

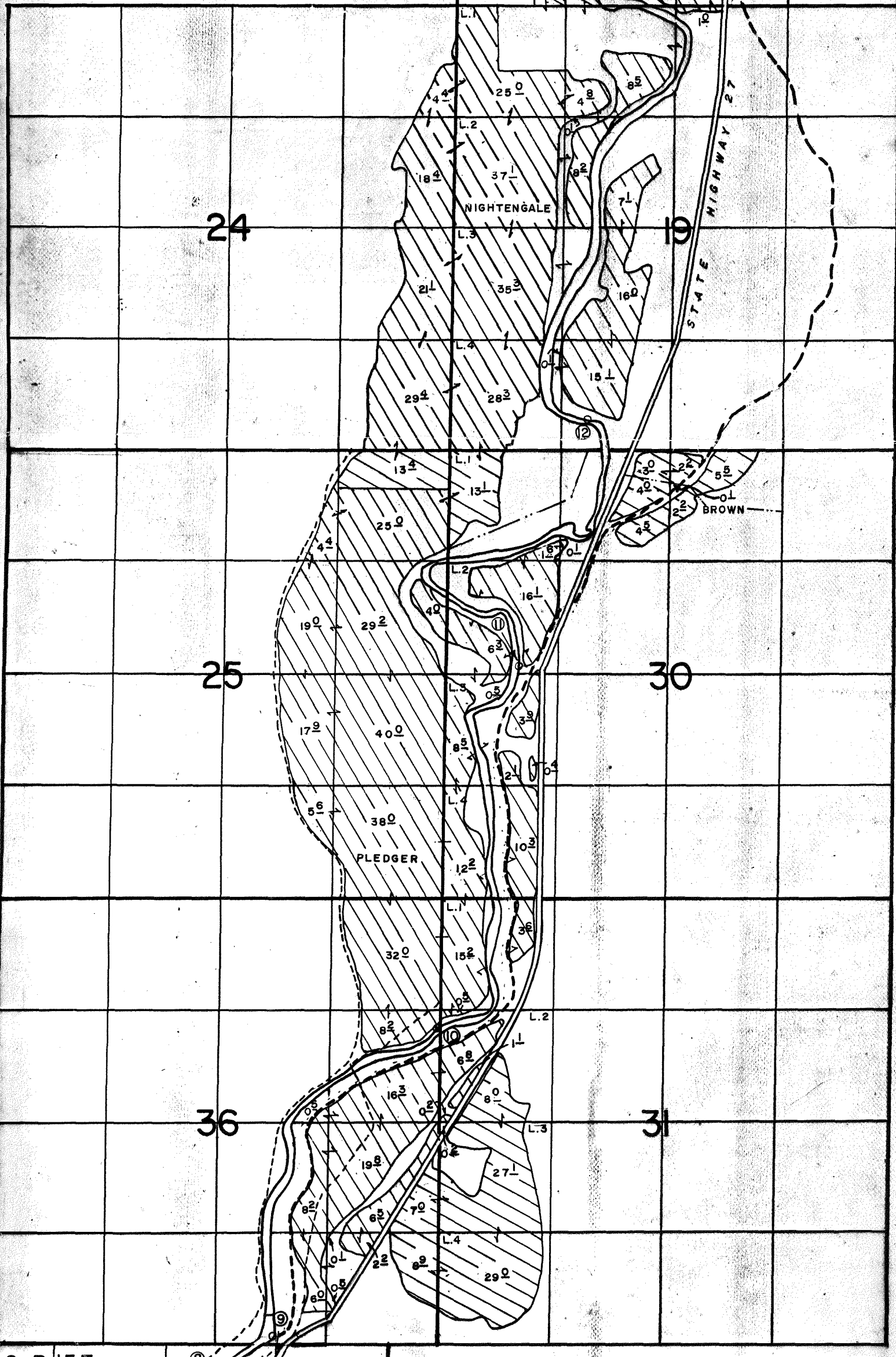








T.15S, R.15E, W.M.











App G-14150

# Oregon

Tina Kotek, Governor

~~Permit~~ Permit G 18889

**Water Resources Department**

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 8, 2024

Ulupalakua Ranch, Inc.  
PO Box 901  
Kula, HI 96790

Reference: T-11889 Superseding Correcting Final Order and Superseding Certificate

Enclosed is a correcting final order recorded in Special Order Vol. 129, Page 648, issued to correct a scrivener's error in the order recorded in Special Order Vol. 96, Page 197. A correcting certificate is also enclosed.

If you have any questions please contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov).

Sincerely,

Elyse Richman  
Water Right Support  
Transfers and Conservation Section

cc: Watermaster Dist. #24, Bill D. Nashem (via email)  
John Short, Agent  
Crook County Planning Department, Local Government

Enclosures



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Special Order Volume 96, )  
Pages 197-199 approving T-11889, Crook )           CORRECTING ORDER  
County )

**Applicant**

ULUPALAKUA RANCH INC.  
PO BOX 901  
KULA, HI 96790

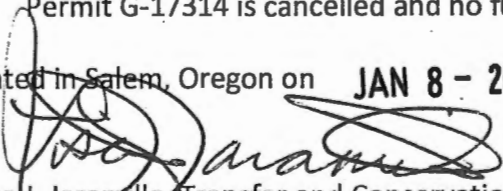
**Findings of Fact**

1. On June 18, 2015, the Department issued an order approving Transfer T-11889. The order was recorded at Special Order Volume 96, pages 197-199.
2. The order contained a scrivener's error in the completion date for complete application of water. The order specified the complete application of the water to the use shall be made on or before October 1, 2025.
3. The correct deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2005 to October 1, 2024.

**Now, therefore, it is ORDERED:**

1. The order approving Transfer T-11889, as recorded in Special Order Volume 96, Pages 197-199 is corrected to show the complete application of the water to the use shall be made on or before October 1, 2024.
2. All other provisions of Special Order Volume 96, Pages 197-199 remain in effect.
3. Superseding Permit G-18889 is issued to replace permit G-17314.
4. Permit G-17314 is cancelled and no further force and effect.

Dated in Salem, Oregon on **JAN 8 - 2024**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date: **JAN 9 - 2024**



STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ULUPALAKUA RANCH INC.  
PO BOX 901  
KULA, HI 96790

This superseding permit is issued to correct a scrivener's error in the completion date, describe extensions of time for complete application of water approved March 10, 2004, August 1, 2014, and June 12 2015 proposed under Permit Amendment Application T-11889 and approved by Special Order Vol. 129, Page 64B, entered January 8, 2024. This permit supersedes Permit G-17314.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14150

SOURCE OF WATER: A WELL IN CROOKED RIVER BASIN

PURPOSE OR USE OF WATER: IRRIGATION OF 270.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 268.2 ACRES

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 3.05 CFS FOR PRIMARY IRRIGATION, AND NOT MORE THAN 3.34 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: AUGUST 11, 1995

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	19	NW NW	125 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 19

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	13	NW SE	0.5
15 S	15 E	WM	13	NE SE	11.5
15 S	15 E	WM	13	SE SW	1.0
15 S	15 E	WM	13	SW SE	26.0
15 S	15 E	WM	13	SE SE	38.1
15 S	15 E	WM	24	NE NE	2.2
15 S	15 E	WM	24	NW NE	37.4
15 S	15 E	WM	24	NE NW	8.2
15 S	15 E	WM	24	SE NW	3.1
15 S	15 E	WM	24	SW NE	33.3
15 S	15 E	WM	24	NW SE	31.4
15 S	15 E	WM	24	NE SW	6.3
15 S	15 E	WM	24	SE SW	5.7
15 S	15 E	WM	24	SW SE	24.5
15 S	15 E	WM	25	NW NE	10.2
15 S	15 E	WM	25	NE NW	3.1
15 S	16 E	WM	18	NE SW	0.1
15 S	16 E	WM	18	NW SW	14.5
15 S	16 E	WM	18	SW SW	12.9
Total					270.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	13	SE SE	0.5
15 S	15 E	WM	24	NE NE	30.0
15 S	15 E	WM	24	NW NE	3.4
15 S	15 E	WM	24	SW NE	5.6
15 S	15 E	WM	24	SE NE	14.7
15 S	15 E	WM	24	NE SE	18.8
15 S	15 E	WM	24	NW SE	6.6
15 S	15 E	WM	24	SW SE	15.5
15 S	15 E	WM	24	SE SE	9.9
15 S	15 E	WM	25	NE NE	14.4
15 S	15 E	WM	25	NW NE	6.5
15 S	16 E	WM	18	SE NW	3.9
15 S	16 E	WM	18	NE SW	26.0
15 S	16 E	WM	18	NW SW	0.7
15 S	16 E	WM	18	SW SW	10.0
15 S	16 E	WM	18	NE NW	6.2
15 S	16 E	WM	18	NW NE	6.1
15 S	16 E	WM	18	NW SE	3.0
15 S	16 E	WM	18	SE SW	14.4
15 S	16 E	WM	18	SW SE	1.3
15 S	16 E	WM	19	NE NW	36.0
15 S	16 E	WM	19	NW NW	14.0
15 S	16 E	WM	19	SE NW	16.0



SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	16 E	WM	19	NE SW	4.7
Total					268.2

**Measurement, recording and reporting conditions:**

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

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.

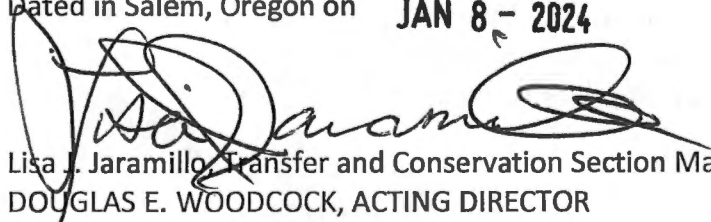
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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, and shall be completed on or before October 1, 2023. Complete application of the water to the use shall be made on or before October 1, 2024.

Dated in Salem, Oregon on **JAN 8 - 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

**Mailing Date: JAN 9 - 2024**



2-25-2016

8-11-1995 Received application. Uluvalakua Ranch, Inc.

Per application:

- No well log for existing well.
- Included step test of a Brooks Resources Well # 2 that was conducted 8-2-1982 by Century West Engineering
  - a) SWL pre-test = 5.50 ft below TOC
  - b) Yield 480-1500 gpm with a maximum drawdown at the end of the test of 11.2 ft.

No record of a Brooks Resources well in this area.

- 10" diameter, depth to water = 6 ft, 1500 gpm.

4-25-1996 Groundwater review by Ken Litz, No well log.

6-27-2002 Extension review by Ken Litz, No well log.

4-28-2014 Extension of Time Application received.

- Indicates well was drilled in 1960s.
- Indicates that well L-103113 (CROO 59000, 100 ft well completed 6-15-2011) (was drilled in hopes of a stronger source → 200 gpm.

9-15-2014 T-11889 received. Δ POU only!

- Notes CROO 50839 as authorized well at authorized location. This is a 120 ft domestic well completed 6-9-1995. The well log notes a location of 155/15E-24, SE/NE. Nowhere near the authorized location. 35 gpm air test.

9-15-2015 T-11889 is approved for Δ POU only.

The identification of the authorized well on this permit is highly uncertain. It's questionable whether the well described on the application actually existed and was capable of 1500 gpm.

T-11889 gives false information about the authorized wells.

It's uncertain what well is actually being used and where it might be located. I suppose we will find out when a CBU is filed. Hopefully, whatever well they claim as the authorized well will be producing from the same source as the original authorized well!

Water use reports ⇒ 1.64 to 4,372,862 AF of use between 2000 + 2015!



6-14-150

K. Wozniak

GW Section *SLW*

2-25-2016

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Per application:

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- Included step test of a Brooks Resources Well # 2 that was conducted 8-2-1982 by Century West Engineering
  - a) SWL pre-test = 5.50 ft below TOC
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No record of a Brooks Resources well in this area.

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Water use reports ⇒ 1.64 to 4,372,862 AF of use between 2000 + 2015!



# Oregon

Kate Brown, Governor

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

June 17, 2015

ULUPALAKUA RANCH INC.  
PO BOX 901  
KULA, HI 96790

REFERENCE: Permit Amendment Application T-11889

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Sarah Henderson, by telephone at (503) 986-0890 or by e-mail at [Sarah.A.Henderson@wrd.state.or.us](mailto:Sarah.A.Henderson@wrd.state.or.us)

Sincerely,

for Codi Holmes  
Water Rights Services Support  
Transfer and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)  
John A. Short, Agent

Enclosure





**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Permit Amendment                    )     **FINAL ORDER APPROVING A**  
T-11889, Crook County                                    )     **CHANGE IN PLACE OF USE**

**Authority**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

ULUPALAKUA RANCH INC.  
PO BOX 901  
KULA, HI 96790

**Findings of Fact**

1. On September 15, 2014, ULUPALAKUA RANCH INC. filed an application to change the place of use under Permit G-12895. The Department assigned the application number T-11889.
2. On March 10, 2004, the Department approved an extension of time for complete application of water to October 1, 2005.
3. On August 1, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on September 23, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. Water Right Transfer Application T-11836 in the name of White Deer Ranch and Ulupalakua Ranch Inc., which was accepted by the Department on June 11, 2014, is to be worked concurrently with T-11889, to resolve the 3.5 acres of layered water rights present at the location of the lands being transferred.

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

6. Permit Amendment Application T-11889 proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	13	NW SE	0.5
15 S	15 E	WM	13	NE SE	11.5
15 S	15 E	WM	13	SE SW	1.0
15 S	15 E	WM	13	SW SE	26.0
15 S	15 E	WM	13	SE SE	38.1
15 S	15 E	WM	24	NE NE	2.2
15 S	15 E	WM	24	NW NE	37.4
15 S	15 E	WM	24	NE NW	8.2
15 S	15 E	WM	24	SE NW	3.1
15 S	15 E	WM	24	SW NE	33.3
15 S	15 E	WM	24	NW SE	31.4
15 S	15 E	WM	24	NE SW	6.3
15 S	15 E	WM	24	SE SW	5.7
15 S	15 E	WM	24	SW SE	24.5
15 S	15 E	WM	25	NW NE	10.2
15 S	15 E	WM	25	NE NW	3.1
15 S	16 E	WM	18	NE SW	0.1
15 S	16 E	WM	18	NW SW	14.5
15 S	16 E	WM	18	SW SW	12.9
Total					270.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	13	SE SE	0.5
15 S	15 E	WM	24	NE NE	30.0
15 S	15 E	WM	24	NW NE	3.4
15 S	15 E	WM	24	SW NE	5.6
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15 S	16 E	WM	18	NW SE	3.0
15 S	16 E	WM	18	SE SW	14.4
15 S	16 E	WM	18	SW SE	1.3
15 S	16 E	WM	19	NE NW	36.0
15 S	16 E	WM	19	NW NW	14.0
15 S	16 E	WM	19	SE NW	16.0
15 S	16 E	WM	19	NE SW	4.7
Total					268.2



**Permit Amendment Review Criteria**

7. The change would not result in injury to other water rights.
8. The proposed place of use is owned and/or controlled by the permit holder.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

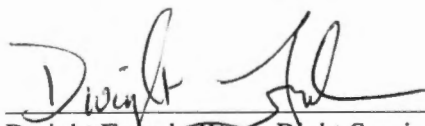
**Conclusions of Law**

The change in place of use proposed by Permit Amendment Application T-11889 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed by Permit Amendment Application T-11889 is approved.
2. Permit G-17314, in the name of Ulupalakua Ranch Inc., is issued to replace Permit G-12895, and incorporates the amendments approved by this order, and the extensions of time. Permit G-12895, in the name of ULUPALAKUA RANCH INC., is no longer of any force or effect.
3. The former place of use shall no longer be irrigated as part of this permit.
4. All other terms and conditions of Permit G-17314 remain the same.

Dated at Salem, Oregon this 12 day of June, 2015.



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

Mailing Date: JUN 18 2015

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ULUPALAKUA RANCH INC.  
PO BOX 901  
KULA, HI 96790

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-11889 and approved by Special Order Vol. 96, Page 197-199 entered JUN 12 2015, and to describe extensions of time for complete application of water approved March 10, 2004 and August 1, 2014. This permit supersedes Permit G-12895.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14150

SOURCE OF WATER: A WELL IN CROOKED RIVER BASIN

PURPOSE OR USE OF WATER: IRRIGATION OF 270.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 268.2 ACRES

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 3.05 CFS FOR PRIMARY IRRIGATION, AND NOT MORE THAN 3.34 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: AUGUST 11, 1995

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	19	NW NW	125 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 19

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



## THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
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Total					270.0

SUPPLEMENTAL IRRIGATION					
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Total					268.2

Measurement, recording and reporting conditions:

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

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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.

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.



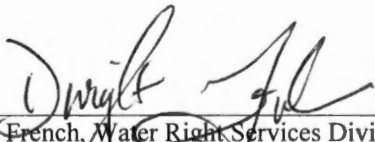
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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, and shall be completed on or before October 1, 2024. Complete application of the water to the use shall be made on or before October 1, 2025.

Issued June 12, 2015

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

# Oregon Water Resources Department

## Water Right Services Division

Water Rights Application  
Number G-14150

### FINAL ORDER

Extension of Time for Permit Number G-12895  
Permit Holder: Ulupalakua Ranch Inc.

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#### Permit Information

Application File:	G-14150
Permit:	G-12895
Basin:	11 – Deschutes / Watermaster District 11
Date of Priority:	August 11, 1995
Source of Water:	A Well within the Crooked River Basin
Purpose of Use:	Primary irrigation of 270.0 acres and supplemental irrigation of 268.6 acres
Maximum Rate:	3.34 cubic feet per second (cfs), being not more than 3.05 cfs for primary irrigation, and not more than 3.34 cfs for supplemental irrigation

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

#### Appeal Rights

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

#### Application History

Permit G-12895 was issued by the Department on October 28, 1996. The permit called for complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2005. On April 28, 2014, Ulupalakua Ranch Inc. submitted to the Department an



Application for Extension of Time for Permit G-12895. In accordance with OAR 690-315-0050(2), on June 10, 2014, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2024. The protest period closed July 25, 2014, in accordance with OAR 690-315-0060(1).

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 10, 2014.

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

## CONDITIONS

### 1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019**. *A form is enclosed with this Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

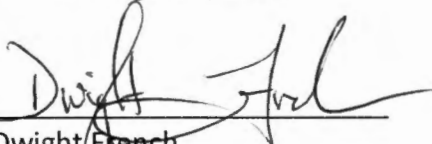
## CONCLUSION OF LAW

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

## ORDER

The extension of time for Application G-14150, Permit G-12895, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2005 to October 1, 2024.

DATED: August 1, 2014



Dwight French  
Water Right Services Division Administrator, for  
Director  
Oregon Water Resources Department

- 
- If you have any questions about statements contained in this document, please contact the Ann Reece at (503) 986-0834.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



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

**Extension of Time  
 Progress Report Form  
 For Checkpoints**

**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Ulupalakua Ranch Inc.

Application G-14150

Permit G-12895

**Progress Report for 2019**

Report Due no later than October 1, 2019

**DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE**

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12895.

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

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1 2014 and October 1, 2019	FINANCIAL INVESTMENT

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

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

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

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

or

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

or

Acre Feet stored to date = \_\_\_\_\_ AF

*Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.*

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

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

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



Mailing List for Extension FO Copies

FO Date: August 1, 2014

Copies Mailed

Application G-14150  
Permit G-12895

By: CNH  
On: 8/1/14

Original mailed to permit holder

✓ Ulupalakua Ranch Inc.  
PO Box 901  
Ulupalakua, Maui, HI 97690

Copies sent to:

- ✓ 1. WRD - App. File G-14150/ Permit G-12895
- ✓ 1. John Short, Water Right Services Inc; PO Box 1830, Bend, OR 97709

Fee paid as specified under ORS 536.050 to receive copy:

- 2. None

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

- 3. WRD - Watermaster District 11, Jeremy Giffin
- 4. WRD – SCR Regional Manager, Kyle Gorman

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by \_\_\_\_\_ Date \_\_\_\_\_

CASEWORKER: ALR

Proposed Final Order: Permit G-12895

Page 1 of 1

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14150

**Final Order<sup>1</sup>**  
**Extension of Time for Permit Number G-12895**

***Application History***

On AUGUST 17, 2001, ULUPALAKUA RANCH, INC. submitted an application to the Department for an extension of time for permit number G-12895. The Department issued permit number G-12895 on OCTOBER 28, 1996. The permit called for completion of construction of the water development project by OCTOBER 1, 1998, and complete application of water to the full beneficial use by OCTOBER 1, 1999. In accordance with OAR 690-315-0050(2), on JANUARY 13, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2005. The protest period closed FEBRUARY 27, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

**Order**

The extension of time for Application Number G-14150, Permit Number G-12895, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2005. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2005.

