

G7

FILE#: G 12827

Assigned
JOHN E FERGUSON
 69434 GOODRICH RD
 SISTERS, OR 97759

Application No. G12827Permit No. G12378Certificate No. 89690Stream Index, Page No. 505-1980-1262eschutes R. main

FEES PAID

Date	Amount	Receipt No.
3-18-92	300. ⁰⁰	84472
9-16-13	85. ⁰⁰	109982

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.

Date filed

Priority

Action suspended until FPD

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning APR 11 1997Date for completion OCT 01 1998

Extended to

Date for application of water OCT 01 1999

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed 9/2/99 Com due 9/2/00

FINAL PROOF

Blank mailed

Proof received COBW 8/30/2000Date certificate issued 11/30/15

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>9/16/2013</u>	SCOTT W EDWARDS 69434 GOODRICH RD SISTERS OR 97759			

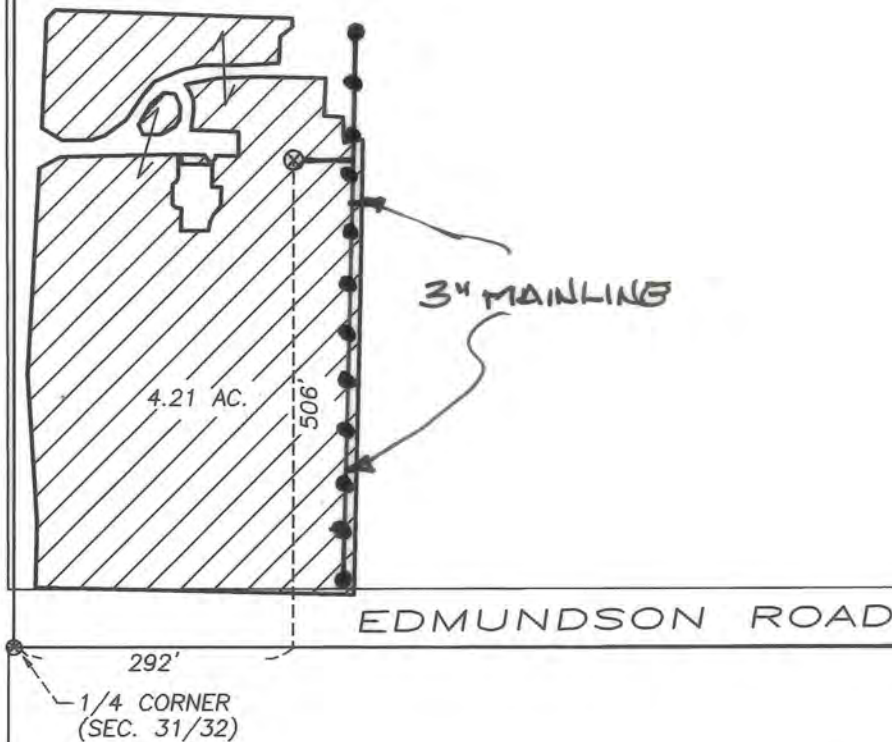
REMARKS

PUMP TEST
 Sept. 13, 2000
 APPROVED

T14S, R11E, W.M.
DESCHUTES CO., OR

SW 1/4, NW 1/4
SECTION 32

GOODRICH ROAD



FINAL PROOF SURVEY

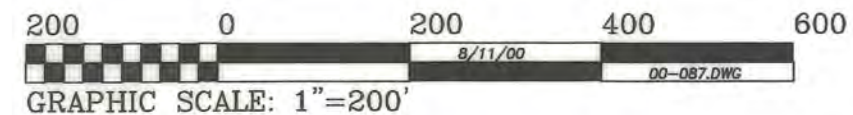
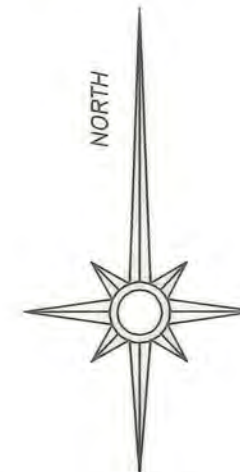
APPLICATION G-12827
PERMIT G-12378
TO APPROPRIATE PUBLIC WATERS

A PARCEL OF LAND SITUATED IN THE SW 1/4, NW 1/4,
SECTION 32, T14S, R11E, W.M.,
DESCHUTES COUNTY, OREGON



IRRIGATED AREA

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY
OWNERSHIP LINES.



RECEIVED

AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851

(T14S, R11E, W.M.)
DESCHUTES CO., OR

FINAL PROOF SURVEY

APPLICATION G-12827

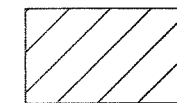
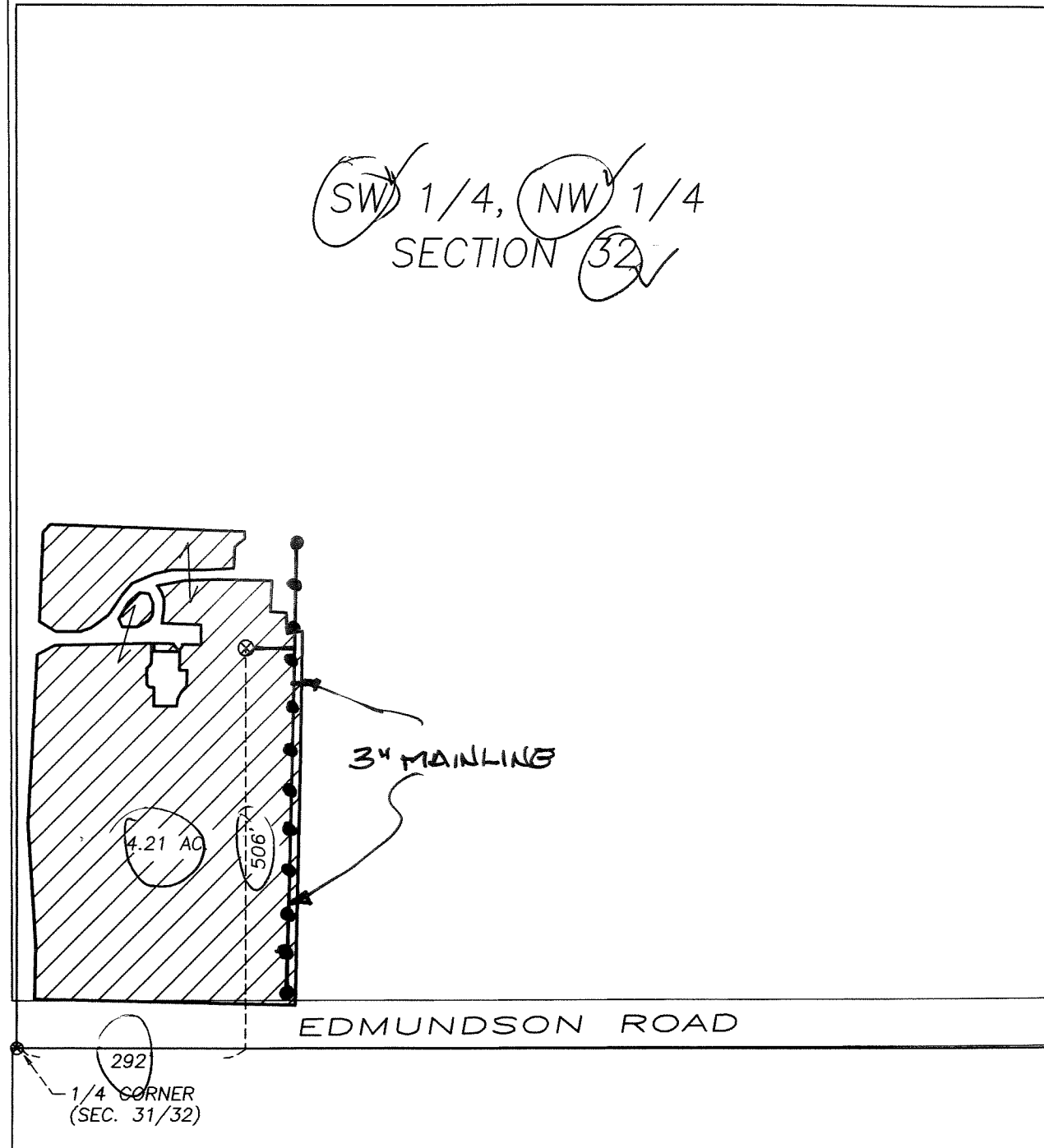
PERMIT G-12378

TO APPROPRIATE PUBLIC WATERS

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SECTION 32, T14S, R11E, W.M.,
DESCHUTES COUNTY, OREGON

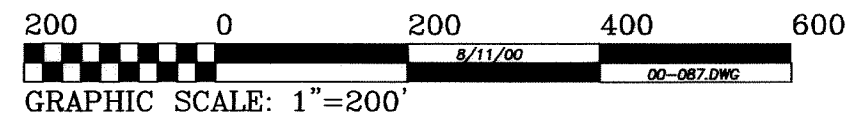
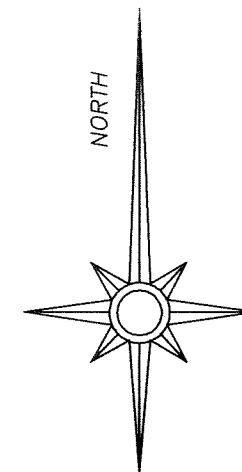
(SW) 1/4, (NW) 1/4
SECTION 32

GOODRICH ROAD



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OWNERSHIP LINES.



RECEIVED Fred A. Ast, Jr. and Associates 250 W. Cascade Avenue P.O. Box 751 Sisters, Oregon 97759 541-549-7851

AUG 3 0 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 6-12827

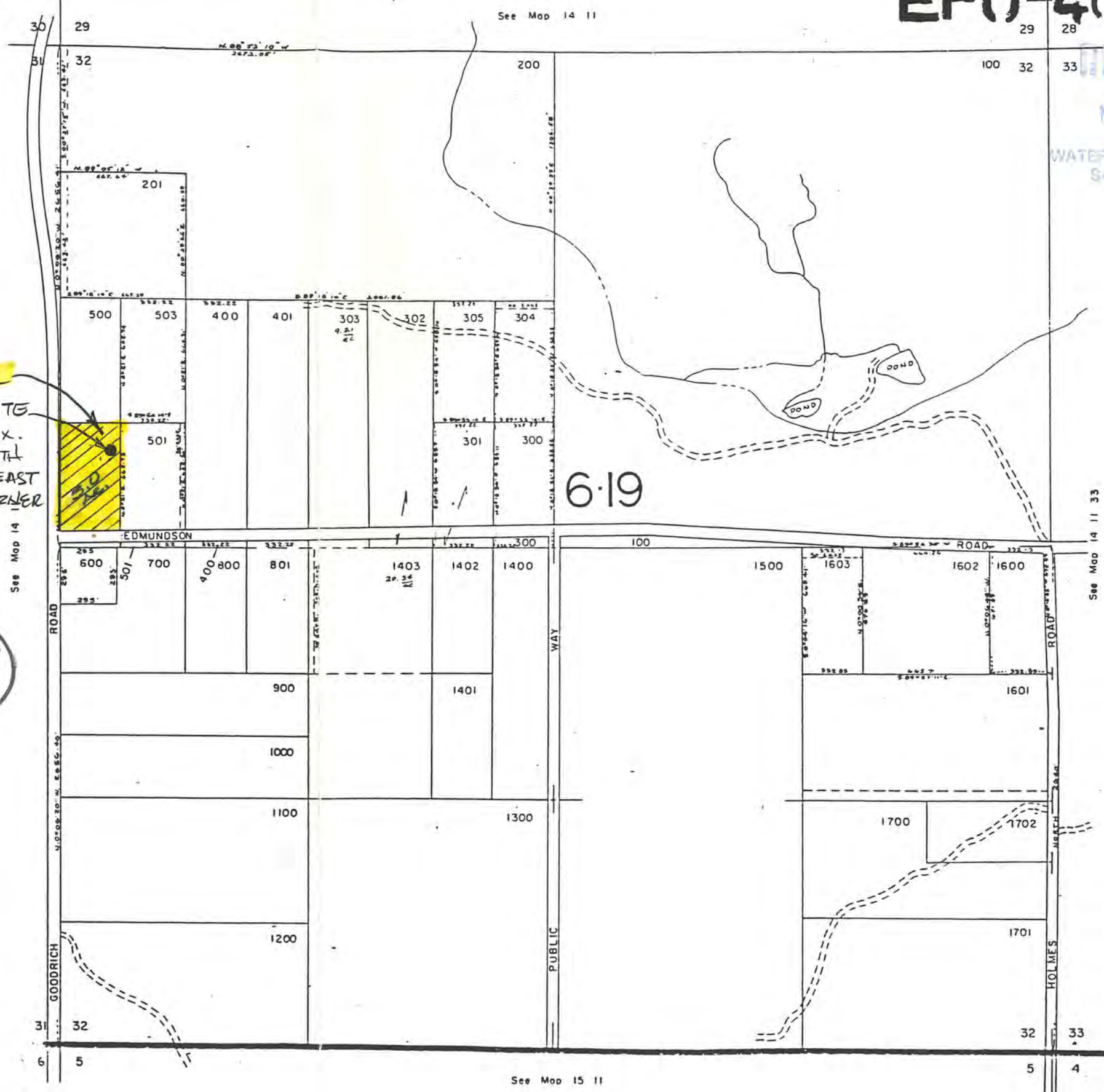
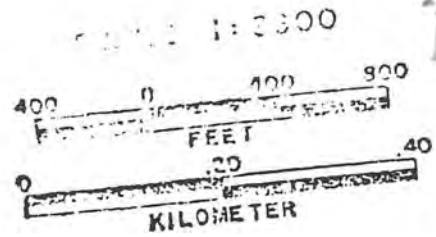
1"=400'

14 11 32

Permit No. G12378

SECTION 32, T14S, R11E.

