Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====

Receipt for Request for Land Use Information

WRD Applicant Name: Le Roy C Fessler

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application **IF** the local government cannot provide the above requested land use information while the applicant waits.

City or County: Jefferson County, Oregon  
 Staff Contact: Chuck McGraw Phone: 475-4462  
 Signature: Chuck McGraw Date of Information Request: 1/18/95



(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily
<i>NONE</i>				

b) Please provide printed name and written signature.

Name: Chuck McGraw Date: 1-18-96  
Title: Planning Director Phone: (503) 475-4462  
Signature: Chuck McGraw

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.

Additional Comments:

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SEP 12 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

EXHIBIT "A"

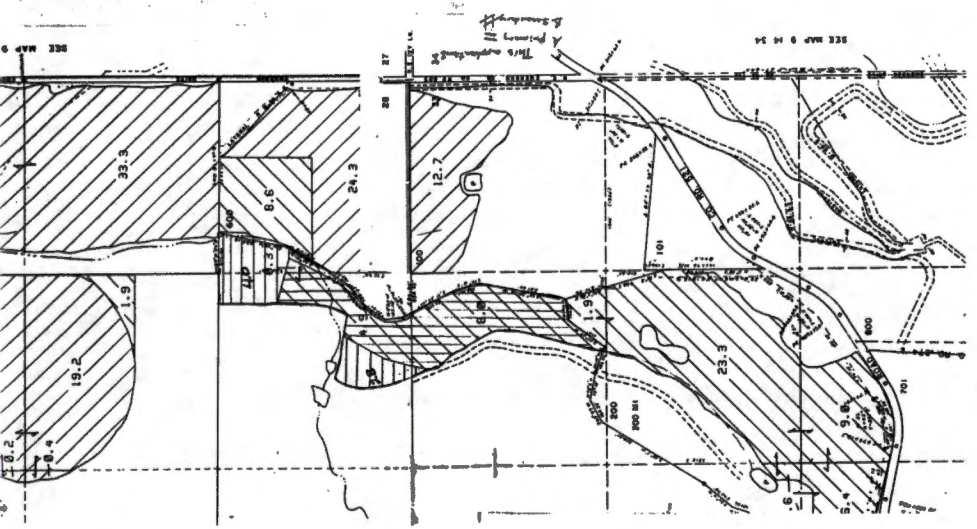
Parcel 1

Beginning at the Southwest corner of the Southeast quarter of the Northwest quarter in Section 33, Township 9 South, Range 14 East, Willamette Meridian, Jefferson County, Oregon; thence North 55° 52' East 423.15 feet; thence North 38° 56' East 270 feet; thence North 13° 43' West 645 feet; thence North 79° 37' West 376.80 feet to the West line of said quarter corner; thence North along said West line to the Northwest corner of the Northeast quarter of the Northwest quarter of said Section, said point also being South 89° 56' East 1320 feet from the Southwest corner of Section 28 of said Township and Range; thence North 18° 20' East 768 feet; thence North 02° 45' West 478 feet; thence North 14° 05' East 125 feet, more or less, to the North line of the South half of the South half of Section 28; thence East along the North line of the South half of the South half to the Northwest corner of the Southeast quarter of the Southeast quarter of said Section 28; thence North 89° 21' 50" East 277.43 feet; thence South along the West line of the property conveyed to Glen W. and Agnes B. Simmelink recorded March 7, 1970 in Deed Book 45, Page 36, Jefferson County Records; thence South 10° 52' West 483.18 feet; thence South 33° 51' West 332.20 feet to a point on the West line of the Southeast quarter of the Southeast quarter of said Section 28, being 750.64 feet South of the Northwest corner of said quarter quarter, also being 573.90 feet North of the Southwest corner of said quarter quarter; thence South 33° 51' West 192.74 feet; thence South 51° 34' 20" West 164.47 feet; thence South 34° 20' 04" West 157.62 feet; thence South 04° 32' East 125.68 feet; thence South 29° 23' 10" East 70 feet to a point on the South line of said Section 28, also being South 89° 10' West 280.76 feet of the Northeast corner of the Northwest quarter of the Northeast quarter; thence South 29° 23' 10" East 314.73 feet; thence South 14° 08' East 199.51 feet; thence South 10° 46' 10" West 581.40 feet to the most Northerly corner of the property conveyed to Robert A. and Diane M. Farrell in Deed recorded May 9, 1972 in Book 48, Page 552, Jefferson County Records; thence South 87° 46' West 140.30 feet; thence South 37° 34' West 314 feet; thence North 69° 46' West 186.44 feet; thence North 78° 02' West 187.18 feet; thence South 63° 27' West 164.25 feet; thence South 32° 02' West 804.50 feet; thence South 41° 06' West 248.40 feet; thence South 19° 17' West 104.22 feet; thence South 41° 31' West 196.96 feet; thence South 34° 55' West 289.52 feet; thence South 05° 23' West 471.8 feet; thence South 86° 57' East 292.30 feet; thence South 76° 36' East 400 feet, more or less, to the East line of the Northeast quarter of the Southwest quarter in said Section 33; thence South along said East line to the North line of Northeast Quaal Road, aka County Road 521; thence in a Westerly direction along the North line of Northeast Quaal Road, aka County Road 521 to the West line of the Northeast quarter of the Southwest quarter of said Section 33; thence North along said West line to the Southwest corner of the Southeast quarter of the Northwest quarter, which was the true point of beginning of this description.