**DATED: March 10, 2004**

  
Paul R. Cleary, Director

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***Appeal Rights***

*Under the provisions of ORS 536.075, the applicant 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. ORS 183.484.*

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

**PROPOSED FINAL ORDER**

In the Matter of the Application for an Extension of Time for Permit G-12895, Water Right Application G-14150 in the name of Ulupalakua Ranch Inc.

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Permit Information

Application File: G-14150  
Permit: G-12895  
Basin: 11 – Deschutes / Watermaster District 11  
Date of Priority: August 11, 1995  
Source of Water: A Well within the Crooked River Basin  
Purpose of Use: Primary irrigation of 270.0 acres and supplemental irrigation of 268.6 acres  
Maximum Rate: 3.34 cubic feet per second (cfs), being not more than 3.05 cfs for primary irrigation, and not more than 3.34 cfs for supplemental irrigation

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

*In Summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2024<sup>1</sup>.
- Make the extension subject to certain conditions set forth below.

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

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



## **ACRONYM QUICK REFERENCE**

Department – Oregon Department of Water Resources  
PFO – Proposed Final Order  
cfs – cubic feet per second

## **AUTHORITY**

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

**ORS 537.630(1)** provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

**OAR 690-315-0050(6)** requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

## **FINDINGS OF FACT**

### ***Background***

1. Permit G-12895 was granted by the Department on October 28, 1996. The permit authorizes the use of up to 3.34 cfs of water, being not more than 3.05 cfs for primary irrigation, and not more than 3.34 cfs for supplemental irrigation from a well within the Crooked River Basin. The permit authorizes primary irrigation of 270.0 acres and supplemental irrigation of 268.6 acres. The permit specified complete application of water was to be made on or before October 1, 1999.

2. Two prior permit extensions have been granted for Permit G-12895. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2001 to October 1, 2005.
3. The permit holder submitted an "Application for Extension of Time" to the Department on April 28, 2014, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-12895 be extended from October 1, 2005 to October 1, 2024.
4. Notification of the Application for Extension of Time for Permit G-12895 was published in the Department's Public Notice dated May 6, 2014. No public comments were received regarding the extension application.

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

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

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

5. On April 28, 2014, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the well began prior to the October 28, 1997 deadline specified in the permit.

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

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

7. As of April 28, 2014, the remaining work to be completed consists applying for and receiving Department approval for a permit amendment to authorize a second well and a change in place of use, completing construction of the water system, and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2024, to accomplish the application

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<sup>2</sup>ORS 537.230 applies to surface water permits only.

<sup>3</sup>ORS 537.248 applies to reservoir permits only.

<sup>4</sup>ORS 537.630 applies to ground water permits only.

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

of water to beneficial use under the terms and conditions of Permit G-12895 is both reasonable and necessary.

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

*The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).*

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

*The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:*

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

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the well and water system began prior to the October 28, 1997 deadline specified in the permit.
  - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-12895.
  - c. During the most recent extension period, being from October 1, 2001, to October 1, 2005, the permit holder installed sprinklers near the Ulupalkua reservoir.
  - d. Since October 1, 2005, the permit holder drilled an additional well to secure a stronger source of water, and irrigated additional land with K-lines and big gun sprinklers.

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

10. The following beneficial use of water was made during the permit or previous extension time limits:
  - a. Since the issuance of Permit G-12895 on October 28, 1996, a maximum rate of 2.04 cfs of water has been appropriated from the well for primary irrigation on 180 acres.
  - b. Delay of full beneficial use of water under Permit G-12895 was due, in part, the magnitude of the place of use change needed, the need to develop an additional well, and time needed to apply for and receive approval for a permit amendment.



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

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

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

12. As of April 28, 2014, the permit holder has invested approximately \$360,000 which is approximately 78 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$100,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-12895.

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

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

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

The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12895; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-12895, located within the Crooked River Basin, is not located within a limited or critical ground water area. The Crooked River is located above the Deschutes Scenic Waterway. It is located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

15. None have been identified.

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

16. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

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

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

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

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

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

19. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-12895, in that an additional well and a change in place of use are needed.

## **CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2024, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant

and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

6. As required by OAR 690-315-0050(6) and as described in Finding 16 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-12895.

## PROPOSED ORDER

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

Extend the time to apply water to beneficial use under Permit G-12895 from  
October 1, 2005 to October 1, 2024.

Subject to the following conditions:

### CONDITIONS

1. Checkpoint Condition  
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019. A form will be enclosed with your Final Order.**
  - (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
  - (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.



DATED: June 10, 2014

  
Dwight W. French, Administrator,  
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **July 25, 2014**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.



Mailing List for Extension PFO Copies

**PFO Date: June 10, 2014**

Copies Mailed

Application G-14150  
Permit G-12895

By: BAJ  
On: 6/10/14

Original mailed to Applicant:

Ulupalakua Ranch Inc.  
PO Box 901  
Ulupalakua, Maui, HI 97690

Copies sent to:

1. WRD - App. File G-14150/ Permit G-12895
2. John Short, Water Right Services Inc; PO Box 1830, Bend, OR 97709

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 11, Jeremy Giffin

CASEWORKER: ALR



EXTENSION REIMBURSEMENT AUTHORITY  
PROJECT R12187-11  
FOR  
APPLICATION G-14150 PERMIT G-112895

Application # : G-  
14150

Transfer #  
Permit #: G-12895

RA#  
Name of RA Applicant: R12187-11

**Reimbursement Authority Process**  
**Itemized Estimate Sheet**  
for

**Extensions**

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)	Actual Cost	Difference
1. Review Extension Request (Completeness Checklist)	0.75	Ann	\$69		0.8	\$69	\$0
2. Preparation of deficiency letter		Craig	\$0			\$0	\$0
3. Ground Water Review		Mike Z	\$0			\$0	\$0
4. Proposed Final Order	2.50	Ann	\$229		2.5	\$229	\$0
4a. Peer review	0.00	Ann	\$0			\$0	\$0
4b. Peer review	0.10	Dwight	\$12		0.1	\$12	\$0
5. Final Order	1.00	Craig	\$71		1.0	\$71	\$0
6. Project Management	0.50	Craig	\$46		0.5	\$46	\$0
7. Water right data record update	0.50	Cody	\$29		0.5	\$29	\$0
<b>Total</b>	<b>5.35</b>		<b>\$455</b>			<b>\$455</b>	<b>\$0</b>

\$ 450 ok

Application # : G-14150

Permit #: G-12895

Transfer #

RA#

Name of RA Applicant: R12187-11

## Reimbursement Authority Process

### Itemized Estimate Sheet

for

### Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Extension Request (Completeness Checklist)	0.75	Ann	\$69	4-29 <del>4-5-2</del>	1.25 Steve 0.5 Ann
2. Preparation of deficiency letter		Craig	\$0		
3. Ground Water Review		Mike Z	\$0		
4. Proposed Final Order	2.50	Ann	\$229	6-4	2.5
4a. Peer review	0.00	Ann	\$0		
4b. Peer review	0.10	Dwight	\$12	8-29	.1
5. Final Order	1.00	Craig Ann	\$71	7-25	1.0
6. Project Management	0.50	Craig Ann	\$46	<del>5-26</del> 5-2	<del>0.5</del> 0.5
7. Water right data record update	0.50	Cody	\$29	8-1	.5
<b>Total</b>	<b>5.35</b>		<b>\$455</b>		

\$450

Notes:



**REECE Ann L**

---

**From:** REECE Ann L  
**Sent:** Wednesday, May 21, 2014 2:57 PM  
**To:** johnshort@usa.com  
**Subject:** Signed Extension of Time RA Agreement for Ulupalakua Ranch R-12187-11 for G-14150  
**Attachments:** RA Contract R12187-11.PDF; RA Receipt.PDF  
  
**SentFromSession:** REESE.reeceal.5/21/2014 8:15:36 AM

Dear John,

Attached is a copy of the fully executed Applicant's Agreement signed by the required parties and receipt for the money paid for the expedited service for processing the pending Water Right Extension Application. The terms and conditions of the contract are detailed in the signed Applicant's Agreement.

I anticipate the Proposed Final Order will be issued shortly after the 30 day comment period expires on June 6. After the PFO is issued there will be a 45 day protest period, and if there are no protests a Final Order will be issued and the extension process will be completed.

Please let me know if I should mail a copy of the contract to the applicant.

If you have any questions concerning the agreement or the program, please contact me.

Best Regards,

Ann Reece

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

Best Regards,

Ann Reece

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



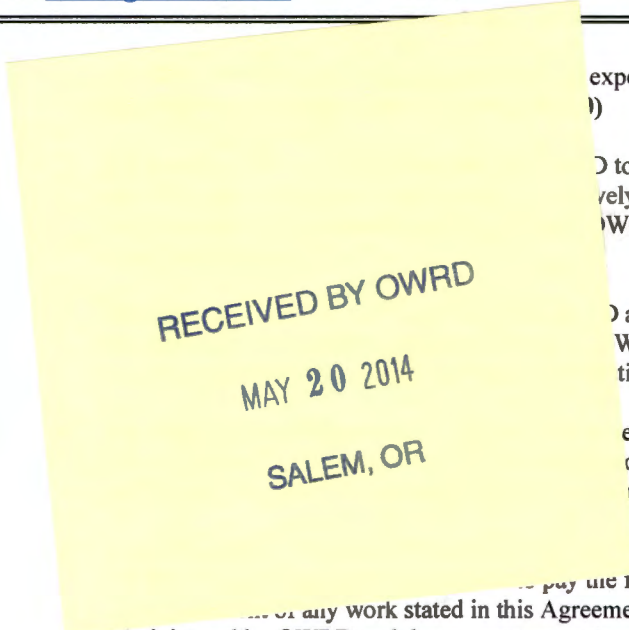
OREGON WATER RESOURCES DEPARTMENT  
**EXTENSION REIMBURSEMENT AUTHORITY**  
**APPLICANT'S AGREEMENT**



Contract Number: **R12187-11**

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

<b>OWRD Information</b>	<b>Applicant's Information</b>	<b>Applicant's Representative</b>
Project Contact: Ann L. Reece	Name:	Name: John Short
Reimbursement Authority	Title:	Title: Representative
Oregon Water Resources Department	Company: Ulupalakua Ranch Inc.	Company: Water Right Services LLC
725 Summer Street, NE	Address: P.O. Box 901	Address: PO Box 1830
Salem, OR 97301-1271	Kula, HI 96790	Bend OR 97709
Phone: 503-986-0834	Phone:	Phone: 541-389-2837
Email: <a href="mailto:reeceal@wrds.state.or.us">reeceal@wrds.state.or.us</a>	Email:	Email: johnshort@usa.com



expedite the processing of the **Water Right Extension**

to enter into a voluntary agreement with any (Applicant) for expediting or enhancing a service. OWRD shall require the applicant to pay the full cost of

agree that this Agreement shall not be construed to limit OWRD. OWRD shall be free to exercise independent actions.

terminated by non-deposit of funds by the Applicant, on which both parties have signed the Agreement and no proposed service has been received by OWRD.

OWRD in advance for actual costs incurred by Applicant. Applicant shall pay the full amount of **\$450** to OWRD prior to the start of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.

- Confidentiality.** Ulupalakua Ranch Inc. agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126



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



Contract Number: **R12187-11**

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

**OWRD Information**

Project Contact: Ann L. Reece  
Reimbursement Authority  
Oregon Water Resources Department  
725 Summer Street, NE  
Salem, OR 97301-1271  
Phone: 503-986-0834  
Email: [reeceal@wrdd.state.or.us](mailto:reeceal@wrdd.state.or.us)

**Applicant's Information**

Name:  
Title:  
Company: Ulupalakua Ranch Inc.  
Address: P.O. Box 901  
Kula, HI 96790  
Phone:  
Email:

**Applicant's Representative**

Name: John Short  
Title: Representative  
Company: Water Right Services LLC  
Address: PO Box 1830  
Bend OR 97709  
Phone: 541-389-2837  
Email: johnshort@usa.com

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application. (Application Number: G-14150)**
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Ulupalakua Ranch Inc. and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Ulupalakua Ranch Inc. shall pay OWRD in advance for actual costs incurred by OWRD. Ulupalakua Ranch Inc. agrees to pay the full amount of **\$450** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Ulupalakua Ranch Inc. agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

**PCA 47126**



8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work (including the required public notice and protest periods) is no later than one-hundred twenty (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: *Michael Murnan*  
 Name: *Michael Murnan*  
 Title: *Accountant*  
 Company: *Ulupajakua Ranch Inc.*  
 Date: *5/14/14*

For OWRD: *Ann L. Reece*  
 Name: *Ann L. Reece*  
 Water Rights and Adjudication Division  
 Date: *5-21-2014*

Mail signed Agreement to:

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

PCA 47126

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **112091**

APPLICATION # \_\_\_\_\_

RECEIVED FROM: Ulupalakua Ranch Inc.  
 BY: \_\_\_\_\_

APPLICATION	G-14150
PERMIT	
TRANSFER	

CASH:  CHECK:#  29290 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 450.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 4126 R12187-11 \$ \_\_\_\_\_  
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 450.00

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **112091**

DATED: 5-20-14 BY: L Bell



WATER RESOURCES DEPARTMENT

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

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

RECEIPT # **112091**

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

RECEIVED FROM: Ulupalakua Ranch Inc.

APPLICATION G-14150

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

PERMIT \_\_\_\_\_

TRANSFER \_\_\_\_\_

CASH:  CHECK:# 27290  OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 450.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47126 R12187-11 \$ \_\_\_\_\_  
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 450.00

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **112091**

DATED: 5-20-14 BY: L Bell



## REECE Ann L

---

**From:** REECE Ann L  
**Sent:** Friday, May 02, 2014 2:03 PM  
**To:** johnshort@usa.com  
**Subject:** RA Agreement for Ulupalakua Ranch R-12187-11 for G-14150  
**Attachments:** RA Estimate Receipt.PDF; RA Contract.pdf

**SentFromSession:** REESE.reeceal.5/2/2014 1:02:33 PM

Dear John,

Please find the attached estimate and agreement to process the extension for Ulupalakua Ranch, Inc. If the proposed agreement is acceptable, please return a signed copy to our office along with the payment of the estimated cost to process the extension.

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

John, should I also mail a copy of the estimate and receipt to the address in Hawaii?

The extension request will be placed on public notice next Tuesday. The PFO will be issued after the 30 comment period has passed.

If you have any questions, please call me.

Best Regards,

Ann Reece

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



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



Contract Number: **R12187-11**

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

**OWRD Information**

Project Contact: Ann L. Reece  
Reimbursement Authority  
Oregon Water Resources Department  
725 Summer Street, NE  
Salem, OR 97301-1271  
Phone: 503-986-0834  
Email: [reeceal@wrdd.state.or.us](mailto:reeceal@wrdd.state.or.us)

**Applicant's Information**

Name:  
Title:  
Company: Ulupalakua Ranch Inc.  
Address: P.O. Box 901  
Kula, HI 96790  
Phone:  
Email:

**Applicant's Representative**

Name: John Short  
Title: Representative  
Company: Water Right Services LLC  
Address: PO Box 1830  
Bend OR 97709  
Phone: 541-389-2837  
Email: [johnshort@usa.com](mailto:johnshort@usa.com)

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application. (Application Number: G-14150)**
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Ulupalakua Ranch Inc. and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Ulupalakua Ranch Inc. shall pay OWRD in advance for actual costs incurred by OWRD. Ulupalakua Ranch Inc. agrees to pay the full amount of **\$450** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Ulupalakua Ranch Inc. agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

**PCA 47126**

8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work (including the required public notice and protest periods) is no later than one-hundred twenty (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: Ulupalakua Ranch Inc.  
 Date: \_\_\_\_\_

For OWRD: \_\_\_\_\_  
 Name: Ann L. Reece  
 Water Rights and Adjudication Division  
 Date: \_\_\_\_\_

Mail signed Agreement to:

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

PCA 47126





**OREGON WATER RESOURCES DEPARTMENT  
EXTENSION REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**



*ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.*

*The purpose of this application is to obtain estimates of the cost and time required to process a Water Right Extension Request. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>	
<input checked="" type="checkbox"/>	Extension Request	Application Number	<u>G-14150</u>
		Permit Number	<u>G-12895</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	ULUPALAKUA RANCH INC	WATER RIGHT SERVICES, LLC / JOHN SHORT
Title (optional):		
Address:	PO BOX 901 KULA, HI 96790	PO BOX 1830 BEND, OR 97709
Phone:		541-389-2837
E-Mail Address:		JOHNSHORT@USA.COM

I certify that I (check one):

- have previously filed an application for Extension of Time for a Water Right Permit.
- am attaching the application for Extension of Time for a Water Right Permit and have included the appropriate application fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application for Extension of Time for a Water Right Permit may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

You may request a one-hour conference with OWRD staff. The conference would only occur after you have signed the contract and paid the estimated cost of processing your application. Please indicate your preference (check one):

- I do not want to schedule a one-hour conference with OWRD staff.
- I want to schedule a one-hour conference with OWRD staff to discuss my project. I understand that I will be billed for this time, and that it may affect my total costs.

Send completed Application and payment to:  
**Oregon Water Resources Department  
 Extension Reimbursement Authority Program  
 725 Summer St. NE, Suite A  
 Salem, OR 97301-1271**

RECEIVED BY OWRD

I certify that I am the (check one):

- Applicant  Applicant's Representative  Other (Please specify) \_\_\_\_\_

APR 28 2014

Name: Summer P. Erdman

SALEM, OR

Signature:

<b>OWRD USE ONLY: Reimbursement Authority Number: R12 <u>187</u> 11</b>
---

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **111870**

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

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

RECEIVED FROM: Uopalakuvu Ranch Inc. APPLICATION E-14150  
 BY: \_\_\_\_\_ PERMIT E-12895  
 TRANSFER \_\_\_\_\_

CASH:  CHECK:# 29084 OTHER: (IDENTIFY) 5  
 TOTAL REC'D \$ 700.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES RA 47126 E-1218711 \$  
0408 OTHER: (IDENTIFY) Reimbursement \$ 125.00  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_  
 Authority

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 46111

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$ <u>575.00</u>

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

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

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

RECEIPT: **111870** DATED: 4-28-14 BY: [Signature]

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



**KOHANEK Craig**

---

**From:** SUMPTION Mishelle K  
**Sent:** Tuesday, April 29, 2014 9:24 AM  
**To:** MANRING Sarah L; TODD Sandra K  
**Cc:** OPEIFA Salem B; KOHANEK Craig; REECE Ann L  
**Subject:** RE: EXTENSION REQUEST

Sarah,

Your project number is R12187 11 and the PCA is 47126.

Have a good morning.

Mishelle

---

**From:** MANRING Sarah L  
**Sent:** Tuesday, April 29, 2014 9:12 AM  
**To:** TODD Sandra K  
**Cc:** OPEIFA Salem B; SUMPTION Mishelle K; KOHANEK Craig; REECE Ann L  
**Subject:** EXTENSION REQUEST

Hello,

Applicant: Ulupalakua Ranch Inc.  
Related to Application #: G-14150  
Receipt #: 111870

Thanks,  
Sarah L Manring

*Sarah L Manring*

**Receptionist, Oregon Water Resources Department**  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301  
**Phone:** 503-986-0900



## **KOHANEK Craig**

---

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**Phone: 503-986-0900**

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

## Water Use Permits

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

Application: G- 14150 Permit: G- 12895 Permit Amendment? No  Yes  T- \_\_\_\_\_  pending  approved

Permit Holder's Name: Ulupalakua Ranch, Inc.