EFU-4()



Certified Water Right Examiner
#008
Fred A. Ast, Jr.
Nov. 19, 1987
STATE OF OREGON

3/13/92

RECEIVED
MAR 13 1992
WATER RESOURCES DEPT.
SALEM, OREGON

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-12827

Permit: G-12378

Certificate: 89690

Permit/Certificate Holder:

✓ SCOTT W. EDWARDS
KAREN EDWARDS
69434 GOODRICH RD
SISTERS OR 97759

No map w/ documents
Copies of Final Certificate to be sent to:

1. Watermaster District 11, Jeremy T. Giffin
2. Data Center
3. Water Availability
- ✓ 4. Vault
- ✓ 5. File

Other persons to receive copies: (include map):

- ✓ 1. Fred Ast, CWRE

Copies Mailed

by: Liz Lopez
(STAFF)

on: JAN 30 2015
(DATE)

RECEIVED

MAR 18 1992

Application No.

6-12827

State of Oregon

WATER RESOURCES DEPARTMENT

for a Permit to Appropriate Ground Water

WATER RESOURCES DEPT.
SALEM, OREGON

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

ATTENTION FILE: G-12827

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:

Applicant Signature John E. Ferguson Date 10-20-94
Co-Applicant (if any) _____

JOHN E. FERGUSON

(Please print or type - use dark ink)

434 GOODRICH RD

STERS
CityORE
State97759
Zip503-5482749
Daytime Phone No.

for a permit to appropriate the following described ground waters of the State of

NT (number of wells, tile lines, infiltration galleries, etc.): I

than one mile from a natural stream, give the following:

m development to stream: NAfference between streambed and development: NA

constructed according to standards set by the department for the construction of water wells. If the well is already constructed, please enclose a copy of the well application, and skip to Section 2 below.

8" Depth in feet: 455casing: 6" No. of feet: 455ter: 410 PER JOHNSON / 369 PER BETTEN COURT

measuring device: _____

Johnny Johnson

wing artesian, describe your water control and conservation works: _____

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.063 cubic feet per second, OR 28 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

OCT 24 1994

RECEIVED

RECEIVED

OCT 24 1994

WATER RESOURCES DEPT.
SALEM, OREGON

ATTENTION FILE: G-12827

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:

John C. Ferguson
Applicant Signature

10-20-94
Date

Mary J. Ferguson
Co-Applicant (if any)

10-20-94
Date



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

RECEIVED

Application No. 6-12827

MAR 18 1992

State of Oregon
WATER RESOURCES DEPARTMENTWATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Ground Water

Applicant(s) JOHN E FERGUSON
(Please print or type - use dark ink)

Mailing Address: 69434 GOODRICH RD
SISTERS ORE 97759 503-5482749
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.): I

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

Distance from development to stream: NA

Elevation difference between streambed and development: NA

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

Diameter of well: 8" Depth in feet: 455

Type and size of well casing: 6" No. of feet: 455

Estimated depth to water: 410 PER JOHNSON / 369 PER BETTENCOURT

Type of access port or measuring device: _____

Well ~~drilled~~ drilled by: Johnny Johnson

Address: _____

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

NA

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.063 cubic feet per second, OR 28 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

3. INTENDED USE(s) OF WATER: IRRIGATE PASTURE

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; 1

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 5 ACRES

Other (describe) _____

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

5 HP PUMP - SUBMERSIBLE

HAND LINE - 180 FEET

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin WELL COMPLETED -

Proposed date construction work will be completed APRIL 1994

Proposed date water use will be completed APRIL 1994

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

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

X Applicant _____ CWRE _____ Other (Identify in REMARKS section)

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

X Applicant _____ CWRE _____ Other (Identify in REMARKS section)

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

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

REMARKS: _____

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

John E Ferguson
Signature of Applicant

3-10-92
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 18th day of March, 1992, at 8:0 o'clock, A M.

APPLICATION NO: _____

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SCOTT W. EDWARDS
KAREN EDWARDS
69434 GOODRICH RD
SISTERS OR 97759

confirms the right to use the waters of A WELL in the Deschutes River Basin for IRRIGATION of 4.21 ACRES.

This right was perfected under Permit G-12378. The date of priority is MARCH 18, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.05 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The period of allowed use is MARCH 1 THROUGH OCTOBER 31.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	11 E	WM	32	SW NW	506 FEET NORTH AND 292 FEET EAST FROM W 1/4 CORNER, SECTION 32

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	11 E	WM	32	SW NW	4.21

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

Use of water under authority of this right may be regulated if analysis of data available after the right 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works shall be equipped with a useable 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 Director may require water level or pump test results every ten years.

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

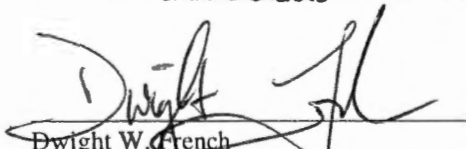
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Issued **JAN 30 2015**.


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



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

Date Mailed: JAN 30 2015

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

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SCOTT W. EDWARDS
KAREN EDWARDS
69434 GOODRICH RD
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The period of allowed use is MARCH 1 THROUGH OCTOBER 31.

The well is located as follows:

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- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

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

Issued _____.

PROPOSED

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

0320125

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-12827

Permit: G-12378

Certificate: *****

Permit/Certificate Holder:

SCOTT W. EDWARDS
KAREN EDWARDS
69434 GOODRICH RD
SISTERS OR 97759

Copies Mailed

by: EAL
(STAFF)

on: 8/22/14
(DATE)

Copies of Final Certificate to be sent to:

- ✓ 1. Watermaster District 11, Jeremy T. Giffin
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
- ✓ 5. File

Other persons to receive copies: (include map):

1. Fred Ast, CWRE

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>G-12827</u>	Permit # <u>G-12378</u>	Transfer # <u>N/A</u>
WRD Reviewer <u>Corey Courchane</u>	Date <u>8-13-14</u>	
WRD Peer Reviewer <u>Gerry Clark</u>	Date <u>8/15/2014</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, ~~Certificate~~, or ~~Transfer Order~~, most recent Assignments, ~~Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests~~
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? X No ___ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ___ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ___ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- N/A Fish Conditions
- N/A Meter/measuring device
- N/A Water Use Reporting
- Yes Pump Test (post December 19, 1988)
- N/A Other Conditions _____
- Yes C-Date 10-1-99
- YD Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

✓ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

Developed less acres = 4.21 instead of 5.0 acres.
Reduced rate to 1/80

____ I've determined that beneficial use was NOT made within the terms and conditions ~~met~~ and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

____ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

____ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There is no handwriting or other markings on the paper.

S:\groups\wr\certs\2014-2015 Certificate Project\Checklist = project area



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

DATE MAILED:

AUG 22 2014

NOTICE

Reference: Application G-12827 Permit G-12378

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator



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

Request for Assignment

By Proof of Ownership
(If Water Right Holder is Not Available)

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

I, John E Ferguson (deceased)
(Name of Party Requesting Assignment)

69434 Goodrich Rd Sisters OR 97759
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
☐ hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G-12827; Permit # G-12378; Transfer# _____
-OR-

License # _____ GR Statement # _____; GR Certificate of Registration # _____
Scott W. Edwards and Karen Edwards, who acquired title as
Karen Greenhill-Edwards, Husband and wife
(Name of Holder of Record)

69434 Goodrich Rd Sisters WA 97759 360-509-6551
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 12th day of September, 2013.

Party Requesting Assignment [Signature]

Party Requesting Assignment Karen Greenhill-Edwards

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 169982
For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWR

SEP 16 2013

SALEM, OR

WR

ASSIGN BY PROOF 9/17/2013 [Signature]



Oregon

John A. Kitzhaber, MD, Governor

September 17, 2013

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

Scott W. Edwards
69434 Goodrich Rd.
Sisters, Oregon 97759

Reference: Application G-12827, Permit G-12378

The assignment by proof from John E. Ferguson to Scott W. Edwards and Karen Edwards (who acquired title as Karen Greenhill-Edwards) has been recorded in the records of the Water Resources Department.

The Departments records will now show Scott W. Edwards and Karen Edwards (who acquired title as Karen Greenhill-Edwards) as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 109982 covering the recording fee is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 109982

cc: Watermaster 11
Data Center, OWRD (cover letter & request)
Hydrographics
File



**CLAIM OF BENEFICIAL USE
PERMIT G-12378 – APPLICATION G-12827
TO APPROPRIATE PUBLIC WATER**

JOHN FERGUSON
69434 GOODRICH RD.
SISTERS, OR 97759

WATER SOURCE: 6" DIAMETER WELL, 455' DEEP, IN THE DESCHUTES BASIN. THE WELL IS LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 14 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON. SEE THE ATTACHED WELL LOG AND PUMP TEST COVER SHEET FOR WELL CHARACTERISTICS.

PUMP: 5 HP AEROMOTOR – SUBMERSIBLE SET AT A DEPTH OF APPROXIMATELY 440 FEET.

A PUMP TEST WAS PERFORMED BY NEWTON PUMP INC. UNDER ACTUAL OPERATING CONDITIONS. THE SYSTEM: 5HP PUMP – 2" GALV. – 3" MAINLINE – 12 RISERS – 3" HANDLINES – 9 RAINBIRD 5/32 SPRINKLERS ON EACH SET OPERATING AT 26 PSI TOTALING 27 GALLONS PER MINUTE (PER NEWTON PUMP). THE SYSTEM IRRIGATES AN EXISTING PASTURE.

SYSTEM CAPACITY: THE DUTY OF WATER FOR THE PERMIT IS 1/80 CFS PER ACRE AND 3.0 ACRE FEET FOR EACH ACRE IRRIGATED DURING THE SEASON OF EACH YEAR. THE ORIGINAL APPLICATION MAP IDENTIFIED THE POTENTIAL FOR IRRIGATING UP TO 5.0 ACRES. THE ACTUAL AREA BEING IRRIGATED WAS FOUND TO BE 4.21 ACRES UNDER THIS PERMIT (SEE FINAL PROOF SURVEY). AS A RESULT, THE MAXIMUM Q ALLOWED IS:

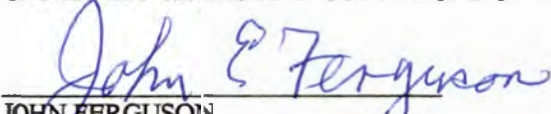
$$(4.21 \text{ acres} \times 1/80 \text{ cfs}) \times 7.48 \text{ gal} \times 60 \text{ sec.} = 23.62 \text{ gpm}$$

THE SYSTEM IS CAPABLE OF DELIVERING 27 GPM PER THE ATTACHED PUMP TEST.

THE FINAL PROOF SURVEY OF THE USE WAS FOUND TO BE COMPLETED UNDER THE TERMS AND CONDITIONS OF PERMIT NO. G-12378. THIS FINAL PROOF SURVEY WAS COMPLETED BY ME ON AUGUST 28, 2000, AND THE FACTS CONTAINED IN THIS REPORT AND ACCOMPANYING FINAL PROOF SURVEY MAP ARE CORRECT TO THE BEST OF MY KNOWLEDGE.



I, JOHN FERGUSON, AGREE TO THE FINDINGS OF THE CWRE AND DO SUBMIT THIS SITEREPORT AND MAP AS MY CLAIM OF BENEFICIAL USE OF THE WATER AS PROVIDED UNDER THE TERMS AND CONDITIONS OF MY PERMIT NO. G-12378.


JOHN FERGUSON
8-28-00

RECEIVED
AUG 30 2000
WATER RESOURCES DEPT.
SALEM, OREGON



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

September 13, 2000

John Ferguson
6934 Goodrich Road
Sisters, OR. 97759

With regard to the pump test requirements for the following well and its associated water rights:

APP. #:G - 12827 PERMIT #: G - 12378 POD-ID: 37190 USER-ID: 28782

The Water Resources Department has reviewed and **accepted the pump test results you have submitted.** The department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement, or perform another pump test of the well on the ten-year anniversary of the test you conducted.

If your permit or certificate includes conditions requiring annual static water level measurements, and/or annual water use reporting, please continue to make and report these measurements unless otherwise instructed in writing by someone representing the Oregon Water Resources Department. **Failure to comply with these conditions could result in cancellation of your permit.**

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext. 289 or Mike Zwart at ext. 207. The Departments toll-free number is 1-800-624-3199.

Sincerely,

R. Craig Kohanek
Pump Test Coordinator

c: Water Rights Section



WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: PUMP TEST PROGRAM

DATE: September 8, 2000

FROM: TIMMIE BRANDT *TJB*

SUBJECT: PUMP TEST INFO

RE: File G-12827 / Permit G-12378

The attached pump test info was submitted as part of the claim of beneficial use. (A copy of these were placed in the file) The Certificates Section needs to know if it meets the requirements. Please send a copy of any correspondence in regard to this info to the Water Rights Section so it can be placed in the file. Thank you.