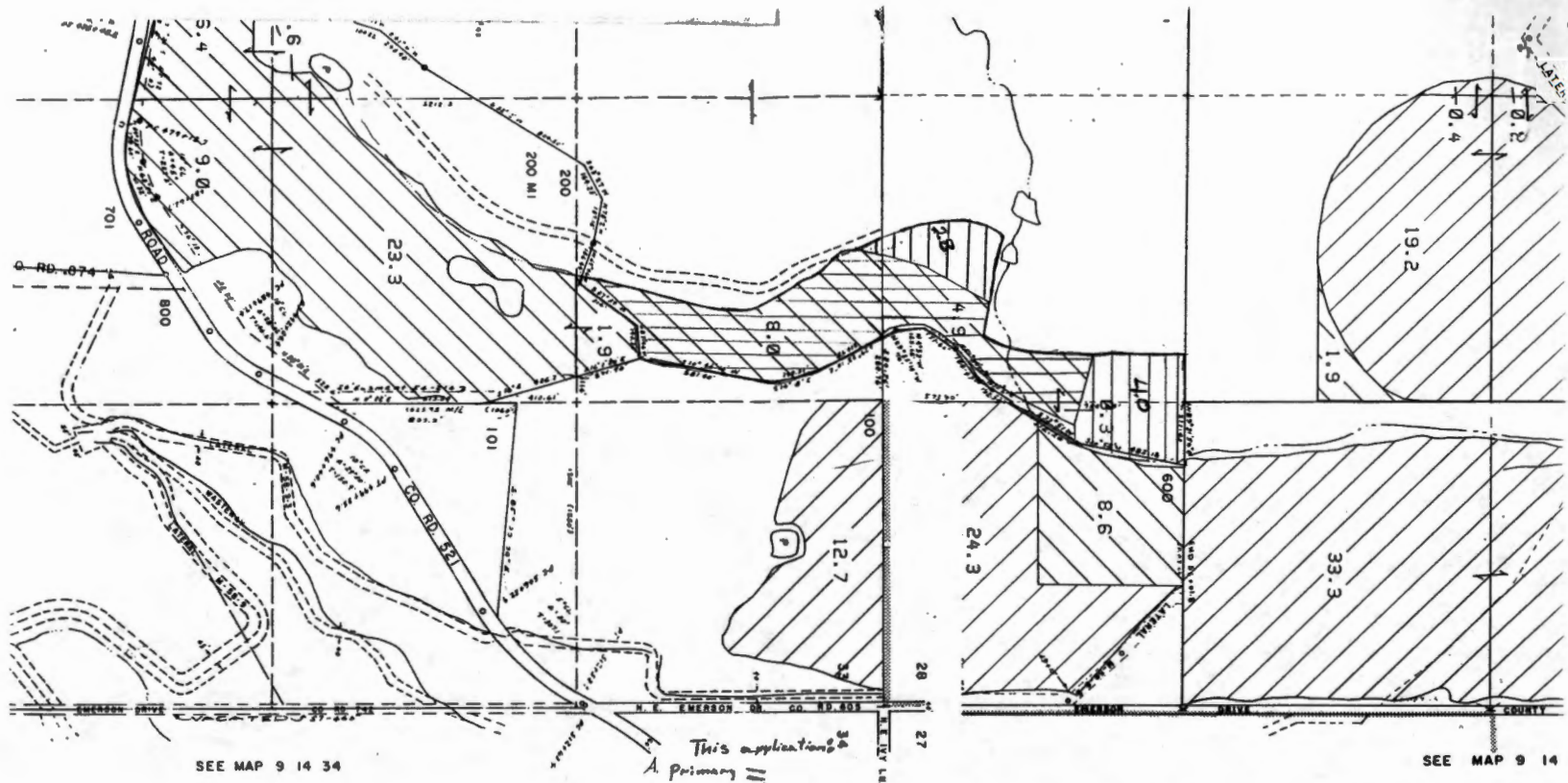
Parcel 2

Order No. 14156





FOR REFERENCE ONLY



FOR REFERENCE ONLY



Section 28 T.9 S. R.14 E. W. M.  
JEFFERSON COUNTY

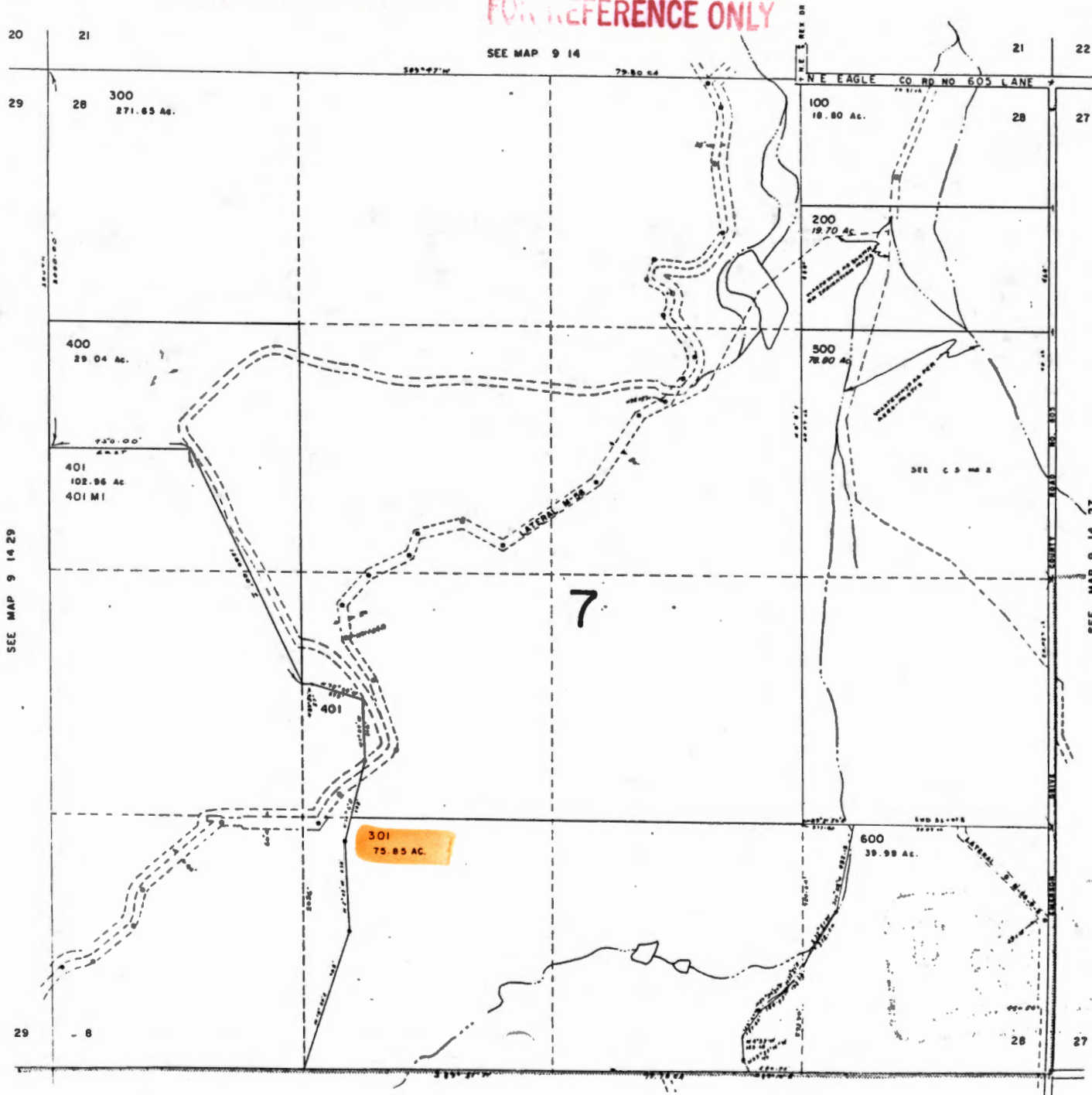
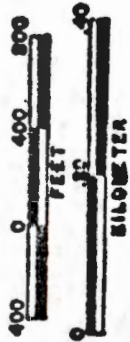
9 14 28