Permit Holder's Mailing Address: PO Box 901 Kula, HI 96790 email \_\_\_\_\_

Phone Number: \_\_\_\_\_

POD Location: Township 15S Range 16E Section 19  $\frac{1}{4}$  NWNW

Drainage Basin: 5 County: Crook Watermaster District: 11 Watermaster: Jeremy Giffin

Date Permit was issued: 10/28/1996

Priority Date: 8/11/1995

Date of PN: 5/6/2014

Source: A well in Crooked River Basin

Use: Irrigation of 270.0 acres and supplemental irrigation of 268.6 acres

"Q": 3.34 cfs total, being not more than 3.05 cfs for primary and not more than 3.34 for supplemental

Orig "A" Date: 10/28/1997

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/1999

Extension request rec'd: 4/28/2014

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2005

Request Number (1, 2, 3...): 2<sup>nd</sup> & 3<sup>rd</sup> Proposed "B" Date: 10/1/2024

Proposed C Date: 10/1/2024

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>install meter</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>submit water use records</u>
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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

- Yes  No
- Work was accomplished within the time allowed in the permit or previous extension
  - Water right permit holder conformed with the permit or previous extension conditions
  - Financial investments were made toward developing the beneficial water use.
    - Amount Invested to date: \$ 360,000 Estimated Remaining Cost: \$ 100,000
  - Beneficial use made of the water during the permit or previous extension time limits
    - Permit holder has beneficially used 2.04  cfs  gpm  af of the total permitted quantity of water on 180 <sup>Primary</sup> acres ~~268.6 suppl.~~

GW REVIEW: Y N \_\_\_\_\_

MITIGATION REVIEW: Y N \_\_\_\_\_

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

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

Identify the closest surface water or localized water basin. Crooked River

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

**Yes No**

- above a state scenic waterway? Name \_\_\_\_\_ Source: OWRD "Areas Above State Scenic Waterways" Map Derschutes Scenic
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area \_\_\_\_\_
- within a Withdrawn Area? Name of area \_\_\_\_\_
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

5-year Progress Report Checkpoints (Years: 2019)

Other: \_\_\_\_\_

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

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

**NOTES:**

Proposed B date extension but permit does not have B date, only extend C date

**Extension "PFO" Dates**

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_





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

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

## **MAIL COMPLETED APPLICATION**

**along with the**

**\$575 STATUTORY FEE TO:**

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

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### GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:  
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, *Instructions for Completing an Application for Extension of Time for a Water Right Permit* (attached), provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

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

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

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

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

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

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



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

**Date construction began is:** ESTIMATED 1960'S - PRIOR TO PERMIT.

**Details of construction:** WELL DRILLED.

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit?  Yes  No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



**TIP:** The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

**CHART-A**

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
2	2000	METERING INSTALLED, WATER USE REPORTED TO OWRD

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit with the application.

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

**CHART-B**

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	2024	FINAL STAGE OF SEQUENCED TRANSFERS JUST ABOUT POSSIBLE (T-7488 DRAFT CERT ISSUED 7-26-2013), FINANCIAL REQUIREMENTS TO COMPLETE, AND CHANGE IN IRRIGATION POU/APOA REQUIRING PERMIT AMENDMENT

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit with the application.

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

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

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1960's	WELL DRILLED	\$5000

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
10-28-1996	Date the permit was signed - find date above signature on last page of permit.	
10-28-1997	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
1996-1999	CLEARED ABOUT 180 ACRES, INSTALLED METER, TWO PIVOTS	\$80,000
10/1/1999	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
1999-2001	INSTALLED ULUPALAKUA RESERVOIR (BULGE)	\$165,000
<b>Total Cost for Chart-C</b>		<b>\$250,000</b>

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

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

### CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2001	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
2001-2005	ADDITIONAL LAND CLEARING, PLANTING, AND SPRINKLERS NEAR ULUPALAKUA RESERVOIR	\$50,000
10/1/2005	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	

### CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2006-2013	ADDITIONAL LAND TO PRODUCTION WITH K-LINES, BIG GUNS NORTH OF ULUPALAKUA RESERVOIR ACCESS ROAD	\$50,000
6-15-2011	DRILLED WELL L-103113 IN HOPES OF STRONGER SOURCE	\$10,000
<b>Total Cost of Chart-D</b>		<b>\$110,000</b>

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

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

4. Cost of project to date: \$360,000  
(The total combined cost from CHART-C and CHART-D)

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



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

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



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

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

Maximum rate used to date = NA gpm (gallons per minute) or, RECEIVED BY OWRD

Acre-feet stored to date = NA AF

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



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

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**CHART-E**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
WELL	ORIG	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	PENDING		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2.04 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
	NEW	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CROO	53900	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.0 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- - -
Total instantaneous rate from all wells utilized under this permit						2.04 CFS		

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

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

Well # ORIG : Actual location: 60' E, 125' S OF NW CORNER, SECTION 19

Well # NEW : Actual location: 50' E, 100' S OF NW CORNER, SECTION 19

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

**Total acres irrigated to date:** 180 ACRES PRIMARY, SUPPLEMENTAL SYSTEM IN PLACE BUT SUPPLEMENTAL IRRIGATION NOT YET REQUIRED.

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

Well # ORIG Acres 180 PRI Well # \_\_\_\_\_ Acres \_\_\_\_\_

Well # ORIG Acres 268.6 SUP Well # \_\_\_\_\_ Acres \_\_\_\_\_

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

**CHART-F**

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2014 -2015	SECURE PERMIT EXTENSION AND AMENDMENT	\$5,000
2016 - 2017	DEVELOP SECOND WELL	\$25,000
2018 - 2022	DEVELOP PLACE OF USE CHANGED UNDER PERMIT AMENDMENT	\$70,000
Year: 2024	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		<b>\$100,000</b>

8. Estimated remaining cost to complete the project: \$100,000  
(The total cost from CHART-F)

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

CONFIRMING CERTIFICATE FROM APPROVED TRANSFER T-7488, CBU SUBMITTED 12-28-2001, REQUIRED PRIOR TO PROJECT'S FINAL TRANSFER. OWRD ISSUED T-7488 DRAFT CERTIFICATE ON 7-26-2013. FINAL TRANSFER NOW BEING PREPARED FOR SUBMITTAL.

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

DUE TO THE MAGNITUDE OF THE PLACE OF USE CHANGES IN ADDITION TO TIME TO SECURE EXTENSION AND PERMIT AMENDMENT, THIS PROJECT IS LIKELY TO REQUIRE BUILDOUT OVER THE NEXT TEN YEARS

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

UPON CLAIM OF BENEFICIAL USE INSPECTION AND MAPPING OF PERMIT G-12895, WE DISCOVERED THAT CERT 52015 IS NOT PARTIAL SEASON AS ISSUED (SEE CERTS 650 AND 845 WITH ATTACHED 1915 RULING). THIS DISCOVERY CHANGED LOGICAL GROUND WATER PLACE OF USE LOCATIONS. PERMIT AMENDMENT TO CHANGE IS PENDING THIS EXTENSION APPROVAL.

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



Signature

4/23/14

Date

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Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14150

**Final Order<sup>1</sup>**  
**Extension of Time for Permit Number G-12895**

***Application History***

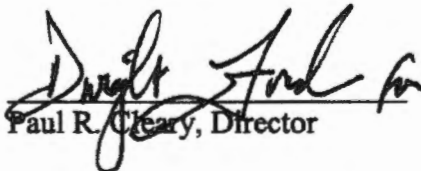
On AUGUST 17, 2001, ULUPALAKUA RANCH, INC. submitted an application to the Department for an extension of time for permit number G-12895. The Department issued permit number G-12895 on OCTOBER 28, 1996. The permit called for completion of construction of the water development project by OCTOBER 1, 1998, and complete application of water to the full beneficial use by OCTOBER 1, 1999. In accordance with OAR 690-315-0050(2), on JANUARY 13, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2005. The protest period closed FEBRUARY 27, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

**Order**

① The extension of time for Application Number G-14150, Permit Number G-12895, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2005. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2005.

**DATED: March 10, 2004**

  
Paul R. Cleary, Director

***Appeal Rights***

*Under the provisions of ORS 536.075, the applicant 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. ORS 183.484.*

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Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G 14150

**Final Order**  
**Extension of Time for Permit Number G 12895**

*Appeal Rights*

Under the provisions of ORS 536.075, the applicant 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. ORS 183.484.

*Application History*

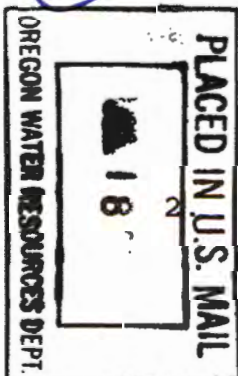
On SEPTEMBER 29, 1999, WHITE DEER RANCH/ULOPALAKUA RANCH submitted an application to the Department for an extension of time for permit number G 12895. The Department issued Permit number G 12895 on OCTOBER 28, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on MAY 9, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2001, and/or the time to fully apply water to beneficial use to October 1, 2001.

At time of issuance of the PFO the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

- 2
1. As required by the permit, the permittee shall install a meter before water use begins in the year 2000 irrigation season. The permittee shall maintain the meter or measuring device in good working order at the point of diversion from the well.

As required by the permit, the permittee shall keep a complete record of the amount of water used each month and shall submit measurements to the Department annually or more frequently as required by the Director.

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



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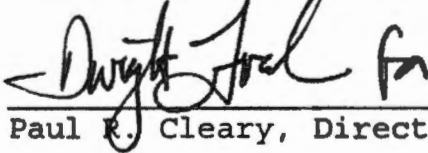
The protest period closed JUNE 23, 2000. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

**Order**

The extension of time for Application G 14150, Permit Number G 12895, therefore, is approved. The deadline for completing construction is extended to October 1, 2001. The deadline for applying water to full beneficial use is extended to October 1, 2001.

DATED July 18, 2000

  
Paul R. Cleary, Director

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STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ULUPALAKUA RANCH INC.  
PO BOX 901  
ULUPALAKUA, MAUI, HI 96790

(808)878-1202

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14150

SOURCE OF WATER: A WELL IN CROOKED RIVER BASIN

PURPOSE OR USE OF WATER: IRRIGATION OF 270.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 268.6 ACRES

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 3.05 CFS FOR PRIMARY IRRIGATION, AND NOT MORE THAN 3.34 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: AUGUST 11, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 19, T15S, R16E, W.M.; 125 FEET SOUTH AND 60 FEET EST FROM THE NW CORNER OF SECTION 19

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	7.1 ACRES	
SE 1/4 SE 1/4	16.9 ACRES	13.0 ACRES
SECTION 13		
NE 1/4 NE 1/4	10.4 ACRES	27.2 ACRES
NW 1/4 NE 1/4	31.5 ACRES	6.2 ACRES
SW 1/4 NE 1/4	16.4 ACRES	16.0 ACRES
SE 1/4 NE 1/4	5.2 ACRES	34.1 ACRES
NE 1/4 SE 1/4	20.0 ACRES	21.4 ACRES
NW 1/4 SE 1/4	25.3 ACRES	1.6 ACRES
SW 1/4 SE 1/4	28.3 ACRES	
SE 1/4 SE 1/4	13.9 ACRES	29.8 ACRES
SECTION 24		

PLACED IN U.S. MAIL  
OCT 3 1996

Application G-14150 Water Resources Department PERMIT G-12895

RECEIVED BY OWRD

APP 04 2011

SALEM, OR

NE 1/4 NE 1/4	2.1 ACRES	
NW 1/4 NE 1/4	20.2 ACRES	
SECTION 25		
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.		
SW 1/4 NW 1/4	0.6 ACRE	
SE 1/4 NW 1/4	0.8 ACRE	
NE 1/4 SW 1/4	0.1 ACRE	
NW 1/4 SW 1/4	12.2 ACRES	
SW 1/4 SW 1/4	12.9 ACRES	
SECTION 18		
NW 1/4 NE 1/4	3.3 ACRES	
NE 1/4 NW 1/4	23.1 ACRES	10.8 ACRES
NW 1/4 NW 1/4	19.7 ACRES	18.8 ACRES
SW 1/4 NW 1/4		32.7 ACRES
SE 1/4 NW 1/4		7.3 ACRES
NW 1/4 SW 1/4		30.8 ACRES
SW 1/4 SW 1/4		18.5 ACRES
SECTION 19		
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.		

Measurement, recording and reporting conditions:

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

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.

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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.

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.

RECEIVED BY OWRD

APR 28 2014

SALEM, OR





Application # 0-14150

Permit # 0-12895

**Public Notice Route Slip ... New Application Extension of Time**

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

◆ **WRIG...**

Money Received on: 2-28-14

◆ **Extension Specialist ...**

Added to tracking spreadsheet

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

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 5-6-14

Update WRIS Database

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

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

Yes or  No: Return file to Extension Specialist after PN Ann Craig

Yes or  No: Return file to Extension Specialist after PN \_\_\_\_\_



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **111870**

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

RECEIVED FROM: Ulopatakva Ranch Inc.

APPLICATION	E-14150
PERMIT	E-12845
TRANSFER	

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

CASH:  CHECK:#  29084 OTHER: (IDENTIFY) 5

TOTAL REC'D \$ 700.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES RA 47126 K-1218711 \$  
0408 OTHER: (IDENTIFY) Reimbursement \$ 125.00

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES 46111 \$  
 0410 RESEARCH FEES \$  
 0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$  
 TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$  
 0240 EXTENSION OF TIME \$ 575.00

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **111870**

DATED: 4-28-14 BY: \_\_\_\_\_





# Oregon

John A. Kitzhaber, MD, Governor

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

April 30, 2014

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-14150 (Permit G-12895)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml)

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

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

If you have questions concerning your extension of time application, please contact Craig Kohanek at (503) 986-0823. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us).

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ULUPALAKUA RANCH INC.  
PO BOX 901  
ULUPALAKUA, MAUI, HI 96790

(808) 878-1202

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14150

SOURCE OF WATER: A WELL IN CROOKED RIVER BASIN

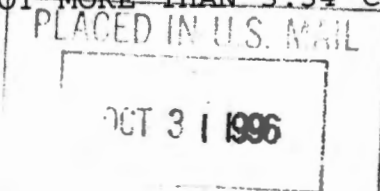
PURPOSE OR USE OF WATER: IRRIGATION OF 270.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 268.6 ACRES

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 3.05 CFS FOR PRIMARY IRRIGATION, AND NOT MORE THAN 3.34 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: AUGUST 11, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 19, T15S, R16E, W.M.; 125 FEET SOUTH AND 60 FEET EST FROM THE NW CORNER OF SECTION 19



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	7.1 ACRES	
SE 1/4 SE 1/4	16.9 ACRES	13.0 ACRES
SECTION 13		
NE 1/4 NE 1/4	10.4 ACRES	27.2 ACRES
NW 1/4 NE 1/4	31.5 ACRES	6.2 ACRES
SW 1/4 NE 1/4	16.4 ACRES	16.0 ACRES
SE 1/4 NE 1/4	5.2 ACRES	34.1 ACRES
NE 1/4 SE 1/4	20.0 ACRES	21.4 ACRES
NW 1/4 SE 1/4	25.3 ACRES	1.6 ACRES
SW 1/4 SE 1/4	28.3 ACRES	
SE 1/4 SE 1/4	13.9 ACRES	29.8 ACRES
SECTION 24		



NE 1/4 NE 1/4	2.1 ACRES	
NW 1/4 NE 1/4	20.2 ACRES	
SECTION 25		
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.		
SW 1/4 NW 1/4	0.6 ACRE	
SE 1/4 NW 1/4	0.8 ACRE	
NE 1/4 SW 1/4	0.1 ACRE	
NW 1/4 SW 1/4	12.2 ACRES	
SW 1/4 SW 1/4	12.9 ACRES	
SECTION 18		
NW 1/4 NE 1/4	3.3 ACRES	
NE 1/4 NW 1/4	23.1 ACRES	10.8 ACRES
NW 1/4 NW 1/4	19.7 ACRES	18.8 ACRES
SW 1/4 NW 1/4		32.7 ACRES
SE 1/4 NW 1/4		7.3 ACRES
NW 1/4 SW 1/4		30.8 ACRES
SW 1/4 SW 1/4		18.5 ACRES
SECTION 19		
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.		

Measurement, recording and reporting conditions:

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

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.

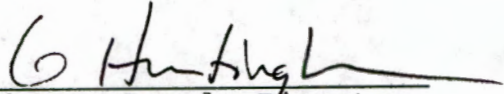
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued October 28, 1996



Martha O. Pagel, Director  
Water Resources Department



**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

In the Matter of the Application	)	
for an Extension of Time for	)	PROPOSED FINAL
Permit #G-12895, Water Right	)	ORDER
Application #G-14150	)	
(Ulupalakua Ranch, Inc.)	)	

<b>Permit Information</b>	
<b><u>Application File #G-14150 / Permit #G-12895</u></b>	
Basin: #05 - Deschutes Basin / Watermaster District: #11	
Date of Priority: August 11, 1995	
<b><u>Authorized Use of Water</u></b>	
Source of Water:	One Well in the Crooked River Basin
Purpose or Use:	Irrigation of 270.0 acres and Supplemental Irrigation of 268.6 acres
Maximum Rate:	3.34 cubic feet per second (cfs), being not more than 3.05 cfs for Irrigation and not more than 3.34 cfs for Supplemental Irrigation

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

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

This Proposed Final Order applies only to Permit #G-12895, water right Application #G-14150. A copy of Permit #G-12895 is enclosed as Attachment 1.



## **Summary of Proposed Final Order for Extension of Time**

### **The Department proposes to:**

- grant the extension for complete construction of the water system from October 1, 2001, to October 1, 2005; and
- grant the extension for complete application of water from October 1, 2001, to October 1, 2005.

### **AUTHORITY**

**ORS 537.230 and ORS 537.630(1)** provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).

**ORS 539.010(5)** provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

## **FINDINGS OF FACT**

### **Background**

1. Permit #G-12895 was issued by the Water Resources Department on October 28, 1996. The permit authorizes the use of up to 3.34 cfs of water from one well, within the Crooked River Basin, for irrigation of 270.0 acres and supplemental irrigation of 268.6 acres, being not more than 3.05 cfs for irrigation and not more than 3.34 cfs for supplemental irrigation. The permit specified that construction of the water development project was to be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.
2. One prior extension of time has been granted for Permit #G-12895. It extended the dates for completion of construction and full application of water under the permit to October 1, 2001.
3. On August 17, 2001, the permit holder submitted an "Application for Extension of Time" to the Department requesting that the time to complete construction of the water system and to accomplish beneficial use of water to the full extent under the terms of Permit #G-12895 be extended from October 1, 2001, to October 1, 2002.
4. Notification of the extension of time request for Permit #G-12895 was published in the Department's Public Notice dated September 25, 2001. No public comment on the extension application was received.
5. On January 5, 2004, the permit holder revised the time requested to complete construction of the water system and to accomplish full beneficial use of water under Permit #G-12895 from October 1, 2002, to October 1, 2005.

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

As set forth under OAR 690-315-0040 the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248<sup>1</sup>, 537.630 and 539.010(5).

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<sup>1</sup> ORS 537.248 applies to reservoir permits only.



**Start of Construction [ORS 537.630]**

6. Construction of the well and water system began within the time specified in the permit, being October 28, 1997.

**Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose [ORS 539.010(5), OAR 690-325-0040(2)(b)]**

7. As of August 17, 2001, the permit holder had invested a total of \$250,000 into the project, consisting of complete construction of the well, installation of mainline pipe and most of the water distribution system, initial construction of the irrigation storage pond, installation of a meter, irrigation of 180.0 acres of land and preparation of an additional 110.0 acres of land for planting. An additional \$100,000 investment is anticipated for the completion of this project.

**Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230, 537.630(1) and 539.010(5), OAR 690-315-0040(2)(a),(c) and (3)]**

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

8. The following construction was completed within the time allowed in the permit or previous extension:
  - a. Construction of the well and water system began within the time specified in the permit, being October 28, 1997.
  - b. Prior to October 1, 2001, the following work was accomplished under Permit #G-12858: complete construction of the well; installation of mainline pipe and most of the water distribution system; initial construction of the irrigation storage pond; installation of a meter; irrigation of 180.0 acres of land and preparation of an additional 110.0 acres of land for planting.



- c. Delay in the development of this project was not caused by any other governmental requirements.
9. The following beneficial use was made of the water during the permit or previous extension time limits:
    - a. Prior to October 1, 2001, approximately 0.89 cfs of water had been appropriated from the well for irrigation purposes under Permit #G-12895.
    - b. Delay of full beneficial use of water under Permit #G-12895 was due, in part, to major problems with the construction of the irrigation storage pond and associated ongoing repairs. These problems, in conjunction with a very dry year, prevented the permit holder from being able to store a sufficient quantity of ground water in the pond necessary to accomplish full beneficial use of water.
  10. The water right permit holder's conformance with the permit or previous extension conditions.

Based upon information contained in the permit record, the permit holder is in compliance with all permit and previous extension conditions.

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

As of August 17, 2001, the permit holder had invested 72 percent of the total projected cost for complete development of this project. A total of \$250,000 has been invested into the project, consisting of complete construction of the well, installation of mainline pipe and most of the water distribution system, initial construction of the irrigation storage pond, installation of a meter, irrigation of 180.0 acres of land and preparation of an additional 110.0 acres of land for planting. An additional \$100,000 investment is anticipated for the completion of this project.

**The Market and Present Demands for Water [ORS 539.010(5) and OAR 690-315-0040(2)(d), (e) and (4)]**

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

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

- a. The authorized point of appropriation, under Permit #G-12895, is located within or above the Deschutes River State Scenic Waterway and within the Deschutes Ground Water Study Area.
- b. The point of diversion is also above a portion of the Deschutes River that: contains instream water rights; has been identified by the Oregon Department of Fish and Wildlife as a "high" needs ranking area for streamflow restoration for fish; has been designated a sensitive, threatened or endangered species area for aquatic species utilizing surface water resources; has been identified by the Oregon Department of Environmental Quality as water quality limited; and has been designated a federal wild and scenic river.
- c. When Permit #G-12895 was issued in October 1996, the Department concluded that the proposed use will, if properly conditioned, adequately protect the surface water from interference. However, pursuant to ORS 390.835(9)(g), the Department included a condition that provides for the regulation of the use of water upon finding a preponderance of evidence that the proposed use of ground water 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. Permit #G-12895 is also conditioned to provide for regulation for senior water rights.
- d. Since the issuance of Permit #G-12895, the Department, in conjunction with the United States Geological Survey, completed a ground water study quantifying a hydraulic connection between ground water and surface water within the Deschutes Ground Water Study Area. Based in part on the study, in September 2002, the Water Resources Commission adopted rules under OAR Chapter 690, Division 505 to implement the provisions of the Scenic Waterway Act regarding mitigation. ORS 390.835(9) through (12).

- e. As part of the OAR Chapter 690, Division 505 rules, the Commission determined that the "measurably reduce" standard in ORS 390.835(12) had been triggered and that holders of existing ground water rights in the Deschutes Ground Water Study Area that were specifically conditioned to allow for regulation for scenic waterway flows may choose to provide mitigation (meeting the standards of the rules) in order to avoid future regulation.
- f. The Commission's OAR Chapter 690, Division 505 rules also establish a comprehensive mitigation program monitoring structure. Under the rules, the Department shall evaluate ground water appropriations, streamflow, and mitigation activity in order to determine whether scenic waterway flows and instream water right flows in the Deschutes Basin continue to be met on at least an equivalent or more frequent basis as compared to long-term, representative base period flows.

If the evaluation described above indicates the mitigation program is resulting in scenic waterway flows and instream water right flows in the Deschutes Basin being met less frequently as compared to long-term, representative base period flows, then the Commission is required to initiate proceedings to designate all or portions of the Deschutes Ground Water Study Area as a critical ground water area(s) under ORS 537.730, immediately close certain areas of the Deschutes Basin to further ground water appropriations, or take other administrative action(s) to ensure scenic waterway flows and instream water right flows in the Deschutes Basin continue to be met on at least an equivalent or more frequent basis as compared to long-term, representative base period flows.

- 13. In accordance with OAR 690-315-0040(4)(d)(e)(f), the Department shall also consider the following factors when determining the market and the present demand for water or power to be supplied:

The economic investments in the project to date; other economic interests dependant on completion of the project; and other factors relevant to the determination of the market and present demand for water and power. [OAR 690-315-0040(d)(e)(f)]

- a. As of August 17, 2001, the permit holder had invested 72 percent of the total projected cost for complete development of this project. A



total of \$250,000 has been invested into the project, consisting of complete construction of the well, installation of mainline pipe and most of the water distribution system, initial construction of the irrigation storage pond, installation of a meter, irrigation of 180.0 acres of land and preparation of an additional 110.0 acres of land for planting. An additional \$100,000 investment is anticipated for the completion of this project.

- b. There is no evidence in the record regarding other economic interests dependent on completion of the project.
- c. No other factors relevant to the determination of the market and present demand for water and power have been identified.

**Fair Return Upon Investment [ORS 539.010(5), OAR 690-315-0040(2)(f)]**

- 14. Use from the permitted water development will result in reasonable returns upon the investment made to date.

**Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]**

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

- 15. As of August 17, 2001, the remaining work to be completed consists of completion of the water distribution system and complete application of water to beneficial use.

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

- 16. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by major problems with the construction of the irrigation storage pond and associated ongoing repairs. These problems, in conjunction with a very dry year, prevented the permit holder from being able to store a sufficient quantity of ground water in the pond necessary to accomplish full beneficial use of water.

## CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee required by ORS 536.050(1)(k).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. In addition to the demand for water by the permittee, there may be competing demands for the water used under permit #G-12895. However, these competing demands may be addressed either through the Commission's comprehensive Deschutes Basin Mitigation Program, the direct regulation of water use under the permit, or through administrative actions by the Water Resources Commission as required by OAR Chapter 690, Division 505.
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to complete construction and apply water to full beneficial use pursuant to ORS 537.630(1).
6. Completion of construction and full application of water to beneficial use can be completed by October 1, 2005<sup>2</sup>.
7. Given the development of the permit to date, the department has determined an extension of the timelines to complete construction of the water system and to accomplish full beneficial use of water under Permit #G-12895 through October 1, 2005, is both reasonable and necessary to perfect the permit.

---

<sup>2</sup> Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.



## **Proposed Order**

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #G-12895 from October 1, 2001, to October 1, 2005; and

Extend the time for complete application of water to beneficial use under Permit #G-12895 from October 1, 2001, to October 1, 2005.

DATED: January 13, 2004



Dwight French  
Water Rights Section Manager

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

## **Proposed Final Order Hearing Rights**

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, February 27, 2004***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;



- e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503) 986-0801. Address all other correspondence to:

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

**This document was prepared by Lisa J. Juul. If you have any questions about any of the statements contained in this document, I am most likely the best person to answer your questions. You may contact me by telephone at (503) 986-0808.**

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her telephone number is (503) 986-0824.**

**If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503) 986-0801.**

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

## Mailing List for Extension FO Copies

Application #G-14150  
Permit #G-12895

FO Date: March 10, 2004

**Original mailed to:**

Applicant: **Ulupalakua Ranch, Inc.**  
**PO Box 901**  
**Ulupalakua, Maui, HI 96790**

<b>Copies Mailed</b>	
By: 	(SUPPORT STAFF)
on: 3/11/04	(DATE)

**For Extension PFO's - Copies sent to:**

1. WRD - Appl. File #G-14150 / Permit #G-12895
2. WRD - Watermaster District: #11 - Jeremy Giffin, Bend
3. WRD - Regional Manager: SCR - Kyle Gorman, Bend
4. ODFW - Biologist District: #7 - Steve Marx, Bend
5. DEQ - Regional Office: Eastern Region - Dick Nichols, Bend
6. WRD - Jonnine Fuss, Salem...*Permit record update*

**Other interested parties:**

7. **Rob Baxter, CWRE #015**  
**Baxter Land Surveying, Inc.**  
**PO Box 7022**  
**Bend, OR 97708**
8. **White Deer Ranch**  
**Attn: Travis Severance**  
**5455 South Crooked River Hwy.**  
**Prineville, OR 97754**

CASEWORKER: LJJ

*[Handwritten signature]*  
3-8-04

Div  
315

# Extension "Final Order" Checklist

Application # G-14150 / Permit # G-12895

Permit Holder's Name Ulupalakua Ranch Inc.  
PO Box 901, Ulupalakua, Maui, Hawaii 96790

✓ 1. Date Extension Request submitted: 8-17-01

✓ 2. Date permit was issued: 10-28-96

✓ 3. Original "B" Date from permit: 10-1-98  
*(Date for completion of construction)*

✓ 4. Original "C" Date from permit: 10-1-99  
*(Date for complete application of water)*

✓ 5. Extension PFO Date: 1-13-2004

✓ 6. WRD recommends extending "B" Date to: 10-1-2005  
and extending the "C" Date to: 10-1-2005

✓ 7. Protest Deadline Date from PFO: 2-27-2004

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

✓ 9. Conditions from Extension PFO? No

CC: Rob Baxter, CWRE #015  
Baxter Land Surveying Inc.  
PO Box 7022  
Bend, OR 97708

White Deer Ranch  
Attn: Travis Severance  
5455 South Crooked River Hwy  
Prineville, OR 97754.



RECEIVED  
AUG 17 2001  
WATER RESOURCES DEPT  
SALEM, OREGON

# APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, \_\_\_\_\_  
NAME

PO Box 901                      ULUPALAKUA    MAUI HI 96790  
ADDRESS                                      CITY                      STATE    ZIP                      PHONE

owner of record, or duly authorized agent, of Application No. G-14150, Permit No. G-12895 do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 01, be extended to October 1, 02,

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 01, be extended to October 1, 02.

**NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.**

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?  
Yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? No

A) Please describe how you have complied with each applicable permit condition (NOTE: the

*JB 9/25*

instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

Well was drilled, a water meter was installed, the property was cleared and disk, much was irrigated to beneficial use, distribution system mostly installed and working, We just need a little more time to complete this project

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

A major part of our delivery system is our storage pond we had some major problems with the construction and repairs over the last 2 years, Those problems are now completed but not in time to apply water beneficially to all the land that we had cleared to be irrigated We could have this all completed by Oct 1, 2002

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

A) Within the past year<sup>s</sup> or, if a prior extension was authorized, during the last permit extension period:

clearing of ground, disk, Storage pond and repairs, major main line are installed, wheel lines, traveler sprinkler was built and hand line was all purchased.

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

clearing of property, well drilled, some main line installed pond built

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

est 160 Acres with another 110 cleared to start finishing up to irrigate next spring.



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **47614**

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

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

RECEIVED FROM: Uluapalakuu Ranch  
BY: White Deer Ranch

APPLICATION	G14150
PERMIT	
TRANSFER	

CASH:  CHECK: #  96-641 OTHER: (IDENTIFY)

**TOTAL REC'D \$100.00**

**0417 WRD MISC CASH ACCT**

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

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER #	

**0427 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$

**WELL CONSTRUCTION**

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

0240 OTHER (IDENTIFY) Ext. of time \$100.00

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

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

**0467 HYDRO ACTIVITY**

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

RECEIPT # **47614**

DATED: 8/17/01 BY: C. Vance



4-Cost of project to date \$ 250,000. Estimated remaining cost to complete the project \$ 100,000

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

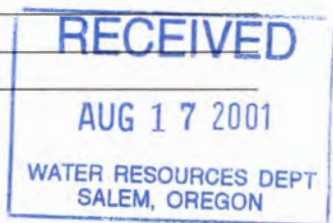
A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. Due to the building of the pond in the size we needed to store enough water to irrigate with, we had some major problem with the construction and on going repairs for the pond to hold water. This took much more time than was expected causing some of the land not to be irrigated to beneficial use due to not enough water being stored in pond this season.

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

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

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. We had a very dry year which compounded the problems with the storage pond. If we had planted too much crop for the storage we had before the pond was repaired we would have lost more ~~also~~ crops.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. \_\_\_\_\_



A) Has there been any change in this market since the permit was issued? no

B) Have these changes, if any, affected the economic feasibility of your project? no

7-Are there other present competing demands for water in your community? no

A) Has there been any change in these demands for water since the permit was issued? Yes  
all over the state water is needed.

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?  
no

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? We probably couldn't get a water fight today due to the demand on water.

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? yes we have cleared the property for farming and the use will benefit our ranch and the surrounding area

9-If the extension request is denied, is the current level of water use economically feasible? Yes but we have put a great deal of expense in clearing all of the property and building a water delivery system to irrigate the whole project, due to the problems with the pond having to be rebuilt and repaired we just need a little more time to put it all to beneficial use.

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

[Signature]  
Signature

8/15/01  
Date

**MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES  
158 12TH ST NE  
SALEM, OREGON 97310

m:\exchange\leep\extfrm98  
revised: June 21, 1999





Application # G-141501 Permit # G-12895

## Route Slip ... Extension of Time

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

- ◆ **WRIG...**  
Money Received: \$100.<sup>00</sup> on 8-17-01
- ◆ **Lisa Juul...**  
Extension Completeness: OK 10-1-01  
*(If NOT complete, send certified letter requesting add'l information.)*

***If Extension Appl complete and \$100 fee submitted, route to...***

- ◆ **Jonnine Fuss...**  
Initial 30-day Public Notice: Done 9-25-01  
Update Extension Database: \_\_\_\_\_  
Files back to filing cabinets: \_\_\_\_\_

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

- ◆ **Lisa Juul...**  
Pull files for Ext PFO review: \_\_\_\_\_  
Extension PFO completed: \_\_\_\_\_

***Once Extension PFO signed by Dwight French...***

- ◆ **Jonnine Fuss...**  
Prepare Ext PFO for mailing to applicant: \_\_\_\_\_  
Mail to those who commented and paid copy fee: \_\_\_\_\_  
Include Ext PFO on weekly Public Notice: \_\_\_\_\_

***Within 60 days after the close of the 45-day PFO Protest Period...  
(PFO Protest Period ends 45 days from PFO sign date)...***

- ◆ **Lisa Juul...**  
Issue an Extension FO: \_\_\_\_\_

# EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: G-14150 / Permit #: G-12895

Permittee's Name: Ulupalakua Ranch, Inc.

Permittee's Mailing Address: PO Box 901, Ulupalakua, Maui, HI 96790

POD Location: Township 15-S Range 16-E Section 19  $\frac{1}{4}$   $\frac{1}{4}$  NWNW

Stream Basin: \_\_\_\_\_ County: Crook

- ✓ 1. Has the applicant completely filled out the updated Extension Application form?  Yes /  No ✓ \$100-OK  
\*\*\*If "No"..... has certified request for the new extension form been sent?  Yes /  No
- ✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form  Yes /  No  
\*\*\***(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
- ✓ 3. Date Permit was issued: 10-28-96 (priority = 8-11-95)
- ✓ 4. Source: One Well in the Crooked River Basin
- ✓ 5. Use: Irrig of 270.0<sup>2</sup> Ac & Suppl Irrig of 268.6<sup>6</sup> Ac
- ✓ 6. "Q": 3.34 cfs total, being not more than: 3.05 cfs for primary & 3.34 cfs for suppl
- ✓ 7. Original "B" Date: 10-1-98 Original "C" Date: 10-1-99
- ✓ 8. Conditions of Permit: Original "A" Date: 10-28-97  
Before water use begins → install a meter or other suitable meas. device  
Shall keep a monthly record of water use & report annually to WRD.  
SWW "7j" Condition
- ✓ 9. Extension request received: 8-17-01 Request Number (...1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>): 2<sup>nd</sup>
- ✓ 10. Last Authorized "B" Date: 10-1-01 Last Authorized "C" Date: 10-1-01  
*\* Revised by permittee - see fax rec'd on 1-5-04. \* 2005*
- ✓ 11. Proposed "B" Date: 10-1-2002 Proposed C Date: 10-1-2002
- ✓ 12. Amount Invested to date: \$250,000.<sup>00</sup> Estimated Total Cost: \$350,000.<sup>00</sup>  
(\*\*\*Estimated Remaining Cost: \$100,000.<sup>00</sup>)



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

- meter installed
- water use report submitted.

"A" date met.

14. Work on the water development project completed to date includes: Max Use in June 2000 = 17,330,500 gallons (or 0.89 cfs)

- irrigated 180.0 ac <sup>NOTE: previous Ext. indicated 180.0 ac irrigated.</sup>
- well drilled
- clearing of land
- installed some mainline & most of distribution system
- pond constructed (storage for irrig.)
- Cleared 110.0 ac in preparation for planting.

15. The work remaining to be completed consists of:
- completion of construction
  - full beneficial use of water.

Couldn't plant all lands - Not enough water.

16. Progress in perfecting the permit is being held up by: Not enough water stored due to dry season

- problems with constr. & maintenance of storage pond for irrig. prevented them from fully applying to all the lands.

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

**Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]**

- The amount of construction completed within the time allowed in the permit or previous extension;
- The amount of beneficial use made of the water during the permit or previous extension time limits;
- Water right permit holder conformance with the permit or previous extension conditions; and
- Financial investments made toward developing the beneficial water use.

Invested approx. 72% of total est. cost to complete | Constr. approx 80% complete | Conditions Met - OK | Have used approx 26% of total permitted "Q" of water.

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

**Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:**

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- Other factors relevant to the determination of the market and the present demand for water or power.

Is within the Desc. GW Study Area | Is within or above the Desc. SWW | Desc. R. is designated a federal wild & scenic R. | Desc. R. is a DEQ Water Quality Lmt'd. Area | Desc R is in an ODFW ST&E Area | Desc R. is an ODFW "High" needs ranking-area for flow restoration for fish

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

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

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

cc: Ron Baxter, CWRE

20. Conditions to be included on Extension PFO: No

CC: White Deer Ranch  
Travis Severance  
5455 S. Crooked R. H.  
Prineville, OR 97754

**Extension "PFO" Dates** Checklist Last Revised: 9/12/2001

Mailing / Issuance Date: 1-13-04 Reviewer's Name: [Signature]

Protest Deadline Date: 2-27-04 Date: 11-26-03



File G 14150

*Baxter Land Surveying, Inc.*

*P.O. Box 7022*

*Bend, OR 97708*

*Phone: 541-382-1962*

*Fax: 541-389-5186*

---

September 25, 2001

Ms. Bernadette Williams  
Water Resources Department  
Commerce Building  
158 12<sup>th</sup> Street NE  
Salem, OR 97310-0210

Reference: Permit No. G-12895

Dear Ms. Williams;

I have recently been contacted by the owners of Ulupalakua Ranch Inc. for the above referenced Ground Water Permit. They have requested an extension of time that has been submitted to the Water Resources Department. We are prepared to do the Final Proof mapping as soon as it is determined if they receive an extension of time. This is just to inform you that I am prepared to complete the mapping as soon as they receive word that the extension is approved or not.

Thank you.

Sincerely,



Rob Baxter, CWRE 015

RECEIVED

SEP 28 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

[Click here and type return address and phone and fax numbers]

**White Deer Ranch**

# Fax

To: Lisa From: Travis Swerance  
Fax: 503-986-0901 Pages: 1  
Phone: 503-986-0808 Date: 1-5-04  
Re: Extension CC:

Urgent  For Review  Please Comment  Please Reply  Please Recycle

• Comments:

White Deer Ranch would like to revise the time requested for application number G14150 to 2005. Please let me know if you need anything more from me.

Sincerely,

Travis Swerance



# Oregon

Theodore R. Kulongoski, Governor

Lisa

app# G-14150

## Water Resources Department

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

February 7, 2003

G 12895  
ULUPALAKUA RANCH INC.  
PO BOX 901  
ULUPALAKUA, MAUI, HI 96790

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@ wrd.state.or.us](mailto:Laura.K.Snedaker@ wrd.state.or.us).