Oregon Water Resources Department
PUMP TEST COVER SHEET



Well Owner:

Name John Ferguson
Address 6934 Goodrich
City, State, Zip Sisters, OR 97759
County Deschutes

Well Location:

Twnshp _____ (N or S), Range _____ (E or W)
Section 1/4, 1/4, 1/4
Well Depth 455' Date Drilled _____
Owner's Well No. (if any) _____
POD-ID _____

Water Right Information:

Application No. _____ Permit No. _____ Certificate No. _____
Is this well used for more than one water right? (Y/N) If Yes, fill out numbers below:
App. No. _____ Permit No. _____ Cert. No. _____
App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:

Test conducted by Newton Pump Inc. Well Owner? (Y/N)
Company _____
Address 1921 N. Hwy 97 Date of Test 7-26-2000
City, State, Zip Redmond, OR 97756

Method of Discharge Measurement Electric water level measuring tape
Method of Water Level Measurement Volume/Time calculations
Depth of Air Line (if used) _____
Pump Type (Turbine, Submersible, etc.) Submersible
Was pump test conducted during normal use of the well (Y/N)

Description of point from which water level was measured Well Head
Is measuring point above or below ground level? Above
Distance between measuring point and ground level (correction factor) 1'

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

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? (Y/N)
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance _____
Approximate elevation difference _____
Is well elevation above or below the surface water body? _____

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>8:00</u>	Depth to Water: <u>418'</u>	(ft/in)
Time: <u>8:20</u>	Depth to Water: <u>418'</u>	(ft/in)
Time: <u>8:40</u>	Depth to Water: <u>418'</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>9:00</u>	Discharge Rate: <u>27</u>	(gpm)
Time: <u>10:00</u>	Discharge Rate: <u>27</u>	(gpm)
Time: <u>11:00</u>	Discharge Rate: <u>27</u>	(gpm)
Time: <u>12:00</u>	Discharge Rate: <u>27</u>	(gpm)
Time: <u>1:00</u>	Discharge Rate: <u>27</u>	(gpm)

Pump turned on: Date: 7-26-00 Time: 9:00 Pump turned off: Date: 7-26- Time: 1:00
Total pumping time: 4 hours, 0 minutes. 2000

Note: Well must be idle for at least 16 hours prior to the test

RECEIVED

OWRD 11/90

AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON WATER RESOURCE DEPARTMENT

PUMP TEST DATA SHEET

Page 2 of 2[illegible]

WATER WELL REPORT

(as required by ORS 537.765)

PLASTER RESOURCES DEPT.

(for official use only)

n tax roll 1/85 1411320000502

R L O U V U
OCT 26 1984

14-111-3260

(1) OWNER:

Name John FergusonAddress 13070 SE Center St.City PortlandState Ore 97236

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐ Domestic ☒ Industrial ☐ Municipal ☐Rotary Mud ☐ Dug ☐ Irrigation ☐ Thermal: ☐ Withdrawal ☐ Reinjection ☐Cable ☐ Bored ☐ Other: ☐ Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED:

Steel ☒ Plastic ☐

8" Diam. from + 1 ft. to 1.9 ft. Gauge .250

" Diam. from ft. to ft. Gauge

LINER INSTALLED:

Steel ☒ Plastic ☐

6" Diam. from 0 ft. to 4.55 ft. Gauge .188

(6) PERFORATIONS:

Size of perforations 1/8 in. by 3 in. Perforated? ☒ Yes ☐ No228 perforations from 435 ft. to 455 ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot Size Set from ft. to ft.

Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

Air test 20 gal./min. with drill stem at 455 ft. 1 hrs.

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 52 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☒ No ☐Well seal—Material used cementWell sealed from land surface to 19 ft.Diameter of well bore to bottom of seal 12 in.Diameter of well bore below seal 8 in.Amount of sealing material 9 sacks ☒ pounds ☐How was cement grout placed? pumped from 19 to 0Was pump installed? no Type HP ft.Was a drive shoe used? ☐ Yes ☒ No Plugs LocationDid any strata contain unusable water? ☐ Yes ☒ No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of

Gravel placed from ft. to ft.

(10) LOCATION OF WELL by legal description:

County Des SW 1/4 NW 1/4 of Section 32 ofTownship 14S Range 11E WM.

(Township is North or South)

(Range is East or West)

Tax Lot Lot Block Subdivision

MAILING ADDRESS OF WELL (or nearest address) Goodrich Rd.Sisters, Ore

(11) WATER LEVEL of COMPLETED WELL:

Depth at which water was first found 410 ft.Static level 410 ft. below land surface. Date 10/12/84

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 0Depth drilled 455 ft. Depth of completed well 455 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
brn soil	0	2	
brn congl	2	6	
gray basalt(1yd concrete)	6	24	
no return hard	24	48	
gray basalt	48	63	
red tuft	63	75	
tan ss	75	131	
gray ss	131	177	
no return soft(1 yd con)	177	210	
gray vesicular basalt	210	229	
no return hard(1 yd con)	229	260	
gray basalt	260	281	
pink tuft	281	308	
redish gray cinders	308	319	
gray basalt	319	405	
red tuft	405	409	
brn sand fine gravel(WB)	409	428	410
brn vesicular basalt(WB)	428	443	
redish gray cinders(WB)	443	455	

Date work started 10/3/84 /completed 10/12/84Date well drilling machine moved off of well 10/12/84 19

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

(Signed) Date, 19

(bonded) Water Well Constructor Certification:

Bond 468400 Issued by: U.S.F. & G.

(number)

(Surety Company Name)

On behalf of John V. Johnson

(type or print name of Water Well Constructor)

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief:

(Signed) John V. Johnson

(Water Well Constructor)

(Dated) 10/15/84

NOTICE TO WATER WELL CONSTRUCTOR

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,

SALEM, OREGON 97310

within 30 days from the date of well completion.

SP*46866-690

RECEIVED
AUG 30 2000
WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

August 22, 2013

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

Scott and Karen Edwards
69434 Goodrich Rd.
Sisters, Oregon 97759

Reference: Application G-12827, Permit G-12378

The Department is in receipt of your ownership update on the above referenced water right. As this right has not been perfected as evidenced by the issuance of a Certificate of Water Right, an assignment will be necessary. The Ownership update form is used to notify the Department when the ownership of certificated rights changes. An assignment is used to change the name of rights that have not been perfected, and allow the Department and the new permit holder to work towards issuance of a Certificate.

I am returning your ownership update and enclosing a Request for assignment form for your use.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: submitted ownership update and request for assignment

cc: file

9/12/13
Per your letter, we
are enclosing the Request
for Assignment form
you sent us with
our check in the amount
of \$85 for the
recording fee, and
copies of:
• Permit to
Appropriate
the Public Waters
• Deed of Trust
Karen Edwards
Thank you!

RECEIVED BY OWRD

SEP 16 2013

SALEM, OR



RECEIVED BY OWRD

JUL 18 2013

SALEM, OR

After Recording Return To:

UNIVERSAL AMERICAN MORTGAGE COMPANY, LLC
15550 LIGHTWAVE DRIVE, SUITE 200
CLEARWATER, FLORIDA 33760
Loan Number: 0004878435
Case Number: 48-48-6-0369047

[Space Above This Line For Recording Data]

Mortgage Electronic Registration Systems, Inc. (MERS) is the Grantee of this Security Instrument.

DEED OF TRUST

**THIS LOAN IS NOT ASSUMABLE
WITHOUT THE APPROVAL OF THE
DEPARTMENT OF VETERANS AFFAIRS
OR ITS AUTHORIZED AGENT.**

MIN: 100059600048784354

MERS Phone: 888-679-6377

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 10, 12, 17, 19 and 20. Certain rules regarding the usage of words used in this document are also provided in Section 15.

(A) "Security Instrument" means this document, which is dated DECEMBER 18, 2012, together with all Riders to this document.

(B) "Borrower" is SCOTT W. EDWARDS AND KAREN EDWARDS, WHO ACQUIRED TITLE AS KAREN GREENHILL-EDWARDS, HUSBAND AND WIFE

Borrower is the trustor under this Security Instrument.

(C) "Lender" is UNIVERSAL AMERICAN MORTGAGE COMPANY, LLC
Lender is a FLORIDA LIMITED LIABILITY COMPANY

organized

and existing under the laws of FLORIDA

Lender's address is 700 NW 107TH AVENUE 3RD FLOOR, MIAMI, FLORIDA 33172-3139

(D) "Trustee" is Fidelity National Title of Oregon
700 NE Multnomah Blvd., #1450, PORTLAND, OREGON 97232

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

RECEIVED BY OWRD

DocuSign
www.docuSign.com

SEP 16 2013

SALEM, OR

JUL 18 2013

(F) "Note" means the promissory note signed by Borrower and dated DECEMBER 18, 2012. The Note states that Borrower owes Lender ONE HUNDRED NINETY-NINE THOUSAND THREE HUNDRED SIXTY-NINE AND 00/100 Dollars (U.S. \$ 199,369.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than JANUARY 1, 2043.

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- | | |
|--|--|
| ☐ Adjustable Rate Rider | ☐ Planned Unit Development Rider |
| ☐ Balloon Rider | ☐ Biweekly Payment Rider |
| ☐ 1-4 Family Rider | ☐ Second Home Rider |
| ☐ Condominium Rider | ☒ Other(s) [specify] |
| | Affixation Affidavit, Limited Power of Atty Rider, Manufactured Home Rider, VA Assumption Policy Rider |

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(P) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(Q) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

RECEIVED BY OWRD

SEP 16 2013

SALEM, OR

JUL 18 2013

TRANSFER OF RIGHTS IN THE PROPERTY

SALEM, OR

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the

COUNTY of DESCHUTES :

[Type of Recording Jurisdiction]

[Name of Recording Jurisdiction]

The South Half of the West Half of the West Half of the Southwest Quarter of the Northwest Quarter (S1/2W1/2W1/2SW1/4NW1/4) OF Section Thirty-two (32), in Township Fourteen (14) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon.
See title
A.P.N.: 157446

which currently has the address of

69434 GOODRICH ROAD

SISTERS

, Oregon

[Street]

97759

("Property Address"):

[City]

[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

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Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 14. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

2. Application of Payments or Proceeds. Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.

If Lender receives a payment from Borrower for a delinquent Periodic Payment which includes a sufficient amount to pay any late charge due, the payment may be applied to the delinquent payment and the late charge. If more than one Periodic Payment is outstanding, Lender may apply any payment received from Borrower to the repayment of the Periodic Payments if, and to the extent that, each payment can be paid in full. To the extent that any excess exists after the payment is applied to the full payment of one or more Periodic Payments, such excess may be applied to any late charges due. Voluntary prepayments shall be applied first to any prepayment charges and then as described in the Note.

Any application of payments, insurance proceeds, or Miscellaneous Proceeds to principal due under the Note shall not extend or postpone the due date, or change the amount, of the Periodic Payments.

3. Funds for Escrow Items. Borrower shall pay to Lender on the day Periodic Payments are due under the Note, until the Note is paid in full, a sum (the "Funds") to provide for payment of amounts due for: (a) taxes and assessments and other items which can attain priority over this Security Instrument as a lien or encumbrance on the Property; (b) leasehold payments or ground rents on the Property, if any; and (c) premiums for any and all insurance required by Lender under Section 5. These items are called "Escrow Items." At origination or at any time during the term of the Loan, Lender may require that Community Association Dues, Fees, and Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Escrow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 14 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

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The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.

If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than 12 monthly payments.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender.

4. Charges; Liens. Borrower shall pay all taxes, assessments, charges, fines, and impositions attributable to the Property which can attain priority over this Security Instrument, leasehold payments or ground rents on the Property, if any, and Community Association Dues, Fees, and Assessments, if any. To the extent that these items are Escrow Items, Borrower shall pay them in the manner provided in Section 3.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender, but only so long as Borrower is performing such agreement; (b) contests the lien in good faith by, or defends against enforcement of the lien in, legal proceedings which in Lender's opinion operate to prevent the enforcement of the lien while those proceedings are pending, but only until such proceedings are concluded; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service used by Lender in connection with this Loan.

5. Property Insurance. Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and any other hazards including, but not limited to, earthquakes and floods, for which Lender requires insurance. This insurance shall be maintained in the amounts (including deductible levels) and for the periods that Lender requires. What Lender requires pursuant to the preceding sentences can change during the term of the Loan. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's right to disapprove Borrower's choice, which right shall not be exercised unreasonably. Lender may require Borrower to pay, in connection with this Loan, either: (a) a one-time charge for flood zone determination, certification and tracking services; or (b) a one-time charge for flood zone determination and certification services and subsequent charges each time remappings or similar changes occur which reasonably might affect such determination or certification. Borrower shall also be responsible for the payment of any fees imposed by the Federal Emergency Management Agency in connection with the review of any flood zone determination resulting from an objection by Borrower.