1" = 400'

FOR REFERENCE ONLY

FOR REFERENCE ONLY

SCALE 1:9600



SEE MAP 9 14 29

SEE MAP 9 14 27

1" = 400'

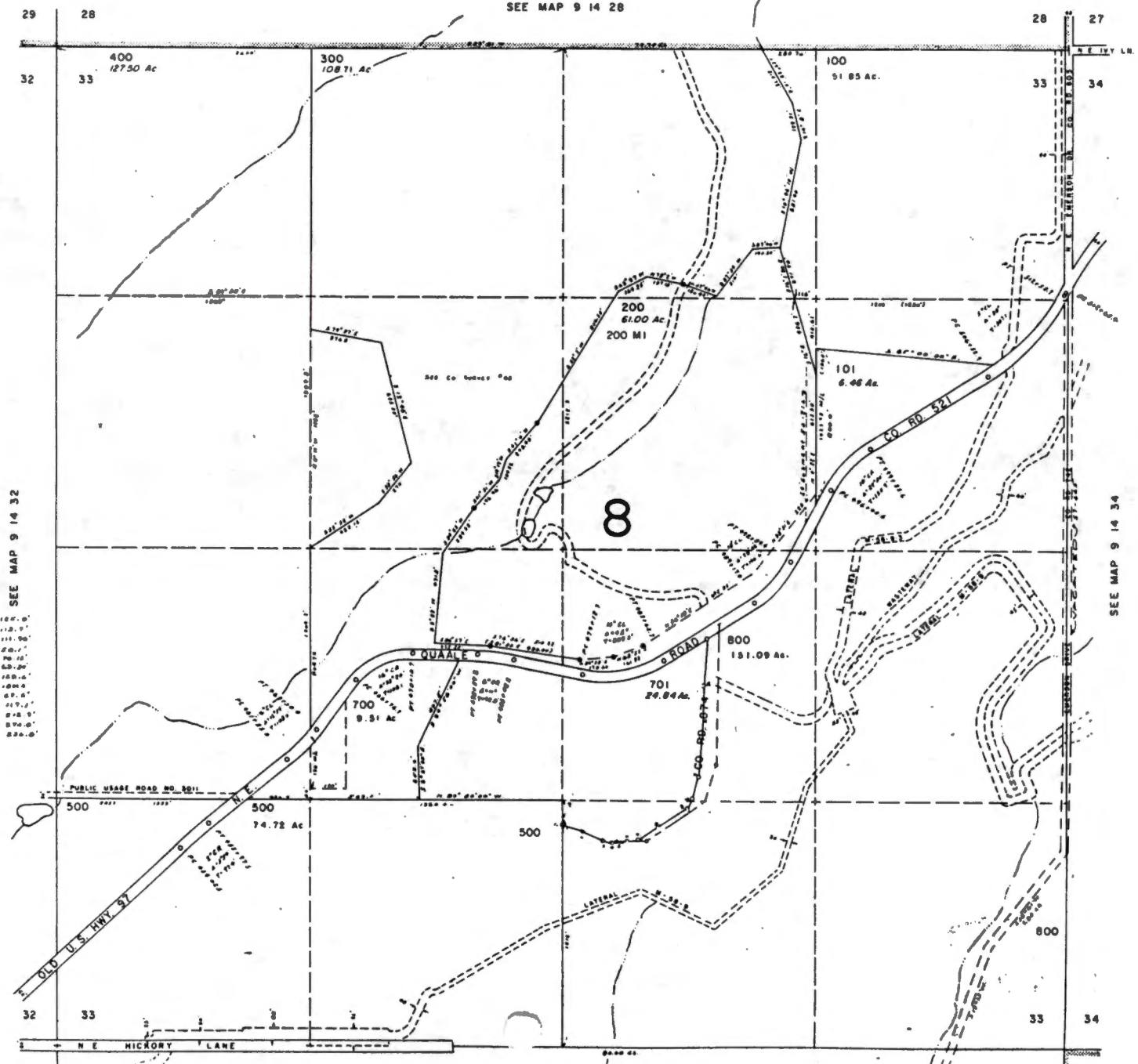
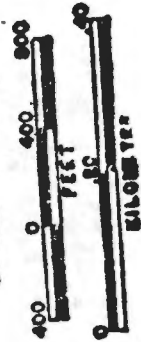
FOR REFERENCE ONLY

CANCELLED NO.