Sincerely,



Paul R. Cleary  
Director

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

**Water Right Conditions  
Tracking Slip**

*Groundwater/Hydrology Section*

FILE ## G-14150

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 15S/16E-19

CONDITIONS ATTACHED?  Yes  No

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW  
conditions 7B & 7J

Reviewer: K. Lite











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

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

---

**RECOMMENDATION:**

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

---

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

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

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, 199\_\_.  
(Signature)

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G 14150

**Final Order**  
**Extension of Time for Permit Number G 12895**

*Appeal Rights*

Under the provisions of ORS 536.075, the applicant 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. ORS 183.484.

*Application History*

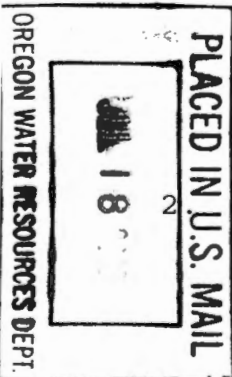
On SEPTEMBER 29, 1999, WHITE DEER RANCH/ULOPALAKUA RANCH submitted an application to the Department for an extension of time for permit number G 12895. The Department issued Permit number G 12895 on OCTOBER 28, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on MAY 9, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2001, and/or the time to fully apply water to beneficial use to October 1, 2001.

At time of issuance of the PFO the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. **As required by the permit, the permittee shall install a meter before water use begins in the year 2000 irrigation season. The permittee shall maintain the meter or measuring device in good working order at the point of diversion from the well.**

**As required by the permit, the permittee shall keep a complete record of the amount of water used each month and shall submit measurements to the Department annually or more frequently as required by the Director.**

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





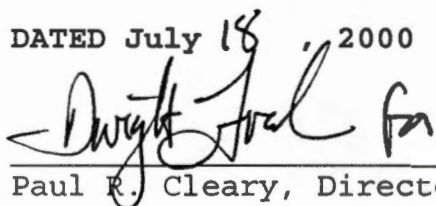
The protest period closed JUNE 23, 2000. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

**Order**

The extension of time for Application G 14150, Permit Number G 12895, therefore, is approved. The deadline for completing construction is extended to October 1, 2001. The deadline for applying water to full beneficial use is extended to October 1, 2001.

DATED July 18, 2000

  
\_\_\_\_\_  
Paul R. Cleary, Director

JUL 20 2000  
127010234 037 000

**RECEIVED**

APR 28 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

April 26, 2000

Dallas Miller  
Water Resources Department  
Commerce Building  
158 12th St. NE  
Salem, OR 97301-4172

Re: File # G 14150, Permit G 12895

Dallas:

Here is the amount of water that White Deer Ranch use last year: May 318,000, June 412,000, July 249,000, August 108,000, Set. 160,700 equaling 1,292,700 gallons for 1999, these are approximate figures due the fact that our meters were temporary. We are currently putting in a new irrigation system and we have since taken care of this problem. If you have any questions, please give me a call at 541-447-2084.

Sincerely,

Travis Severance

**Oregon Water Resources Department  
Water Rights Division**

Water Right Permit Extension Application  
for Permit Number G 12895

Water Right Application Number G 14150

**Proposed Final Order**

**Please read this Proposed Final Order in it's entirety, it contains additional conditions, not included in the original permit.**

This Proposed Final Order applies only to permit number G 12895.

**Summary of Recommendation**

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2001, and

grant the extension for complete application of water from October 1, 1999 to October 1, 2001.

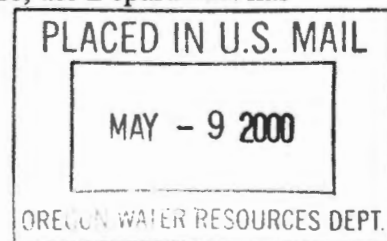
**Application History**

Permit no. G 12895 was granted by the Water Resources Department on OCTOBER 28, 1996. The permit authorizes use of 3.34 CFS of water from A WELL for IRRIGATION OF 270.0 ACRES, AND SUPPLEMENTAL IRRIGATION OF 268.8 ACRES in the CROOKED RIVER basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 12895 is attached.

On SEPTEMBER 29, 1999, the Department received an application from WHITE DEER RANCH / ULOPALAKUA RANCH for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2001 to complete construction of the water system and until October 1, 2001 to apply water to full beneficial use. This is the first permit extension request.

**Findings of Fact**

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has





considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by difficulty in arranging financing for the project.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
  - a) Work on the water development project completed to date includes construction of well, pump, pipelines and pivots. Water has been applied to 180 acres..
  - b) The applicant has invested approximately \$ 85,000 of an estimated total water system project cost of \$ 110,000.
  - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2001 as requested by the applicant.

#### **Conclusions of Law**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2001 to complete construction and until October 1, 2001 to complete the application of water.

**Conditions:**

1. As required by the permit the permittee shall install a meter before water use begins in the year 2000 irrigation season. The permittee shall maintain the meter of measuring device in good working order at the point of diversion of water from te well.

2. As required by the permit, the permittee shall keep a complete record of the amount of water used each month and shall submit measurements to the Department annually or more frequently as required by the Director.

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

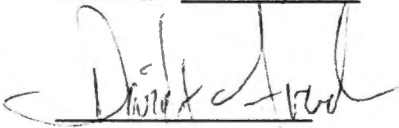
**Recommendation**

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1998 to October 1, 2001 and

extend the permit time to complete application of water from October 1, 1999 to October 1, 2001.

DATED: MAY 9, 2000



Dwight French  
Water Rights Section Manager

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

**Protest Rights and Comments**

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
  - a) Your name, address and telephone number;
  - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
  - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
  - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e) Any citation of legal authority supporting your protest, if known; and
  - f) The \$25 protest fee required under ORS 536.050 (1)(j).

2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **JUNE 23, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

**This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.**

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Brendalee Wilson. Her extension number is 276.**

**If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.**



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **33515**

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

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

RECEIVED FROM: Ulyalakua Ranch  
BY: White Deer Ranch

APPLICATION	<u>5-14150</u>
PERMIT	
TRANSFER	

CASH:  CHECK: # 96641 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

**0417 WRD MISC CASH ACCT**

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

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER #	

**0427 WRD OPERATING ACCT**

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

*PLATE # 66111*

<b>WATER RIGHTS:</b>		<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER		\$	0202	\$
0203 GROUND WATER		\$	0204	\$
0205 TRANSFER		\$	0206	\$
<b>WELL CONSTRUCTION</b>		<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR		\$	0219	\$
LANDOWNER'S PERMIT			0220	\$

0240 OTHER (IDENTIFY) EST. OF TIME 9100.00

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

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

**0467 HYDRO ACTIVITY**

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

RECEIPT # **33515**

DATED: 10-1-99 BY: Page Wright

RECEIVED

SEP 29 1999

APPLICATION FOR EXTENSION OF TIME  
TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

I, White Deer Ranch  
NAME

5455 S. Crooked River Hwy Prineville OR 97754 541-447-2084  
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-14150, Permit No. G-12895, do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1999, be extended to October 1, 2001,

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2001.

**NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.**

**Enclosed is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.**

**After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.**

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? yes

lb ✓



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

Well constructed to Oregon well construction standards. access port. submitted pump test. Use the best practice practices to water.

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

N/A

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

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

Well has been drilled cleared and started irrigating 180 acres. Install 2 pivots.

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

N/A

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): 180 acres



4-Cost of project to date 85,000 . Estimated remaining cost to complete the project 25,000 .

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

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

*N/A*

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. taking longer arrange financing needed for completion.

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

*N/A*

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

*N/A*

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. lower commodity prices

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SEP 29 1999

WATER RESOURCES DEPT  
SALEM OFFICE

A) Has there been any change in this market since the permit was issued? yes

B) Have these changes, if any, affected the economic feasibility of your project? yes  
Commodity prices today have not met our original projections

7-Are there other present competing demands for water in your community? NO

A) Has there been any change in these demands for water since the permit was issued? NO

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?  
NO

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? NO

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? yes

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SEP 29 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

9-If the extension request is denied, is the current level of water use economically feasible?

yes but project and its economic feasibility including length of time for cost efficiencies were planned around original project parameters (e.g. size of pumps, mainline, power installation, etc.)

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

[Signature]  
Signature

9/27/99  
Date

**MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES  
158 12TH ST NE  
SALEM, OREGON 97310



**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:**

White Deer Ranch/Ulopalakua Ranch  
5455 S Crooked River Hwy.  
Prineville, OR 97754

G14150

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

ψ-56653

**COMPLETE THIS SECTION ON DELIVERY****A. Received by (Please Print Clearly)**

TRAVIS SEERKIANE

**B. Date of Delivery**

4/14/00

**C. Signature**

X *Travis Seerkanie*

 Agent

 Addressee
**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 DEPARTMENT  
158 12<sup>TH</sup> STREET NE  
SALEM, OR 97301-4172



# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

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

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

April 3, 2000

WHITE DEER RANCH/ ULUPALAKUA RANCH  
5455 S. CROOKED RIVER HWY.  
PRINEVILLE, OR 97754

RE: File # G 14150, Permit G 12895

Dear Applicant:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

- ▶ This permit requires that the amount of water used each month be recorded and submitted annually to the Department, required by permit condition. The Department has not received the reports.

Please submit this information by **May 3, 2000**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

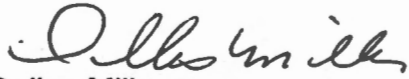
*If you need to request additional time to submit above information, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.*

Should you have any questions regarding your extension request or the required materials listed above, please call me at (503) 378-8455, extension 272, or toll free within Oregon at 1-800-624-3199.





Sincerely,

A handwritten signature in cursive script that reads "Dallas Miller".

Dallas Miller  
Senior Water Rights Technician

cc: Watermaster District # 11, Ulupalakua Ranch

# Mailing List for Extension PFO Copies

Application # G 14150

PFO Date 5-9-2000

**Original mailed to:**

Applicant: Ulapakua Ranch / White Deer Ranch

Copies Mailed By: <u>JH</u> (SUPPORT STAFF) on: <u>5/8/00</u> (DATE)
--

**For Extension PFO's - Copies sent to:**

1. WRD - File # \_\_\_\_\_

2. WRD - Watermaster District #: 11

3. WRD - Regional Manager: S.C.

4.  ODFW District Biologist: Bret Hodgson, Prineville

5.  DEQ Headquarters - Tom Rosetta

6. \_\_\_\_\_ WRD - John Falk (for reservoir permit extensions only)

**Other interested parties:**

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

14. \_\_\_\_\_

15. \_\_\_\_\_

16. \_\_\_\_\_

CASEWORKER: \_\_\_\_\_

*db* ✓

*Curre* ✓

# Water Right Conditions Tracking Slip

*Groundwater/Hydrology Section*

FILE \*\* G-14150

ROUTED TO: Lisa Juol

TOWNSHIP/

RANGE-SECTION: 15S/16E-19

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

Extension Review

Reviewer: K. L. Itte



# Permit Extension Ground Water Review

Date: June 27, 2002

To: Fred Lissner, Ground Water Section Manager

From: Lisa Juul, Permit Extension Review

Subject: Ground Water Review Needed for File # G 14150 / Permit # G 12895

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

**NOTE:** Original Division 9 review completed by: Ken Lite

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

## For Ground Water / Hydrology Staff Use: KEJ

-YES -NO

Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.

**Please answer the following questions. If necessary, attach an additional sheet.**

1. Should any additional conditions be added to this permit? NO
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? NO
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? N/A
4. Other issues or concerns? No well log ; do not know well depth;

do not know water-bearing unit.



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

August 20, 1999

ULUPALAKUA RANCH INC.  
PO BOX 901  
ULUPALAKUA, MAUI HI 96790

Permit Number: G-12895

File Number: G-14150

The date for the complete construction of the water use system and/or application of water to beneficial use under the above water right permit is **10/01/1999**. To date we have not received notice that the project has been completed. If the project will be completed, be sure to submit the notice of complete construction of the system and/or complete application of water prior to 10/01/1999. If you will not be able to complete the project by October 1, 1999, you may apply for an extension of the time limits.

Applying for an extension of time requires submittal of a completed application form and a \$100 fee. An application form and instructions for filling out the form are enclosed. Permit extension rules, adopted by the Water Resources Commission in October 1998, require proposed final orders for extensions to be noticed in the Department's weekly public notice document.

Diligence in developing the permit is an important, but not the only, factor considered in evaluating good cause. To the extent that permit holders can document a strong record of aggressively constructing the water use system and applying water to beneficial use per the limitations and conditions of the permit, the stronger the evidence that good cause exists to extend the time limits. Thus, the Department urges you to make every effort to substantially complete the project by the time limits established in the permit.

If you have or will complete development under your permit before 10/01/99 then you do not need to file for an extension of the time limits. However, you will need to submit a final proof survey completed by a Certified Water Rights Examiner (CWRE) within one year of completion or no later than 10/01/2000. (Some small reservoir permit holders do not need to hire a CWRE. For more information on this exception, see the back of this page.)

Municipalities: Please see the back of this page for additional information.

If you have any questions, please contact me at extension 272, at 503-378-3739, or toll-free from Oregon at 1-800-624-3199. You may also call the Water Rights Information Group using extension 499.

Sincerely,

Dallas Miller  
Water Rights Specialist

**RECEIVED**

OCT 01 1999

WATER RESOURCES DEPT  
SALEM, OREGON





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT #

**127339**

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

INVOICE #

**G 14150**

RECEIVED FROM:

*W + H Pacific*

BY:

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)



*24 20*

TOTAL REC'D

\$

*200.00*

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

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

**REDUCTION OF EXPENSE**

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

\$

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

**MISCELLANEOUS**

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

**WATER RIGHTS:**

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ <i>200.00</i>	842.004	\$
842.005	TRANSFER	\$	842.006	\$

**WELL CONSTRUCTION**

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**

LIC NUMBER

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

RECEIPT #

**127339**

DATED:

*8-11-95*

BY:

*Flo L*



Application G-14150

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-14150

WATERMASTER # 11

REGIONAL MANAGER: South Central Region

ODF&W - Crook County:

CWRE (if agent): Lynn J Bruno #264

DEQ

OTHER STATE AGENCY IF NECESSARY:

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:

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

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CASEWORKER : JKS-007

Application No. \_\_\_\_\_

G14150

RECEIVED

AUG 1, 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT

# Application for a Permit to Appropriate Groundwater

Applicant(s) \_\_\_\_\_

ULUPALAKUA RANCH INC.

(Please print or type - use dark ink)

Mailing Address: \_\_\_\_\_

P.O. BOX 901

ULUPALAKUA, MAUI, HAWAII 96790 (808) 878-1202

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.): \_\_\_\_\_

DEVELOP ONE EXISTING WELL

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

Distance from development to stream: 1,750 FEET \*

Elevation difference between streambed and development: 40 FEET

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.

\* SEE ATTACHED WELL TEST, NO WELL LOG AVAILABLE

Diameter of well: 10 INCHES Depth in feet: \_\_\_\_\_

Type and size of well casing: \_\_\_\_\_ No. of feet: \_\_\_\_\_

Estimated depth to water: 6 FEET

Type of access port or measuring device: \_\_\_\_\_

Wells to be drilled by: \_\_\_\_\_

Address: \_\_\_\_\_

If the water well is flowing artesian, describe your water control and conservation works: \_\_\_\_\_

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 1,500 3.34 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:** PRIMARY IRRIGATION FOR <sup>270</sup>~~275~~ ACRES AND SUPPLEMENTAL IRRIGATION FOR <sup>270</sup>~~275~~ ACRES.

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	PRIMARY <sup>270</sup> <del>275</del> ACRES
Other (describe)	SUPPLEMENTAL <del>275</del> ACRES
	<u>270</u>

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).

WE ANTICIPATE A 50 TO 75 HP PUMP WITH APPROXIMATELY 8 TO 12 INCH MAIN DELIVERY SYSTEM TO A STORAGE POND. FROM THE POND, EITHER A FLOOD IRRIGATION SYSTEM WILL BE CONSTRUCTED OR A SPRINKLER SYSTEM DEVELOPED.

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

Proposed date construction work will begin 10/95  
Proposed date construction work will be completed 5/96  
Proposed date water use will be completed 8/96

NOTE: Prior to the issuance of a permit it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.



RECEIVED

AUG 1, 1995

WATER RESOURCES DEPT.  
Salem, Oregon

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      xx 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      xx 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

S. D. Ed  
Signature SECRETARY/TREASURER

April 13, 1995  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
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 16<sup>th</sup> day of August, 1995, at 8 o'clock A M.

APPLICATION NO: G14150





Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14150

**Final Order**

*Application History*

On August 11, 1995, ULUPALAKUA RANCH INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 9, 1996. The protest period closed August 23, 1996, and no protest was filed.

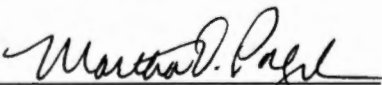
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the number of acres for primary and supplemental irrigation as indicated on applicant's revised map.

**Order**

Application G-14150 shall be approved with the above modifications to the Proposed Final Order and upon payment of outstanding permit recording fees, Application G-14150 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

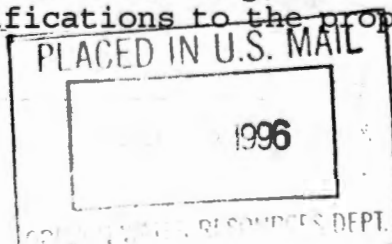
Permit recording fees are required in the amount of \$1,158.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14150.

DATED September 11, 1996

  
Martha O. Page  
Director

*Hearing and Appeal Rights*

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) 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 CROOK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ULUPALAKUA RANCH INC.  
PO BOX 901  
ULUPALAKUA, MAUI, HI 96790

(808) 878-1202

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14150

SOURCE OF WATER: A WELL IN CROOKED RIVER BASIN

PURPOSE OR USE OF WATER: PRIMARY IRRIGATION OF 270.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 268.6 ACRES

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 3.05 CFS FOR PRIMARY IRRIGATION, AND NOT MORE THAN 3.34 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: AUGUST 11, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 19, T15S, R16E, W.M.; 125 FEET SOUTH AND 60 FEET EST FROM THE NW CORNER OF SECTION 19

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	7.1 ACRES	
SE 1/4 SE 1/4	16.9 ACRES	13.0 ACRES
SECTION 13		
NE 1/4 NE 1/4	10.4 ACRES	27.2 ACRES
NW 1/4 NE 1/4	31.5 ACRES	6.2 ACRES
SW 1/4 NE 1/4	16.4 ACRES	16.0 ACRES
SE 1/4 NE 1/4	5.2 ACRES	34.1 ACRES
NE 1/4 SE 1/4	20.0 ACRES	21.4 ACRES
NW 1/4 SE 1/4	25.3 ACRES	1.6 ACRES
SW 1/4 SE 1/4	28.3 ACRES	
SE 1/4 SE 1/4	13.9 ACRES	29.8 ACRES
SECTION 24		



NE 1/4 NE 1/4	2.1 ACRES	
NW 1/4 NE 1/4	20.2 ACRES	
SECTION 25		
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.		
SW 1/4 NW 1/4	0.6 ACRE	
SE 1/4 NW 1/4	0.8 ACRE	
NE 1/4 SW 1/4	0.1 ACRE	
NW 1/4 SW 1/4	12.2 ACRES	
SW 1/4 SW 1/4	12.9 ACRES	
SECTION 18		
NW 1/4 NE 1/4	3.3 ACRES	
NE 1/4 NW 1/4	23.1 ACRES	10.8 ACRES
NW 1/4 NW 1/4	19.7 ACRES	18.8 ACRES
SW 1/4 NW 1/4		32.7 ACRES
SE 1/4 NW 1/4		7.3 ACRES
NW 1/4 SW 1/4		30.8 ACRES
SW 1/4 SW 1/4		18.5 ACRES
SECTION 19		
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.		

Measurement, recording and reporting conditions:

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

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.