If Borrower fails to maintain any of the coverages described above, Lender may obtain insurance coverage, at Lender's option and Borrower's expense. Lender is under no obligation to purchase any particular type or amount of coverage. Therefore, such coverage shall cover Lender, but might or might not protect Borrower, Borrower's equity in the Property, or the contents of the Property, against any risk, hazard or liability and might provide greater

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or lesser coverage than was previously in effect. Borrower acknowledges that the cost of the insurance coverage so obtained might significantly exceed the cost of insurance that Borrower could have obtained. Any amounts disbursed by Lender under this Section 5 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

All insurance policies required by Lender and renewals of such policies shall be subject to Lender's right to disapprove such policies, shall include a standard mortgage clause, and shall name Lender as mortgagee and/or as an additional loss payee. Lender shall have the right to hold the policies and renewal certificates. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. If Borrower obtains any form of insurance coverage, not otherwise required by Lender, for damage to, or destruction of, the Property, such policy shall include a standard mortgage clause and shall name Lender as mortgagee and/or as an additional loss payee.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower. Unless Lender and Borrower otherwise agree in writing, any insurance proceeds, whether or not the underlying insurance was required by Lender, shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such insurance proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such insurance proceeds, Lender shall not be required to pay Borrower any interest or earnings on such proceeds. Fees for public adjusters, or other third parties, retained by Borrower shall not be paid out of the insurance proceeds and shall be the sole obligation of Borrower. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such insurance proceeds shall be applied in the order provided for in Section 2.

If Borrower abandons the Property, Lender may file, negotiate and settle any available insurance claim and related matters. If Borrower does not respond within 30 days to a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may negotiate and settle the claim. The 30-day period will begin when the notice is given. In either event, or if Lender acquires the Property under Section 21 or otherwise, Borrower hereby assigns to Lender (a) Borrower's rights to any insurance proceeds in an amount not to exceed the amounts unpaid under the Note or this Security Instrument, and (b) any other of Borrower's rights (other than the right to any refund of unearned premiums paid by Borrower) under all insurance policies covering the Property, insofar as such rights are applicable to the coverage of the Property. Lender may use the insurance proceeds either to repair or restore the Property or to pay amounts unpaid under the Note or this Security Instrument, whether or not then due.

6. Occupancy. Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.

7. Preservation, Maintenance and Protection of the Property; Inspections. Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

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Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

8. Borrower's Loan Application. Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

9. Protection of Lender's Interest in the Property and Rights Under this Security Instrument. If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. Borrower shall not surrender the leasehold estate and interests herein conveyed or terminate or cancel the ground lease. Borrower shall not, without the express written consent of Lender, alter or amend the ground lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

10. Assignment of Miscellaneous Proceeds; Forfeiture. All Miscellaneous Proceeds are hereby assigned to and shall be paid to Lender.

If the Property is damaged, such Miscellaneous Proceeds shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such Miscellaneous Proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may pay for the repairs and restoration in a single disbursement or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such Miscellaneous Proceeds, Lender shall not be required to pay Borrower any interest or earnings on such Miscellaneous Proceeds. If the restoration or repair is not economically feasible or Lender's security would be lessened, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such Miscellaneous Proceeds shall be applied in the order provided for in Section 2.

In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced

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by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing Party (as defined in the next sentence) offers to make an award to settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the Miscellaneous Proceeds either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due. "Opposing Party" means the third party that owes Borrower Miscellaneous Proceeds or the party against whom Borrower has a right of action in regard to Miscellaneous Proceeds.

Borrower shall be in default if any action or proceeding, whether civil or criminal, is begun that, in Lender's judgment, could result in forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. Borrower can cure such a default and, if acceleration has occurred, reinstate as provided in Section 18, by causing the action or proceeding to be dismissed with a ruling that, in Lender's judgment, precludes forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. The proceeds of any award or claim for damages that are attributable to the impairment of Lender's interest in the Property are hereby assigned and shall be paid to Lender.

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

11. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

12. Joint and Several Liability; Co-signers; Successors and Assigns Bound. Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 17, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind (except as provided in Section 19) and benefit the successors and assigns of Lender.

13. Loan Charges. Lender may charge Borrower fees for services performed in connection with Borrower's default, for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument, including, but not limited to, attorneys' fees, property inspection and valuation fees. In regard to any other fees, the absence of express authority in this Security Instrument to charge a specific fee to Borrower shall not be construed as a prohibition on the charging of such fee. Lender may not charge fees that are expressly prohibited by this Security Instrument or by Applicable Law.

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If the Loan is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the Loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge (whether or not a prepayment charge is provided for under the Note). Borrower's acceptance of any such refund made by direct payment to Borrower will constitute a waiver of any right of action Borrower might have arising out of such overcharge.

14. Notices. All notices given by Borrower or Lender in connection with this Security Instrument must be in writing. Any notice to Borrower in connection with this Security Instrument shall be deemed to have been given to Borrower when mailed by first class mail or when actually delivered to Borrower's notice address if sent by other means. Notice to any one Borrower shall constitute notice to all Borrowers unless Applicable Law expressly requires otherwise. The notice address shall be the Property Address unless Borrower has designated a substitute notice address by notice to Lender. Borrower shall promptly notify Lender of Borrower's change of address. If Lender specifies a procedure for reporting Borrower's change of address, then Borrower shall only report a change of address through that specified procedure. There may be only one designated notice address under this Security Instrument at any one time. Any notice to Lender shall be given by delivering it or by mailing it by first class mail to Lender's address stated herein unless Lender has designated another address by notice to Borrower. Any notice in connection with this Security Instrument shall not be deemed to have been given to Lender until actually received by Lender. If any notice required by this Security Instrument is also required under Applicable Law, the Applicable Law requirement will satisfy the corresponding requirement under this Security Instrument.

15. Governing Law; Severability; Rules of Construction. This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. All rights and obligations contained in this Security Instrument are subject to any requirements and limitations of Applicable Law. Applicable Law might explicitly or implicitly allow the parties to agree by contract or it might be silent, but such silence shall not be construed as a prohibition against agreement by contract. In the event that any provision or clause of this Security Instrument or the Note conflicts with Applicable Law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision.

As used in this Security Instrument: (a) words of the masculine gender shall mean and include corresponding neuter words or words of the feminine gender; (b) words in the singular shall mean and include the plural and vice versa; and (c) the word "may" gives sole discretion without any obligation to take any action.

16. Borrower's Copy. Borrower shall be given one copy of the Note and of this Security Instrument.

17. Transfer of the Property; Acceleration; Assumption. This loan may be declared immediately due and payable upon transfer of the property securing such loan to any transferee, unless the acceptability of the assumption of the loan is established pursuant to Section 3714 of Chapter 37, Title 38, United States Code. The acceptability of any assumption shall also be subject to the following additional provisions:

(a) **Funding Fee:** A fee equal to one-half of 1 percent of the balance of this loan as of the date of transfer of the property shall be payable at the time of transfer to the loan holder or its authorized agent, as trustee for the Department of Veterans Affairs. If the assumer fails to pay this fee at the time of transfer, the fee shall constitute an additional debt to that already secured by this instrument, shall bear interest at the rate herein provided, and at the option of the payee of the indebtedness hereby secured or any transferee thereof, shall be immediately due and payable. This fee is automatically waived if the assumer is exempt under the provisions of 38 U.S.C. 3729(c).

(b) **Processing Charge:** Upon application for approval to allow assumption of this loan, a processing fee may be charged by the loan holder or its authorized agent for determining the creditworthiness of the assumer and subsequently revising the holder's ownership records when an approved transfer is completed. The amount of this charge shall not exceed the maximum established by the Department of Veterans Affairs for a loan to which Section 3714 of Chapter 37, Title 38, United States Code applies.

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(c) **Indemnity Liability Assumption:** If this obligation is assumed, then the assumer hereby agrees to assume all of the obligations of the veteran under the terms of the instruments creating and securing the loan. The assumer further agrees to indemnify the Department of Veterans Affairs to the extent of any claim payment arising from the guaranty or insurance of the indebtedness created by this instrument. JUL 18 2013 SALEM, OR

If the acceptability of the assumption of this loan is not established for any reason, and Lender exercises its option to declare all sums secured by this Security Instrument immediately due and payable, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 14 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

18. Borrower's Right to Reinstate After Acceleration. If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 17.

19. Sale of Note; Change of Loan Servicer; Notice of Grievance. The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 14) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant to Section 21 and the notice of acceleration given to Borrower pursuant to Section 17 shall be deemed to satisfy the notice and opportunity to take corrective action provisions of this Section 19.

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20. Hazardous Substances. As used in this Section 20: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection; (c) "Environmental Cleanup" includes any response action, remedial action, or removal action, as defined in Environmental Law; and (d) an "Environmental Condition" means a condition that can cause, contribute to, or otherwise trigger an Environmental Cleanup.

Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances, on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property (a) that is in violation of any Environmental Law, (b) which creates an Environmental Condition, or (c) which, due to the presence, use, or release of a Hazardous Substance, creates a condition that adversely affects the value of the Property. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property (including, but not limited to, hazardous substances in consumer products).

Borrower shall promptly give Lender written notice of (a) any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge, (b) any Environmental Condition, including but not limited to, any spilling, leaking, discharge, release or threat of release of any Hazardous Substance, and (c) any condition caused by the presence, use or release of a Hazardous Substance which adversely affects the value of the Property. If Borrower learns, or is notified by any governmental or regulatory authority, or any private party, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law. Nothing herein shall create any obligation on Lender for an Environmental Cleanup.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

21. Acceleration; Remedies. Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under Section 17 unless Applicable Law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender at its option may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by Applicable Law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this Section 21, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold and shall cause such notice to be recorded in each county in which any part of the Property is located. Lender or Trustee shall give notice of sale in the manner prescribed by Applicable Law to Borrower and to other persons prescribed by Applicable Law. After the time required by Applicable Law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Lender or its designee may purchase the Property at any sale.

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Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

22. Reconveyance. Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled to it. Such person or persons shall pay any recordation costs. Lender may charge such person or persons a fee for reconveying the Property, but only if the fee is paid to a third party (such as the Trustee) for services rendered and the charging of the fee is permitted under Applicable Law.

23. Substitute Trustee. Lender may from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon Trustee herein and by Applicable Law.

24. Attorneys' Fees. As used in this Security Instrument and in the Note, attorneys' fees shall include those awarded by an appellate court.

25. Protective Advances. This Security Instrument secures any advances Lender, at its discretion, may make under Section 9 of this Security Instrument to protect Lender's interest in the Property and rights under this Security Instrument.

26. Required Evidence of Property Insurance.

WARNING

Unless you provide us with evidence of the insurance coverage as required by our contract or loan agreement, we may purchase insurance at your expense to protect our interest. This insurance may, but need not, also protect your interest. If the collateral becomes damaged, the coverage we purchase may not pay any claim you make or any claim made against you. You may later cancel this coverage by providing evidence that you have obtained property coverage elsewhere.

You are responsible for the cost of any insurance purchased by us. The cost of this insurance may be added to your contract or loan balance. If the cost is added to your contract or loan balance, the interest rate on the underlying contract or loan will apply to this added amount. The effective date of coverage may be the date your prior coverage lapsed or the date you failed to provide proof of coverage.

The coverage we purchase may be considerably more expensive than insurance you can obtain on your own and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by Applicable Law.

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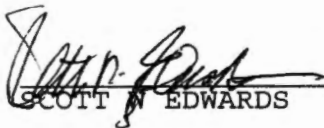
NOTICE TO BORROWER

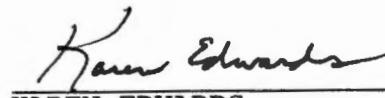
Department of Veterans Affairs regulations at 38 C.F.R. 36.4337 provide as follows:

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"Regulations issued under 38 U.S.C. Chapter 37 and in effect on the date of any loan which is submitted and accepted or approved for a guaranty or for insurance thereunder, shall govern the rights, duties, and liabilities of the parties to such loan and any provisions of the loan instruments inconsistent with such regulations are hereby amended and supplemented to conform thereto."

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

 (Seal)
SCOTT N. EDWARDS -Borrower

 (Seal)
KAREN EDWARDS -Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

Witness:

Witness:

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_____[Space Below This Line For Acknowledgment]_____

State of OREGON

County of DESCHUTES

This instrument was acknowledged before me on _____
by SCOTT W EDWARDS AND KAREN EDWARDS

Signature of notarial officer

Title (and Rank)

(Seal, if any)

My commission expires: _____

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JUL 18 2013

SALEM, OR

STATE OF OREGON
COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN E FERGUSON
69434 GOODRICH RD
SISTERS, OREGON 97759

(541) 547-2749

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

APPLICATION FILE NUMBER: G-12827

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 5.0 ACRES

RATE OF ALLOWED USE: 0.06 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 18, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 32, T14S, R11E, W.M.; 500 FEET NORTH AND 250 FEET EAST FROM THE W 1/4 CORNER OF SECTION 32

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:

SW 1/4 NW 1/4 5.0 ACRES
SECTION 32
TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or

Application G-12827 Water Resources Department

PERMIT G-12378

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PAGE 2 SALEM, OR

measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

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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.