600  
702

SEE MAP 9 14 28

SCALE 1:9600



SEE MAP 9 14 32

SEE MAP 9 14 34

1. 0.000' 0.000'
2. 5.000' 0.000'
3. 5.000' 0.000'
4. 5.000' 0.000'
5. 5.000' 0.000'
6. 5.000' 0.000'
7. 5.000' 0.000'
8. 5.000' 0.000'
9. 5.000' 0.000'
10. 5.000' 0.000'
11. 5.000' 0.000'
12. 5.000' 0.000'
13. 5.000' 0.000'



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **121227**

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

APPLICATION # \_\_\_\_\_  
PERMIT # \_\_\_\_\_  
TRANSFER # \_\_\_\_\_

*G*

RECEIVED FROM: Le Roy C. Fessler  
BY: \_\_\_\_\_

APPLICATION	13947
PERMIT	
TRANSFER	

CASH:  CHECK: #  96-688 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.-

**01-00-0 WRD MISC CASH ACCT**

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

**REDUCTION OF EXPENSE**

_____	CASH ACCT.	\$
_____	VOUCHER #	

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ 200.-	842.004	\$
842.005	TRANSFER	\$	842.006	\$
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$
_____	OTHER (IDENTIFY)			

**06-00-0 WELL CONST. START FEE**

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

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
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**07-00-0 HYDRO ACTIVITY**

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

RECEIPT # **121227**

DATED: 1-23-95 BY: D. Bushnell



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **12286**

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

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

RECEIVED FROM: Jeremy C. Fessler  
BY: \_\_\_\_\_

APPLICATION	G-13947
PERMIT	
TRANSFER	

CASH:  CHECK: #  96-601 OTHER: (IDENTIFY)

TOTAL REC'D \$ 120.

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

**0427 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>		<i>PA 66111</i>	
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC165	DEPOSIT LIAB. (IDENTIFY)		\$
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$ <u>120.00</u>
		\$	0206 \$
<b>WELL CONSTRUCTION</b>		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

1302	LOTTERY PROCEEDS	\$
------	------------------	----

**0467 HYDRO ACTIVITY**

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

RECEIPT # **12286**

DATED: 5-15-97 BY: L. Be...



NUMBER 00288

Check 200 - NO \_\_\_\_\_ Cash \_\_\_\_\_

\_\_\_\_\_ Surface Application <sup>200</sup>/<sub>0...</sub>

\_\_\_\_\_ Reservoir Application

Ground Water Application

\_\_\_\_\_ Transfer Application

\_\_\_\_\_ Power Claim

\_\_\_\_\_ Hydroelectric Examination

\_\_\_\_\_ Hydroelectric License

\_\_\_\_\_ Copying

\_\_\_\_\_ Assignment

\_\_\_\_\_ Extension of Time

\_\_\_\_\_ Other

\_\_\_\_\_ P-6

\_\_\_\_\_ Quadrangle

\_\_\_\_\_ Basin

\_\_\_\_\_ Protest

\_\_\_\_\_ Constructors Examination

\_\_\_\_\_ Constructors License

\_\_\_\_\_ Adjudication

**G13947**

Application No. ....

Permit No. ....

Name .....

Address .....

Assigned .....

Address .....

Beginning construction .....

Completion of construction .....

Extended to .....

Complete application of water .....

Extended to .....



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JAN 23 1995

WATER RESOURCES DEPT. SALES & REGISTRATION DIVISION

Application No. G-13947  
Permit No.

**SUPERSEDED**

**SUPERSEDED**

**SUPERSEDED**

**SUPERSEDED**

Well location as described by applicant.

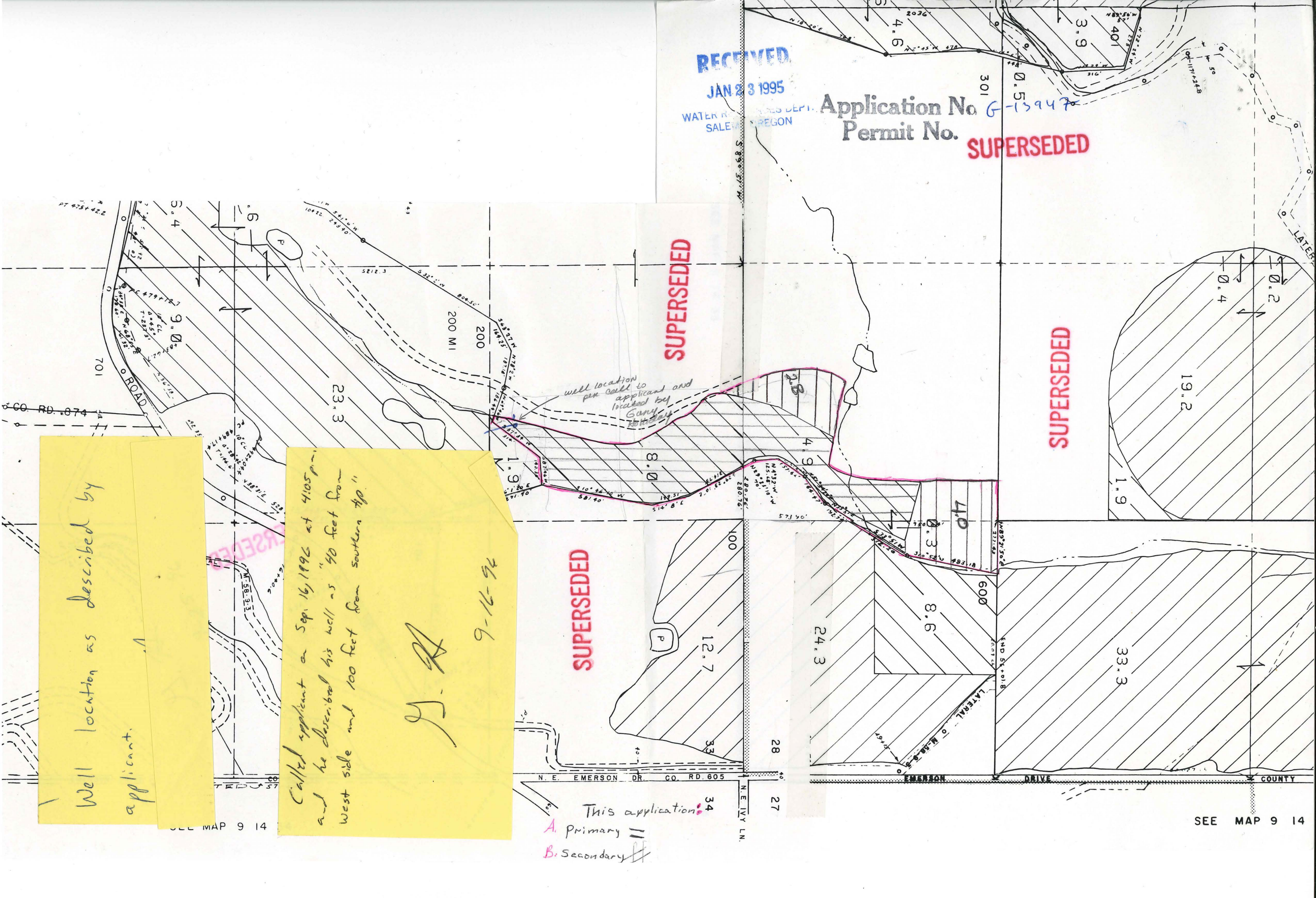
Called applicant on Sep. 16, 1996 at 4:05 p.m. and he described his well 40 feet from west side and 100 feet from southern tip.