FILE # G-14150

# FO CHECKLIST

REVIEW DATE: 8/27/96

WEEK # 50

## PFO TO FO CONVERSION

INITIALS: JWG

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2.      If #1 = "Y", from whom were the comments received and when?
3.      Verify names and addresses on the PFO CC list. **ALL** commentors (regardless of comment date), **affected landowners (were they notified?)**, and those who paid the \$10 fee should be listed.
4. #1158 / #150 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
5. Y / N Is the file lacking a signed oath of accuracy for the application?
6. Y / N Has ODFW asked for self certification on screening condition?
7. Y / N Is water use prohibited for one or more months of the normal use period?
8. Y / N If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: \_\_\_\_\_
10.      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

		Route to: (circle one)	
DENIAL	<u>(FO w/o PERMIT</u>	FO & PERMIT	COMMENTS
LARRY	JERRY	JEREMY	DOUG

mc: 73175

Initials JWG

Modify FO as needed to:

12. JWG 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)

Once FO document is completed:

15. JWG Save WordPerfect document in M:\T\FO\WEEK 50 & delete duplicates
16.      Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed

JWG

535 AC

539

200 - EXAM  
100 - 10

~~1050~~  
~~1350~~

~~527 X 2~~ 539 X 2

1350

RECEIVED

AUG 20 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

# FAX COVER SHEET

TO: Jerald Sauter

COMPANY: Oregon Water Resources  
Commerce Building  
158 12<sup>th</sup> St. NE

FAX NO.: Salem, OR 97310-0210

PROJECT: white Deer Ranch - Application G-14150

RE: New map with well location.

FROM: Lynn Bruno

Phone No.: (541) 389-0788

Fax No.: (541) 389-2295

No. of Pages (Including Cover): 2

Comments:

As we discussed on the telephone, the  
attached map should clear up your  
requests.

Please call if you have any questions.

Thank you



**Oregon Water Resources Department  
Water Rights Division**

Water Rights Application  
Number G-14150

**Proposed Final Order**

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

*Application History*

On August 11, 1995, Ulupalakua Ranch Inc. submitted an application to the Department for the following water use permit:

- Amount of Water: 1500.0 gallons per minute (3.34 cfs)
- Use of Water: Primary Irrigation of 270.0 acres and Supplemental Irrigation of 270.0 acres
- Source of Water: A well in Crooked River Basin
- Area of Proposed Use: Crook County within

Sections 13, 24, and 25, Township 15 South, Range 15 East, W.M.,  
Sections 18, and 19, Township 15 South, Range 16 East, W.M.

On May 8, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of a maximum cumulative total of 3.34 cfs of water, being 3.05 cfs for Primary Irrigation of 244.2 acres and 3.34 cfs for Supplemental Irrigation of 290.4 acres, may be allowed March 1 through October 31 for Primary Irrigation and February 1 to December 1 for Supplemental Irrigation of each year. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On May 28, 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

Senior water rights exist on a well in Crooked River Basin or on downstream waters.

A well in Crooked River Basin is above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) for the period February 1 to December 1.

The Department finds that 3.34 cfs maximum cumulative total would be necessary for the proposed use. The amount of water requested, 3.34 cfs (1500.0 gallons per minute), is allowable.

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

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

*Conclusions of Law*

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

The proposed use requested in this application is allowed in the 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.

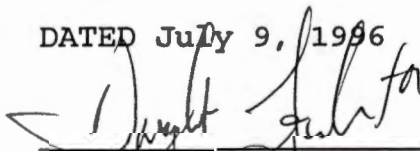
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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 July 9, 1996



Steven P. Applegate  
Administrator

Water Rights and Adjudications Division



## 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.
- 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 **August 23, 1996**.

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.

JKS-007

DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ULUPALAKUA RANCH INC.  
PO BOX 901  
ULUPALAKUA, MAUI, HI 96790

(808)878-1202

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14150

SOURCE OF WATER: A WELL IN CROOKED RIVER BASIN WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 244.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 290.4 ACRES

MAXIMUM RATE: 3.34 CFS MAXIMUM CUMULATIVE TOTAL BEING, 3.05 CFS FOR PRIMARY IRRIGATION OF 244.2 ACRES, AND 3.34 CFS FOR SUPPLEMENTAL IRRIGATION OF 290.4 ACRES

PERIOD OF USE: FEBRUARY 1 TO DECEMBER 1

DATE OF PRIORITY: AUGUST 11, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 19, TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.;

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:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SE 1/4	7.1 ACRES	
SE 1/4 SE 1/4	13.0 ACRES	
SE 1/4 SE 1/4	16.9 ACRES	
SECTION 13		
NE 1/4 NE 1/4	10.4 ACRES	
NE 1/4 NE 1/4	27.2 ACRES	

NW 1/4 NE 1/4 31.5 ACRES  
NW 1/4 NE 1/4 6.2 ACRES  
SW 1/4 NE 1/4 16.4 ACRES  
SW 1/4 NE 1/4 16.0 ACRES  
SE 1/4 NE 1/4 5.2 ACRES  
SE 1/4 NE 1/4 34.1 ACRES  
NE 1/4 SE 1/4 21.4 ACRES  
NE 1/4 SE 1/4 20.0 ACRES  
NW 1/4 SE 1/4 25.3 ACRES  
NW 1/4 SE 1/4 1.6 ACRES  
SW 1/4 SE 1/4 28.3 ACRES  
SE 1/4 SE 1/4 13.9 ACRES  
SE 1/4 SE 1/4 29.8 ACRES

SECTION 24

NE 1/4 NE 1/4 2.1 ACRES  
NW 1/4 NE 1/4 20.2 ACRES

SECTION 25

TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.

SW 1/4 NW 1/4 0.6 ACRES  
SE 1/4 NW 1/4 0.8 ACRES  
NE 1/4 SW 1/4 0.1 ACRES  
NW 1/4 SW 1/4 12.2 ACRES  
SW 1/4 SW 1/4 12.9 ACRES

SECTION 18

NW 1/4 NE 1/4 3.3 ACRES  
NE 1/4 NW 1/4 10.8 ACRES  
NE 1/4 NW 1/4 23.1 ACRES  
NW 1/4 NW 1/4 18.8 ACRES  
NW 1/4 NW 1/4 19.7 ACRES  
SW 1/4 NW 1/4 32.7 ACRES  
SE 1/4 NW 1/4 7.3 ACRES  
NW 1/4 SW 1/4 30.8 ACRES  
SW 1/4 SW 1/4 18.5 ACRES

SECTION 19

TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

Measurement, recording and reporting conditions:

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



- 7
- 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.

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.



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:

ULUPALAKUA RANCH INC.  
 PO BOX 901  
 ULUPALAKUA, MAUI HI 96790

4a. Article Number

P56594

4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

1/15/96 CR

5. Received By: (Print Name)

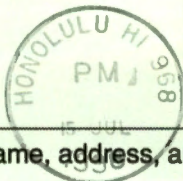
8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X By P Rudy



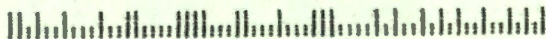
UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM OR 97310



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

WATER  
RESOURCES  
DEPARTMENT

July 2, 1996

Ulupalakua Ranch Inc.  
PO Box 901  
Ulupalakua, Maui, Hawaii 96790

RE: Application File G-14150

Dear Applicant,

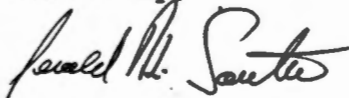
On July 9, 1996, a Proposed Final Order will be sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

A map showing the amount and location of Primary and Supplemental acres to be irrigated per 1/4 1/4 section and the location of the well, referenced to a section corner must be submitted to this Department

Please submit these items by **August 23, 1996**. If we do not receive the items requested above by this date, we will 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 270.

Sincerely,



Jerald K. Sauter  
Senior Water Rights Specialist

cc: Lynn J Bruno CWRE # 264  
155 NE Revere  
Bend, Oregon 97701

File G-14150



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

J.R.  
MAY 8, 1996  
MAY 22, 1996

SARIN: 5

155 165 19

PFO CHECK SHEET

APP. NO. G-14150

DATE OF APP. 8-11-1995

RATE & DUTY: 1/80 & 3.0

SCENIC: Y-DESCRIBED

TMDL: N

OTR-ALLOWED

USE: IRRIGATION 244.2 ACRES & Suppl. IRR 290.4 ACRES

AMOUNT: 3.34 cfs MAX. CUMULATIVE TOTAL, REINA JOSEFA Riv. & 3.34 cfs Suppl.

SEASON: MARCH 1 -> OCTOBER 31 Suppl. FEB. 1 -> Dec. 1

ODFW COMMENTS: /

WM: 11 RM: SOUTH CENTRAL REGION

M & R: L

CWRE IF AGENT: LYNN J. BRUNO # 264

AREA SUBMERGED: /

DEPTH OF WATER: /

HEIGHT OF DAM: /

CC LIST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MACROS: 3B, 4B, 7J

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JKS C:\WP51

Will be Properly Conditioned.  
Vol. 2 Crocker's River & Misc.

SEND LETTER FOR MAP - NEED ARI & Suppl DESCRIPTION BY  
1/4, 1/4 SECTION & WELL LOCATION.



**PFO CHECKLIST**

Application #: \_\_\_\_\_  
 Basin: 5 WAB: \_\_\_\_\_  
 Township 15S Range 16E Section \_\_\_\_\_ 1/4 1/4 \_\_\_\_\_

A1. Public Interest Screen Criteria

- 1. Is the file complete by the Completeness Checklist?
- 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)
- 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
- 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)
  - a. Is second groundwater review necessary? (objection)
  - b. Is HB 1033 review complete?
- NO 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 6. Is the Proposed Use located in or above a Scenic Waterway? - DESCRIBED
- N 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- 8. Is the use allowed or limited by the Basin Program?
- NO 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
- 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 11. Rate 1.80 Duty 3.0 Irrigation Season 7-1 → 10-31 February 2-1 → 12-1 Supply to Owner
- 12. Period of Allowed Use \_\_\_\_\_ →
- NO 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
- 15. Have conflicts been identified, verified and/or addressed?
- 16. Is the use Small ( $\leq 0.1$ cfs,  $\leq 9.2$ AF), Medium ( $> 0.1$  or  $< 1.5$ cfs,  $> 9.2$  or  $< 100$ AF) or Large ( $\geq 1.5$  cfs,  $\geq 100$  AF)? 3.34 cfs
- 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- 18. Fill out Accuracy Checklist
- 19. Spell Check
- 20. Documents used in determination are attached and highlighted
- 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
  - NO a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: \_\_\_\_\_ Date: July 2, 1996 JKS-007



RECEIVED

AUG 11 1995

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

WATER RESOURCES DEPT. OREGON

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

Applicant's Name: Ulupalakua Ranch, Inc. W & H Pacific, Inc. WRE #264
Address: P.O. Box 901
City: Ulupalakua, Maui State: HI Zip: 96790 Day Phone: 808-878-1202

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.

Table with 5 columns: Tax Lot or Local I.D.#, Plan Designation/Zoning (e.g. Rural Residential/RR-5), Water Diverted, Water Conveyed, Water Use. Rows include 1516002100 and 1516000101 with 'EFU' zoning and 'X' marks in the Water Use column.

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

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only Application No. G-14150 Permit No.

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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

[X] 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): Sec 3.020 (1) (A). 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 below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Table with 3 main columns: Type of Land Use Approvals Needed, Cite Most Significant Applicable Plan Policies & Ordinance Section References, and Please check the box that applies: (Already Obtained, Already Denied, Being Pursued Satisfactorily).

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: Ulupalakua Ranch, Inc.

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 can not provide the above requested land use information while the applicant waits.

City or County:

Staff Contact: Phone:

Signature: Date of Information Request:



(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Gordon Moore

Date: 6-20-95

Title: Senior Planner

Phone: 447-3211

Signature: *Gordon Moore*

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. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Lined area for additional comments.



**Description of Water Use**      985-0101

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

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

**RECEIVED**  
**AUG 11 1995**  
 NA. DEPT.  
 SALEM, OREGON

Applicant Name: Ulupalakua Ranch, Inc.  
 Address: P.O. Box 901  
Ulupalakua, Maui, HI 96790  
 Phone: \_\_\_\_\_

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): Alfalfa/Pasture

Livestock (type of livestock, feedlot, slaughterhouse): Stock Water for 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. <u>1500</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

MAY 8, 1996

ULUPALAKUA RANCH INC  
PO BOX 901  
ULUPALAKUA, MAUI, HI 96790

Reference: File G-14150

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 potential limitations to your proposed use of water and to describe some of your options. 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 PRIMARY IRRIGATION of 244.2 ACRES and SUPPLEMENTAL IRRIGATION of 290.4 ACRES **is allowed** under OAR 505, the Deschutes Basin Program.
4. Water for the use of a maximum cumulative total of 3.34 cfs (1500.0 GALLONS PER MINUTE) being 3.05 cfs for PRIMARY IRRIGATION of 244.2 ACRES and 3.34 cfs for SUPPLEMENTAL IRRIGATION of 290.4 ACRES **is likely available**.
5. A map showing the amount and location of the primary and supplemental acres irrigated per 1/4 1/4, section and the location of the wells referenced to a section corner must be submitted to the Department within 30 days. Failure to submit the map will result in the Department withholding issuance of the permit and eventual rejection of your application.
6. The irrigation season is March 1 through October 31 for primary irrigation and February 1 to December 1 for supplemental irrigation by Department policy.



---

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



### Summary of Initial Determinations

The use of a maximum cumulative total of 3.34 cfs of water, being 3.05 cfs for PRIMARY IRRIGATION of 244.2 ACRES and 3.34 cfs for SUPPLEMENTAL IRRIGATION of 290.4 ACRES CFS may be allowed March 1 through October 31 for PRIMARY IRRIGATION and February 1 to December 1 for SUPPLEMENTAL IRRIGATION of each year.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to # 5 above your application will likely be limited as summarized above.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

#### 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 MAY 22, 1996. For your convenience you may use the enclosed "STOP PROCESSING" form.

#### 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.

#### 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. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is August 11, 1995.
5. 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.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 266 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Russell W. Klassen  
Initial Reviewer

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

IR CHECKLIST

Application #: G 14150 Vol \_\_\_\_\_ Subbasin \_\_\_\_\_

Basin: 5 WAB: \_\_\_\_\_ POU-WAB \_\_\_\_\_

Township 155 Range 16E Section 19 1/4 1/4 NW NW POD

1. Completeness checklist verified. Y / N or No Checklist 13, 24, 25  
16E  
18, 19

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  
b. SWW Y / N

4. SWW restrictions Y / N

5. TMDL Basin? Y / N Tualatin, Yamhill, Pudding

6. Basin Program limitations? Y / N

7. Withdrawal? Y / N season allowed \_\_\_\_\_

8. Basin Maps have been checked. Y / N The River Mile is \_\_\_\_\_

9. Water Availability (50% < July 17, 1992 \*\* 80% [50% storage] > July 17, 1992) NA

10. Rate 3.05 / 3.34 = 3.34 Duty 3 Season \_\_\_\_\_

11. Use 244.2 IRR / 290.4 SUPP Period of Allowed Use Mar-Oct 31 PRI / FEB 1 - Dec 1 SUPP

12. Priority Date(s) 8/11/95

13. B.O.R. project Y / N contract # \_\_\_\_\_

14. Division 33 Y / N (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994)

15. Conflicts Y / N \_\_\_\_\_

16. Land use approval OK'd needs approval county notified NA

17. Conditions? (BOR, GW, other) Y / N 78, 71

18. Watermaster District #: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

19. Regional Office NWR NCR ER SCR SWR

20. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

21. Letter will be Good Limited Bad Bad w/IRshort because \*

FWRE

\*NEED NEW MAP SHOWING PRIMARY & SUPPLEMENTAL PER 1/4 1/4 ACCURATELY & LOCATION OF WELL FROM SECTION CORNER











TOWNSHIP 15 S. RANGE 15 E. W.M.

SECTION 25

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
25	12	30	40									40	28			1032-5 533	120,440 E39	513224 2994
																T-4292 533	E39	51560 2928
																12	4	Trs. Sp. Or. Vol. 4 Page 312
																12	4	Trs. Sp. Or. Vol. 7 Page 593
25°	30	25	56	Cancelled - sp. or Rec. Vol. 29 P. 203												Supplemental G82	G194	29338
12	7			Cancelled - sp. or Rec. Vol. 29 P. 203												G82	G194	29338
13	4	25	56													32641	25991	68327 57614
25°	4	19	33									40	17	38		32641	25991	68327 57614
												(A POD)	56	38		T-6192	(C-31500) E39	
													6	4		533	E39	68326



TOWNSHIP 15 S RANGE 16 E W. M. Card 1

SECTION 18

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				38 <sup>11</sup> 38 <sup>33</sup>				38 <sup>15</sup> 38 <sup>11</sup>										
20 <sup>5</sup>		23 <sup>2</sup>		2	26 <sup>1</sup>	9 <sup>8</sup>	14 32 27	15	02							Crooked River	TR-C 35	52015
37 <sup>6</sup>	6 <sup>3</sup>		23 <sup>8</sup>													<del>4788</del>	5426	
																15876	11726	12247 <sup>v</sup>
		16														Trs. Sp. Or. Vol. 4 Page 312		
				2	13		14 32									Trs. Sp. Or. Vol. 4 Page 314		
20	9							15		5		2	10			Trs. Sp. Or. Vol. 4 Page 314		
		16														Trs. Sp. Or. Vol. 7 Page 593		
25	16 <sup>2</sup>			12		32	16 2 13 2 24 13 2					27	02			# 682 G 194		
																Supplemental		
																682 G 194		
28 <sup>4</sup>	6 <sup>0</sup>	0 <sup>9</sup>	10 <sup>1</sup>					5 <sup>2</sup>				8 <sup>5</sup>				32641	25991	57613
												1 <sup>5</sup>				32641	25991	57613
(SEE BACK OF CARD FOR PLAT OF SECTION)																		

TOWNSHIP 15 S RANGE 16 E W. M. Card 2

SECTION 18

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
6 <sup>1</sup>				6 <sup>2</sup>				7 <sup>8</sup>		10 <sup>0</sup>	8 <sup>8</sup>			0 <sup>7</sup>		32641	25991	68327
20 <sup>5</sup>	23 <sup>9</sup>					26 <sup>1</sup>	18 <sup>6</sup>			16 <sup>4</sup>				15	11 <sup>2</sup>	32641	25991	57614
																		68327
																		57614















**RECEIVED**

*Bruce*

AUG 1, 1995

WATER RESOURCES DEPT.