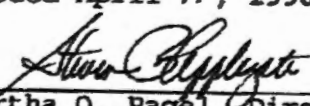
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 April 11, 1996


for Martha O. Pagel, Director
Water Resources Department

Application G-12827 Water Resources Department
Basin 05 Volume 1, DESCHUTES RIVER & MISC.
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-12378
District 11

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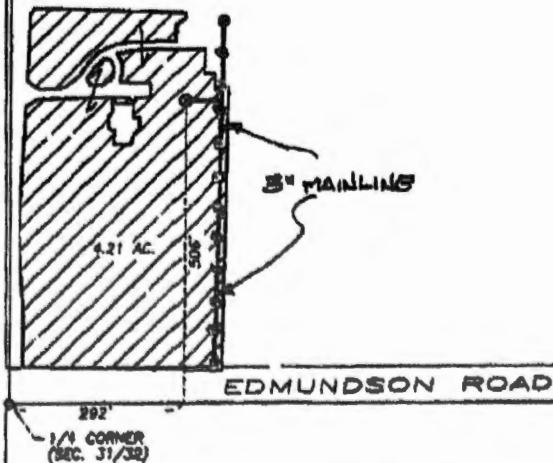
SEP 16 2013

SALEM, OR

T14S, R11E, W.M.
DESCHUTES CO., OR

SW 1/4, NW 1/4
SECTION 32

GOODRICH ROAD



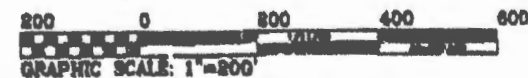
FINAL PROOF SURVEY

APPLICATION G-12827
PERMIT G-12378
TO APPROPRIATE PUBLIC WATERS
A PARCEL OF LAND SITUATED IN THE SW 1/4, NW 1/4,
SECTION 32, T14S, R11E, W.M.,
DESCHUTES COUNTY, OREGON



IRRIGATED AREA

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY
OWNERSHIP LINES.



RECEIVED Fred A. Art, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851

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JUL 18 2013

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Gerry Clark

From: Gerry Clark
Sent: Tuesday, September 10, 2013 10:12 AM
To: Lisa Broadwater
Cc: Kyle Gorman
Subject: RE: question about transferring water rights Application G-12827, permit G-12378

Lisa,

I pulled the file to confirm that our Water Rights Information System was up to date and correct. Based on that review, I have updated the record to indicate that the Claim of Beneficial Use was prepared by Fred Ast and that a Pump Test was submitted and approved.

My cursory review of the Claim indicates that it is in order. Due to the current backlog in reviewing Claims, it will likely still be a few years until the Department pulls this file to review for certificate issuance.

As Kyle has indicated, be sure to have the permit assigned to the new owners. Any certificate issued will be issued in their name and they will be the new point of contact for the permit in case any questions arise during the Department's review.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Kyle Gorman
Sent: Tuesday, September 10, 2013 9:42 AM
To: Lisa Broadwater
Cc: Gerry Clark
Subject: RE: question about transferring water rights Application G-12827, permit G-12378

Hi Lisa,

Just have to talk to the right person is all.

Attached is the form the Edwards will need to fill out and they will need to include proof of ownership of the property by providing the Department any one of the things listed on the form. Include 85.00 dollars for the assignment. Also, the final proof survey was submitted many years ago so it should be ready for a certificate soon unless there was a problem and that is why the certificate hasn't been issued. The new owners need to do some follow up work with Gerry Clark, in Salem - Gerald.e.clark@wrdd.state.or.us or 503.986.0811. They really should take a look at their irrigation

too. Viewing aerial photos, doesn't look like much irrigation has gone on there and this water right is very valuable because it is pre-mitigation requirements.

Let me know if you have questions,

Thanks,

Kyle

From: Lisa Broadwater [mailto:lisa@sistersoregonhomes.com]

Sent: Thursday, September 05, 2013 3:12 PM

To: Kyle Gorman

Subject: question about transferring water rights

Hi Kyle,

I have a question regarding water rights upon the sale of a property, as it applies to one of my clients. Can you please give me a call when you get a chance?

Thanks,

Lisa Broadwater

Broker, GRI, CDPE

Alpine Real Estate LLC

(541) 480-0987

CentralOregonHome4You.com



Lisa Broadwater is licensed in Oregon.

If you would like to opt out of our mailings, please reply to this email with "unsubscribe" in the subject line.

Water Resources Department

MEMO

January 22, 1996

TO Application G- 12827

FROM GW: K. Lite
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes

The source of appropriation is within or above a Scenic Waterway.

☐ No

☒ Yes

Use the Scenic Waterway condition (Condition 7J).

☐ No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☒

At this time the Department is unable to find that there is 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.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

12827

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-12827

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 14S/11E-32

CONDITIONS ATTACHED? ☒yes ☐no

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW
conditions 7B & 7J.

Reviewer: K. Lite

REMARKS: _____

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date July 23, 1992

FROM: ~~Ken Lite~~ Kyle Gorman

SUBJECT: Groundwater Application G- 12827

Applicant(s) seek 28 gpm (.063 cfs) from 1 wells in the Deschutes basin
sub basin
sub basin.

Pertinent 7 1/2 - minute quads

Henkle Butte

Well 1 WRD# Desc 2022 T 14S R 11E S 32 QQ SWNW County Deschutes
Legal Description SWNW Sec 32 T14S R11E; 500' N + 250' E from W 1/4 cor Sec 32
Well is 8100 ft from Squaw, CK (river/stream)
Well is _____ ft from _____ (river/stream)
Well elevation 3080 ft. River/stream elevation 2820 ft.
Well elevation - river/stream elevation 260
Well depth 455 SWL 369' on 7/26/85
Sealed to 19 Depth first water found 410
Cased to 19 Perforations/screens _____
Lined to 455 Perforations/screens 1/8 x 3
Well tests and types Pump Test
Confined or unconfined? Confined Direct hydraulic connection? No
Potential to cause substantial interference? No

Well _____ WRD# _____ T _____ R _____ S _____ QQ _____ County _____
Legal Description _____
Well is _____ ft from _____ (river/stream)
Well is _____ ft from _____ (river/stream)
Well elevation _____ ft. River/stream elevation _____ ft.
Well elevation - river/stream elevation _____
Well depth _____ SWL _____ on _____
Sealed to _____ Depth first water found _____
Cased to _____ Perforations/screens _____
Lined to _____ Perforations/screens _____
Well tests and types _____
Confined or unconfined? _____ Direct hydraulic connection? _____
Potential to cause substantial interference? _____

Conditioned water rights in area: No
Other nearby water rights of record: No
Density of nearby wells: Domestic, Rural Residential

Comments WB zone in Vesicular Basalt Flow, exhibiting top and bottom flow features. 7 domestic wells within 1/2 mile of well have been drilled since 1985 pump test. Pump test done after completion of well - shows aquifer is confined. No direct hydraulic connection w/ sq CK.

References used: Bob Mann

A97

Application No. **G12827**
Permit No. **G12378**

JOHN E FERGUSON
69434 GOODRICH RD
SISTERS, OR

97759

Assigned

Address

Beginning construction **APR 11 1997**

Completion of construction **OCT 01 1998**

Extended to

Complete application of water **OCT 01 1999**

Extended to



Oregon

Theodore R. Kulongoski, Governor

app# G-12827
Water Resources Department

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

February 7, 2003

G 12378
JOHN E. FERGUSON
69434 GOODRICH RD
SISTERS, OR 97759

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@wrdd.state.or.us.

Sincerely,



Paul R. Cleary
Director

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

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

JOHN FERGUSON
69434 GOODRICH RD
SISTERS OR 97759



G 12827

Article Number (Copy from service label)

P 56418 WR

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

JOHN FERGUSON

B. Date of Delivery

C. Signature

X

John Ferguson

☐ 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 12TH 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

July 17, 2000

JOHN FERGUSON
69434 GOODRICH RD
SISTERS OR 97759

REFERENCE: File G12817

This letter is in regard to your water use Permit G12378. As we pointed out to you in our letter of September 21, 1999, your claim of beneficial use must be received in this office by **September 2, 2000**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right. Reservoir permit holders who obtained their permits after 1995 under the Alternate Ponds Program, store less than 9.2 acre-feet and have no secondary water right that permits the diversion of water from the reservoir can prepare their own final proof survey.

You are hereby notified that unless your claim is received on or before **September 2, 2000**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:cp

cc: Watermaster #11
Fred Ast Jr., CWRE

CERTIFIED - RETURN RECEIPT REQUESTED





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

September 21, 1999

JOHN FERGUSON
69434 GOODRICH RD
SISTERS OR 97759

REFERENCE: File G12827

We have received your notice that complete application of water has been made under Permit G12378.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **September 2, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

cc: Kyle Gorman, Watermaster
Fred Ast Jr., CWRE

RECEIVED

SEP 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Aug. 30, 99
Sisters, Or

Mr Dallas Miller,
Permit # L. 12378
File # L. 12827

I have already been using the
water, the job is complete.

John Ferguson

694 34 Goodrich Rd.

Sisters, Or. 97759

Thank You.

OK gm

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12827

Final Order

Application History

On March 18, 1992, JOHN E FERGUSON submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 13, 1996. The protest period closed March 29, 1996, and no protest was filed.

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

Order

The application therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12378 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED April 11, 1996


for Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, 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.

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-12827

WATERMASTER # 11 KYLE GORMAN

REGIONAL MANAGER: SC - BOB MAIN

ODF&W - Deschutes County:

CWRE (if agent):

DEO

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:

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

CASEWORKER : KDD

↑

FO CHECKLIST

5 R

PFO TO FO CONVERSION

FILE # 6-12827

REVIEW DATE: 7/1/96

WEEK # 29

INITIALS : LLS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. ✓ List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. ✓ Verify payment of recording fees (circle the appropriate option)
 - (1) ✓ Issue FO w/permit if fees are paid Prepare refund request for excess fees 200
 - (2) Issue FO w/o permit if fees are lacking 100
 - (3) 300
4. Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. FF Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)
DENIAL FO w/o PERMIT FO & PERMIT COMMENTS
LARRY CORY JERRY DOUG

m 766/BR/06/12

Modify FO as needed to:

INITIALS : FF

9. FF Respond to significant comments, issues, or disputes related to the proposed use of water
10. FF Include or exclude permit conditions and management codes
11. FF Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
12. FF Correct PFO errors (such as POD or POU location (verify from map), Permit format)
13. Y / N Is further processing possible? If not state reason: _____

Once FO document is completed:

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-12827 submitted by	)	ORDER
JOHN E FERGUSON		

FINDINGS OF FACT

Water Use Request

1. JOHN E FERGUSON requested use of 0.063 CUBIC FOOT PER SECOND of water from A WELL IN THE DESCHUTES RIVER BASIN for IRRIGATION OF 5.0 ACRES within the Deschutes basin.
2. The area of proposed use is in Deschutes County within SECTION 32, TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.
3. The water delivery system is described by the applicant as follows: The applicant proposes to appropriate water directly from a well using a 5 horsepower submersible pump. The water will be conveyed through 180 feet of handline.
4. The request was made in Application G-12827 which was received by the Water Resources Department on March 18, 1992.

Affected Waters

1. This proposed use of groundwater is above a State Scenic Waterway.
2. There are senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Squaw Creek.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on July 9, 1993.
4. The technical review determined:
 - a. IRRIGATION is allowed under the Deschutes Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested for the period April 1 through November 1.
 - d. The use would not injure existing water rights.

5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-12827, the following criteria were found to be relevant by the Department.
 - a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
 - b. The Deschutes County Comprehensive Plan and Zoning Ordinance
 - c. The Scenic Waterway Act (ORS 390) as amended by SB 1033 enacted by the 68th Legislative Assembly
 - d. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - e. The established rate and duty for the proposed use
 - f. Pending, senior applications and existing water rights of record
 - g. The established irrigation season for all new groundwater application filings
 - h. Comments received

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification as follows: The established irrigation season for new groundwater applications is MARCH 1 THROUGH OCTOBER 31.
2. Based on data received, the Department has determined that at this time the Department is unable to find that there is 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. The Department has further determined that, to protect the resource, additional conditions on the proposed water use are necessary. The condition, as further described on the attached draft permit, would require that the use may be regulated if analysis of data available after the permit or certificate 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.
3. The period of allowed use is MARCH 1 THROUGH OCTOBER 31.
4. The Department finds that no more than 0.06 CUBIC FOOT PER SECOND would be necessary for the proposed use. The amount of water requested, 0.063 CUBIC FOOT PER SECOND, is allowable for the proposed use.
5. Deschutes County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the

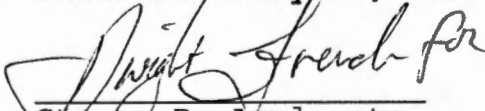
Deschutes County Comprehensive Land Use Plan.

6. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing character of the DESCHUTES RIVER Scenic Waterway in quantities necessary for recreation, fish and wildlife uses.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.
9. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
10. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-12827 in the name of JOHN E FERGUSON be approved for IRRIGATION as provided in the attached draft permit.

DATED February 13, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and

accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on March 29, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JOHN E FERGUSON
69434 GOODRICH RD
SISTERS, OREGON 97759

(503) 547-2749

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

APPLICATION FILE NUMBER: G-12827

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 5.0 ACRES

RATE OF ALLOWED USE: 0.06 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 18, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 32, T 14 S, R 11 E, W.M.; 500 FEET NORTH & 250 FEET EAST FROM W1/4 CORNER, SECTION 32

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:

SW 1/4 NW 1/4 5.0 ACRES
SECTION 32
TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

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.

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 _____, 199

DRAFT

Water Resources Department
Director

Application G-12827 Water Resources Department
Basin 05 Volume
KDD MGMT.CODE 7B, 7J,

PERMIT DRAFT
District 11

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

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

Applicant's Name:

Address:

City:

State: One Zip: 97759 Day Phone: 548-2749

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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
14-11-32-502	EFU-20			

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

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

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.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table 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.)

[illegible]

(over)

Receipt for Request for Land Use Information

WRD Applicant Name:

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)

Previous

b) Please provide printed name and written signature.