G. R.

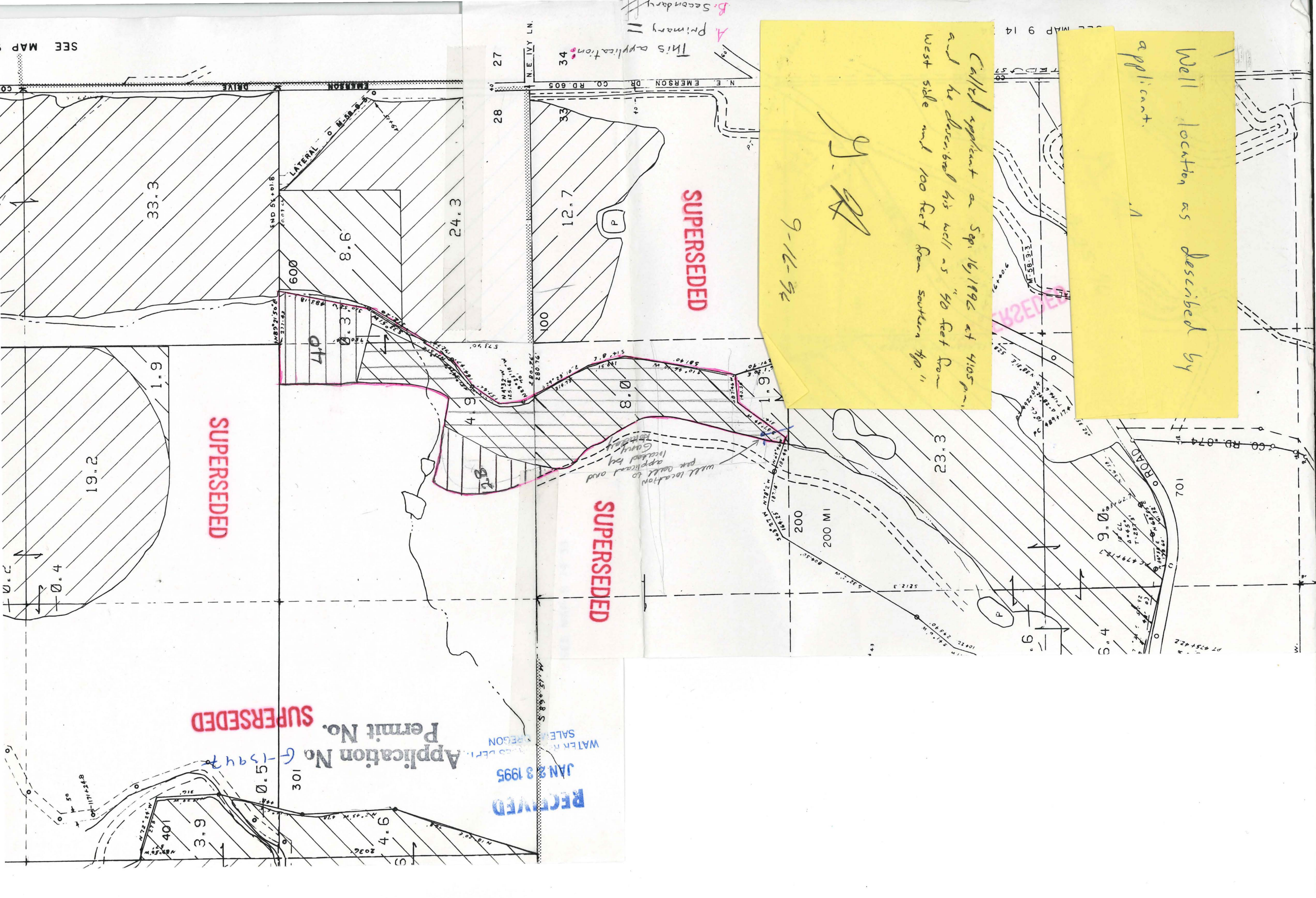
9-16-96

This application: 34  
A. Primary   
B. Secondary

SEE MAP 9 14







Well location as described by applicant.

Called applicant on Sep 16, 1995 at 4:05 pm and he described his well as 40 feet from west side and 100 feet from southern tip.