Date 1-23-86 SACM, OREGON Job No. \_\_\_\_\_

Attention: Bill Smith

Re: WHITE DEER - 1982 WELL TEST

**LETTER OF TRANSMITTAL**

*Bill Smith, President  
BRUCE RESOURCES INVESTMENT CORP.*

We are sending you  Attached  Under separate cover via \_\_\_\_\_ the following items

- Shop Drawings     Prints     Plans     Samples     Specifications  
 Copy of Letter     \_\_\_\_\_

COPIES    DATE OR NO.    DESCRIPTION

COPIES	DATE OR NO.	DESCRIPTION
1		MAP w/ APPROX. WELL LOCATION
1		WELL TEST #2

These are transmitted as checked below:

- For Approval     Approved as Submitted     Resubmit \_\_\_\_\_ Copies for Approval  
 For Your Use     Approved as Noted     Submit \_\_\_\_\_ Copies for Distribution  
 As Requested     Returned for Corrections     Return \_\_\_\_\_ Corrected Prints  
 For Review and Comment     \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_ 19\_\_\_\_     PRINTS RETURNED AFTER LOAN TO US

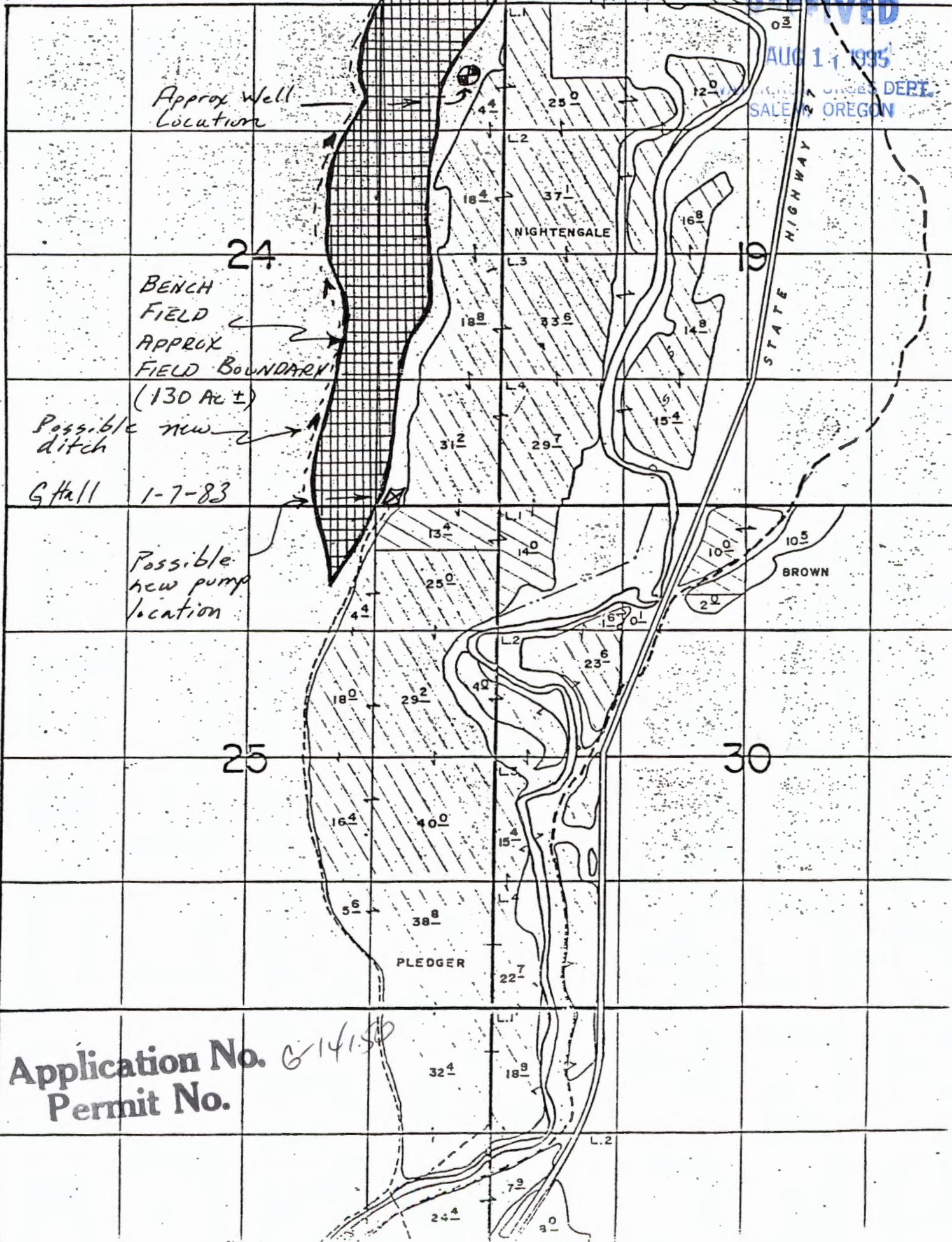
Remarks:

*Bill - IN RESEARCHING OUR FILES I FOUND THIS WELL TEST PERFORMED BY JACK ABBITS UNDER THE SUPERVISION OF RALPH PATT FROM OUR OFFICE. I WAS NOT ABLE TO FIND A PUMP TEST BY BOWEN.*

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

Signed: *Dave Williams*

RECEIVED  
AUG 11 1995  
KING COUNTY DEPT.  
SALES & REG. OREGON



Approx Well Location

24  
BENCH FIELD  
APPROX FIELD BOUNDARY  
(130 AC ±)

Possible new ditch

G Hall 1-7-83

Possible new pump location

NIGHTENGALE

STATE HIGHWAY 10

BROWN

PLEDGER

Application No. 6-14150  
Permit No.



RECEIVED

AUG 11 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

BROOKS WELL #2 TEST

8/2/82

Jack Abbas  
Pump Contractor

Pump column 50 ft. inside of 10 inch casing  
Static water level 9:00 a.m. 5.50 ft. below top of casing  
Measurements by air line and by Powers unit

Started pump @ 9:03 a.m.

<u>Time from Start</u>	<u>Depth to Water Level</u>	<u>Drawdown</u>	<u>Pump Rate GPM</u>
9:03 <sup>a</sup> p.m.	0:00	5.5	0
very muddy	1:00	16.5	11.0
	2:00	14.5	9.0
	3:00	14.5	9.0
	4:00	14.5	9.0
	5:00	14.5	9.0
	7:00	8.5	3.0
	10:00	8.5	3.0
	15:00	8.5	3.0
Clearing	20:00	9.5	4.0
	30:00	9.5	4.0
	40:00	9.5	4.0
	50:00	8.5	3.0
Very clear	60:00	8.5	3.0
1 hr +	30:00	8.5	3.0
2 hrs +	00:00	8.5	3.0
3 hrs +	00:00	8.5	3.0
Stepped Up Pump			
3 hrs +	5:00	12.2	6.7
Very muddy	7:00	13.5	8.0
	15:00	14.0	8.5
Clearing	30:00	14.5	9.0
	45:00	13.5	8.0
4 hrs	00:00	13.5	8.0
	30:00	14.0	8.5
5 hrs	00:00	14.8	9.3
Stepped Up to 1500			
5 hrs +	10:00	16.5	11.0
Very muddy	20:00	16.5	11.0
	30:00	16.5	11.0
	40:00	16.4	10.9
	50:00	16.4	10.9
6 hrs +	0:00	16.3	10.8
Clear	10:00	16.3	10.8
Muddy	20:00	16.3	10.8
Muddy	30:00	16.2	10.7
Clearing	40:00	16.2	10.7
Clear	50:00	16.2	10.7

7 hrs +	00:00	16.1	10.6	1500
Clear	15:00	16.0	10.5	1500
	30:00	16.0	10.5	1500
	45:00	16.0	10.5	1500
Clear 8 hrs +	00:00	15.8	10.3	1500
Sandy +	30:00	15.8	10.3	1500
Clear 9 hrs +	00:00	16.0	10.5	1500
Clear +	30:00	16.1	10.6	1500
Clear 10 hrs +	00:00	16.2	10.7	1500
Flow Meter Stopped				
Working +	30:00	16.7	11.2 (est.)	1500
11 hrs +	00:00	16.7	11.2 (est.)	1500
+	30:00	16.7	11.2 (est.)	1500

Shut Pump Off @ 8:31 p.m.  
Pump was vibrating intensely

Total Test Time  
11 hrs 29 min.

Recovery Phase

Depth to Water Level

0:00	-	Recovered too fast to measure
4:00	6.60	
5:00	6.50	
6:00	5.90	
7:00	5.85	
8:00	5.80	
9:00	5.57	
10:00	5.71	
15:00	5.68	
20:00	5.65	
30:00	5.63	
45:00	5.60	
60:00	5.58	
75:00	5.56	
90:00	5.54	
105:00	5.53	
120:00	5.52	

End of test

Conductivity Measurements

Conductivity 200 ft. upstream @ 8 hrs. (ditch) 200 mmho/cm

Well conductivity @ 1 hr 850 mmho/cm  
Well conductivity @ 8 hrs 500 mmho/cm  
Well conductivity @ 10 hrs 600 mmho/cm

Samples @ 9 hrs Into Test (to be analyzed)

RECEIVED  
AUG 11 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON  
 **Columbia Analytical Services Inc.**

985-0101  
White Deer.

RECEIVED  
FEB -2 1995  
W & H PACIFIC INC

January 31, 1995

Service Request No.: K950267

Lynn Bruno  
W & H Pacific  
155 N.E. Revere  
Bend, OR 97701

**Application No.** G-14150  
**Permit No.**

Re: **White Deer Project**

Dear Lynn:

Enclosed are the results of the sample(s) submitted to our laboratory on January 17, 1995. For your reference, these analyses have been assigned our service request number K950267.

All analyses were performed consistent with our laboratory's quality assurance program. All results are intended to be considered in their entirety, and Columbia Analytical Services, Inc. (CAS) is not responsible for use of less than the complete report. Results apply only to the samples analyzed.

Please call if you have any questions. My extension is 274.

Respectfully submitted,

**Columbia Analytical Services, Inc.**



C. J. Bruno  
Project Chemist

CJB/td

Page 1 of 5

268



**COLUMBIA ANALYTICAL SERVICES, Inc.**

**Acronyms**

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HEALTH AND SAFETY SERVICES DEPT.  
SALEM, OREGON

ASTM	American Society for Testing and Materials
A2LA	American Association for Laboratory Accreditation
CARB	California Air Resources Board
CAS Number	Chemical Abstract Service registry Number
CFC	Chlorofluorocarbon
CFU	Colony-Forming Unit
DEC	Department of Environmental Conservation
DEQ	Department of Environmental Quality
DHS	Department of Health Services
DOE	Department of Ecology
DOH	Department of Health
EPA	U. S. Environmental Protection Agency
ELAP	Environmental Laboratory Accreditation Program
GC	Gas Chromatography
GC/MS	Gas Chromatography/Mass Spectrometry
LUFT	Leaking Underground Fuel Tank
M	Modified
MCL	Maximum Contaminant Level is the highest permissible concentration of a substance allowed in drinking water as established by the USEPA.
MDL	Method Detection Limit
MPN	Most Probable Number
MRL	Method Reporting Limit
NA	Not Applicable
NAN	Not Analyzed
NC	Not Calculated
NCASI	National Council of the Paper Industry for Air and Stream Improvement
ND	Not Detected at or above the MRL
NIOSH	National Institute for Occupational Safety and Health
PQL	Practical Quantitation Limit
RCRA	Resource Conservation and Recovery Act
SIM	Selected Ion Monitoring
TPH	Total Petroleum Hydrocarbons
tr	Trace level is the concentration of an analyte that is less than the PQL but greater than or equal to the MDL.

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AUG 17 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

COLUMBIA ANALYTICAL SERVICES, INC.

Analytical Report

Client: Wilsey & Ham Pacific  
Project: White Deer  
Matrix: Water

Date Received: 1/17/95  
Work Order No.: K950267

Total Metals  
µg/L (ppb)

Analyte:	Calcium	Iron	Magnesium
EPA Method:	200.7	200.7	200.7
Method Reporting Limit:	50	20	10

Sample Name	Lab Code	Calcium	Iron	Magnesium
River Water	K026701	28400	220	12200
Well Water	K026702	33300	30	17100

Approved: *Jf Bruno*

Date: 1/27/95 Page No.:  
00003

RECEIVED

AUG 1 , 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

COLUMBIA ANALYTICAL SERVICES, INC.

Analytical Report

Client: Wilsey & Ham Pacific  
Project: White Deer  
Matrix: Water

Date Received: 1/17/95  
Work Order No.: K950267

Total Metals  
µg/L (ppb)

Analyte:	Sodium	Silicon
EPA Method:	200.7	200.7
Method Reporting Limit:	100	100

Sample Name	Lab Code	Sodium	Silicon
River Water	K026701	30000	11800
Well Water	K026702	46700	23500

Approved: *CJ Bruno*

Date: 1/27/95





Oregon Water Resources Department  
 October 2007 through September 2008  
 Monthly Water Use Form

Facility →					
Report ID →	37793 ✓				
October - 2007	∅				
November - 2007	∅				
December - 2007	∅				
January - 2008	∅				
February - 2008	∅				
March - 2008	∅				
April - 2008	22,000,000	Gallons			
May - 2008	40,100,000	Gallons			
June - 2008	43,200,000	Gallons			
July - 2008	43,200,000	Gallon			
August - 2008	38,600,000	Gallon			
September - 2008	17,800,000	Gallon			
TOTAL *	204,000,000	Gallon			

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

Describe the method of measurement used: Gallons If used for irrigation, total number of acres irrigated: \_\_\_\_\_

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

[Signature]  
 Signature  
Travis Severance  
 Name

Manager  
 Title  
5455 S. Crooked River Hwy Prineville OR  
 Mailing Address

White Deer Ranch  
 Reporting Entity

4-7-09  
 Date  
541-447-2084  
 Phone Number



# 2002

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

17NP 0 14150 /  
 USER-ID 28833

# 2003



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	<u>28833</u>				
October - 2002	<u>15781</u>				
November - 2002	<u>0</u>				
December - 2002	<u>0</u>				
January - 2003	<u>0</u>				
February - 2003	<u>0</u>				
March - 2003	<u>15,781</u>				
April - 2003	<u>4,653</u>				
May - 2003	<u>133,553</u>				
June - 2003	<u>172,998</u>				
July - 2003	<u>53,851</u>				
August - 2003	<u>117,258</u>				
September - 2003	<u>181,274</u>				
TOTAL *	<u>515,955</u>				

RECEIVED

IAN 08 2004

WATER RESOURCES DEPT  
 SALEM, OREGON

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

Describe method of measuring the water used: M6. If use is irrigation, total number acres irrigated 224

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

[Signature]  
 Signature

[Signature]  
 Title

\_\_\_\_\_  
 Reporting Entity

12-15-03  
 Date

Travis Severance  
 Name - Please Print

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





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

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



TRAVIS SEVERANCE MANAGER  
 WHITE DEER RANCH  
 5455 S CROOKED RIVER HWY  
 PRINEVILLE OR 97754

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

User-ID 28833  
 Password: 28833

37993

0 G 12895 G 14150 8/11/1995 IC L 15 S 16 E 19 NWNW

3.34 C C A WELL

CROOKED R

USER-ID

28833





# 2001

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

USER-ID 28833

# 2002



Facility  POD-ID 	Well <u>37993</u> <del>28833</del>				
October - 2001	Ø				
November - 2001	Ø				
December - 2001	Ø				
January - 2002	Ø				
February - 2002	Ø				
March - 2002	39,470	MGal			
April - 2002	149,253	MG			
May - 2002	35,008	MG			
June - 2002	147,700	MG			
July - 2002	106,808	MG			
August - 2002	135,899	MG			
September - 2002	143,445	MG			
TOTAL *	757,283	MG			

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

Describe method of measuring the water used: MG. If use is irrigation, total number acres irrigated 224  
 I certify this information is true and accurate to the best of my knowledge.

[Signature]  
Signature

[Signature]  
Title

\_\_\_\_\_  
Reporting Entity

11/02  
Date

TRAVIS SEVERNICE  
Name - Please Print

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



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



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

TRAVIS SEVERANCE MANAGER USER-ID 28833  
WHITE DEER RANCH  
5455 S CROOKED RIVER HWY  
PRINEVILLE OR 97754

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO						
37993		0	G	12895	G	14150	8/11/1995	IC	L	15	S	16	E	19	NWNW	3.34	C	C	A WELL	CROOKED R

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NOV 12 2002  
WATER RESOURCES DEPT.  
SALEM, OREGON





# 2000

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

614150

USER-ID 28833

# 2001



FROM : ULUPALUKIA RANCH

PHONE NO. :

Jan. 15 2002 07:03AM P4

Facility <input checked="" type="checkbox"/>	Well 37993				
POD-ID <input checked="" type="checkbox"/>	28833				
October - 2000	0				
November - 2000	0				
December - 2000	0				
January - 2001	0				
February - 2001	0				
March - 2001					
April - 2001					
May - 2001					
June - 2001					
July - 2001					
August - 2001					
September - 2001					
TOTAL *					

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JAN 3 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

many brainrays  
stuff -  
have no idea if its  
been entered or  
not

\* Describe the units of measure as G (gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)  
Describe method of measuring the water. If use is irrigation, total number acres irrigated 183AC

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

Signature

Title

Reporting Entity

1/29/02  
Date



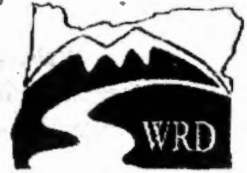
# 2000

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

614150

USER-ID 28833

# 2001



FROM : ULUPUKUA RANCH

PHONE NO. :

Jan. 15 2002 07:03AM P4

Facility <input checked="" type="checkbox"/>	Well 37993				
POD-ID <input checked="" type="checkbox"/>	28833				
October - 2000	0	RECEIVED JAN 3 2002 WATER RESOURCES DEPT. SALEM, OREGON			
November - 2000	0				
December - 2000	0				
January - 2001	0				
February - 2001	0				
March - 2001					
April - 2001	85,823 Gal				
May - 2001	97,668 Gal				
June - 2001	59,075 Gal				
July - 2001	104,681 Gal				
August - 2001	84,989 Gal				
September - 2001	103,012 Gal				
TOTAL *	535,248 Gal				

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

Describe method of measuring the water used: Gallons If use is irrigation, total number acres irrigated 183AC

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

[Signature]  
Signature

[Signature]  
Title

Reporting Entity

1/29/02  
Date





App: G.14150

USER-ID 28833

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



1999

2000

Facility <input type="checkbox"/>	Well 37993				
POD-ID <input type="checkbox"/>	<del>28833</del> IC				
October - 1999	0				
November - 1999	0				
December - 1999	0				
January - 2000	0				
February - 2000	0				
March - 2000	0				
April - 2000	0				
May - 2000	7,158,700 MG				
June - 2000	17,330,500 MG				
July - 2000	14,972,100 MG				
August - 2000	11,392,900 MG				
September - 2000	6,400,000 MG				
TOTAL *	57,254,200 MG				

RECEIVED  
JAN 08 2001  
WATER RESOURCES DEPT.  
SALEM, OREGON

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

Describe method of measuring the water used: Million Gallons If use is irrigation, total number acres irrigated 207

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

[Signature] Signature      Manager Title      \_\_\_\_\_ Reporting Entry      1/2/2001 Date

TRAVIS SEVERANCE  
Name - Please Print

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

FROM : ULJPAKUR RANCH  
PHONE NO. :  
Nov. 23 2000 02:26PM P3



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **6850**

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

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

RECEIVED FROM: White Deer Ranch  
BY: \_\_\_\_\_

APPLICATION	14/50
PERMIT	
TRANSFER	

CASH:  CHECK: #  96641 OTHER: (IDENTIFY)

TOTAL REC'D \$ 4158.<sup>00</sup>

**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**

*PCA - 66/11*

<b>MISCELLANEOUS</b>			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY)			\$
TC165 DEPOSIT LIAB. (IDENTIFY)			\$
<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$ 1158. <sup>00</sup>
0205 TRANSFER	\$	0206	\$
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
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**

	<b>LIC NUMBER</b>	
0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **6850**

DATED: 9-25-96 BY: W. Bushnell

7867

NUMBER \_\_\_\_\_

Check \$ 1,158<sup>00</sup> Mo \_\_\_\_\_ Cash \_\_\_\_\_

\_\_\_\_ Surface Application

\_\_\_\_ Reservoir Application

Ground Water Application

\_\_\_\_ Transfer Application

\_\_\_\_ PFO Request

\_\_\_\_ Research

\_\_\_\_ Hydroelectric Fees

\_\_\_\_ Copying

\_\_\_\_ Assignment

\_\_\_\_ Extension of Time

\_\_\_\_ Protest

\_\_\_\_ Other

0  
1158

fo

C 01

Application No.

Y-14150

Permit No.

G012895

ULUPALAKUA RANCH INC.