Name: _____

Printed name and written signature:
 BRIAN HARDINSON

Title:

Assistant Planner

Date:

3/12/92

Phone:

398-6575

Signature:

Brian Horvath

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:

[illegible]

Description of Water Use

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

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

Applicant Name: John E. FergusonAddress: 69434 Woodruff Rd
Sisters Ore 97759Phone: 548-2749

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): Pasture
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ 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.
☐ Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>22</u> Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☒ Ground Water	

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-12827

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 14S/11E-32

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW
conditions 7B & 7J.

Reviewer: K. Lite

MEMO

January 22, 1996

TO Application G- 12827

FROM GW: K. Lite
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes

The source of appropriation is within or above a Scenic Waterway.

☐ No☒ Yes

Use the Scenic Waterway condition (Condition 7J).

☐ No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)



At this time the Department is unable to find that there is 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.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]

July 9, 1993

JOHN E FERGUSON
69434 GOODRICH RD
SISTERS, OR 97759

WATER
RESOURCES
DEPARTMENT

Reference: Number G-12827

Dear Mr. Ferguson:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

JOHN E FERGUSON
Page two

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before September 10, 1993** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: 7/9/93

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: 9/10/93.

APPLICATION FILE NUMBER - 12827

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

JOHN E FERGUSON
69434 GOODRICH RD
SISTERS, OR 97759
DESCHUTES Co. 503-547-2749

Date application received for filing and/or tentative date
of priority: 3/18/1992

SOURCE: A WELL

TRIBUTARY TO: DESCHUTES RIVER

Purpose and/or use: IRRIGATION.

Flow: 0.063 cfs

Point of Diversion Location: SW1/4 NW1/4, Section 32, T 14 S, R 11 E,
W.M.; 500 feet North and 250 East W 1/4 corner of Section 32.

Place of use:

SWNW 5.0 Acres
Section 32
T 14.00 S R 11.00 E, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology
Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal **will not** have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water **is** likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

There **are** existing rights from this point of diversion. See proposed permit conditions.

There **are no** existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Water in the amount of 0.063 cfs is likely available for 8 months of the 8 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application:#G-12827

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Period of allowed use: April 1 through November 1.
2. Rate: 0.063 cfs
3. 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.
4. Water use development requirements:
 - A) Begin construction by (one year from issuance of permit).
 - B) Complete construction by October 1, 1995.
 - C) Completely apply the water to beneficial use by October 1, 1996.
5. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.
6. Measurement, recording and reporting conditions:
 - A. The Director may at any time require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit.
 - B. The Director may at any time require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device.
 - C. The Director may at any time require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director.

7. 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.
8. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
9. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
10. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
11. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
12. The use of water shall be limited when it interferes with any prior surface or ground water rights.
13. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

COMPLETED

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
6-12827	10/31/95	MC

A checkmark (✓) indicates that the item is Incomplete or defective.

- _____ 1. Examination fees (and recording fees, if for PFO/FO). ✓
- _____ 2. Name and address of the applicant, and title if applicable. ✓
- _____ 3. Source of water. ✓
- _____ 4. Use of water. ✓
- _____ 5. Amount of water. ✓
- _____ 6. Description of delivery system. ✓
- _____ 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others. ✓
- _____ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant. ✓
- _____ 9. Proposed dates of beginning and completion of construction, and complete application of water. ✓
- _____ 10. If for **municipal use**, the present population to be served and expected future water requirements. ✓
- _____ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- _____ 12. If for a **reservoir**: ✓
 - _____ a. The height of the dam.
 - _____ b. The storage capacity.
 - _____ c. The area submerged.
 - _____ d. The maximum depth.
 - _____ e. The construction method (earthfill, concrete, flashboard, etc.).
 - _____ f. A description of the outlet conduit.
 - _____ g. A description of the spillway.
- _____ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them. ✓
- _____ 14. If the application was made under **HB 2107**:
 - _____ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - _____ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - _____ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- _____ 15. An oath that the application information is true and correct. ✓
- _____ 16. The signature of the applicant(s). ✓
- _____ 17. A satisfactory map of the proposed POD & POU. ✓
- _____ 18. A Land Use Information Form or receipt. ✓
- _____ 19. A legal description of the property where water will be used. ✓

TO: Water Rights Section

July 23, 1992

FROM: Groundwater/Hydrology Section

Kyle Gorman

Reviewer's Name

SUBJECT: Application G- 12827

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

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

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ☒ will, or } likely be available in the amounts requested without injury to prior rights and/or
 - b. _____ will not } within the capacity of the resource; or
 - c. ☒ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. ☒ The permit should contain condition #(s) 7B; KE2 1/22/96
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below.

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

REMARKS: _____

WELL CONSTRUCTION (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 original construction or most recent modification. |
| b. ☐ was not | | |
| 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.

_____, 1992.
(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: _____

_____.

_____, 1992.
(Signature)

SEP 13 1993

WATER RESOURCES DEPT.
SALEM, OREGON

By FAX 378-8130 and Regular Mail

September 10, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-12803, Arsdale, Irrigation, Deschutes Co.
G-12956, Holmes, Irrigation, Deschutes Co.
G-13042, Barton, Irrigation, Deschutes Co.
G-12827, Ferguson, Irrigation, Deschutes Co.
G-12697, Barton, Irrigation, Deschutes Co.

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective.**

The technical reports fail to include many of the elements and evaluations required in OAR 690-11-160(1). The specific areas of deficiency are the same as those identified in WaterWatch's objections for G-12905 which are hereby incorporated into this objection.

◆ **The Uses As Proposed are Not in the Public Interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f).

1. **The proposed uses depletes flows and adversely affects the water quality needed to meet existing water rights for surface waters and for numerous public instream uses of the Deschutes River.**

The 1984 Deschutes Basin Plan states:

● **General Findings:**

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months. Finding 3.

River related recreation is important to the economy of the upper Deschutes Basin. Finding 25.

The support of resident and stocked fish is essential to river related recreation. Finding 26.

Recommended base flows suggested by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities. Finding 27.

Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows. Finding 33.

Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available. Finding 34.

- **Middle Deschutes findings include General Findings 3 & 27 and:**

There is inadequate streamflow for fishery requirements. Finding 20.

- **Lower Deschutes findings include General Findings #3 and:**

Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 3

In April, 1986, Deschutes County and the City of Bend conducted a "River Study". That study included extensive goals and policies. See River Study p. 13-2 through 6. Among those policies are: (1) Increase Deschutes River stream flows from Wickiup Reservoir on down; (2) Maintain stream flows in the little Deschutes River and its tributaries that will provide for irrigation, fisheries, wildlife and recreation needs; and (3) Increase stream flows below the north canal dam, below the irrigation diversion in Tumalo creek, and below the main irrigation diversions in Squaw Creek. Id. Thus, the county has an interest in insuring that additional water use not be allowed in areas that may provide critical groundwater flow for the identified rivers and streams.

The Deschutes River system supports a variety of fish life including rainbow, brown and cutthroat trout. The Deschutes River supports a major Oregon sports fishery. Low flows during summer months impair fish survival by, among other things, raising water

Water Resources Department

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temperatures, decreasing aquatic habitat and trout rearing areas and promoting excessive growth of algae. *See Mathisen, Upper Deschutes River Water Resource Review, pgs. 10-11.* Low flows in the winter adversely effect fish habitat by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river, and increasing fish deaths due to severe ice conditions on the river. *Id.*

Several segments of the Deschutes River have received state scenic waterway designation. Several segments of the Deschutes River have also been federally designated under the Federal Wild and Scenic Rivers Act. Currently there are several instream water rights and pending instream water right applications pending for the Deschutes River mainstem and tributaries. Applications 070695 and 070087 filed in September of 1990 and October of 1989 request protection of Deschutes River flows needed for habitat for bull, rainbow and brown trout, kokanee and coho salmon and summer and winter steelhead. The instream water right certificates and pending applications serve the public interest by protecting flows needed for fish, pollution abatement and recreation in the Deschutes River. As a tributary to the Columbia River, the Deschutes River contribute flows for listed threatened and endangered fish populations in the Columbia River.

In addition to the water quantity problems, the Deschutes River mainstem suffers from water quality problems. Oregon statutes require that the WRD's actions ensure the protection of the water quality in Oregon's river and groundwater aquifers. *See, ORS 468B.015(2) & (4), ORS 468B.020(1), ORS 468B.155, OAR 690-410-010(1).* One segment of the river is listed in the Department of Environmental Quality's 1992 *Water Quality Status Assessment Report, 305(b) Report* as water quality limited. This segment of the river is unable to support the designated beneficial use of aquatic life. Several other segments can only partially support aquatic life. DEQ has also identified water withdrawals as a cause of Deschutes River quality problems. Further depletion of surface water flow will only exacerbate these existing water quality problems. In addition, runoff from this agricultural use may add to existing stream quality problems.

The Department has determined that a hydraulic connection exists between surface and groundwater in the Deschutes River system. *See Agenda Item J-3, July 17, 1992, page 2.* A 1930 Department of Interior Report by Harold Stearns states that the Deschutes River is primarily fed by springs. Stearns, pg. 25. The report describes a groundwater resource that is highly permeable in parts and drains into the Deschutes canyon, providing over 1,000,000 acre feet per year of water and over 1,500 cfs in the middle Deschutes Basin. Stearns, pg. 191, 208.

A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report, pg. 18.

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Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg. 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters, and further permits to use groundwater will deplete already overallocated surface waters in the basin.

2. Measurement and reporting.

WaterWatch strongly supports most of the elements of the proposed measurement and reporting conditions for these applications. However, we do not support the limitation which only requires recording the reporting of the "volume" of water use. As I understand it, the Department interprets this phrase as only requiring measurement and reporting of only the total duty - not both rate and duty. As a policy matter, WaterWatch believes that the Department's measurement and reporting conditions should enable the Department to obtain information relating to both rate and duty of water use. One of the conditions in these proposed permits is the rate at which water can be diverted. In order to determine whether there is exact compliance with the terms and conditions of these permits, the Department needs to know the rate at which water is being used. While it maybe possible to extrapolate an estimated rate at which the water is being used from the total duty - it is not as accurate a measure of use as requiring record keeping of the actual rate of use. At the very least, the Department should preserve it's ability to require measurement of both rate and duty. We request the term "volume" be substituted with the following language: "rate and/or duty".

Additional information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource. . . .If the demands of growing communities are to be met in a timely manner, it is imperative that the state, local governments, citizens and the development community work together to generate more and better groundwater information."

Those who profit from using the resource should be called upon to provide the needed information. In this instance, in addition to measurement and reporting of use, the permittees should be required to at least measure and report well levels, groundwater flow

velocities and aquifer depth. This information is critical for resource protection and management.

3. The proposed use is likely to impair the public interest because it will interfere with surface waters in the Basin.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area. However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. The applicant has failed to meet its burden of proof because it has failed to show long term impacts of the pumping will not harm the resource. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a). This determination is critical given the existing overallocation of surface waters, the water quality problems and the public interest in maintaining instream flows necessary to support public uses of the Deschutes and Columbia Rivers.

The Department and Commission have recognized in the past the increasing pressure to develop groundwater in the Basin and expressed concern over the ability of the resource to meet new demands. Until the required level of scientific certainty needed for decision making is determined and the information developed, these permits should not be issued.

In addition, as stated in WaterWatch's October, 1992 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to protect the public's interest in the Columbia River system (of which the Deschutes River is tributary), and the threatened and endangered fish species which rely on this resource, these and other applications for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined in the objection and in WaterWatch's October Petition (hereby incorporated as part of this objection) the proposed use will impair and be detrimental to the public interest in the resource.

Furthermore, the proposed conditions for these permits do nothing to protect surface waters from interference. All 5 technical reports contain a proposed condition which requires a pump test prior to receiving a certificate. A pump test provides information relating to the extent of the ground water surface water connection and the aquifer characteristics. This test provides information needed to make a public interest determination and should be obtained prior to a final public interest determination. If, after this

information is obtained and proves the ground water support the proposed uses, and the uses are in the public interest, then the condition requiring periodic pump tests during the life of the permits and certificates would be appropriate. The condition should not, however, limit the Director's discretion as to when she can require pump tests. We suggest language that would require testing annually or more frequently as deemed needed by the Director.

4. The proposed uses violate Oregon's statewide policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

In addition, Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). Proposed Condition #8 does little to further these policies.

Allowing these proposed uses to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes River basin will exacerbate existing overallocation problems, water quality problems, and will further impair existing surface water rights. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

5. This application was processed out of order.

The tentative priority dates for these applications are 10/24/91, 3/18/92, 7/24/92, 6/3/92, and 3/3/92. There are currently several pending instream water right applications with tentative priority dates senior to these applications. The Commission has directed the Department to process applications in the order received. These applications have the potential to decrease flows needed to meet senior instream water rights and senior pending instream water right applications. Thus, these applications should not move forward until the instream water right applications are processed.

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- 6. Proposed condition #13 for G12827, G13042, G12803 does not protect the public interest because it appears to allow the transfer of amounts above actual permit requirements.**

This condition states that in the event of a request to transfer the point of diversion, add a point of diversion, or to change the diversion facility, the amount of water allowed in the transfer, along with "any other right, shall not exceed the capacity of the facility at the time of perfection of this right." This proposed condition could, it appears, be read to allow that upon transfer, the quantity of use authorized pursuant to these permits could be expanded beyond the amount specified on the right. In other words, the capacity of the facility could be greater than the amount of actual use that took place under the terms of the permit. This is a violation of Oregon state water law. ORS 540.505 et. seq.