*[Handwritten signature]*  
9-16-95

**SUPERSEDED**

**SUPERSEDED**

**SUPERSEDED**

**SUPERSEDED**

RECEIVED  
JAN 23 1995  
WATER RESOURCES DEPT.  
SALEAS REGION

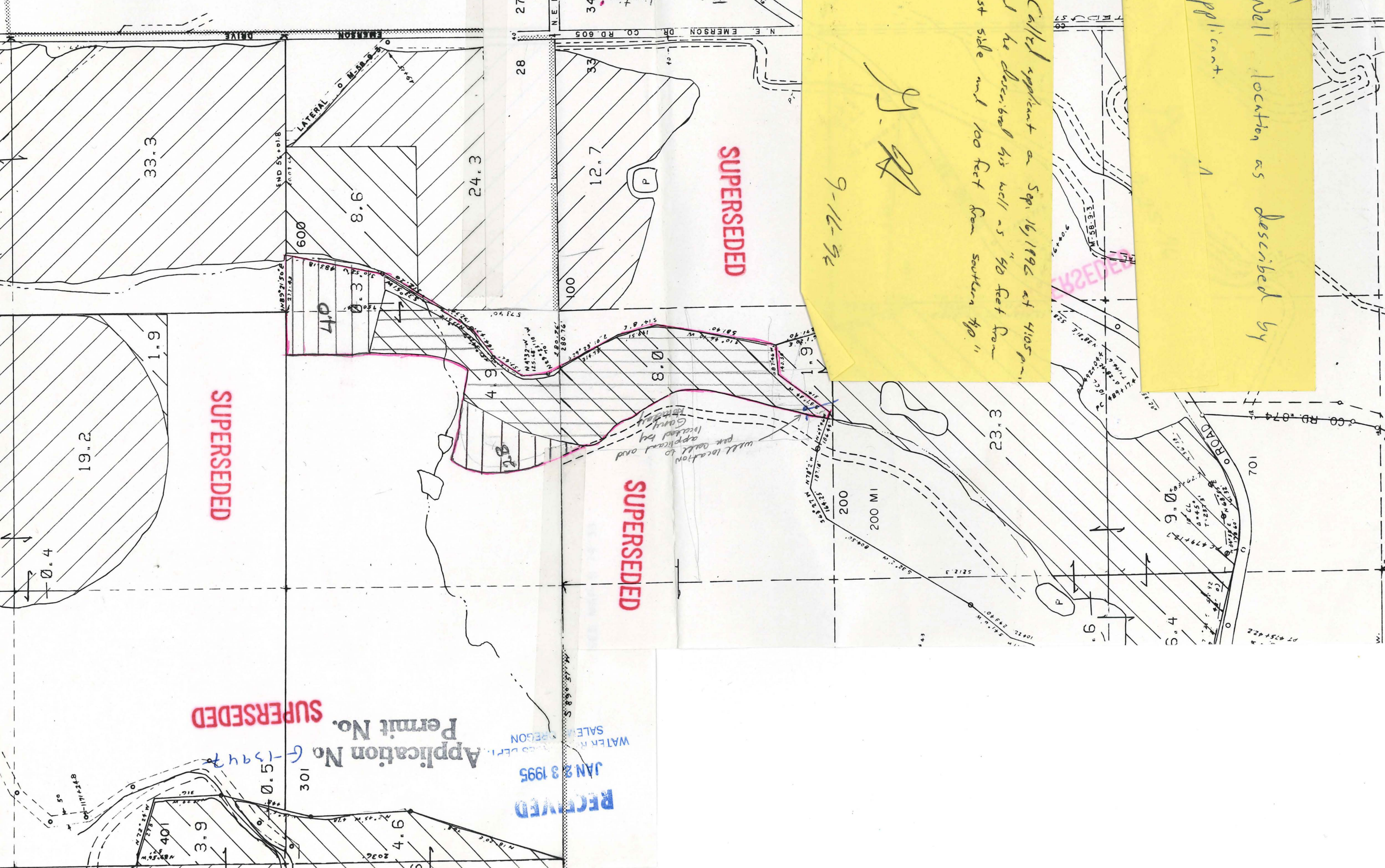
Application No. G-13947  
Permit No. 301

This application  
A Primary  
B Secondary

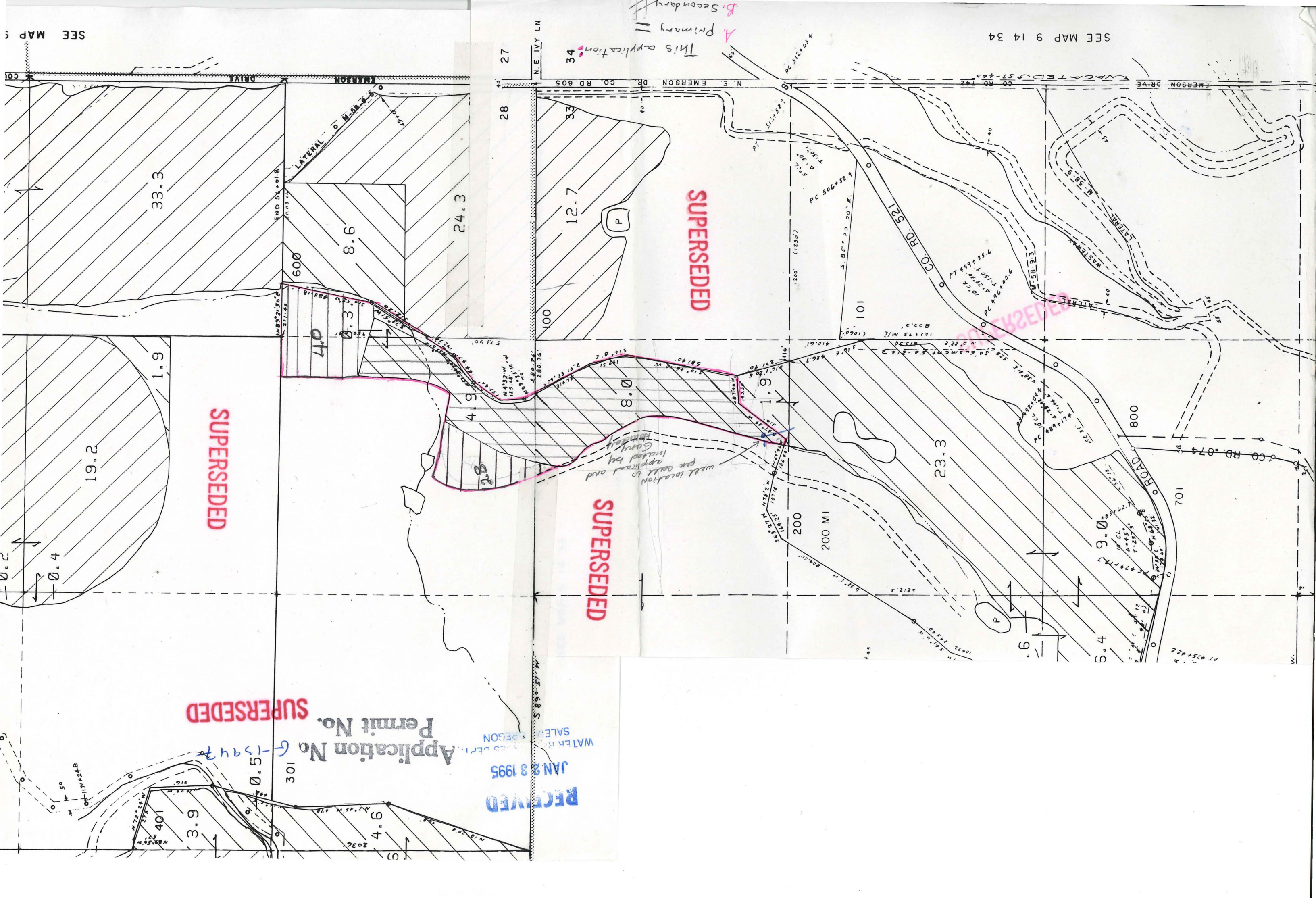
Will location be added to permit and located by survey