PO BOX 901

ULUPALAKUA, MAUI, HI

96790

Address

Beginning construction

OCT 28, 1997

Completion of construction

OCT 1, 1998

Extended to

Complete application of water

OCT 1, 1999

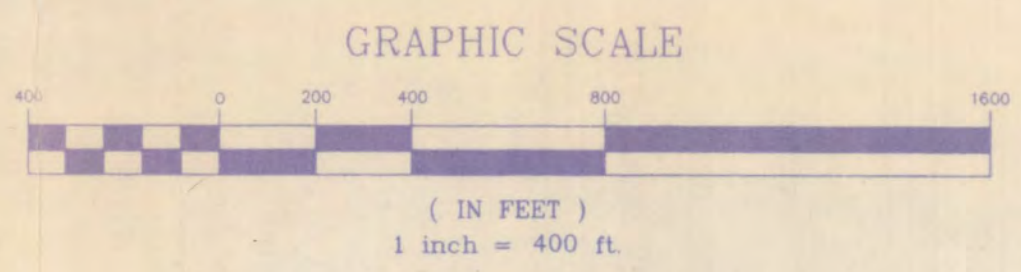
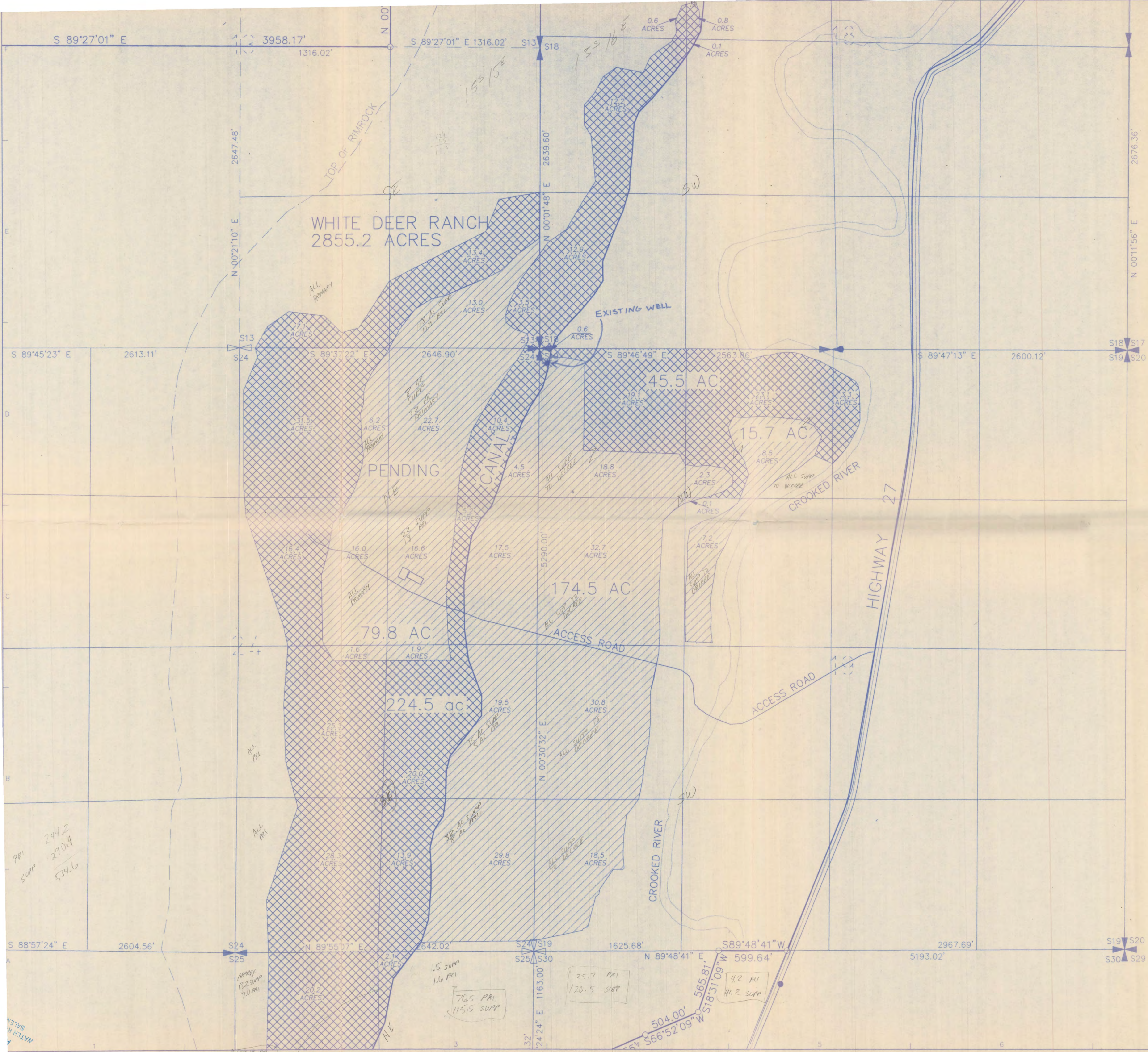
Extended to



REVISED  
AUG 1, 1995  
WATER RIGHTS DEPT.  
SALEM, OREGON

**W&HPACIFIC**  
 155 N.E. Revere  
 Bend, OR 97701  
 Phone: (503) 368-4255  
 Fax: (503) 368-4259  
 Planning • Engineering • Surveying  
 Landscape Architecture • Environmental Services

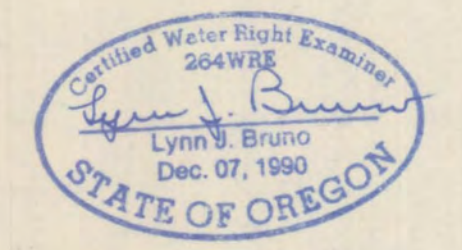
WHITE DEER RANCH  
 PRIMARY AND SUPPLEMENTAL LOCATIONS  
 OF  
 WATER RIGHTS  
 T 15 S, R 15 E,  
 SECTIONS 13 & 24  
 T 15 S, R 16 E,  
 SECTIONS 24 & 19



**LEGEND**

PRIMARY WATER RIGHTS

SUPPLEMENTAL WATER RIGHTS



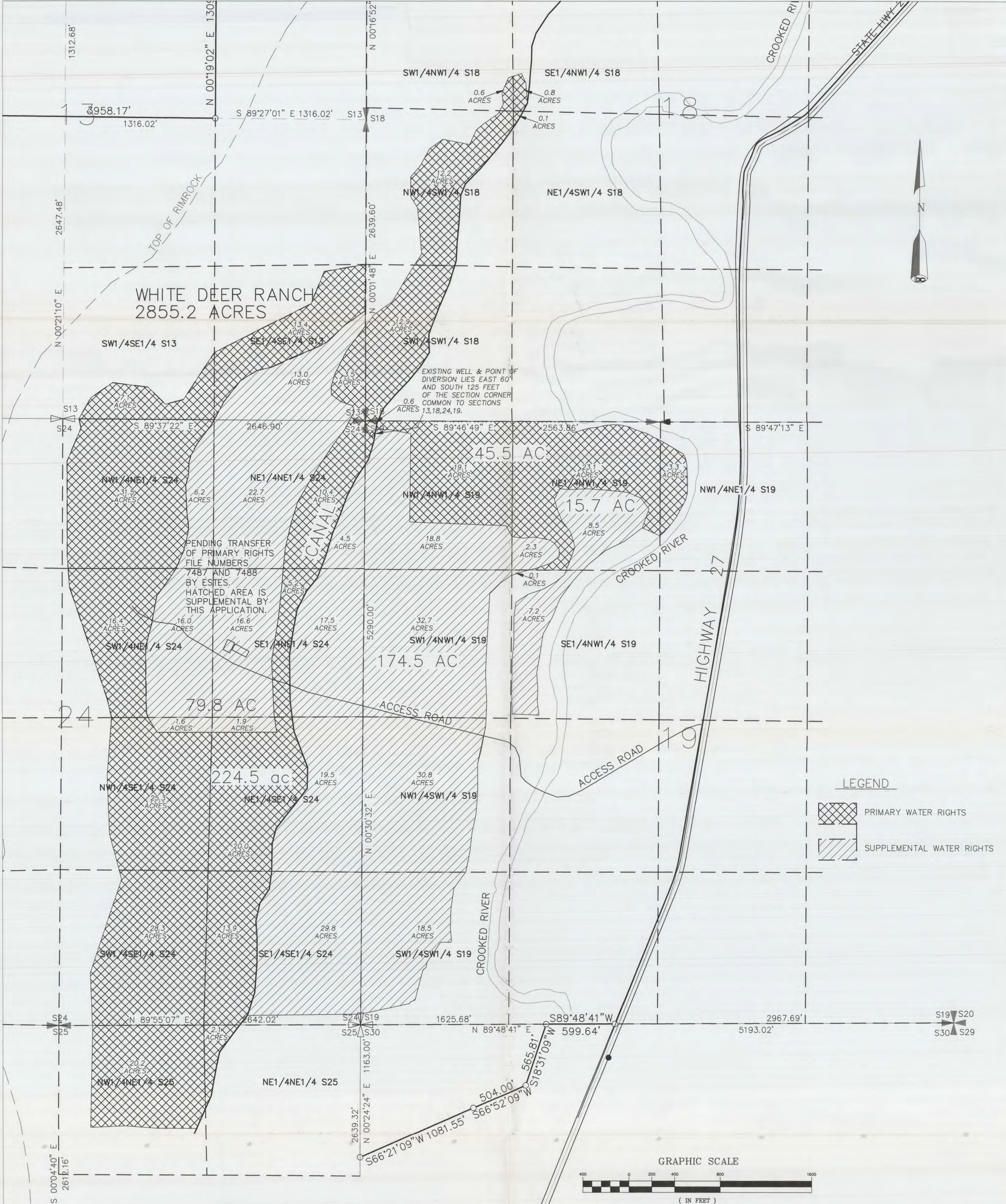
Application No. C-14150  
 Permit No.

© W&HPACIFIC, 1993  
 WHITE DEER RANCH  
 PRIMARY AND SUPPLEMENTAL LOCATIONS  
 OF  
 WATER RIGHTS  
 DRAWING FILE NAME: 0985WR03.DWG  
 SCALE: 1"=400'  
 Primeville/Crook Co. OREGON

DESIGNED BY: LJB	CHECKED BY: [Signature]	DATE: 05/09/95
DRAWN BY: RH	PLOT DATE: 05/09/95	
DATE: [ ]	REVISION: [ ]	CK'D APPR: [ ]

SHEET 1/1  
 #1

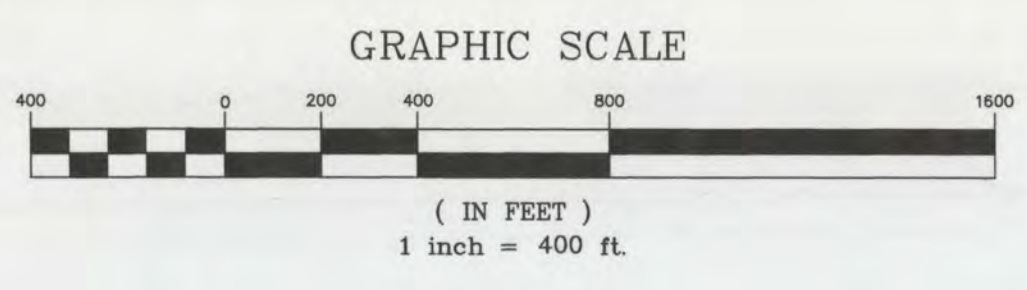




**LEGEND**

PRIMARY WATER RIGHTS

SUPPLEMENTAL WATER RIGHTS



WHITE DEER RANCH  
 PRIMARY AND SUPPLEMENTAL LOCATIONS  
 OF  
 WATER RIGHTS  
 T 15 S, R 15 E,  
 SECTIONS 13 & 24  
 T 15 S, R 16 E,  
 SECTIONS 24 & 19

**RECEIVED**  
 AUG 20 1996  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

DATE	No.	REVISION:	BY



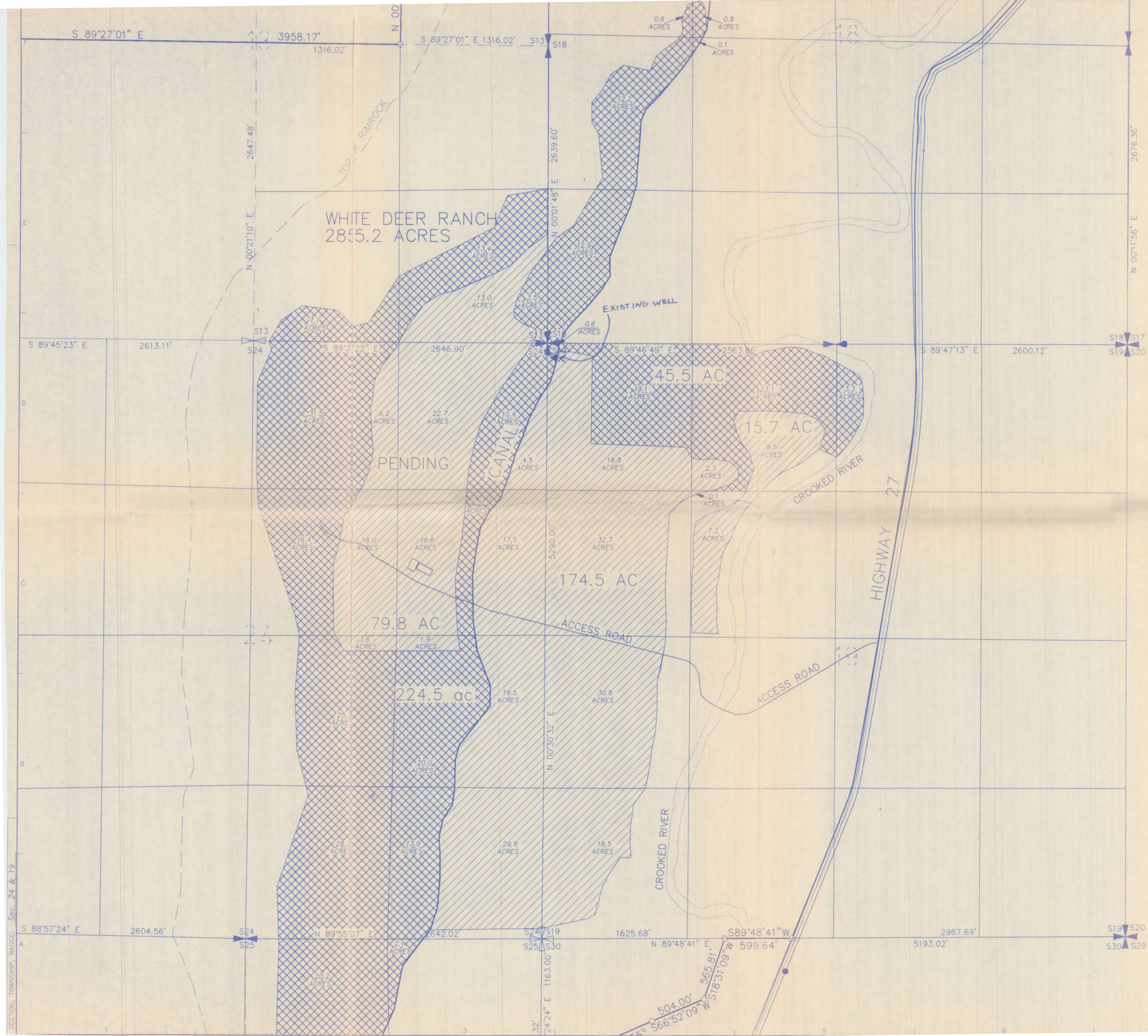
WHITE DEER RANCH **Permit # G012895**  
 WATER RIGHTS APPLICATION NO. G-14150  
**PRIMARY & SUPPLEMENTAL LOCATIONS**  
 FROM EXISTING WELL AS DIVERSION POINT



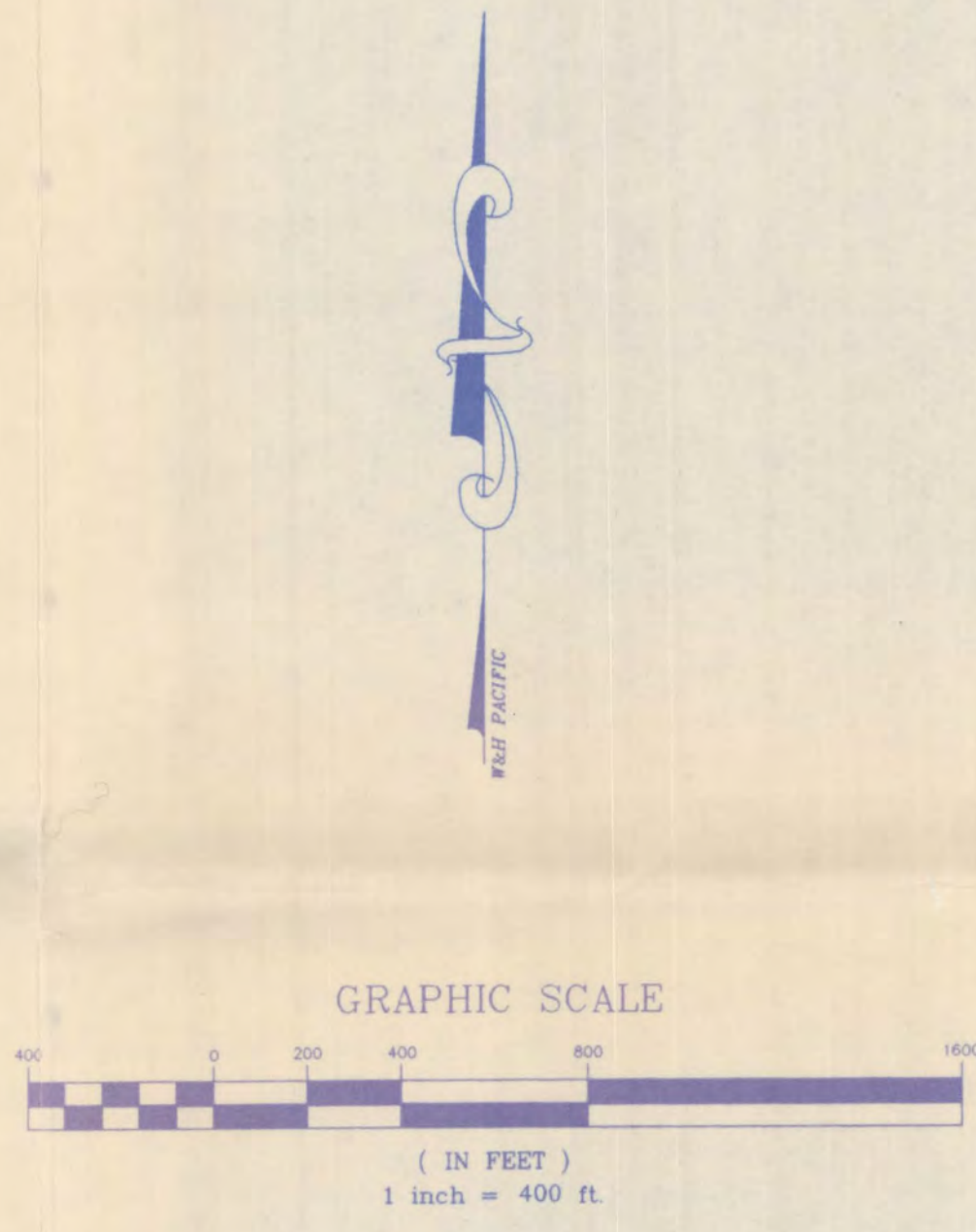
Scale:	400
Date:	8/16/96
CKD:	LB
Drawn:	LB
Des:	LB

Sheet:  
 1/1



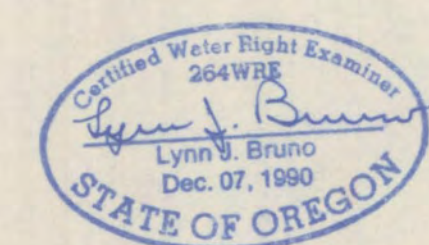


WHITE DEER RANCH  
 PRIMARY AND SUPPLEMENTAL LOCATIONS  
 OF  
 WATER RIGHTS  
 T 15 S, R 15 E,  
 SECTIONS 13 & 24  
 T 15 S, R 16 E,  
 SECTIONS 24 & 19



LEGEND

- PRIMARY WATER RIGHTS
- SUPPLEMENTAL WATER RIGHTS



Application No. B-1450  
 Permit No.

**W&HPACIFIC**  
 155 N.E. Revere  
 Bend, OR 97701  
 Phone: (503) 388-4255  
 Fax: (503) 388-4229  
 Planning • Engineering • Surveying

© W&HPACIFIC, 1993

PRJCT NO. \_\_\_\_\_  
 DRAWING FILE NAME: \_\_\_\_\_  
 OREGON

Prineville/Crook Co.  
 SCALE: \_\_\_\_\_

DESIGNED BY: LJB  
 CHECKED BY: \_\_\_\_\_  
 DRAWN BY: RH  
 PLOT DATE: 05/09/95

DATE	BY	REVISION	CKD	APPR.

SHEET 1/1  
 #1