◆ Conclusion

We are open to discussion with the Department and the applicants on all of the issues raised in this objection letter.

Sincerely,



Karen A. Russell
Assistant Director

RECEIVED

MAR 18 1985

WATER RESOURCES
SALEM, ORE.

Application No. G-12827
Permit No.

BETTENCOURT'S PUMPS
18960 BAKER ROAD
BEND, OREGON 97701
382-2987 - 389-4788

JULY 26, 1985

TO WHOM IT MAY CONCERN:

ON THIS DATE, JULY 26, 1985, BETTENCOURT'S PUMPS COMPLETED A
FOUR (4) HOUR QUANTITY AND QUALITY TEST FOR:

JOHN FERGSON
69434 GOODRICH ROAD
SISTERS, OREGON 97707

THE FIVE (5) H.P. PUMP WAS TESTED EVERY ½ HOUR AND PRODUCED A
CONTINEOUS STEADY AND CLEAN FREE FLOW AT 27 GALLON PER MINUTE.
A TOTAL OF 6480 GALLONS WERE PUMPED IN THIS FOUR (4) HOUR TEST.

8:00 A.M.	WATER LEVEL (STATIC) 360'	27 G.P.M.
8:30 A.M.	" " " " " " "	" "
9:00 A.M.	" " " " " " "	" "
9:30 A.M.	" " " " " " "	" "
10:00 A.M.	" " " " " " "	" "
10:30 A.M.	" " " " " " "	" "
11:00 A.M.	" " " " " " "	" "
11:30 A.M.	" " " " " " "	" "
12:00 P.M.	" " " " " " "	" "
4 HOUR TOTAL TEST		TOTAL 6480 GALLONS

THERE WAS NO DEVITATION IN THE STATIC LEVEL AND GALLONS PER MINUTE
DURING THE FOUR (4) HOUR TEST.

WELL DEPTH 450'. STATIC LEVEL 369'.

WATER QUALITY TEST WAS TAKEN, RESULTS WILL BE MAILED TO MR.
FERGSON.


C. BETTENCOURT, CO-OWNER



AUTHORIZED STA-RITE SALES AND SERVICE

Application No. G-12827
Permit No.

MAR 18 1992

WATER RESOURCES DEPT
SALEM, OREGON

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

OCT 26 1984
PLASTER TYPE RESOURCES DEPT.

Desc 2022

14S/11E-326C

on tax roll 1/85 1411320000502

(1) OWNER:

Name John Ferguson
Address 13070 SE Center St.
City Portland State Ore 97236

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Thermal: ☐
Irrigation ☐ Withdrawal ☐ Reinjection ☐
Other: ☐
Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED:

Steel ☒ Plastic ☐
Threaded ☐ Welded ☒
8" Diam. from +1 ft. to 19 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

Steel ☒ Plastic ☐
Threaded ☐ Welded ☒
6" Diam. from 0 ft. to 455 ft. Gauge .188
" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Size of perforations 1/8 in. by 3 in.
228 perforations from 435 ft. to 455 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☒ No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
Air test 20 gal./min. with drill stem at 455 ft. 1 hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 52 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☒ No ☐
Well seal—Material used cement
Well sealed from land surface to 19 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 8 in.
Amount of sealing material 9 sacks ☒ pounds ☐
How was cement grout placed? pumped from 19 to 0

Was pump installed? no Type HP Depth ft.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel: ft.
Gravel placed from ft. to ft.

(10) LOCATION OF WELL by legal description:

County Des SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32 of
Township 14S Range 11E WM.
(Township is North or South) (Range is East or West)
Tax Lot Lot Block Subdivision
MAILING ADDRESS OF WELL (or nearest address) Goodrich Rd.
Sisters, Ore

(11) WATER LEVEL of COMPLETED WELL:

Depth at which water was first found 410 ft.
Static level 410 ft. below land surface. Date 10/12/84
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 0
Depth drilled 455 ft. Depth of completed well 455 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
brn soil	0	2	
brn congl	2	6	
gray basalt(1yd concrete)	6	24	
no return hard	24	48	
gray basalt	48	63	
red tuft	63	75	
tan ss	75	131	
gray ss	131	177	
no return soft(1 yd con)	177	210	
gray vesicular basalt	210	229	
no return hard(1 yd con)	229	260	
gray basalt	260	281	
pink tuft	281	308	
redish gray cinders	308	319	
gray basalt	319	405	
red tuft	405	409	
brn sand fine gravel(WB)	409	428	410
brn vesicular basalt(WB)	428	443	
redish gray cinders(WB)	443	455	

Date work started 10/3/84 /completed 10/12/84
Date well drilling machine moved off of well 10/12/84 19

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Date 19

(bonded) Water Well Constructor Certification:

Bond 468400 Issued by: U.S.F. & G.
(number) (Surety Company Name)
On behalf of John V. Johnson
(type or print name of Water Well Constructor)

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief:

(Signed) John V. Johnson
(Dated) 10/15/84
(Water Well Constructor)

July 9, 1993

John E Ferguson
69434 Goodrich Rd.
Sisters, OR 97759

Reference: File #G-12827

Dear Mr. Ferguson:

We are currently reviewing your application for a water use permit, and we have determined that your application is incomplete. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

- X a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

We will continue our assessment of your application after we have received the above information. If you have any questions you may telephone me at 378-8455, in Salem, or call toll free from within the state, 1-800-624-3199. Send any correspondence and all requested information, documentation, and fees to the following address: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310. Please include your application file number (as referenced at the head of this letter) whenever you write or call.

Sincerely,

STEVE BROWN
Manager
Water Rights Division

cc: Fred A. Ast, Jr., CWRE



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

RECEIVED

JUL 19 1993

WATER RESOURCES DEPT.
SALEM, OREGON

7-17-93

Steve Brown

Refer to file # G-12827 regarding
the legal description you asked for.
Enclosed is a copy from the
deed - Hope this is what you
need -

John E Ferguson
Sisters Ore

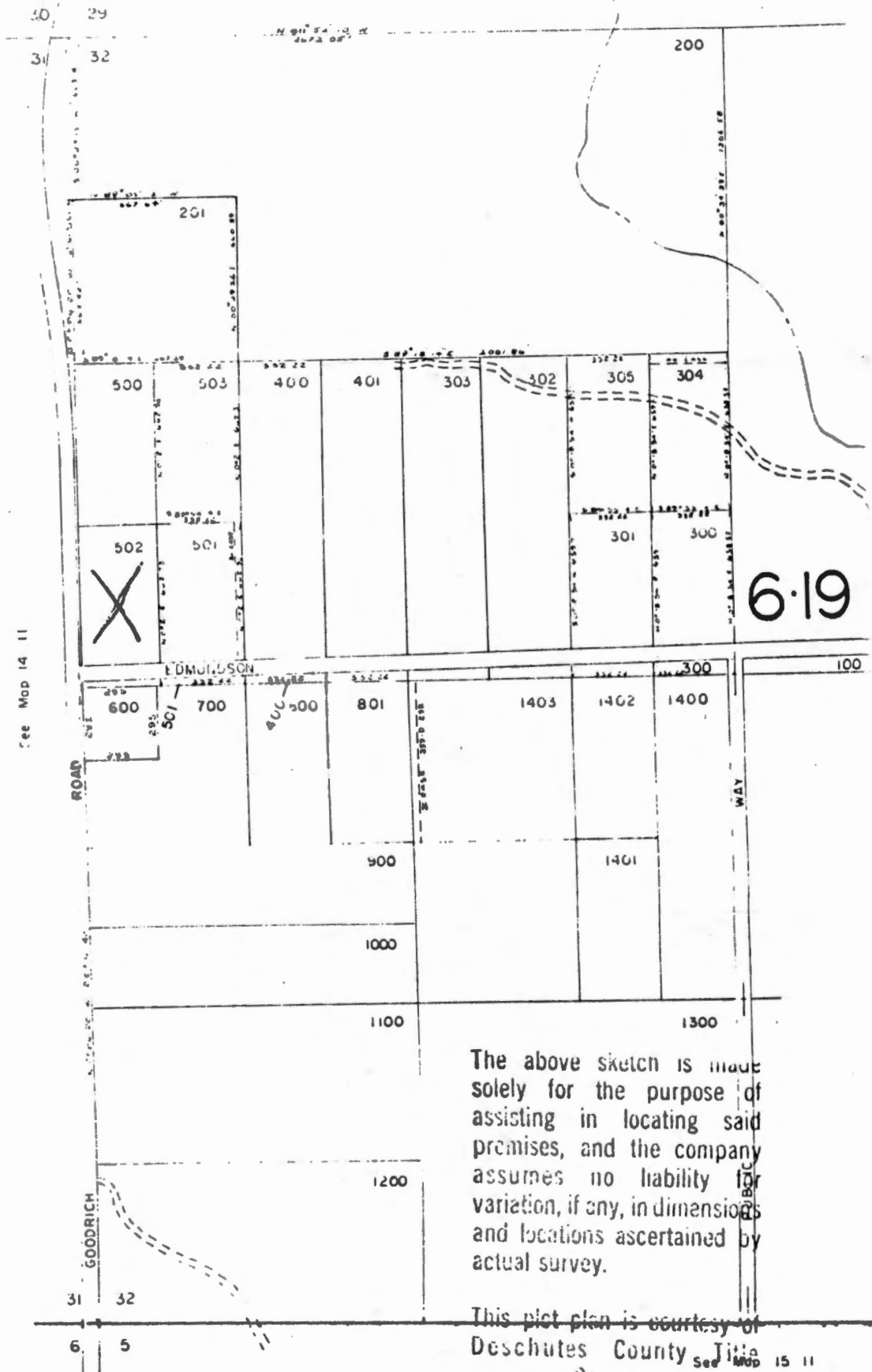
RECT

JUL 19 1993

WATER RES
SALEM, OREGON

1"-400'

See Map 14 11



The above sketch is made solely for the purpose of assisting in locating said premises, and the company assumes no liability for variation, if any, in dimensions and locations ascertained by actual survey.

This plat plan is courtesy of
Deschutes County Title Co
See Map 15 11

AFTER RECORDING, PLEASE RETURN TO:
STATE FED MORTGAGE CORPORATION
358 B NE MARSHALL
BEND, OREGON 97701

RECEIVED
JUL 19 1993
WATER RESOURCES DEPT.
SALEM, OREGON

#157014162

[Space Above This Line For Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on August 16th 19 85 . The grantor is JOHN E. FERGUSON and MARY I. FERGUSON, husband and wife ("Borrower"). The trustee is DESCHUTES COUNTY TITLE COMPANY ("Trustee"). The beneficiary is STATE FED MORTGAGE CORP.-RESIDENTIAL DIVISION, INC., which is organized and existing under the laws of the State of Oregon , and whose address is 1980 N.W. Ninth Street, Corvallis, Oregon 97330 ("Lender"). Borrower owes Lender the principal sum of FORTY THOUSAND FIVE HUNDRED AND NO/100'S Dollars (U.S. \$40,500.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on September 1, 2015 . This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in Deschutes County, Oregon:

The South Half of the West Half of the West Half of the Southwest Quarter of the Northwest Quarter (S½ W½ W½ SW¼ NW¼) of Section Thirty-two (32), TOWNSHIP FOURTEEN (14) SOUTH, RANGE ELEVEN (11) EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon. TOGETHER WITH a 1985 (27'X 66') Rex Paramount Mobile Home, (Model Number BG 001), Serial Number MI 3873.

which has the address of 69434 Goodrich Road Sisters, Oregon 97759 ("Property Address");
[Street] [City] [Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property

WaterWatch

O F O R E G O N

FACSIMILE TRANSMITTAL COVER SHEET

Date: 9/10/93

To: Water Rights Section

Fax Number: 503-378 8130

From: Karen Russell

Fax Number: 503-227-6847

Total Pages Being Sent, including this page: 8

If there are any problems receiving this transmission,
please telephone WaterWatch immediately at 503-295-4039.

Re: 6-12803, 6-12956, 6-13042, 6-12827,

Message: 6-12697

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE
INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY
CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND
EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE
READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU
ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION,
OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.
IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN
THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW. THANK
YOU.

WaterWatch

O F O R E G O N

By FAX 378-8130 and Regular Mail

September 10, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-12803, Arsdale, Irrigation, Deschutes Co.
G-12956, Holmes, Irrigation, Deschutes Co.
G-13042, Barton, Irrigation, Deschutes Co.
G-12827, Ferguson, Irrigation, Deschutes Co.
G-12697, Barton, Irrigation, Deschutes Co.

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective.**

The technical reports fail to include many of the elements and evaluations required in OAR 690-11-160(1). The specific areas of deficiency are the same as those identified in WaterWatch's objections for G-12905 which are hereby incorporated into this objection.

◆ **The Uses As Proposed are Not in the Public Interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f).

1. The proposed uses depletes flows and adversely affects the water quality needed to meet existing water rights for surface waters and for numerous public instream uses of the Deschutes River.

The 1984 Deschutes Basin Plan states:

● **General Findings:**

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months. Finding 3.

Water Resources Department**G-12803, G-12956, G-13042, G-12827, G-12697****Page 2**

River related recreation is important to the economy of the upper Deschutes Basin. Finding 25.

The support of resident and stocked fish is essential to river related recreation. Finding 26.

Recommended base flows suggested by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities. Finding 27.

Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows. Finding 33.

Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available. Finding 34.

• **Middle Deschutes findings include General Findings 3 & 27 and:**

There is inadequate streamflow for fishery requirements. Finding 20.

• **Lower Deschutes findings include General Findings #3 and:**

Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 3

In April, 1986, Deschutes County and the City of Bend conducted a "River Study". That study included extensive goals and policies. See River Study p. 13-2 through 6. Among those policies are: (1) Increase Deschutes River stream flows from Wickiup Reservoir on down; (2) Maintain stream flows in the little Deschutes River and its tributaries that will provide for irrigation, fisheries, wildlife and recreation needs; and (3) Increase stream flows below the north canal dam, below the irrigation diversion in Tumalo creek, and below the main irrigation diversions in Squaw Creek. Id. Thus, the county has an interest in insuring that additional water use not be allowed in areas that may provide critical groundwater flow for the identified rivers and streams.

The Deschutes River system supports a variety of fish life including rainbow, brown and cutthroat trout. The Deschutes River supports a major Oregon sports fishery. Low flows during summer months impair fish survival by, among other things, raising water

Water Resources Department

G-12803, G-12956, G-13042, G-12827, G-12697

Page 3

temperatures, decreasing aquatic habitat and trout rearing areas and promoting excessive growth of algae. *See Mathisen, Upper Deschutes River Water Resource Review, pgs. 10-11.* Low flows in the winter adversely effect fish habitat by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river, and increasing fish deaths due to severe ice conditions on the river. *Id.*

Several segments of the Deschutes River have received state scenic waterway designation. Several segments of the Deschutes River have also been federally designated under the Federal Wild and Scenic Rivers Act. Currently there are several instream water rights and pending instream water right applications pending for the Deschutes River mainstem and tributaries. Applications 070695 and 070087 filed in September of 1990 and October of 1989 request protection of Deschutes River flows needed for habitat for bull, rainbow and brown trout, kokanee and coho salmon and summer and winter steelhead. The instream water right certificates and pending applications serve the public interest by protecting flows needed for fish, pollution abatement and recreation in the Deschutes River. As a tributary to the Columbia River, the Deschutes River contribute flows for listed threatened and endangered fish populations in the Columbia River.

In addition to the water quantity problems, the Deschutes River mainstem suffers from water quality problems. Oregon statutes require that the WRD's actions ensure the protection of the water quality in Oregon's river and groundwater aquifers. *See, ORS 468B.015(2) & (4), ORS 468B.020(1), ORS 468B.155, OAR 690-410-010(1).* One segment of the river is listed in the Department of Environmental Quality's 1992 *Water Quality Status Assessment Report, 305(b) Report* as water quality limited. This segment of the river is unable to support the designated beneficial use of aquatic life. Several other segments can only partially support aquatic life. DEQ has also identified water withdrawals as a cause of Deschutes River quality problems. Further depletion of surface water flow will only exacerbate these existing water quality problems. In addition, runoff from this agricultural use may add to existing stream quality problems.

The Department has determined that a hydraulic connection exists between surface and groundwater in the Deschutes River system. *See Agenda Item J-3, July 17, 1992, page 2.* A 1930 Department of Interior Report by Harold Stearns states that the Deschutes River is primarily fed by springs. Stearns, pg. 25. The report describes a groundwater resource that is highly permeable in parts and drains into the Deschutes canyon, providing over 1,000,000 acre feet per year of water and over 1,500 cfs in the middle Deschutes Basin. Stearns, pg. 191, 208.

A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report, pg. 18.

Water Resources Department
G-12803, G-12956, G-13042, G-12827, G-12697
Page 4

Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg. 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters, and further permits to use groundwater will deplete already overallocated surface waters in the basin.

2. Measurement and reporting.

WaterWatch strongly supports most of the elements of the proposed measurement and reporting conditions for these applications. However, we do not support the limitation which only requires recording the reporting of the "volume" of water use. As I understand it, the Department interprets this phrase as only requiring measurement and reporting of only the total duty - not both rate and duty. As a policy matter, WaterWatch believes that the Department's measurement and reporting conditions should enable the Department to obtain information relating to both rate and duty of water use. One of the conditions in these proposed permits is the rate at which water can be diverted. In order to determine whether there is exact compliance with the terms and conditions of these permits, the Department needs to know the rate at which water is being used. While it maybe possible to extrapolate an estimated rate at which the water is being used from the total duty - it is not as accurate a measure of use as requiring record keeping of the actual rate of use. At the very least, the Department should preserve it's ability to require measurement of both rate and duty. We request the term "volume" be substituted with the following language: "rate and/or duty".

Additional information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource. . . .If the demands of growing communities are to be met in a timely manner, it is imperative that the state, local governments, citizens and the development community work together to generate more and better groundwater information."

Those who profit from using the resource should be called upon to provide the needed information. In this instance, in addition to measurement and reporting of use, the permittees should be required to at least measure and report well levels, groundwater flow

Water Resources Department**G-12803, G-12956, G-13042, G-12827, G-12697****Page 5**

velocities and aquifer depth. This information is critical for resource protection and management.

3. **The proposed use is likely to impair the public interest because it will interfere with surface waters in the Basin.**

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area. However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. The applicant has failed to meet its burden of proof because it has failed to show long term impacts of the pumping will not harm the resource. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3) OAR 690-9 OAR 690-11-195(4)(a). This determination is critical given the

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

/ CC: FILE # G-12827

/ WATERWATCH

ODF&W

/ WATERMASTER # 11

/ REGIONAL MANAGER - South Central Region - Robert F. Main, Jr.

OTHER ADDRESSES:

/ (CWRE) Fred A. Ast, Jr. - Betten Court's Pumps - 18960 Baker
Road - Bend, OR 97701 (503) 382-2987 - 389-4788

CASEWORKER JRP

ORIGINAL TO APPLICANT

**INTEROFFICE MEMO
SOUTH CENTRAL REGION
WATER RESOURCES DEPARTMENT**

TO: Water Rights Section
FROM: Bob Main
SUBJ: Comments on Technical Reviews

DATE: June 15, 1993

RECEIVED

JUN 17 1993

WATER RESOURCES DEPT.
SALEM, OREGON

<u>APPL#</u>	<u>Comments</u>
G-12751	Should be 12 gpm, not 17, for 2.2 acres.
G-12997	OK
G-13042	OK
G-12996	Trib to South Fork Crooked River
G-12956	OK
G-12796	POD location is wrong. What aquifer? Rejected, do not know why. **
G-12821	OK
G-12743	OK
G-12803	OK
G-12827	OK
G-12826	OK
G-12825	OK
G-12837	OK
G-12849	OK

Question: these all have a measuring device required. What will be acceptable: Anything less than a totalizing flow meter?

**I called Kyle. He looked at the notes and said it failed because there weren't any other wells around it that produce over 40 gpm. I question this. Even if it is true, why not let the applicant develop what he can? What if we negotiate him down to 40 gpm, then he drills the well and finds 60 gpm? Now he has to refile.

ss

TECHNICAL REVIEW CHECKLIST

Application: G-12827

Review Date: _____

- OK indicates information was completed or adequately addressed.
N indicates information is needed, or incomplete, or inadequately addressed
N/A indicates Not Applicable

SUMMARY

<u>N</u>	Completeness
<u>OK</u>	Land Use
<u>N</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>OK</u>	Conflicts
<u>NA</u>	Water Availability
<u>(S)</u> or U	Satisfactory or Unsatisfactory Conclusions based on information available on the review date above.

NA

The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

OK

No oath is required because application was filed before June 5, 1992.

OK

Application fees:

Examination fee:	\$ 200.00
Recording fee:	\$ 100.00
TOTAL REQUIRED	\$ 300.00
TOTAL SUBMITTED	\$ 300.00
AMOUNT DUE prior to issuance of permit	\$ 0
AMOUNT OVERPAID refund due applicant	\$ 0

- OK Proposed dates of beginning and completion of construction, and complete application of water.
- OK A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).
- NA A CWRE map is not required for applications filed before November 9, 1987.
- N A written copy of the legal description of the property on which the water is to be used.
- NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- NA No statement of ownership was required for applications filed before August, 1990.
- OK The report from watermaster has been received.
- OK The proposed use is not restricted or prohibited by statute.
- OK The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- OK Irrigation use(s) is/are classified uses(s) under the Decretes Basin Program, OAR 690 - 505-002.
- OK The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of _____

- NA The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- OK The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

OK

A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

OK

The report from groundwater section has been received.

For reservoir applications:

NA

Plans, specifications and supporting information for the dam and impoundment area.

March 23, 1992

JOHN E FERGUSON

69434 GOODRICH RD
SISTERS, OR 97759

REFERENCE: File(s) G-12827

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

CC: CWRE



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

MINIMUM REQUIREMENTS TO FILE

Name and mailing address _____
Source of water _____
Quantity of water _____
Location of project _____
Use of water _____
Signature of applicant _____
Allowable use by policy _____
State Engineer withdrawal _____
Legislative withdrawal _____
Land use approved _____ pending _____

[illegible]

Application date stamped per money receipt date
Stream Indexed
Stream Code _____
Scenic Waterway _____
Findings:
1) Concluded - Scenic-Reg Ack letter
2) Under Study - Scenic-Ack letter
3) Basin 2 - Willamette-Ack letter
Plat Carded and copy made _____ **YES** **NO**
Conflicts (well _____ surface _____) _____ ☒
Prior ISWR # _____
Within Irrigation District Spanne Cr _____ (name)
Notified _____
District excerpt received _____
Entered in Paradox _____
Prepare six copies of Draft Permit _____
Send one copy to Data Center _____

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 $\frac{3}{23} | 92$
 $\frac{3}{25}$

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 $\frac{c}{m}$

Stamp contents with application number
Mail/Provide copies of draft permits to DEQ, ODFW,
PARKS, AND WATERMASTER
Mail ack letter (provided by Data Center) with
receipt to applicant, cc to CWRE and file
Place label on file and card
If dam is over 10 feet or storage exceeds 9.2 AC-FT,
route file to Dam Safety Section
Notify Irrigation District

[illegible]

	<u>YES</u>	<u>NO</u>
Ownership Statement	_____	_____
Name and address of all owners	_____	_____
Other landowners notified	_____	_____
Legal Description	_____	_____
Need Commission review	_____	_____
_____ Requests greater than 5.0 cfs		
_____ Dam height greater than 20 feet		
_____ Storage greater than 100 acre-feet		
_____ Out of Basin diversion		
_____ Groundwater recharge project		
_____ Other substantial public interest		
GW comments received _____ resolved _____		
ODFW comments received _____ resolved _____		
DEQ comments received _____ resolved _____		
Interest Groups _____		
Water availability received _____		
Objections received _____ resolved _____		
Protest received _____ resolved _____		
Management Codes		

REMARKS: _____

NUMBER

87286

Check

300⁰⁰

NO

Cash

____ Surface Application

____ Reservoir Application

☒ Ground Water Application

____ Transfer Application

____ Power Claim

____ Hydroelectric Examination

____ Hydroelectric License

____ Copying

____ Assignment

____ Extension of Time

____ Other

____ P-6

____ Quadrangle

____ Basin

____ Protest

____ Constructors Examination

____ Constructors License

____ Adjudication

200
100

STATE OF OREGON
Office of the Water Resources Director
Salem, Oregon 97310

The terms of your water right permit No. _____, require you to begin on or before _____ actual construction of the works and/or the purchase and installation of the pump and other equipment necessary to your use of water. We have not received the notice of beginning of construction. If you have begun such work you should promptly fill out, sign and forward the notice (Form A) which was attached to your permit.

In case you failed to begin construction work, your right has been lost. In order that the records of this office may be complete without strict notice procedure, a statement of the fact and authorization to cancel the permit would be greatly appreciated.

FPD

G12827

John E. Ferguson

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **109982**

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

INVOICE # _____

RECEIVED FROM: <u>Scott W. Edwards</u>	APPLICATION <u>G12827</u>
BY: <u>Karen Marie Greenhill Edwards</u>	PERMIT _____
	TRANSFER _____

CASH: ☐	CHECK: # <u>549</u> ☒	OTHER: (IDENTIFY) ☐	TOTAL REC'D <u>\$85.00</u>
--------------------------------	---	--	----------------------------

1083 TREASURY	4170 WRD MISC CASH ACCT
0407 COPIES	\$ _____
OTHER: (IDENTIFY) _____	\$ _____
0243 I/S Lease _____	0244 Muni Water Mgmt. Plan _____
	0245 Cons. Water _____

4270 WRD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY)	\$ <u>85.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$ _____
0240 EXTENSION OF TIME	\$ _____
WATER RIGHTS:	
0201 SURFACE WATER	\$ _____
0203 GROUND WATER	\$ _____
0205 TRANSFER	\$ _____
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	\$ _____
LANDOWNER'S PERMIT	\$ _____
OTHER (IDENTIFY) _____	\$ _____

0536 TREASURY	0437 WELL CONST. START FEE
0211 WELL CONST START FEE	\$ _____
0210 MONITORING WELLS	\$ _____
OTHER (IDENTIFY) _____	\$ _____

0607 TREASURY	0467 HYDRO ACTIVITY	LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD)		\$ _____
0231 HYDRO LICENSE FEE (FW/WRD)		\$ _____
HYDRO APPLICATION		\$ _____

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

RECEIPT: **109982** DATED: 9.16.13 BY: Bk Williamson

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