SEE MAP

MAP 9 14







Application No. G-15947  
 Permit No. 301

RECEIVED  
 JAN 23 1995  
 WATER RESOURCES DEPT.  
 REGION

SUPERSEDED

SUPERSEDED

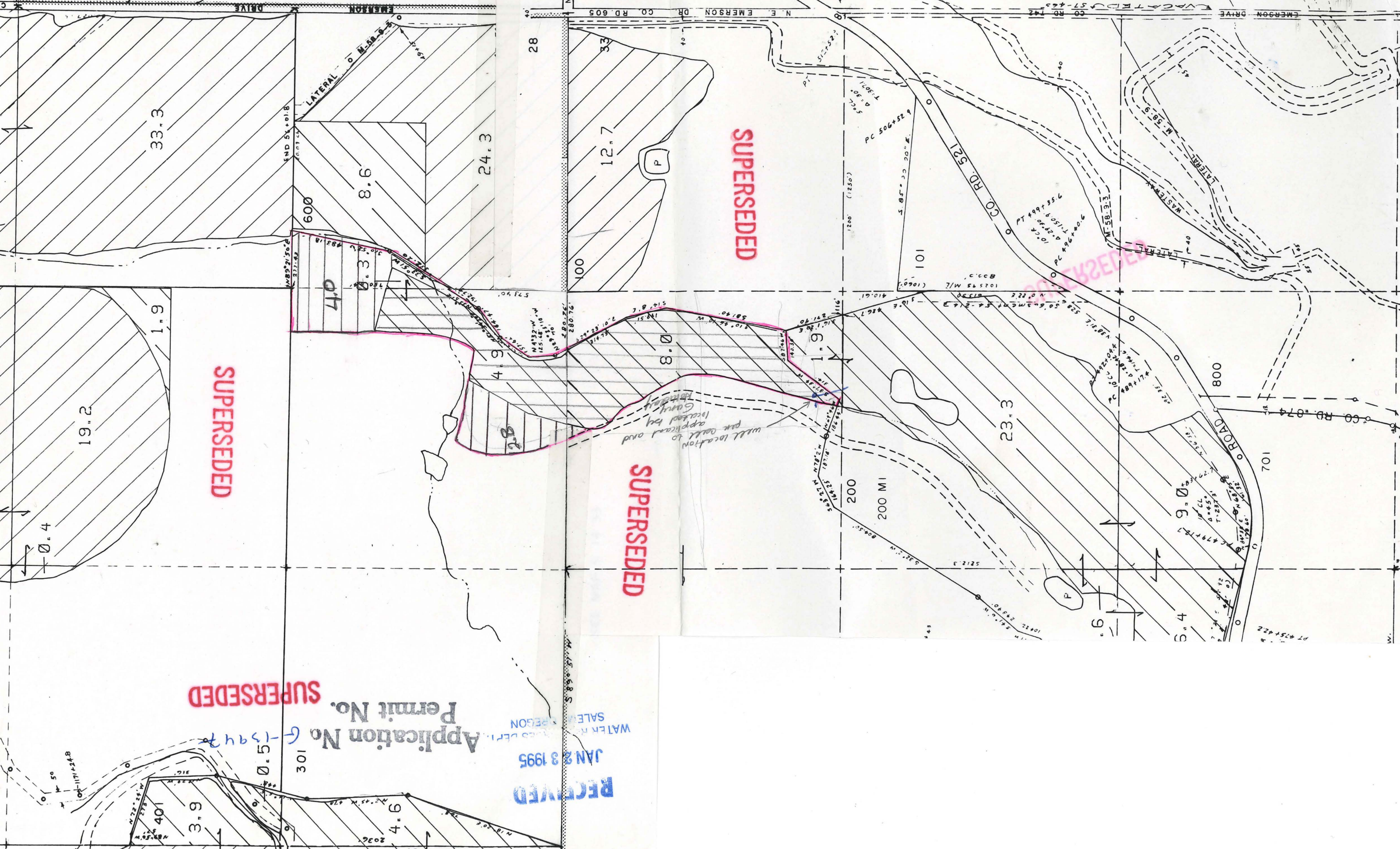
SUPERSEDED

SUPERSEDED

This application  
 Primary =  
 B. Secondary

SEE MAP 9 14 34

SEE MAP 5





Called applicant on Sep. 16, 1996 at 4:05 pm.  
and he described his well as "40 feet from  
west side and 100 feet from southern tip."

J. A.

9-16-96

Well location as described by  
applicant.

J. A.

9-25-96



T-7617

OREGON WATER RESOURCES PLAT CARD: Township 9.00 S Range 14.00 E SECTION 33

11/19/1996

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE NE	NW NW	SW SW	SE SE	NE NE	NW NW	SW SW	SE SE	NE NE	NW NW	SW SW	SE SE	NE NE	NW NW	SW SW	SE SE
G 7512 G 6989	67060	V									0.40 (IR)					5.60 (IR)		
G 8539 G 7957	0	V				10.00 (IR)									9.00 (IR)			15.00 (IR)
<b>33954</b>	<b>72283</b>	V				<b>23.90</b> (IR)					9.20 (IR)	6.40 (IR)	12.90 (IR)		2.00 (IR)		9.00 (IR)	
S 48909 S 36515	0	V																

Source is  
Crooked R.

**2.00**  
(IR)  
**1.90**  
(IR)

(QM) -->



OREGON WATER RESOURCES PLAT CARD: Township 9.00 S Range 14.00 E SECTION 28

11/19/1996

APP. NO. / CERT	NO.	DLC	GOV'T LOT	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	PERMIT NO.
																39515
																48909
																39954
																72283
																48909
																39515

8.601  
 1.90  
 4.60  
 4.40  
 5.80

0 V  
 (OM) <-->











RECEIVED

JAN 23 1995

WATER RESOURCES DEPT. SALES DIVISION OREGON

Application No. G-15947

Permit No.

SUPERSEDED

SUPERSEDED

SUPERSEDED

SUPERSEDED

well location per call to applicant and located by Gary [unclear]

Well location as described by applicant.

Called applicant on Sep 16, 1996 at 4:05 pm and he described his well as "40 feet from west side and 100 feet from southern tip"

G. R.

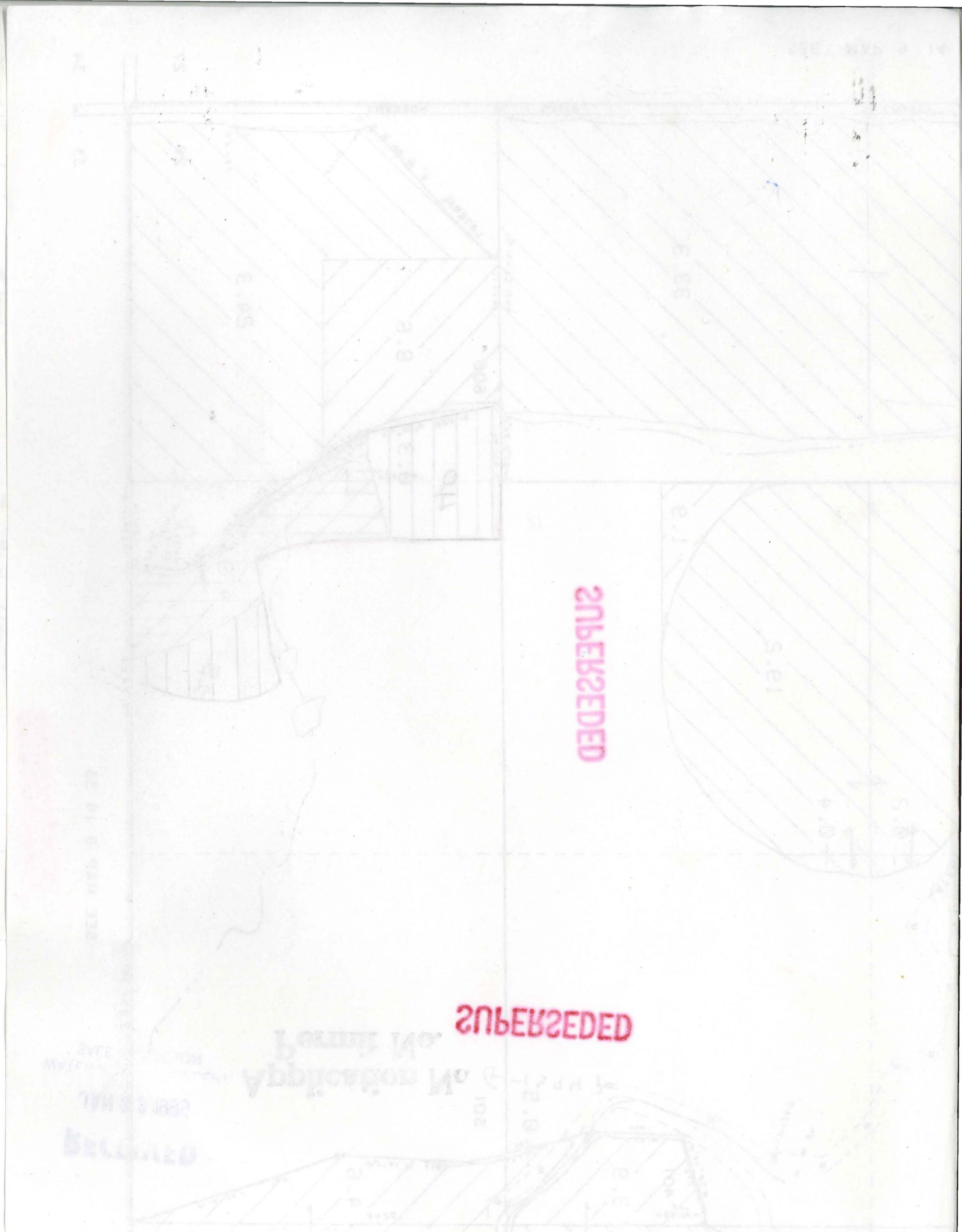
9-16-96

This application: 34

A. Primary 11

R. Secondary 11





Permit No. **SUPERSEDED**  
Application No. **SUPERSEDED**  
RECEIVED